

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

Adopted as Approved by

**Development Review Board – Panel A
Minutes–June 11, 2018 6:30 PM**

**Signatures
August 13, 2018**

I. Call to Order

Chair Fred Ruby called the meeting to order at 6:32 p.m.

II. Chair’s Remarks

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

III. Roll Call

Present for roll call were: Fred Ruby and James Frinell. Joann Linville, Jennifer Willard, and Shanti Villarreal were absent.

DRB-Panel B Members: Shawn O’Neil, Aaron Woods, and Samy Nada

Staff present: Daniel Pauly, Barbara Jacobson, Zach Weigel, and Jennifer Scola

IV. Citizen Input This is an opportunity for visitors to address the Development Review Board on items not on the agenda. There were no comments.

V. Consent Agenda:

A. Approval of minutes of May 14, 2018 DRB Panel A meeting

Approval of the May 14, 2018 DRB Panel A meeting minutes was postponed due to the lack of a quorum.

VI. Public Hearings:

B. Resolution No. 353. Fir Avenue Commons: Tony Weller, CESNW Inc. – representative for West Coast Home Solutions LLC – applicant / owner. The applicant is requesting approval of a Stage I Master Plan, Stage II Final Plan, Site Design Review, Type C Tree Plan, Class 3 Sign Permit and Preliminary Condominium Plat for development of a 10-unit detached condominium project. The site is located at 30820 SW Fir Avenue on Tax Lot 400 of Section 23AC, Township 3 South, Range 1 West, Willamette Meridian, City Of Wilsonville, Clackamas County, Oregon. Staff: Jennifer Scola.

Case Files: DB18-0003 Stage I Master Plan
DB18-0004 Stage II Final Plan
DB18-0005 Site Design Review
DB18-0006 Type C Tree Plan
DB18-0007 Class 3 Sign Permit
DB18-0039 Preliminary Condominium Plat

Chair Ruby called the public hearing to order at 6:36 p.m. and read the conduct of hearing format into the record. All Board members declared for the record that they had visited the site. No board member, however, declared a conflict of interest, bias, or conclusion from a site visit. No board member’s participation was challenged by any member of the audience.

Jennifer Scola, 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.

Ms. Scola presented the Staff report via PowerPoint, noting the site's location and background, and describing the purpose and key details of the proposed applications, as well as the public comments received with these additional comments:

- The subject property was in the Old Town neighborhood and currently had one single-family home that was originally built as a farm implement and repair structure. In 2007, the City granted approval for a 10-unit subdivision with 10 accessory dwelling units (ADUs) and a zone change from Residential Agricultural Holding (RA-H) to Planned Development Residential 4 (PDR4); however, the applicant had not carried out the project prior to the expiration of the approval.
 - In 2016, the City received an application for a 9-lot subdivision, but the application expired before going before the DRB, so the site remained zoned PDR4 with a Comprehensive Plan designation density of 6 to 7 units per acre. The existing single-family dwelling was currently unoccupied.
 - As far as site conditions, the land was generally flat with some vegetation primarily on the east side and the northwest corner. The current applicant proposed preserving a sizable grove of mature trees on the east side of the site along the ODOT right-of-way.
- There had been many proposals and ideas for the site, and even the current application had gone through a number of iterations that were informed by the preapplication meeting with Staff, as well as the Applicant's elective neighborhood meeting, which had triggered the noticing. Other noticing included the standard mailing to property owners who lived within 250 ft; publication in the newspaper; a site posting with an A-frame sign that included a flyer with information on the project; and the information posted on the City's website.
- The Stage I Master Plan looked at the project at a high level, establishing the general use of the site, locations of large elements, such as buildings, major open space areas, and drive aisles. Because the 1.48 acre site was zoned PDR4 with an underlying density of 6 to 7 dwelling units per acre, a proposal of 8 to 10 units would be expected and the Applicant had proposed 10 units. Overall the proposed use, number of units, open space, and general layout were consistent with the standards applicable for a Stage I Master Plan.
- A Stage II Final Plan was more specific, providing further details such as the land allocation percentages and parking ratios. The specifics of the proposed Stage II Final Plan would be discussed with the Development Design. (Slide 17)
- Site Design Review ensured that development plans design properly functioning sites and also maintain a high quality, visual environment. With this project, the scope of the site design review stretched over the design of the common or open space areas and landscaping, as well as the architectural compatibility with the surrounding neighborhood.
- The Type C Tree Plan looked at the trees on site, the request for tree removal, and the plans for mitigation. The Applicant proposed to preserve the grove of trees along the eastern side of the site, and Staff worked with the Applicant's team to ensure that where practical, trees were preserved elsewhere on site. In the end, 16 trees were requested for removal due either to condition or construction impacts; however, the Landscape Plan proposed more than 16 trees for mitigation, so the proposal met the minimum 1:1 requirement.
- The Class 3 Sign Permit looked at the area, materials, height, and general location of the proposed sign. The Applicant proposed one, small free-standing sign along Fir Ave to identify the complex. The proposed 3-ft high, 7 sq ft area sign fell under the maximum 6-ft height and 15 sq ft area requirements for a sign in that zone.
- Because no land divisions were proposed, the Preliminary Condominium Plat was effectively just a replat to designate certain areas as private or common open space and to

identify any easements. The proposed plat met all technical platting requirements and demonstrated consistency with the Stage I Master and Stage II Final Plans. The plat itself did not create any barriers to adjacent neighborhoods or sites.

