



**DEVELOPMENT REVIEW BOARD PANEL A
MEETING MINUTES
August 14, 2023 at 6:30 PM
Wilsonville City Hall & Remote Video Conferencing**

Approved
December 11, 2023

CALL TO ORDER

A regular meeting of the Development Review Board Panel A was held at City Hall beginning at 6:30 p.m. on Monday, August 14, 2023. Chair Jean Svadlenka called the meeting to order at 6:30 p.m.

CHAIR'S REMARKS

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

ROLL CALL

Present for roll call were: Jean Svadlenka, Clark Hildum, Rob Candrian, and Yara Alatawy. Jordan Herron was absent.

Staff present: Daniel Pauly, Amanda Guile-Hinman, Kimberly Rybold, Georgia McAlister, and Shelley White

CITIZENS INPUT – This is an opportunity for visitors to address the Development Review Board on items not on the agenda. There were no comments.

CONSENT AGENDA

1. Approval of Minutes of the July 10, 2023 DRB Panel A meeting

Jean Svadlenka moved to accept the July 10, 2023 DRB Panel A meeting minutes as presented. Clark Hildum seconded the motion, which passed unanimously.

PUBLIC HEARINGS

2. **Resolution No. 419. Edith Green Park.** The applicant is requesting approval of a Stage 2 Final Plan and Site Design Review for updates to Edith Green Park located off of Country View Lane in Charbonneau.

Case Files:

DB23-0001 Edith Green Park

- Stage 2 Final Plan (STG223-0001)

- Site Design Review (SDR23-0001)

Chair Svadlenka called the public hearing to order at 6:36 p.m. and read the conduct of hearing format into the record. Chair Svadlenka, Clark Hildum, and Rob Candrian declared for the record that they had

visited the site. No board member, however, declared a conflict of interest, ex parte contact, bias, or conclusion from a site visit. No board member participation was challenged by any member of the audience.

Georgia McAlister, 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 and on the City's website.

- She entered the following exhibits into the record, noting the public testimony was received after publication of the Staff report:
 - Exhibit B3 Updated Siteworks / Landscape Plan (LS101)
 - Exhibit D11 Public Comment provided by J. Andrews 08.08.2023
 - Exhibit D12 Public Comment provided by P. and J. Poor 08.09.2023
 - Exhibit D13 Public Comment provided by J. Andrews 08.14.2023
 - Exhibit D14 Public Comment provided by R. Maurer 08.04.2023

Ms. McAlister presented the Staff report via PowerPoint, briefly reviewing the project's location and surrounding features, the hearing process, and the role of the Development Review Board (DRB) with these additional comments:

- The subject property was an existing neighborhood park owned by Charbonneau Country Club, who had approached the City with plans for various park improvements, which included two shelters, five picnic tables, three benches, a walking path, and bocce ball court.
- During the approval process, it was discovered that a condition of approval related to the initial creation of the park was never completed. The condition included as part of Comprehensive Plan Change 79PCA01, stated, "The Applicant must submit to the City of Wilsonville Development Review Board a Site Development Plan identifying all improvements on the proposed 2.2 recreational site. It is the purpose of this condition to require that the Design Review Board be allowed to review all onsite landscaping and other physical improvements for the property in question."
 - Because no evidence had been found or presented to show the park had gone through such a review, the subject application had to be reviewed by DRB to fulfill the original condition of approval and to ensure the design met the Development Code standards discussed in the Staff report and this presentation.
 - After this condition of approval was met, future modifications to planned park improvements could be reviewed under the administrative review process.
- Proper noticing was followed for the application with notice mailed to property owners within 250 ft of the site, onsite posting, and publication in the *Wilsonville Spokesman*. Ten public comments were received during the comment period with an additional four comments, entered into the record as Exhibits D11, D12, D13, and D14, were received after publication of the DRB Staff report.
 - Many of the concerns expressed in the public comments were focused on the neighborhood planning process prior to the submittal of the application to the City, specifically the inclusion of many park elements that did not have the support of all residents within the neighborhood. Although concerns had been raised regarding the improvements, all proposed elements, including the dog area fencing, bocce ball, shelters, walking path, landscaping and other proposed elements were outright allowed uses that met the City's Development Code criteria and were typical of a neighborhood park.
 - The requested changes to the proposal outlined in the comments relating to the use preferences were not within the purview of the DRB. Any future changes to the proposed plans consistent with the applicable Development Code criteria could be made by the owner and applicant at their request upon City review.

