

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

Development Review Board – Panel A
Minutes–May 11, 2015 6:30 PM

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| Approved July 13, 2015 |
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I. Call to Order

Chair Mary Fierros Bower called the meeting to order at 6:30 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: Mary Fierros Bower, Lenka Keith, Kristin Akervall, and James Frinell. Ronald Heberlein and City Council Liaison Julie Fitzgerald were absent.

Staff present: Blaise Edmonds, Mike Kohlhoff, Steve Adams, and Daniel Pauly

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

V. City Council Liaison Report

No City Council Liaison Report was given due to Councilor Fitzgerald’s absence.

VI. Consent Agenda:

- A. Approval of minutes of April 13, 2015 DRB Panel A meeting

James Frinell noted Ronald Heberlein was absent from the meeting, but noted as present.

James Frinell moved to approve the April 13, 2015 DRB Panel A meeting minutes, correcting the Roll Call to exclude Ronald Heberlein, who was not present. Lenka Keith seconded the motion, which passed unanimously.

VII. Public Hearing:

- A. **Resolution No. 301. Montague Park: Stacy Connery, AICP, Pacific Community Design, Inc. – Representative for Rudy Kadlub, RCS – Development – Applicant/ Owner.** The applicant is requesting approval of a Preliminary Development Plan, Final Development Plan, Type C Tree Plan and Specific Area Plan (SAP) Refinement for development of a 2.9 acre private neighborhood park with public access. The subject property is located on Tax Lot 3100 of Section 15AC, T3S, R1W, Clackamas County, Oregon. Staff: Daniel Pauly

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| Case Files: | DB15-0002 | Preliminary Development Plan |
| | DB15-0003 | Final Development Plan |
| | DB15-0004 | Type C Tree Plan |
| | DB15-0005 | Specific Area Plan (SAP) Refinement |

The hearing regarding case files DB15-0002 through DB15-0005 was continued to this date and time certain at the April 13, 2015 DRB Panel A meeting.

Chair Fierros Bower called the public hearing to order at 6:35 p.m. and read the conduct of hearing format into the record. Chair Fierros Bower, Lenka Keith, and Kristin Akervall declared for the record that they had visited the site. No board member, however, declared a conflict of interest, bias, or conclusion from a site visit. No board member participation was challenged by any member of the audience.

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

Mr. Pauly noted that the Zone Plan Amendment, separated from this application at the last hearing as Resolution 302, was approved by City Council on first reading and was scheduled for second reading on May 18, 2015. He noted the following exhibits had been added to the record:

- **Exhibit B4:** Cross-section diagram submitted by the Applicant titled, “Pickle Ball Court Grading Sections”, copies of which were distributed to the Board at the dais.
- **Exhibit D3:** Email dated April 16, 2015 received from Steve Hansen in favor of pickleball, along with Staff’s response, which was included in the meeting packet

Kristin Akervall understood from last hearing that the distance between either the property boundary or the house and the pickleball court was much smaller than what was represented in Exhibit B4.

Mr. Pauly said he recalled the distance being 60 ft or so; however, no one had the exact location of the other home at that point to measure it. Exhibit B4 represented additional information provided by the Applicant regarding the exact distance from the nearest homes.

Chair Fierros Bower called for the Applicant’s testimony.

Rudy Kadlub, President, Costa Pacific Communities, explained that since the last meeting, the Applicant took another look at the site plan and cross-sections and some adjustments. Referencing Exhibit B4 he noted:

- The pickleball court was sunk in a bit.
- The retaining wall in Section AA would be built with the big natural boulders that exist on the site.
- There was a berm shown in Section BB. The floor of the pickleball court was depressed 3 ft below the street and additional landscaping and screening had been added on the berm between the court and the closest home, which he believed was 84 ft from the edge of the court.
- Section AA showed the nearest house being 109 ft from the edge of the other side of the court where there were some large existing trees as well.
- The notion was to determine the distance and mitigate it with additional landscaping and with grading, dropping the court down below the alley.

Erin Holsonback, Otten Landscape Architects, noted there was certainly opportunity to increase the landscaping between the pickleball court and the homes with conifers that would become large over time, and potentially with an evergreen hedge around the back side. The grayed Background Screening shown in both cross sections of Exhibit B4 showed how that increased landscaping would look from the neighboring homes viewing out towards the pickleball court. She believed that would really help, not only visually, but hopefully with the addition of lowering the court, help to mitigate the noise as well.

Chair Fierros Bower asked if any data or studies existed about how recessing the pickleball court so many feet would mitigate the noise sufficiently. She reminded that at the last meeting, the landscape architect said the vegetation would not necessarily mitigate the noise sufficiently.