- Development Design.
 - A basic overview of the site layout and the general land allocation breakdown was displayed. (Slide 18) The project proposed 10 modestly-sized, single-family-like detached units approximately 1,800 sq ft each. There were three, 1½ story homes on both Fir Ave and 4th Ave, and four, 2-story homes along a northern proposed private drive adjacent to the church site. Because home height facing the rest of the neighborhood had been brought up at the neighborhood meeting by the Applicant, 1½ story homes were proposed along Fir and 4th Ave to mesh more seamlessly with the surrounding neighborhood.
 - Site features included a shared green space in the center of the property and small, private backyards with garden fences and shared patios.
 - The project included landscaping over 50 percent of the site, coupled with components like shared patios and usable recreation areas, to provide approximately 75 percent open space. The building coverage was approximately 25 percent.
 - The proposal met all required setbacks, height requirements, and lot coverage. Being on only one tax lot, no minimum setback was required between the units, only a setback on the perimeter property lines. The setbacks between units were 8½ ft to 15 ft, roughly comparable to what would be seen in a detached single-family subdivision. The proposed 25 percent lot coverage fell well below the 75 percent maximum.
 - All utilities and services were readily available for the denser development. A condition of approval ensured that all of the utilities would be undergrounded; currently, there were a few overhead lines along 4th St. The proposed utilities would connect to existing water and sanitary lines as shown on the Utility Plan. (Slide 20)
 - Vehicular access would be via Fir Ave, 4th St, which was a private roadway easement, and the private drive aisle proposed along the northern edge of the property. Sidewalks were shown in the Applicant's plan extended throughout the development and along all street and drive frontages. The design assured pedestrian connectivity to the front of each home and the loop in the center of the property allowed complete access to the common space areas.
 - The subject property was located in Lighting Zone II, which was intended for low density suburban neighborhoods and the default for the majority of the city. The Applicant proposed using and conforming to the prescriptive option. Because this was a multi-family development, lighting was being reviewed, whereas typically, it would not be for single-family home development. The lamps all conformed to wattage, shielding, and mounting heights as outlined in the Outdoor Lighting Ordinance.
 - The Code required 25 percent of the residential development to be open space as well as a quarter-acre of the site to be usable open space. A minimum of 15 percent landscaping was also required. The proposed project exceeded all requirements with approximately 75 percent open space total, as well as 50 percent landscaping. For the usable open space area, the Applicant proposed approximately 4,700 sq ft of grassy area and 1,100 sq ft of patio and seating area, so the proposal met the quarter-acre requirement.
 - The Landscape Plan included the tree preservation on the eastern side of the property. That vegetation also provided additional screening and extra greenery to the site.
- A traffic memo was completed in 2016 for the previous 9-lot project and had anticipated a total of nine PM Peak Hour trips. The addition of one unit was seen as relatively minor, so the proposal did not necessitate a new traffic study. Instead, one additional PM Peak Hour

trip was assumed for a total of ten for the site. The DKS traffic memo did not identify any traffic or capacity concerns with the subject project.

- The Applicant took the neighborhood's concerns regarding off street parking seriously and would provide over 50 percent of what was required for the site. The Applicant opted to use the parking calculation for a three-bedroom apartment, which was 1.75 per unit rather than what actually applied, which was one space per unit. The minimum number of off street parking spaces for the complex was 10, and the Applicant was providing 27. Parking along Fir Ave was not taken into consideration in the calculation of off street parking.
- The Applicant proposed maintaining a minimum of 10-ft travel lanes, typical of residential streets in Old Town. The proposed on-street parking would be gravel, consistent with on-street parking throughout Old Town. Five foot sidewalks would be provided and LID swales were proposed, which were in line with standards for Old Town.
 - She understood that there were mixed feelings from nearby residents about the design of the LID swales, specifically with regard to their height above ground; however, the height above ground was deemed necessary to act as a bumper guard to prevent vehicles from running into or damaging the swales. Granite was chosen as the material for those swales because it looked sophisticated and was era-appropriate as opposed to standard concrete.
- The home exteriors were intended to represent the architectural styles of the Willamette Valley between 1880 and 1930. The homes were designed to meet the Old Town requirements while also meshing well with the surrounding neighborhood. The homes that bordered Fir Ave and 4th St were intentionally 1½ stories to fit the scale of the adjacent buildings. Two-story homes would front the drive aisle on the north end of the site. Common elements found in neighboring homes included siding and trim, architectural style, colors, garage, front door location, roofing types, street-facing entries and garage doors, light-toned siding colors with white trim, large front windows, and traditional siding materials. The Applicant had adopted many of those elements to fit in with the neighbors.
- Throughout the project as a whole, traditional architectural features were used that were consistent with the Willamette Valley in the early 1900s included covered porches, exposed rafter tails, deep eaves and steep roof slopes, era-appropriate siding, window and trim styles, decorative columns, corbels, and carriage-style garage doors. The facades of the homes were articulated to provide visual interest, and the mix of white colors allowed for some individuality between the different units while still maintaining a cohesive look consistent with the rest of the complex.
- She entered Exhibit D2 into the record, which was additional public comment from Mark Britcliffe and Staff's response memorandum dated June 7, 2018. The exhibit was also emailed to the Commission on June 8, 2018.
 - Several comments were received from Mark Britcliffe which included a suggestion to dedicate 4th St to the City as right-of-way, have the length of it paved, and eliminate the storm facilities proposed along the frontage of Units 4 through 6.
- The Applicant did propose paving half of 4th St, up to the project boundary. The Applicant's property line ended around the center line of the existing gravel road.
 - There was no need for 4th St to be dedicated as it abutted ODOT right-of-way, which precluded it from further extension. It was also currently in an easement and the current owners were not interested in making a dedication. In the Transportation Systems Plan (TSP) 5th St had been identified as the alternative route out of Old Town. The other segment of 4th St to the west of Fir Ave was currently the Sue Geiten Tree Grove; therefore that section included in the application did not serve as a critical component for connectivity in the city.
- Many stormwater facilities were located on private land throughout Wilsonville. For Old Town streets, those included LID swales adjacent to sidewalks and in the right-of-way.