- Public comments were forwarded to the Applicant for their response during their presentation tonight.
- The Stage 2 Final Plan confirmed that the function of the park aligned with the original intent of the park's approval. DRB review would ensure the site continued to function as originally intended for the surrounding residents. Additionally, the Stage 2 Final Plan created an official plan for future modifications.
 - The proposed project was consistent with the residential designation in the Comprehensive Plan and the site's zoning, Planned Development Residential – 3 (PDR-3). The redesign of the park was in line with the recommendations in the 1979 Comprehensive Plan Change decision and the Charbonneau Master Plan.
 - Protection and maintenance of the park would be the responsibility of the Charbonneau Country Club.
 - No changes to traffic flow or access were anticipated with the park improvements.
- Site Design Review focused on design and placement of the shelter, benches, dog park area, bocce ball court, walking path, and associated landscaping throughout the park.
 - The landscaping was carefully designed to allow the function of the site to continue, while also enhancing the aesthetics and natural features of the park. The use of shrubbery around the dog park area would create a visual and physical barrier between the dog park area and rest of the park.
 - The requirement for 15 percent of the park to be landscaped was met with the combination of existing landscaping and the addition of proposed improvements.
 - Shelters, tables, and benches had been placed throughout the site to allow for the continued use of open space and to provide users spaces to rest in the open or under shelter. Shelters were not enclosed in order to limit the visual impact on the environment.
 - The proposed dog park was approximately half an acre, which allowed room for dogs to play off-leash.

Rob Candrian understood there was nothing outside of Code or the normal use being proposed.

Ms. McAlister answered yes, adding the proposal was aligned with what would typically be seen in a neighborhood park and met the City's Code standards. The landscaping was one of the bigger pieces for that, but nothing was outside the norm.

Chair Svadlenka called for the Applicant's presentation.

Kathy Harp, Vice President, Charbonneau Country Club Board of Directors & Chair, Edith Green Park Committee stated she wanted to explain a few points regarding the Board's process in submitting the application to the City.

- Edith Green Park was dedicated as a sports park over ten years ago in honor of Charbonneau resident Edith Green and her work to develop Title IX. She was second Oregon woman to be elected to the U.S. House of Representatives and served ten terms from 1955-1974.
- A park was an acceptable land use for the subject property located in this residentially zoned area, and despite many comments to the contrary, the Park Master Plan was developed with extensive input from Charbonneau residents and public hearings.
- In late 2021, the Applicant hired the firm of Barry Dunn to conduct a thorough survey and to coordinate several focus group sessions to get resident input. The results of the extensive survey and proposed Master Plan had been on the Charbonneau Country Club (CCC) website for over one

year with hard copies available at the front reception area. A hard copy of the survey was also available for the Board to review if desired.

- The Master Plan had been developed to meet the current demographic of CCC residents with the goal of accommodating more activities and uses for a larger segment of CCC residents. The Plan had changed several times due to resident input and/or cost; for instance, having a restroom near the park and pickleball were high priorities in the survey but both had been removed from the original plans as the Board listened to residents, considered costs, and found alternatives.
- The Board has assured the community numerous times that park changes would be made slowly and phased in the changes over two years with possible modifications if needed.
- All physical improvements to the park would meet Wilsonville Code requirements.

Dan Jenkins, Landscape Architect, SERA Architects, presented the Applicant's proposal via PowerPoint with the following comments:

- The Edith Green park site was located along the eastern edge of Charbonneau with SW Country View Lane to the west, open agricultural land to the east, and residential to the north and south. (Slides 1-2)
 - The site was fairly level with a considerable amount of lawn. No trees were onsite but some very mature existing street trees were located within the right-of-way along SW Country View Lane. The existing softball field, basketball court, and two soccer goals, all intended for use of the park as a recreational area. Photos of the site showed various view of the park site. (Slide 3)
- The Site Plan identified the proposed features and amenities of the park (Slide 4):
 - The proposed walkway was intended to provide universal access for all users and would connect to the existing walkway on the westside of the site and use the existing pedestrian ramp to provide access back to the basketball court, shelters, and dog park area.
 - The existing large open lawn would be kept in place to maintain the open character of the park and continue to accommodate informal recreation for users of all ages.
 - The two Bocce courts proposed in the southeast corner of the park would connect to the existing basketball court and the two proposed shelters for that area.
 - All street trees and existing hedges would remain and the addition of three benches, five picnic tables, and the two shelters was proposed.
 - The existing basketball court would be restriped, and the backstop would be replaced with one that was adjustable to enable use by all ages. The north side of the court had a small gravel filter to catch and treat stormwater off the basketball court.
 - The half-acre dog park would be fenced and screened with escallonia, an evergreen shrub with red flowers that did well in the area.
 - No stormwater improvements were required as the park was under 5,000 sq ft, no grading was required as the site was under 150 cubic ft, and no sanitary sewer was required.
 - Additionally, no signs, lights, or parking were proposed.
- He reviewed the numerous proposed improvements pictured on Slide 5, noting benches would be provided throughout the site with picnic tables around the dog park and Bocce ball courts. The open-character dog park fence was similar to the one in Lake Oswego. (Slide 5)
- He noted other work he had done in Wilsonville included Murase Plaza, Civic Center Park, the water treatment center, and most recently, Old Town Square working with Fred Meyer.

Chair Svadlenka called for public testimony regarding the application.