Ms. Holsonback disagreed, adding from everything she had learned, increased vegetation could help mitigate noise, but it depended on the use. While mitigating noise from a loud construction site might not be possible, she believed it could help with this type of a use. The Applicant would have to search for specific studies.

Mr. Kadlub said he did not know if there were any specific studies about lowering the pickleball court and noise. Scientifically, sound waves, if initiated below a wall, would bounce off that wall and up similar to a freeway being lowered through the center of a city and sound walls being added to a freeway to block noise. The notion was to stop those sound waves and get them to go up and over. Those were two elements the Applicant had used, dropping and adding evergreen landscaping, which was fuller and thicker than deciduous.

Ms. Akervall inquired if Exhibit B4 showed an increased drop of the floor of the pickleball court than what the Board considered last month.

Stacey Connery, Pacific Community Design, answered yes, adding the pickleball court had been dropped the maximum possible to still provide ADA access from Orleans Lp and meet the grade from the berm on the north side of the project.

Lenka Keith said she felt a lot better about the distance between the pickleball court and the building, which was greater than what the Board understood last time, and also about dropping the floor of the court. She asked if lowering the court would still provide adequate drainage.

Ms. Connery replied the Applicant's engineer could design a way to accommodate drainage.

James Frinell said he was still concerned about the sound, but appreciated the Applicant's honest attempt to address the issue. He noted if a problem still exists in the future, perhaps the homeowners association (HOA) could put a curtain around the court, covering the fence, to also provide a buffer if sound became an issue.

Mr. Kadlub added Exhibit B4 showed the basketball hoop had been eliminated, which was another concern in terms of how it would work given the potential conflict with pickleball. It also eliminated one other potential bouncy noise.

Ms. Keith asked if the HOA could ask to have the hours limited if sound became a problem.

Mike Kohlhoff, City Attorney, answered the park was a privately owned with the HOA having control over it, so the HOA could set the times people could play.

Mr. Pauly added the pickleball court was not an amenity required by the Master Plan, which provided the HOA with added flexibility for different actions over time.

Mr. Kadlub stated Applicant's intent would be to limit it initially. As the developer, the Applicant had control of the HOA and would set the initial rules to limit the playing time. There were no lights there, so it would be daylight hours. The Applicant would come up with a reasonable timeframe for play not to start early in the morning or continue past dusk. Applicant's intent was not to wake the neighborhood, but to provide a popular amenity for the residents.

Chair Fierros Bower believed the Applicant had done a really good job addressing concerns from the last meeting. She was glad the Applicant did not decide to completely do away with the pickleball court.

Mr. Pauly confirmed that Staff recommended approval of the applications.

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

Bob Dorband, 29085 SW Costa Circle West, Wilsonville, said he lived in one of the townhouses directly adjacent to the proposed park. He distributed a four-page handout to the Board, which included his written statement and two pictures of the site. His handout was entered into the record as Exhibit D4. He read his written statement into the record His additional comments were as follows:

- He was glad some Board members were able to visit the park to see where the proposed court was to be located in relation to nearby town houses. He noted the pictures showed how close the court would actually be to nearby residences.
- He had consulted with an acoustic engineer who reiterated that trees and vegetation do not make any difference as a sound barrier. Highways use concrete walls, not trees and vegetation.
- At the last hearing, the engineer for the developer said the court as designed was going to be sunk 3 ft from Orleans Lp, which was exactly what was shown on Exhibit B4. There was no change. The court was not sunk any further than what had originally been proposed. He was not being nitpicky, but had believed, in good faith, that as the Board's suggested, the Applicant would consider some alternatives to where the pickleball court could be located or what could be done with that space. The Applicant had done nothing different other than eliminating the basketball. Even though the Applicant said this was something different, it was not. He wanted to make sure that the Board was aware of that fact. No alternative had been proposed. Exhibit B4 was basically the same exact plan as had been proposed before. The Applicant had not even moved the court out any farther or discussed how that could be done. Almost all the trees in the park were going to be leveled anyway, so as long as the Applicant was going to that length to create a new space, he found it difficult to believe that this was the only location for a pickleball court.
- He had hoped the developer would come here today with some reasonable alternatives, even if it was to sink the court farther down, or maybe push it out a bit farther. He was seriously concerned that there had been no attempt.
- He reiterated that he was not against pickleball. He was very much in favor of any sort of open use of the park, including pickleball. He just believed the pickleball court needed to be pushed a bit farther away from the existing residences.

Chair Fierros Bower called for the Applicant's rebuttal.