Therefore, the inclusion of those facilities as part of the roadway and street improvements was considered routine and in line with the Public Works Standards.

- She displayed an aerial photo of the 4th Street Improvements (Slide 32), noting the proposed 10-ft drive aisle pavement width from that property line was shown roughly using Wilsonville Maps to indicate where the end of the pavement would fall.
- Staff had not received additional comments regarding onsite soil hazards until today, although Staff was made aware that some concern had existed prior to the hearing. Soil contamination was overseen by the Oregon State Department of Environmental Quality (DEQ), which maintained strict regulations regarding soil quality. Per state law, construction professionals who encountered any kind of contamination while moving were required to report it to DEQ immediately. DEQ would then oversee it until it was remedied.
 - Staff had checked DEQ's databases regarding sites within the city that had contaminated underground storage tanks, or other known contaminants, and the Fir Ave site was not included in any, nor had Staff received any evidence that indicated soil contamination was present. Because Staff wanted to address the concern, a condition of approval was added requiring that a site-specific soil study be performed prior to any grading onsite to ensure no hazards were present.
- Staff recommended that the DRB approve the subject applications with conditions.

Samy Nada confirmed that for single or attached residential units, City Code mandated only one parking space per unit and 1.75 parking spaces for three-bedroom apartments.

Shawn O'Neil asked if the Applicant and City were open to letting community members identify locations of concern regarding soil contamination to ensure in-depth, meaningful studies were done as he was skeptical about promises made by large companies regarding soil contamination. He also had doubts about the resources available for DEQ and wanted to know how thorough the Applicant had indicated the tests would be and how cooperative they would be with the residents as serious concerns had been raised. He did not want to be party to homes built on environmentally dangerous areas.

Ms. Scola confirmed the Applicant was amenable to having the soil test done on the site and had already begun the process.

Daniel Pauly, Senior Planner, noted the Applicant should respond to whether or not they would test specific suggested areas.

Mr. O'Neil responded that even if due diligence had been exercised, he did not trust the DEQ database, adding that things can get overlooked. He wanted the community to feel safe, and if residents had concerns, he wanted to be sure the soils were thoroughly looked at.

Barbara Jacobson, City Attorney, added the land owner also had significant liability if they built on contaminated soil, so it was in their best interest to test it if there was reasonable belief that there was a problem.

The following additional exhibits were entered into the record:

- Exhibit D3: Two-page letter from Barbara Bergmans dated June 11, 2018.
- Exhibit D4: Email from Kristin Sanabria dated June 11, 2018.
- Exhibit D5: Letter submitted at the meeting from Mark Britcliffe.

Chair Ruby asked if there was anything in the Code that triggered noise mitigation requirements for developments near the freeway.

Ms. Scola responded there were no requirements regarding noise mitigation, but there had been a discussion about using trees to buffer the ODOT right-of-way and the interstate. There was no mitigation for noise beyond that.

Chair Ruby called for the Applicant's presentation.

Eugene Labunsky, West Coast Home Solutions, introduced himself as the owner of the property and a local builder who had done quite a few projects in Wilsonville.

Scott Furrow, Icon Architecture, stated the Applicant had wanted the subject development to be a pocket neighborhood community with a cluster of homes that formed its own micro community around a number of shared features to create a sense of cohesion, both within the site development and the larger neighborhood.

- The Applicant had wanted large shared areas and a central area onto which the homes would look to create a sense of community and interconnection. To that end, the buildings were kept to a minimum to maximize the exterior space. The center green area was critical to the design, and the Applicant focused on how to preserve it, make it an amenity, and a place where people would want to gather, meet their neighbors, and share experiences. It was a central feature of the design along with the two patio areas on either side of it that would create other types of shared outdoor activities.
- The stormwater facility was seen as an opportunity to bring landscaping into the center of the design and make it an amenity, a green, focal point area to help make the interior site visually attractive and screen the homes from each other a bit.
- The buildings were designed to feel like new homes, but with historical character to fit into the neighborhood without being jarringly different from what was already present. The design chosen was the arts and crafts style, which was prevalent throughout the Pacific Northwest. The homes were 1½ and 2-stories tall and had a friendly scale. They were pleasant to look at with many architectural features that made them interesting, domestic, and street-friendly. The homes had lots of windows, elegant front doors, carriage-style garage doors, and front and back porches to facilitate engagement with the neighborhood. The goal had been to design a community that focused outward, not inward.
- Per the City's request, the scale of the homes was suitable with the neighborhood which resulted in the 1½ story buildings along the street. Many newer 2,500 sq ft to 3,000 sq ft homes towered over the street, as developers did not pay attention to what had been built around them. The Applicant wanted to blend in, so the scale was brought down as much as possible. However, the homes still had what the market was looking for at 1,800 sq ft to 2,000 sq ft with 300 sq ft garages. The 3 bedroom, 2.5 bathroom bedroom homes should fit the needs of today's families.
- To facilitate a sense of cohesion, the homes were similar to each other in design, but with a fair amount of variety in the facades using slightly different materials and different front porch designs so the homes were not identical.

Tony Weller, Project Engineer, CES NW, Inc. explained that the site was fairly flat and grading was not a challenge. Fitting all of the stormwater requirements, however, was a challenge because the City recently adopted new requirements that put a preference towards the LIDA facilities, which in many ways replicated the natural environment of putting rain water back into the ground. It was designed to minimize the amount of runoff from a property rather than collecting it and pushing it into smaller creeks and rivers and creating erosion.