Dick (Richard) Maurer stated his main concern was the off-leash dog park area because it was being compressed into a space too small to accommodate the number of dogs that show up there. There

would not be room for separation by owners should conflicts arise which could result in dog fights. Based on the other improvements, the dog park could be larger and remain unfenced as it had been since it was built in 1979. He did not believe a fence was necessary.

- Several neighborhood dog owners were seniors, and the dog park was their place to let their dogs run and to socialize with others. Some had to go to the park in golf carts because they were not ambulatory enough to walk in. Multiple golf carts and numerous dogs would result in overcrowding inside the dog park. Additionally, he did not believe anyone would want to eat at a table inside a dog park.
- He was also concerned about proper grading for the space. That many dogs in a small, fenced-in space would result in intensified use and turn it into a mud bath similar to the dog park at Lake Oswego that was worn down, and nothing but mud and dirt; although, it did have drainage since the dog park in Lake Oswego was on a hillside.
 - Last year, a dog owner, who came home from work to find his dog lying in vomit and feces, claimed his vet stated his dog was one of 30 so far who had been at the Wilsonville Dog Park. The subject dog park did not have proper drainage. It was soggy in the middle any time there was rain as evidenced by audible footsteps in the grass. He highly encouraged looking at the grading and drainage of the park to avoid creating a mud bath.

Clark Hildum confirmed Mr. Maurer was a dog owner and frequent user of the park and asked what percentage of parkgoers he estimated were using the dog park as opposed to other folks using the park.

Mr. Maurer believed it was well in excess of 80 to 90 percent because it was known as the dog park. There were no bicyclists or walkers. It was primarily a dog park with some teenagers or young adults that occasionally played basketball. He had been told by neighbors that, allegedly, neither the softball field nor the soccer goals had been used since before 2010. He could think of no other real use of the park other than as a dog park.

John Gengler, Wilsonville, referenced the Site Plan and noted the proposed shelters, which were 11-ft high and 15-ft high, would block the view of the field, the trees in the back, and ruin the continuity of the park. The two shelters were a real negative and he did not understand why they were needed. Even some larger parks did not have two shelters, and they would not be used at all during inclement weather as no one would be in the park.

- He wondered why the sidewalk ran almost two-thirds of the way down the middle of the park, cutting it in two. Additionally, it did not start from the street, but rather from a path off to the side so it would be useless and a detriment. Presently, the park had over 3,000 ft of concrete and the Applicant had proposed to add another 120 percent, which would further chop the park up.
- The picnic tables would be scattered all around with two inside the fenced dog park.
- Ninety percent of the residents did not want the dog park fenced in. It cut up the whole park and prevented access to the rear of the park without going all the way around on one side or the other. He suggested Board members go to the park and observe how it was being used prior to making a decision. It was a natural, beautiful park, the view would be cut up, and it would be terrible when it was done.

Heidi Haynal, noted that like Mr. Gengler, she also lived across the street from Edith Green Park. The view from her kitchen window was a bucolic scene with a barn and farm and the wide-open field agricultural area east of the park. The open character of the park, as described by the landscape architect, would not be retained with the proposed improvements. Unlike the soccer goals that she could see through, the two proposed shelters and large oval shrubbery enclosing the dog park would

drastically change the view and break up the open space currently used by dog owners to throw frisbees or balls all the way across the park in different directions.

- Because she lived across the street from the park and was basically Gladys Kravitz, she knew that 80 to 85 percent of the people who used the park were there to run their dogs at full speed because there was plenty of distance. She had also observed folks in their golf carts with their dogs running on the side circling the entire perimeter of the park. She had lived across the street from the park for almost a year and had not once seen a dog run into the street or get into a fight because there was plenty of space. Breaking up that open space would not sustain the tranquility of the Charbonneau residents, which was noted in the design Code.
- The shelters were inharmonious, and despite the landscape architect stating escallonia would be used for the hedge fence, the application stated it was Laurel, which was poisonous to dogs, so she wanted to ensure it was not Laurel.

Chair Svadlenka asked if Ms. Haynal had an opportunity to review and comment on the proposed design which the CCC had available for residents to do so.

Ms. Haynal replied she had seen the original on the website, but the most recent design submitted was not on the website to be reviewed.

Daniel Pauly, Planning Manager, noted there had been comments about the Laurel and he believed the Applicant had made that change to a more appropriate shrub not poisonous to dogs. The Applicant could clarify that during rebuttal.

Tom Conway Wilsonville, asked if Board members had visited the park in the early evening when the regular dog people were there or during the day.

Amanda Guile-Hinman, City Attorney replied that this was time for the public to provide testimony, not ask questions of the Board.

Mr. Conway stated he had been a fan of the dog park for many years, and prior to him even having a dog, somebody had gotten the okay for the park to be used as an off-leash dog park. He started using the dog park in 2015. It was the backbone of a social network that he really appreciated. Neighbors gathered there regularly. The camaraderie had cemented quite a few relationships at the dog park as well as on the golf course and throughout the neighborhood. He did not want to see it go away. He did not agree with the design of the dog park, in particular enclosing the dogs in a fenced or shrubbed area.