Ms. Connery explained that the plans submitted with application materials and that the Board reviewed at the last hearing did not reflect the pickleball court being sunken 3 ft. The engineer had intentions of having that reflected, but it was not reflected in those plans. When the engineer drew these sections, he realized that was not correctly shown. She apologized if she had given the wrong impression. She confirmed the pickleball court being sunken 3 ft was discussed at the last hearing, but it was not reflected on the plan.

Chair Fierros Bower asked if the Applicant wanted to comment on the public testimony that vegetation and evergreen might not help with noise mitigation.

Ms. Holsonback stated that although she was not a scientist, she disagreed. She believed that evergreen landscaping did help to some degree, though it would not cancel noise out completely. She also believed there was a psychology behind not being able to see the court due to it being blocked with trees and shrubs. There was a difference between being able to see people playing pickleball and hearing the noise versus not being able to see them and still hearing the noise. She believed packing a bunch of plants in there would help; she did not have a study to back that up, but she was taught during her education that landscaping would help with noise buffering.

Ms. Connery believed how deep plants were planted and staggered could make a difference.

Ms. Holsonback reminded the pickleball court would be sunk down 3 ft and there would be a berm of rock and dirt, not vegetation, but solid material, as well as a retaining wall. She was not familiar with pickleball and had never seen people play, so she did not know how loud was, but she believed the combination of sinking the court and having a berm and vegetation would not only help with the audible noise, but visually, there was an opportunity to add plant material to help screen it sufficiently.

Chair Fierros Bower asked the proposed height of the retaining wall shown in Exhibit B4.

Ms. Connery believed the retaining wall was 3 ft.

Ms. Holsonback did not believe it was more than 4 ft.

Ms. Keith said that in order for the vegetation to block the noise, it would have to be dense on the bottom as well as on top with more shrubs, and the vegetation would have to be staggered so there were no spaces in between.

Ms. Holsonback believed there was more opportunity to possibly remove some of the lawn on the north end and put an evergreen hedge around two sides that could potentially grow 8-ft tall, as well as add intermediate level shrubs and increase the amount of trees.

Ms. Akervall noted the first picture in Exhibit D4 provided by Mr. Dorband and asked where the large trees shown beyond the person in the picture would be on Exhibit B4.

Mr. Dorband believed the tree on the left of the picture would be the tree to the lower right end of the pickleball court on the A axis shown on Exhibit B4.

Mr. Pauly noted the deciduous tree and two evergreens on the other side of the pickleball court.

Ms. Akervall said the pickleball court appeared to be in between and then extending out from those two tree areas.

Mr. Dorband added that where he was standing in the first picture of Exhibit D4 was the corner that would be closest to the houses. Even though the pickleball court would be sunken 3 ft from Orleans Loop, which was a higher grade because the whole site kind of sloped down toward the other townhouses on Costa Circle, the bottom of the court would be roughly equivalent to the ground level of the alleyway on Costa Circle, if not even higher because it did slope downward. Visiting the site, one would know you had to climb up to get to where the court would be. Sound follows line of sight. If the court was not higher in relation to the surroundings, it would not make any difference in terms of the sound mitigation.

Ms. Akervall asked how far other sport courts in Villebois were from current houses.

Mr. Pauly responded the basketball court in Palermo Park was probably the most noise-generating court and it was really sunk down because it doubled as a stormwater facility. It was probably 20 or 30 ft from the edge of the park, and then a full 30-ft right-of-way before reaching the front of the homes, so the distance was at least 70 ft or more. The other pickleball court was in the middle of the park, and there was an oak grove and the street between that court and the nearest home, probably 100-ft plus.

- The volleyball court and horseshoes were in the center of Picadilly Park and the right of way on either side, so there was a good distance between the volleyball court and horseshoes to the nearest homes.

He supposed the difference in noise mitigation over the 20 or 30 feet was probably not a lot. He could not say how much less the noise would be or whether it would be substantially different, if the pickleball court was 20 or 30 ft farther.

Ms. Akervall noted the other pickleball court had a lot of trees in the green space on the edge, but nothing existed in between the volleyball court and the homes.

Mr. Pauly added there was very little ground vegetation that would create any blockage.

Ms. Akervall said she wanted to get a point of reference for other amenities already in use within the neighborhood.

Chair Fierros Bower asked if there had been any complaints at the other park.

Mr. Pauly replied the City had received no noise complaints about sports courts at Villebois since the very beginning when the basketball court was put in Palermo Park years ago.

Mr. Kohlhoff added that a number of homeowners protested about the basketball court going in to City Council. Council determined that in the overall interest of the community, it was an appropriate location and the court would be sunken. The problems that were indicated had not come to the level of any major continuing complaint at all.

Mr. Pauly said that because of its dual function as a stormwater facility, the basketball court was sunken probably 5- ft or more.