- The proposed design made the stormwater facilities an amenity with most of the facility out in the middle of the shared open space. It would be maintained and attractive, not fenced off or allowed to become unwieldy.
- Another goal was to save the grove of trees on the east side because they were important to the community. Several trees in the front had been impacted by the sidewalks and driveways on Fir Ave, so the Applicant tried to maximize what could be saved in the back to create more open space to be planted within the development.
- All of the utilities already existed in the street, so there was no real challenge, except for the storm drainage, which was likely for overflow purposes as most of the water was managed onsite.
- From a planning perspective, the project had begun as a two-building townhome cluster, but as the Applicant received input from Staff and the neighborhood, they broke it down to make it smaller and more compatible with the neighborhood in an effort to reflect that feedback.

Mr. Labunsky added that they had tried to fit into the neighborhood as best they could with what they had to work with. The plans had been redesigned three or four times based on the neighbors' feedback, and the proposal went above and beyond the parking requirement. The Applicant believed the 1½ story homes were appropriate for the neighborhood to blend in and create a pocket neighborhood look.

- The Applicant was conducting a Phase I Environmental Study as required by the bank. A thorough investigation would be done of the entire site. They went back and looked at the entire history of the property. At one point, it was a lumber yard and, possibly, a tractor repair shop. He would provide that information to the company conducting the Phase I Environmental, who would knock down the home and do an thorough environmental study to ensure no asbestos was in the home. Any asbestos found would be abated properly and reported to the DEQ. The study would be conducted by a local, reputable company, IRS Environmental. The Applicant had taken those concerns to heart and would make sure they were properly addressed.

Aaron Woods stated the Applicant had done a good job aesthetically of designing the site. He asked where the four, ~~-story~~ and 2-story homes would place their trash bins for pickup.

Mr. Labunsky replied the Applicant had done everything to meet the requirements of Republic Services, which looked at the site and made sure it met their truck turnaround requirements.

Mr. Weller added Republic Services did not want to drive down the access way and wanted the trash bins brought out to the street. He indicated an area the Applicant created for the trash bins near the entrance to the shared alleyway, property line and sidewalk on Fir Ave.

Mr. Woods confirmed that if he owned Lot 10, he would need to roll his trash bins all the way out to Fir Ave.

Mr. Furrow stated it was similar to a single-family home owner rolling the trash bins down to the end of a driveway. Rolling the trash bins out to Fir Ave was a bit longer, but not unreasonably far.

Mr. Labunsky elaborated that in many of their pocket neighborhood developments, everybody rolled their trash to the front of the property. In this case, it would only be three homes.

Mr. Weller said it was similar to a flag lot situation, as it was a private driveway going back to those three houses.

Mr. Nada asked if garbage trucks could access the road where the park was.

Mr. Labunsky replied that Republic Services could access the road if they chose to, but did not want to. They required that all of the trash be picked up from Fir Ave.

Mr. Weller clarified the manager for Republic Services contacted them and explained that they did not want to go down the access way. Their choice was to have the trash bins brought down to Fir Ave. That might not end up being the method ultimately, but that was what the manager had conveyed.

Mr. Nada confirmed that the width of the road was big enough to accommodate garbage trucks.

Mr. Pauly elaborated that it was required to be built to a structural standard that could support emergency vehicles.

Mr. Weller stated that it was required to meet the same standard as a public street.

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

Mark Britcliffe, 9155 SW 4th St, Wilsonville, OR stated that his interest currently were the swales on the private, 50 to 60-year-old right-of-way. He stated the Applicant had no right to put them there. On the City-owned part, where the swales were narrower, they had left several spots open for parking. The part on 4th St left no parking, but the swales were wider, and the wider swale ultimately determined the road width, which was his issue. He wanted to see a wider paved width at that point. He would not concede that the City had any right to build any structures in that right-of-way without approval from everyone that had an interest in that existing document. He believed the very least they could do is narrow those swales and widen the paved area that was proposed. During trash day that would still leave a passable width for one car. There was no consensus for the other side of the street, but what could be done would already be dictated by this application. It dictated the width, the trees that could be saved in the future, traditional parking, and anything else that might come up in the future if the neighbors came to a consensus regarding the other side of the road.

- When the City had responded to him, they stated that they had no jurisdiction over this and could not determine what went into their right-of-way. The City also informed him that the owner wanted to use up the entire area and that the Applicant had chosen the width that they wanted to use in an area that had been an easement for approximately 70 years. The City had no right to block it, as would happen with this development with the proposed granite structures protruding 60 percent into the width of the easement, which was owned by the Applicant, but the rights for the land were given up 70 years ago. The Applicant could not suddenly determine where the easement boundaries were because the area was governed by existing rules and documents.
- Nevertheless, the paved portion was way too wide. He suggested a 12-ft-wide paved portion all within the Applicant's half of the right-of-way, so if there was a future resolution to pave the other side of the street, the 20-ft width would not be set in stone. Fir St had a 24-ft width, but only 20 ft was proposed for 4th St, even though traffic conditions were similar.

Mr. Woods asked if Mr. Britcliffe was proposing that the easement be narrowed.

Mr. Britcliffe replied that he did not want the Applicant to encroach any farther into the other side of the easement than they were already. He wanted them to end on their property, widen

the roadway, narrow their swales, and not change the scope of the outside perimeter of their project. The Applicant had been accommodating, but he thought they should add another façade rather than having six identical houses.

Mr. Nada asked Mr. Britcliffe if he was the owner of the easement.

Mr. Britcliffe indicated the location of his properties adjacent to the proposed project on 4th St next to House #6. When he had stated he was the owner of the easement, he meant the easement allowed him to access his property.

Rose Case, 9150 SW 4th St, Wilsonville, OR stated she had no property easement, but she was aware there had been an ongoing exchange back and forth regarding both sides of the easement. Currently, the people on the south side wanted the road to remain as is, gravel, potholes and all. Her neighbor, Karen, who was directly across, did not want her easement. She loved the Applicant's proposal and thought it was the best project she had seen for that spot. It was beautiful and well laid out. She had no qualms with the way it was put together.