- Several years ago, one of the founders of the dog park wrote a children's book entitled Park Puppies that featured 24 dogs that were at the dog park almost nightly for at least the first five years that he had gone to the dog park. In 2021, pickleball courts were proposed but not built due to the noise factor. Now Bocce ball courts were proposed, and he had no idea where that came from. If he proposed changes to the dog park and invested a lot of money, he would look for something, anything, to do with that dog park to justify the money spent with Barry Dunn, but he would be wrong because it made no sense to wreck something that worked so well. However, that was exactly what would happen and neighbors with dogs, as well as others, would stop going to the park. And, Bocce ball was not the answer; it was way down on the list at Number 8.

Chair Svadlenka asked Mr. Conway if he had seen the current plan with the CCC.

Mr. Conway replied he had seen six or seven plans, and every time he saw one, it had changed. He did not know what the current one was, but the last plan he saw had no fence along the road, a feature patrons of the dog park would actually appreciate to prevent the unleashed dogs from running over to socialize with leashed dogs just walking by. Enclosing the dog park was idiotic and made no sense, as anyone who visited it during peak hours in the evening could see. The area would get chewed up and be a mess similar to Lake Oswego and the Wilsonville Dog Park. He emphasized he did not know if he had seen the current plan, as he had seen five or six plans and none of them made sense.

David Mauk stated he and his wife lived in Charbonneau Country Club Estates where the park was located. His goal in speaking tonight was to inform the Applicant their goal of preserving green open space was not adequately met with the proposed plan. The people most impacted by the plan were those connected to the park by proximity or purpose. It made sense that those folks cared more about tonight's outcome than nonpark users or residents who lived farther away. As a member of Country Club Estates Leadership Group, which represented the neighborhood of 224 single-family homes closest to the park, he could attest that the residents with the closest connections to Edith Green Park were not in favor of the proposed plan by a wide margin. These were the folks who looked at, walked by, or drove by the park daily. Others regularly settled on the few benches to talk with neighbors or friends, and quite a few, many of whom were the most elderly residents, showed up in their golf carts, with or without their dogs, to socialize throughout the day.

- The regular dog people, such as himself, were there multiple times per week to throw balls and such with their dogs, and their canine companions enjoyed a lot of company, as shown earlier in Park Puppies. He had made many friends through the simple connections that those special two acres of green parkland had enabled them. The charms of the park were similar to English parks such as Green Par, Hyde Park and Kensington Garden. There was nothing active in those places. They were green open spaces enjoyed by multitudes of people. Charbonneau had plenty of active, vibrant recreation including 27 holes of golf, two putting greens, a pitching green, driving range, activity center, clubhouse, walking trail, and over two dozen pools.
- Edith Green Park was a welcoming, serene, green open space, which made it all the more treasured and the only such spot in all of Charbonneau. It was an amenity that many residents enjoyed for its open acres of more passive, not vibrant, activity and that was very worthy, and he hoped that was considered. It deserved equal consideration with tennis, golf, pickleball, swimming, walking, and indoor activities, and unlike some of the aforementioned, it was accessible and utilized year-round as a 2-acre, green park space, and why pivot away from that? A large portion of residents did not want grass replaced with paving or fences and shelters obstructing existing scenic views. He hoped all of this would be considered by the Applicant, not just the Code, for keeping open green space. He noted he agreed with all former testimony and reserved his right for whatever enabled him to do in the future.

Chair Svadlenka asked Mr. Mauk if he had reviewed the current design with the CCC and submitted anything.

Mr. Mauk replied he had been on the website many times, had spoken to numerous CCC Board members. The site plan submitted to the DRB tonight was the first time they had seen that. There had been a lack of transparency by the Charbonneau Board of Directors to the community.

Nancy Cameron, stated she had been a resident of Charbonneau for 21 years and that entire time Edith Green Park had always been an open green space. She was an opponent to this permit process because enclosing the dog park area would create a muddy mess come winter and spring as the park was often

used year-round. The survey conducted by Barry Dunn was vague and indecisive and stated that 46 percent of respondents preferred passive recreation, sitting and enjoying nature and green open space, and 34.78 percent preferred socializing with dog owners. Fifty percent of respondents did want benches, but restrooms were removed. The next item respondents preferred was open green space, but if the two proposed shelters were built, the open green space would be gone because from Country View Lane, that space would be blocked.

- At present, the park was used by many different people, including dog owners and basketball players. A Bocce ball court was fine, but it was also an open dog area. There were plenty of places for people to go where dogs were restricted.

Chair Svadlenka asked Ms. Cameron if she had seen the current plan and commented on it.

Ms. Cameron stated the current plan before the DRB had been provided to her by the City of Wilsonville via email. She then attended the CCC Board meeting where she saw the plan they actually submitted. Prior to that, the plan itself came from the City.