- However, she had spoken to the children of the land's previous owner who had told her there had been creosote processing at the far east end of the property, but the creosote had just been dumped into the soil. That should be addressed.
- She was curious about the granite swales and was concerned because 4th St was very water-absorbant and the installation of a curb could cause the water to run farther and mess with the drainage as opposed to the water being quickly soaked into the ground. Testing had been done on that and she suggested the Applicant look into it.
- There should be no sidewalk curbs in Old Town. It represented a historical time period during which curbs did not exist. In Independence, OR, all of the historic neighborhoods functioned perfectly well with curb-less sidewalks. Her background was in archeology and history, and she was happy to answer questions about the history of the area.

Barbara Bergmans, Wilsonville, OR, stated that she lived on the corner of 4th St and Fir Ave, directly across from where the three homes would face. A study had been conducted for a previous proposal and had concluded that paving would negatively affect the drainage. Currently after rainfall, the area in front of her garage would look like a pond but it would seep into the ground within a few hours.

- Despite the Applicant's claim that the homes would fit in with the surrounding homes, there were no two-story homes on Fir Ave or on 4th St. There were only one-story, single-family homes.
- When Nissan was built, they had removed a lot of trees and the noise level from the freeway had substantially increased. She had always been told that the City of Wilsonville was concerned about keeping old growth trees, but if the Applicant was going to remove 16 more trees, the noise from the freeway would increase to a very high level.
- She urged the owners to mow the site, which looked terrible.

Douglas Muench, 30950 SW Fir Ave, Wilsonville, OR stated that the proposal was wonderful and he appreciated that the architects had listened to the neighbors at last summer's meeting. However, he was concerned about parking. The Applicant had committed to two, off-street parking spaces per home. At present, Fir Ave looked like a used car lot with every available space occupied. It was going to be tight and he wanted to avoid that if possible. A modification to two parking spaces per home would be good.

Mr. O'Neil understood that the Catholic Church had a lack of parking during services and wondered if that reached down to the proposed site.

Mr. Muench replied there was ample parking, but churchgoers did not want to walk from the far end of the lot, so they parked in the neighborhood instead. They needed to be encouraged to use their own lot. He confirmed the proposed development would exacerbate those parking issues.

Chair Ruby called for the Applicant's rebuttal.

Mr. Weller displayed the Utilities diagram (Slide 20) and explained that the proposed curb was actually further into the Applicant's property than the existing edge of gravel. On the easterly side, it would be right on the edge so the street would not become narrower than what currently existed. It would be paved to the edge of the Applicant's property line, but because it would stay just a bit on their side of the property, it would widen the travelway a bit.

- Part of the sizing of the swale was to treat the asphalt. No new asphalt was being added on Fir St; it basically followed the existing width of the road. Because 4th St was not paved, the Applicant had to treat more pavement area, which dictated the size of the swales.
- Granite curbs would line the front edge of the planters to keep cars from drifting into the soil and gaps could be put into those curbs to allow water to get around the curb and into the facility so that the curbs would not block any drainage.
- The developer was interested in a quiet development. He explained one or two trees were diseased. The Applicant had attempted to save every tree in the back. Per the arborist's report, one tree that was removed was topped and in decline and the remaining trees had root rot.

Mr. Labunsky added he was upset that the trees had to be removed, but the arborist's report stated they were hazardous trees, and the Applicant had no choice but to remove them.

Mr. Weller stated that most of the homes had two parking spaces in front of them, as well as the potential to park in the garage. The parking plan showed almost three parking spaces per unit. All of the homes had at least two parking spaces, counting the garage, and although a lot of people did not count garages, the City allowed it. There was also off-street parking along Fir Ave, and although it did not count towards the parking total, there was some parking in front of the units.

Mr. Furrow confirmed there was no on-street parking on 4th Ave.

Mr. Weller added that to keep it safe and to keep vehicles from being too close to the intersection, no parking was allowed in this area. He indicated the stormwater planters in the area that were required to treat the pavement, as well as some of the runoff coming from the houses to the east. Those facilities were all connected together to operate as one facility, which was done to treat the pavement and paved areas above the project. There was not enough room to provide off-street parking, but there was no graveled off-street parking there now anyway. The Applicant's work was on their property and they were not removing any of the existing gravel travel way. The majority of the gravel road was off of the Applicant's property. As the road got closer to Mr. Britcliffe's home, it swings over and widened in front of his home.

Mr. Nada asked what the final width of the paved area would be on 4th St.

Mr. Weller replied 10-ft, which was the minimum public standard in Old Town for Applicant's side of the road, and Fir Ave was 12-ft wide.

James Frinell asked if no curbs on the sidewalk was an issue with the Applicant's sidewalk.

Mr. Weller explained that he had misspoken earlier; the only curbs were around the LIDA swales in the public right-of-way, which was required from the City's Engineering standards. He confirmed there were no curbs on Fir Ave except around the swales.

Mr. Labunsky added it was a safety issue too.

Mr. Furrow added the swales were designed to take in quite a bit of water and would actually increase the drainage.

Mr. Weller stated they would function better than the gravel road because they had a soil medium ~~minimum~~ that allowed a lot of water to transfer through it and connect to a lower soil regime.

Chair Ruby believed that there was always a tendency to not fix something that worked, but that was the technology the Applicant was applying.

Mr. Weller agreed, adding it was very appropriate for the site. It was partly the City's hierarchy that this type of drainage was first priority and the soils on the site accommodated that very well.

Mr. Furrow added that it also filtered the stormwater. The sheer volume entering the quality swales helped decontaminate the runoff with the type of plants being used.

Mr. Nada said it looked odd that the Code required only one parking space for a single home, regardless of its size, but 1.75 spaces for a three bedroom apartment. There seemed to be a disconnect and he believed the Code should be changed.

Mr. Pauly responded that he understood Mr. Nada's sentiment and explained that the Code requirement went back historically to a time when homes typically had more on street parking.

Mr. Nada noted that did not look like what was happening currently. He asked what steps were needed to change the Code.

Mr. Pauly advised that it involved a lot of notice and process. Staff had not looked at the Parking Standards and it was not currently on the Work Program, but he would note it and forward it to the appropriate people.

Chair Ruby closed the public hearing at 7:46 pm.

James Frinell moved to approve Resolution No. 353 with the terms and conditions contained in the Staff report and the addition of Exhibits D2, D3, D4, and D5. Aaron Woods seconded the motion, which passed unanimously.

Chair Ruby read the rules of appeal into the record.

- C. Resolution No. 354. EyeHealth Northwest: Anderson Dabrowski Architects – applicant for Wilsonville Investment Properties LLC – owner.** The applicant is requesting approval of a Stage I Master Plan Revision, Stage II Final Plan Revision, Site Design Review and Class 3 Sign Permit for construction of an approximately 7,700 square foot optical health clinic and associated improvements. The subject

property is located at 29250 SW Town Center Loop West on Tax Lot 227 of Section 14D, Township 3 South, Range 1 West, Willamette Meridian, City Of Wilsonville, Clackamas County, Oregon. Staff: Daniel Pauly.

Case Files: DB18-0023 Stage I Master Plan Revision
 DB18-0024 Stage II Final Plan Revision
 DB18-0025 Site Design Review
 DB18-0026 Class 3 Sign Permit

Chair Ruby called the public hearing to order at 7:48 pm and read the conduct of hearing format into the record. Shawn O'Neil, Aaron Woods, Fred Ruby, and Samy Nada 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's participation was challenged by any member of the audience.

Daniel Pauly, Senior 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, noting the project's location and surrounding features, and describing the proposed applications with these key comments:

- Although the proposed project was located in the Town Center, and the City was currently working on a Town Center Plan, however, the City had not yet adopted any new standards, so the standards applicable at the time the application was received, which was in February, would be applied.
 - The site was originally approved as a drive-thru fast food restaurant as a part of the Master Plan, so traffic trips were already reserved in the Wilsonville system for this site. The Applicant now wanted to change from the early 2000 approval to the current proposed use. The property across the drive had also been approved for a drive-thru fast food restaurant, but was ultimately changed to a medical office and later constructed.
- The standard land use notice was sent out in addition to posting at the site and on the City's website. No comments from the public had been received.
- The Stage I Master Plan Revision from fast food restaurant to medical office was fairly simple. There were no issues with the change with regards to zoning and conformance with Planned Development Commercial Town Center Zone (PD-CTC) as both were suggested and allowed uses in the Town Center.
- The Stage II Final Plan Revision changed the site layout from a fast food to medical office type use. All services were available on the site and all the parking, circulation areas, pedestrian connections, and landscaping met or exceeded City requirements. Standard parking spaces and 24-ft-wide drive aisles were proposed, as well as a lot of landscaping. Given the clientele expected, the Applicant wanted a strong demarcation of pedestrian paths to guide people from the parking lot into the main entrance of the building.
 - The site being located on a curve presented a significant restraint with regard to the required vision clearance area for the driveway. As noted in Exhibits C2 and C3, the issue had been thoroughly discussed between the Applicant and the City Engineering Staff, and it was determined that the building's placement was outside the vision clearance area ~~was appropriate~~ at the minimum required to meet the City's standards, which included keeping certain landscaping, buildings, and other impediments out of the vision clearance area to allow cars to safely pull out of the driveway.

- Site Design Review. The building was professionally designed with quality materials that would bring out the natural wood look as well as the feel of brick already present in Town Center. The design would allow abundant light and space in the interior of the building. There were no architectural concerns and Staff recommended approval of the building design.
- Class 3 Sign Permit. The Applicant proposed three, channel letter wall signs, one each on the north, west, and east building elevations. The area requested on each of the elevations was below the Code allowance for the elevation, and the signs' placement was within the definable sign band that blended with the architecture consistent with City standards. The landscaping had been designed so as to not conflict with the signs.
- He noted language in the Findings on page 38 of 40 of the Staff report was mistakenly carried over from a Staff report template that regarded electronic readerboards. He read the corrected Findings into the record as follows:
(*Note: deleted text struck through; additional language in bold, italic text*)
 - Finding D5. The proposed sign is typical of, proportional to, and compatible with ~~school sites~~ **commercial uses** within the PF **PDC-TC** zone. This includes ~~a simple design and neutral colors, along with a clean design for an illuminated electronic message board. The digital element is a similar design to the digital sign recently approved for Wilsonville High School.~~ **channel letters reflecting tenant identity**. No evidence exists nor has testimony been received that the subject signs would detract from the visual appearance of the surrounding development.
 - Finding D6. There is no evidence, and no testimony has been received suggesting the subject sign would create a nuisance or negatively impact the value of surrounding properties. ~~The proposed signage will be easier to maintain, have a cleaner appearance than the existing sign, maintain a hold-time of at least 15 minutes for messages, and will have brightness controls such to avoid nuisances with the surrounding development.~~
 - Finding D7. The interaction of the sign with other site elements, landscaping, and building architecture ~~was reviewed and approved as part of Case File DB15-0107 is~~ **appropriate. (See also Findings D12 and D14)**. ~~The proposed changes would not impact the location of the sign, and the added height and changed design does not impact the conformance with this subsection.~~
- He noted Findings D12 and D14 discussed more about the interaction with the sign between the building and the landscaping. Staff would make the changes in the Staff report published for the record.

Shawn O'Neil asked if anyone could write out what the new language should read. He was uncomfortable with an oral reading of the changes to the Staff report and preferred to see something more visual.