Claudia DeVries stated she saw Edith Green Park every day as her home shared a hedge with the park and overlooked it. While most people's perception of how the park was used was based on when they were there, she saw it daily. The beautiful 2-acre park should be available for all residents of Charbonneau, not just dog owners. She knew of a number of people who avoided the park because the dogs ran free and harassed them, herself included. The perception that the park was one big, happy, dog-owner paradise was not necessarily true. Dog owners had made use of it because they could, but a lot of people were not making use of it because of the nuisance. She believed an enclosed, fenced dog area was needed because all the beautiful things planned for the park, such as benches, picnic tables, and other activities, were not compatible with loose dogs. Approval of the application should be contingent on a fenced dog park. Loose dogs were an attractive nuisance.

- She understood people brought their dogs there to run free; however, she had seen children's birthday parties abruptly ended with crying children due to off-leash dogs and elderly folks knocked down due to exuberant dogs running around their feet. Although she was in the minority this evening, a lot of other people had given up on the park because it was overtaken by dogs. She realized it was not for the DRB to decide whether or not it was a dog park, but the proposed plan that had been presented to them had the dog area fenced, and that should be a requirement for approval.

Chair Svadlenka asked Ms. DeVries if she had seen the current plan with the CCC.

Ms. DeVries replied she had seen many plans over the last couple of years online; however, they kept evolving, so she was not sure exactly when she saw the current plan.

Doug Parker, Wilsonville, stated that he did not live in immediate proximity to the park, but close, and was a frequent user. He was speaking on behalf of his dog, George, a large Golden Retriever, who had enjoyed Edith Green Park for his entire six-year life as the one place he was allowed to really run. George believed that was an important consideration. The proposed oval enclosure was probably good for small dogs that did not really run, but for large dogs that did run for their health and their joy, it was not, and he was disappointed to see that it might happen. He was happy to hear, however, that the Laurel had been replaced. He wondered if that had been researched at all given that a simple Google search immediately brought up results showing it was highly poisonous to both children and dogs.

- He was concerned that the enclosed dog park as proposed would promote dog illness as happened at the Wilsonville Dog Park. While the golf course was green space, it was only for golfing, so Charbonneau did not have lot of usable, open green space and that was why residents started the campaign Keep Edith Green Park Green when the pickleball arena was proposed. He did not agree that pickleball was a high priority for that park. Rather, it was anything but. It was highly contested. He had seen a lot of plans about pickleball, but now that Bocce ball was proposed, he had not seen much about that, did not know a single person who knew how to play, and was unsure why hundreds of thousands of dollars was being spent to install it. Not one person had stood up tonight to say that Bocce ball was a good use of the park other than the first speaker and agreed with previous testimony that it was way down on the list in terms of preferred uses for the park. He strongly urged DRB to reject the application.

Mr. Hildum asked if Mr. Parker had ever noticed too many dogs in the park harassing children, knocking people over, or any other unsafe incidents.

Mr. Parker replied he had not. He had seen dogs get rambunctious, as dogs did, which was why they went to the dog park; however, he had not seen any dogs act dangerously. He was aware of written testimony that sometimes dogs needed to be separated. Presently the park was signed as an off-leash park, which was why everyone went there. It was an important consideration for Charbonneau residents, their green space, and he apologized on behalf of George, a big guy who needed room to run.

April Marcell, stated she lived directly across the street from the park. She was not prepared to speak tonight, but after hearing her friends and neighbors, she felt compelled to do so. She had lived in her home four years, and no one could see better than her what went on in the park. She watched children play in the park and use the soccer field and families, including her own, use the basketball court and baseball diamond; however, mostly she saw the dog people, and she got great pleasure seeing happy dogs and watching her friends and neighbors happily socializing with friends.

- She had helped spearhead the Keep Edith Green Park Green campaign. The campaign felt that Charbonneau Country Club did not listen to them. They personally paid for advertising to be mailed to Charbonneau residents because they felt people did not know what was happening. There were a lot of donations, a lot of involvement, and they all felt very strongly about keeping the park green and open to use by everyone. Currently, it could be utilized for anything and should remain that way. She was a big advocate for keeping it as a green space as there were so many activities in Charbonneau but hardly any quiet spaces. She had seen people sit there with a book and a beverage because it was quiet.
- She did witness one aggressive dog incident in which an owner got between two dogs and was subsequently bitten, but it took place more on the street, and the aggressive dog was not from Charbonneau. He had traveled from another neighborhood. She did not see dogs being aggressive, or see any problems, and asked the DRB to please keep the park green. She had seen the plans but was confused about them as she had seen so many iterations. She was provided with the plan at the last Board meeting, saw the Laurel listed, and informed Kathy Harp after the meeting that it was poisonous. Ms. Harp stated they were aware, but it was all over Charbonneau anyway.

Dana Brenner stated she was also not going to speak tonight but decided to after hearing others' testimony. She purchased her home, directly next door to the park, two years ago specifically because it was next to a dog park. She was also the single mother of a child with a neuromuscular disease and appreciated being able to exercise her dog close to home in case her son needed her quickly. She noted her home was two stories, unlike the person who had testified that she saw children being bit from her

one-story home, her second-floor office had a complete view of the entirety of Edith Green Park, and while she worked all day, she watched the park.

- Because she had a child and dogs, she utilized the park in many ways. The proposed dog space would reduce it to a quarter or less of its current size and was located in a part of the park that had huge drainage issues and was the soggiest. There was no plan to build the fence in a way that allowed dogs to unleash before entering, which reduced aggression. Charbonneau already had a playground that was designed for children, although there were not many in Charbonneau. Dogs were not permitted on the golf course or on the paths around the golf course, even leashed, so Edith Green Park was truly the only green space.
- Residents did indeed bring their golf carts to exercise their dogs, one of whom was a woman with a condition that required the use of her golf cart to access the park; however, she would not be able to access the proposed fenced-in dog park, and neither would any of the other residents who needed to use their golf carts. She believed this was an ADA accessibility issue in a way because the average age of a Charbonneau resident was 70, so there were a lot of elderly people who needed the park in its current state.
- She had seen some aggression issues with dogs, but those happened mainly when people walked by with leashed dogs that were not friendly enough to enter the dog park and the dogs in the park ran out to greet them. All the dog owners she knew were in favor of a barrier at the edge of the park and street while still allowing the open space.
- It had been said many times that the plan had been on the website for a year, but at Charbonneau, the Board said things that were not true. The plans she had seen had changed. The current plan had only recently been presented, and despite living within 250 ft of the park, she had never received a plan in the mail as she had been told she would. The plan presented tonight was not the plan people had seen within the past few weeks.

Bob Weiss, Wilsonville, stated he agreed with Ms. DeVries. The park was way underutilized. He had lived in Charbonneau for over 20 years. While he did not live across the street, he had never seen a single soccer or softball game there. As someone who had owned dogs for 25 years, he was happy the dog people could use it and appreciated what it meant to take a dog to the park to run; however, he could also appreciate that there were other things that the people of Charbonneau wanted to avail themselves of. He knew how to play Bocce ball and loved to go to the park and spend time with 20 of his friends playing. He had seen many plans also, although the current plan he had only seen recently; however, he understood it was an ongoing venture.

- He had noticed aggressive dogs on a few occasions. Twice when returning from playing golf, a couple of dogs ran after his cart barking, and their owners could not control it, and recently, when he and his wife had gone to the park to look at where the Bocce courts were going, some dogs ran over and started playing with them. The dogs were friendly, so he had no problem with that, but he did not know the dogs, and he did not hear one owner call their dog back. He believed there was room for everybody to enjoy the facilities there.

Shelley White, Administrative Assistant, confirmed Brad Jordan was not present in person or via Zoom.

Nancy Browning, stated she lived just down the street from Edith Green Park and was opposed to the enclosed dog park. She had visited several dog parks in the area, and none had lived up to the standard exhibited by Charbonneau. She was concerned the area would not be kept up well and that the homeowners on the perimeter would be disappointed in the impact that dog park would have on their property; however, she supported everything else.

Chair Svadlenka asked if Ms. Browning had seen the current design plan.

Ms. Browning replied she had seen it as it had been on the website for some time; however, every time she had attended a meeting where it was discussed, some new information came out that was not exhibited on the drawing. Transparency, and the ability to provide information to residents, particularly those in close proximity to the park, had been disappointing.

Molly Van Austen, stated she agreed with most of the testimony presented tonight. She lived right next door to the park and enjoyed watching the goings-on during dinner from her dining room window. She had never seen any problems in her 17 years living there, and she loved the park and the view of it. It was lovely to have an open space. It was one of the reasons she had bought her home there. Open spaces were dear in this day and age, and she was not for barriers or fences. She liked it the way it was. She had seen several design plans but was unsure if she had seen the current iteration; however, she understood they all featured fences, and if she saw a fence, she would not see the hedges, greenery, or farmland in the distance. She had not looked at any of them very closely because she just kept seeing fences.

Chair Svadlenka confirmed there was no further public testimony and called for the Applicant's rebuttal.

Ms. Harp clarified the map had been on the CCC website since November 2022, and numerous email blasts had gone out informing the public that it was there. The only change had occurred after they met with the City and realized they needed more landscaping, which was added to the dog park and a small area in the back.

- In 2019, a group of dog owners approached the CCC Board of Directors to ask for Edith Green Park as an off-leash area. The request was approved at the time because the park did not get a lot of use at that point other than the many dog owners. Since that time, they had conducted the survey and heard from community members. She appreciated the community members who had come forward because they represented many, many others who had informed the CCC Board that they would use Edith Green Park but it was too dangerous and they felt unsafe. Additionally, they wanted to do other things there.
- The Board was looking at the entire community and different activities for everyone. A couple of years ago, there was a softball team that included some Board members, but it was a little too much of an aging community for softball and there were some injuries, so it dissolved pretty quickly. Bocce was a good solution for the majority of people in Charbonneau. However, the plan still kept children in mind and featured an adjustable basketball net for all-ages play and space in the open green for frisbees and badminton.
- At the last Board meeting, the dog people who had attended suggested that if the changes to Edith Green Park did not work for dog owners, perhaps the Board could look at another location for dogs, so they left that with them. She confirmed there were other locations for the dogs if the proposed changes did not work in the subject park.
- The dog area would be the last area to go in, and they were going to watch what happened with the Bocce ball, picnic tables, and shelter, which was for sun and picnics, not rain. The CCC Board realized there likely would not be many people there in the winter.