Mr. Pauly said he would provide a copy of the page, which could be added as Exhibit A3 to the record. He continued his presentation with the following key comments:

- Traffic Impacts and Public Improvements. There was a reduction in traffic trips as the Peak Hour use of an optical clinic was less than that of a fast food restaurant. The additional 32 trips projected for the previous application could be used for other projects in the city.
 - As required, the existing 5-ft sidewalk would be widened to 10-ft as required in the Bicycle and Pedestrian Master Plan and referenced in the Transportation System Plan to bring it into conformance and to match ~~with~~ other nearby sidewalks.
- Staff's recommendation was to approve the proposal with conditions and the changes noted.

Aaron Woods stated Page 4 of the Staff report under Traffic and Parking, the next to the last sentence in the very last paragraph said that the Applicant had proposed 32 out of a possible 46 parking spaces. However, Exhibit B2, under the Proposed Overview, stated 42 parking spaces. He asked which number was correct.

Mr. Pauly confirmed with the Applicant that 32 parking spaces was correct. An earlier rendition had additional parking; however, parking was reduced as no parking was allowed the sight vision clearance area, but the parking still met the minimum. He confirmed the Staff report reflected the correct number. Exhibit B2 did not, but could be amended in the approval plan set.

Mr. Nada asked if cars coming out of the parking lot onto Town Center Loop would be able to turn both right and left.

Mr. Pauly confirmed that there was full access to turn left, right, or go straight into the parking lot of the Family Fun Center across the street when exiting the parking lot off Town Center Loop.

Mr. Nada asked if the proposal conformed with the Town Center Plan as is or if it took into account possible changes to the Town Center Master Plan.

Mr. Pauly explained that by law, the Board was required to review any proposal by the current standards at the time of submittal. They could not consider possible future regulations. The Applicant was entitled to have their application reviewed based on the current standards.

Chair Ruby called for the Applicant's testimony.

John Anderson, Owner/Architect, Anderson Dabrowski Architects, 1430 SE 3rd Ave, Suite 200, Portland, OR introduced himself.

Brady Davidson, Anderson Dabrowski Architects, 1430 SE 3rd Ave, Suite 200, Portland, OR introduced himself.

Jesse Winterowd, Winterbrook Planning, 810 SW Alder, Suite 610, Portland, OR thanked DRB Panel B for making this happen and thanked Mr. Pauly for his Staff report. He believed they had a good project that met all of the standards and was happy to answer any questions.

Mr. Woods noted Page 43 of Exhibit B2 discussed electric vehicle (EV) charging stations, and asked why the Applicant had not included any such stations.

Mr. Anderson replied that was the owner's request. The topic had come up, and the owner had said no.

Mr. Woods asked if Mr. Anderson thought the owner would change that.

Mr. Anderson replied, perhaps if the City would pay to install one as they were not cheap.

Mr. Woods replied that the City was not putting in the development.

Mr. Anderson asked if it was a requirement.

Mr. Woods explained that Wilsonville was a progressive city. A number of people in the city drove electric vehicles, and there would be more in the future. He suggested the owner think about the City of Wilsonville and think about adding a charging station. He believed the developer could afford one EV charging station.

Mr. Anderson replied okay.

Mr. O'Neil believed that the plan and design were excellent. He was surprised that a charging unit was not included as most new developments included them. He believed the development was excellent, but strongly suggested that the owner reconsider.

Mr. Anderson confirmed the owner was present.

Mr. O'Neil wondered if the developer and owner wanted to discuss the issue because the DRB had approved a number of new developments where those charging units were installed. It was almost a standard in the community and he was surprised it was not included. He believed it would be a perfect addition. He asked the owner to reconsider before the Board voted.

Mr. Anderson replied absolutely.

Chair Ruby understood there was no City criterion to require the addition of an EV charging station. He asked if any criterion was triggered by a certain number of parking spaces or type of design.

Mr. Pauly replied it was not required for this site, and the Board could not base its vote on the unwillingness of the Applicant to install an electric charging station because it was not required.

Chair Ruby asked if encouragement to add charging stations was a part of the normal discussion that took place during the predevelopment process with the City.

Mr. Pauly replied they did not have that conversation on this project, but he would note that the DRB would prefer that discussion be had with future applicants. The City could have communicated that desire better and earlier in this case.

Chair Ruby called for a brief recess to allow the Applicant time to discuss installing an electric charging station. He reconvened the meeting at 8:24 pm and called for the Applicant's comments.

Mr. Winterowd stated that they had spoken with the owner and the Applicant's planner. They liked the idea of a charging station and were not against it in principle. The site had started with 42 parking spaces, which was reduced to 32 spaces; they did not have a lot of opportunity to put an electric station near the front of the building so the charging station would have to be on the opposite side of the parking lot if one was included. The owner would agree to install an EV charging station if there proved to be demand for one later.

Chair Ruby assured the Board was not trying to brow-beat the Applicant, but the proposed project was a modern, up-to-date, optometry/ophthalmology clinic with a full range of eye care services. When thinking about the professionals who would occupy the premises and the clientele, it seemed intuitive to include an EV charging station. The Board had the strong impression that the charging station would be utilized and fit the splendid design features and contribution that the developer was making to the community.

Mr. Winterowd said he did not disagree. This was the first time it had been discussed. If they had thought more about it, perhaps they might have implemented one into the design. However, the project was already tight on parking spaces and there was some concern that spot would be lost. He appreciated that the DRB had planted that seed of thought, the Applicant just had not had that thought before.

Chair Ruby noted Staff was candid that they had not pressed that issue. He asked if there was still time on the land use clock for the Applicant to address the possibility of adding a charging station before forcing a vote.