Mr. Candrian asked if the notice given to the homeowners' association was consistent with what was outlined in their bylaws as far as notice for any changes in the community.

Ms. Harp replied they absolutely did. The Board sent notices out several times a week any time anything occurred in Charbonneau, and the link to the map was continually present on the website. The survey was online as well.

Chair Svadlenka asked if the survey results were in regard to the current design plan.

Ms. Harp replied the original design plan in the survey was different and not the one the DRB currently had. It featured a restroom and pickleball court which had since disappeared. She confirmed the survey conducted by Barry Dunn was available online and had been for over a year.

Mr. Jenkins thanked everyone for their input and comments. He had had the opportunity to work on parks all through Oregon and Washington, and this was a great process. The input, comments, and thoughts made for great parks, and great parks made great communities.

- He reviewed the current list on the Barry Dunn's survey noting that passive use was number one and that was why 1.2 acres on the south part of the park was open space.
 - Socializing with dogs was a large interest, so the dog park was included.
 - Picnic areas were requested. Five picnic areas with picnic tables were located in different areas of the park near different activities for different interests.
 - Pickleball was out and had been moved elsewhere even though it was on the list.
 - Walking. Originally, a walking loop had been included but it resulted in more concrete than people wanted so it came out.
 - As discussed, the park design has always been in a process of refinement, which was what happened in park design and what was great about comments, they listen, change, shift, and adjust.
 - Community events were listed on the survey, resulting in the two, various-sized shelters for such events.
 - Bocce also had a lot of votes and was therefore included. Bocce was a well-used activity in many communities, especially places like Sunriver.
 - Family activities and basketball were also wanted, so the open space, shelters, and adjustable basketball hoops were included as uses.
- The reason for the concrete walkway through the park was to comply to the federal Americans With Disabilities Act, which required equal access for all users to all uses and activities, which came back to a statement by Barry Dunn that parks are for people, regardless of adjacency. Whether one lived next to the park or a mile from the park, parks were for everybody, no matter their ability in terms of accessibility; whether a person could walk or used a walker, wheelchair or golf cart, but not everyone owned a golf cart. Accessibility was to provide equal access to everyone.
 - Parks were for people regardless of age, so they had opened up the park to families and smaller children, and regardless of interest and activity, which was why the top eight interests had been incorporated.
- The Applicant had listened to the initial comments, would continue to listen and continue to refine. The parks process was always interesting, and the goal was to create something of interest to all members of the community and to create great communities.

Mr. Jenkins addressed several questions from Chair Svadlenka as follows:

- The 1.2-acre open space at the south end of the park was intended for passive recreational activities, not to exclude other uses. The soccer goals and softball backstop had been removed to facilitate that. Dogs were not excluded from using that area, and could when available for long runs, although a dog park had been included specifically for dogs.

- Golf cart parking was available near the shelter, however, the accessibility of golf carts inside the fence had not been considered but could be addressed in the current refinement. Typically, people sat on benches and did not bring a golf cart into a dog park, but he would defer to residents' input regarding whether they wanted to be able to drive golf carts inside the fence, which could certainly be accommodated.
- The fence opening for the dog park was not shown currently on the plan, although dog parks generally had a series of two gates. One would likely be near the shelter with another closer one that would be the accessible entry. A gate could be located closer to Country View Lane to the south where people could park their golf carts or drive inside. The gates would need to be wider for that, but he was sure they could make it work. A lot of flexibility existed within the openings that was still being refined.
- He confirmed golf carts would still be able to access and drive through the entire park once the redesign was finished.
- The design team did not find any drainage issues in the area where the fenced dog park would be located. He clarified no study was done, so it was not a piece that was examined within the park.

Mr. Hildum stated he was a bit concerned about drainage since a couple residents testified that they were concerned about drainage where the sidewalk was located. He asked if that had been addressed or if the sidewalk would dam up the water and create a swamp. Drainage in the dog park area was important in order to avoid a muddy mess like Lake Oswego. He asked who would maintain the dog park at Edith Green Park.

Mr. Jenkins replied the site was flat, so there was not a flow of drainage within the site, and the fencing would not impede any drainage. Similarly, the sidewalk would be flush with grade and not impede drainage. No current drainage patterns were being changed within the park.

- He confirmed there was no drainage in the park now, no proposed drainage, and no drainage improvements because there was no flow of water through the park currently.

Mr. Hildum understood there was no way to remediate any excess water that might collect in the dog park, and no way to drain any water if the sidewalk blocked water flow.

Mr. Jenkins reiterated the sidewalk would not block water as it was a flat site that did not currently drain through that way.

Mr. Pauly added there was no change to the grade of the site.

Mr. Jenkins explained the contours enabled water to drain away from the site, so the sidewalk would not impede drainage or change the drainage pattern within the park.

Chair Svadlenka asked what the floor of proposed fenced dog park area would be comprised of.

Mr. Jenkins replied it would remain as the existing turf, noting the goal was to leave as much existing turf as possible.

Chair Svadlenka confirmed there were no further questions or discussion and closed the public hearing at 7:26 pm.

Chair Svadlenka understood the design was still flexible at this point and asked to what degree.

Ms. McAlister explained that a Stage 2 was never completed for Edith Green Park, so any changes had to go through the larger process of appearing before the DRB. Once that process was followed through, the owner could make changes via an administrative review, i.e. a change in plantings or moving or expand the dog park. While the process tonight was essentially finalizing the park and making it right with the original condition of approval, it was not necessarily final. If the Charbonneau Country Club wanted to change some things, it could be amended. In the spirit of community involvement, there seemed to be flexibility within the CCC to make those adaptations once the park began to develop.

Mr. Candrian understood that technically, the park was out of Code because it was never reviewed and approved, a formality that was being addressed tonight.

Ms. McAlister confirmed the purpose of tonight's meeting was to follow through on that original condition of approval from 1979.

Mr. Hildum understood from the testimony this evening that the majority of folks who lived in Charbonneau wanted the space to remain as a passive park. He was a big fan of passive parks and did not understand why there was a public hearing and why the CCC even wanted to make all the changes.

Mr. Pauly explained CCC was the property owner and had submitted the proposed changes. It was akin to a private property owner trying to build something. As long as it met Code, their decision process or why they wanted to build a particular thing was not the purview of the DRB.

Mr. Candrian stated that while he was sympathetic to people not wanting change, he understood it was a carryover of HOA meetings where there was a dispute in the HOA, but it had nothing to do with the Code. He had heard no testimony that stated either the proposal or the current condition of the park was not Code compliant other than a DRB never approved it in the first place. As it was Code compliant, it should be approved.

Yara Alatawy asked if the survey and design could be rechecked for flexibility and the possibility to change the design or accommodate the residents' needs regarding the dog park.

Mr. Pauly confirmed Ms. Alatawy was asking specifically about the dog park and stated this was an ongoing conversation in the neighborhood. Decisions were being made, but it was an iterative design process. The application met the criteria, and the Code allowed for an iterative approach, which happened with design. The DRB review was an important part of the process. If there was a wholesale redesign away from what the DRB approved it could potentially come back before the DRB. Smaller changes, such as moving a trail 50 ft or expanding the fenced area for the dog park, was still regarded as substantial completion and would essentially comply with the DRB approval. The public and DRB would be noticed on a Class II Administrative Review and have an opportunity to comment. So long as parking or a huge area of the park were not affected, iterative revisions could be made through that administrative process.

Amanda Guile-Hinman, City Attorney stated there was a distinction between what a Board member may personally feel based on public testimony and their role as a DRB member. The approval was done wearing the DRB member hat, but that did not preclude one from making suggestions to the HOA about having a conversation, because it was an iterative process, but that was different than the decision one was making wearing that DRB member hat.

Ms. Alatawy clarified it was not about going back as much as seeing if there was a gap between the survey and the design, there might be room for change, although it did not necessarily have to be a major change.

Mr. Candrian understood that if the HOA decided they did not want a fence, the DRB would not have to review that because it would still meet Code and not change the nature of the park per se.

Mr. Pauly agreed, adding the City typically did not review fences at all. He noted some comments had included some broad terms, and he reminded the Board and audience that those broad standards were met when the more detailed standards in the Code were met.

Chair Svadlenka noted that within the testimony the DRB had received as part of the packet, some individuals had cited specific criteria in the Code. She had checked those criteria against the application and found that all those criteria had been met and were compliant with the Code.

Chair Svadlenka confirmed there was no further discussion or questions and closed public testimony at 8:22 pm.

Rob Candrian moved to approve the Staff report with the addition of Exhibits B3, D11, D12, D13, and D14. Clark Hildum seconded the motion. The motion passed unanimously.

Rob Candrian moved to adopt Resolution No. 419 including the amended Staff report. The motion was seconded by Clark Hildum and passed 3 to 0 to 1 with Clark Hildum opposed.

Chair Svadlenka read the rules of appeal into the record.

Mr. Pauly agreed to address questions from an audience member after the meeting.

BOARD MEMBER COMMUNICATIONS:

3. Results of the July 24, 2023 DRB Panel B meeting
4. Recent City Council Action Minutes

There were no comments.

STAFF COMMUNICATIONS

There were no comments.

ADJOURN

The meeting adjourned at 8:27 p.m.

Respectfully submitted,

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