Mr. Pauly replied he did not believe that it needed to be addressed now. It was also important to consider that the project was a part of a master plan. The project had 32 parking spaces out of hundreds and hundreds of spaces in the larger complex. If an EV charging station was put in, the concern was that it might be used by an adjacent tenant. It might be more appropriate to work with the adjacent land owners in the larger parking lot for the office building and movie theater to put in some EV charging stations that could be utilized by a variety of tenants.

Mr. Woods understood the Applicant's team did not live in Wilsonville or know that quite a few residents owned electric vehicles and more were moving in, so he understood the Applicant's position. He hoped, however, that if someone approached the owner in the future and brought it up, the owner would consider it.

Mr. Winterowd replied absolutely, as they had discussed exactly that. He liked the idea and wanted an electric vehicle himself one day.

Mr. Pauly stated technically, they were up against the 120-day land use clock. The Applicant had anticipated a hearing in March, but due to the vision clearance issue had to do a redesign. The Applicant already had doctors hired and ready to start, so time was of the essence.

Mr. O'Neil commented that he did not want to put the Applicant on the spot. He felt this was a kind of ambush and he did not like ambushes. He hated to bring this up with Staff, but this was an example of something that had been pretty routine in past discussions, at least in DRB B settings, so Staff should have known, especially with two visiting members of DRB B, that the issue would be raised. He appreciated the change in Staff's presentation, especially with regard to the public notice, which was very important to him and would answer some of his concerns, but the EV charging station issue should not have been raised for the first time with the Applicant tonight. He was concerned that the Board was forced to sidestep the issue because the Applicant was ambushed and Staff did not properly educate them. As a citizen member, he recommended that Staff prepare an outline of what they anticipated the Board would ask future applicants because there was a pretty consistent pattern of items that the Board had concerns with for the community when reviewing these applications. Then, it could be addressed with an applicant, the applicant would not be ambushed, and there would be more effective communication.

Mr. Pauly agreed and apologized. He believed that because most past applicants had included or expressed a willingness to include EV charging stations, Staff had not noted it as an issue that always had to be brought up. However, it would now be added to their short list of items discussed at pre-application meetings and initial discussions with applicants

Mr. O'Neil said he loved the presentation, and felt awkward that he had to join with his colleague on this legitimate concern. The proposed project looked very well done, but he believed an EV charging station was an added advantage and he encouraged the Applicant to think about it as the community really used them.

Chair Ruby called for public testimony in favor of, opposed, and neutral to the application. Seeing none, he noted there was no need for rebuttal from the Applicant. He closed the public hearing at 8:33 pm.

Shawn O'Neil moved to approve Resolution No. 354 with the terms and conditions contained in the Staff report dated June 4, 2018, including the modifications to Findings D5, D6, and D7, as read into the record by Mr. Pauly, and correcting Exhibit B3 to reflect that 32 parking spaces would be provided.

- The following Findings (page 38 of 40 of the Staff report) were corrected and read into the record as follows:
(*Note: deleted text struck through; additional language in bold, italic text*)
 - Finding D5. The proposed sign is typical of, proportional to, and compatible with ~~school sites~~ **commercial uses** within the PF **PDC-TC** zone. This includes ~~a simple design and neutral colors, along with a clean design for an illuminated electronic message board. The digital element is a similar design to the digital sign recently approved for Wilsonville High School.~~ **channel letters reflecting tenant identity**. No evidence exists nor has testimony been received that the subject signs would detract from the visual appearance of the surrounding development.
 - Finding D6. There is no evidence, and no testimony has been received suggesting the subject sign would create a nuisance or negatively impact the value of surrounding properties. ~~The proposed signage will be easier to maintain, have a cleaner appearance than the existing sign, maintain a hold-time of at least 15 minutes for messages, and will have brightness controls such to avoid nuisances with the surrounding development.~~
 - Finding D7. The interaction of the sign with other site elements, landscaping, and building architecture ~~was reviewed and approved as part of Case File DB15-0107 is~~ **appropriate. (See also Findings D12 and D14)** ~~The proposed changes would not impact the location of the sign, and the added height and changed design does not impact the conformance with this subsection.~~

Samy Nada seconded the motion, which passed unanimously.

Chair Ruby read the rules of appeal into the record.

VII. Board Member Communications

A. Results of the May 31, 2018 DRB Panel B meeting

Dan Pauly, Senior Planner, stated that with two Frog Pond applications, both Development Review Boards had an opportunity to look at Frog Pond subdivisions this last month.

B. Recent City Council Action Minutes

There were no comments regarding the action minutes.

VIII. Staff Communications

Dan Pauly, Senior Planner, thanked the DRB Panel B board members who had stepped up to take another hearing after a couple of weeks of long hearings.

Barbara Jacobson, City Attorney, thanked the Board members for their careful reading and finding the small glitches in the Staff report. It did not happen often, but it was very helpful.

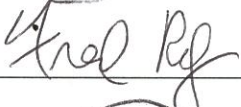
IX. Adjournment

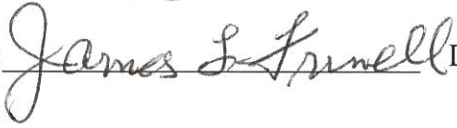
The meeting adjourned at 8:36 p.m.

Respectfully submitted,


Paula Pinyerd, ABC Transcription Services, Inc. for
Shelley White, Planning Administrative Assistant


DRB Panel A Board Members in Attendance:


Fred Ruby (Please circle one) Approve Deny
Signature:  Date: 07/19/18

James Frinell (Please circle one) Approve Deny
Signature:  Date: 07/27/18

DRB Panel B Board Members in Attendance:

Shawn O'Neil (Please circle one) Approve Deny
Signature:  Date: 7/30/2018

Aaron Woods (Please circle one) Approve Deny
Signature:  Date: 8/4/2018

Samy Nada (Please circle one) Approve Deny
Signature:  Date: 07/28/18