Everett Lap, 11192 SW Barber St, Wilsonville, said he decided to provide testimony about this issue when the question came up about other sport courts in the Villebois neighborhood. The first park that was put in Villebois was Palermo Park, which actually had a dual-purpose facility, the basketball court.

- He had been in Villebois since 2006, and when that basketball court was proposed, a sufficient number of people were very disturbed over the fact that they would have to listen to basketballs being bounced or dribbled all night long. However, the noise had not been the issue at all. Once the basketball court was put in, some time limits were established for its use. He believed the only thing between that court and a resident was a street, either Palermo St or Costa Circle, and maybe 20 or 30 ft of the park itself.
- He liked the comment Mr. Kohlhoff made. He believed any kind of sport activity, albeit, it might have to be controlled as far as time of use, would be beneficial for the overall benefit of the community.

Chair Fierros Bower confirmed there was no rebuttal from the Applicant.

Thomas J. Widden, Director, NW USA Pickleball Association, stated that NW USA Pickle Ball chose Wilsonville to be the headquarters of the non-profit corporation, which he believed was on Meadows Lp. Anne Smith, who was well-known to the Parks and Recreation folks, was the secretary, registrar, and treasurer. She spearheaded the drive to get the pickleball courts installed, which included a conversion of the basketball court in the Memorial Park and then recently, the resurfacing and striping of the tennis courts.

- In a very short period of time, Wilsonville has become a regional center for pickleball play, and that was a great story because pickleball was primarily played by senior citizens who are active, and why not? Senior citizens were the largest growing demographic group in the United States. Senior citizens have all the time, and, frankly, all the money, too. Many people could not play tennis as they get into their 60s. Who wants to chase all those balls around? No one could load their pockets with tennis

balls and still move, but ten pickleballs could fit in your pockets and would not quite weigh a pound. When a ball gets by you, grab another one and keep on playing. That was part of the popularity of pickleball.

- Two pickleball courts fit in the space of one tennis court. Pickle ball is always played as doubles and was always highly organized. It was done at a specific time when people show up to play round robin, little tournaments amongst themselves. Games were short – 15 minutes long; play to 11 points, and then everyone changes up and plays with other people.
- Pickleball was real social. Last Saturday, 47 people attended the association's skill drills clinic and potluck. The previous week, 36 people came out to Wilsonville Memorial Park to socialize. There was not another activity that described a social action with active seniors like pickleball, and that has been the clue to success in developments all over the United States. Whole new retirement communities were now being built all around pickleball. Why not? It was less expensive and old, crummy tennis facilities were being converted into new pickleball ventures.
 - Tomorrow, the association was meeting with Oregon City's Parks and Recreation staff to convert the Hillendale disused parks into eight pickleball courts. This morning, they had a meeting at the Summerfield Retirement Center and would be converting their tennis facilities into four pickleball courts. The center had ten active members left in its tennis club, and in eight months, there were 61 paid members in the Summerfield Pickleball Club, and that story goes on and on and on; Tualatin Community Park.
 - The association started pickleball in the Sherwood YMCA and now had 60 players there; mostly seniors who come to play at 9:00 am when the places were just basically sitting empty.
 - A great way to answer the question about what was being done for seniors to involve them in park communities was pickleball.
- As far as this bogus issue of noise, pickleballs were quieter than basketballs, tennis balls, and about three-and-a-half times more quiet than the clank of horseshoes. Yet, all these things fit into the use of community resources.
- One big development happened right here in Tualatin. The Jugs Pitching Machine Company developed a quiet ball, made out of PET plastic, the same stuff used for water lines in houses now. These balls were used universally throughout the sports community to throw balls outdoors for Little League and other major sports, like the NFL, but there was a need for little kids to learn to play during the winter before the grass fields opened up in the spring. Hard balls could not be thrown with the pitching machines inside a gymnasium, so the company came up with a little whiffle ball. They were very quiet. The kids hit them with plastic bats all nice and quiet and they did not damage the inside of the gymnasiums.
 - Well, all of a sudden, the pickleball guys said, "Hey, we have been looking for an unbreakable ball and that is quiet." Within about six months now, the Jugs Little League Pitching Machine ball has become the absolute standard in pickleball. They were substantially quieter and highly visible being a kind of a limey green.
- A second thing that has come along was now all pickleball paddles were becoming real lightweight and soft to absorb line drives. A big part of pickleball is dinking the ball, deflecting a line drive softly just over the net. All of a sudden, the game has become substantially quieter.
 - Studies have been done over and over again. In Arizona, disgruntled tennis players who were unhappy their ranks were being decimated by pickleball conversions raised this bogus issue about noise and pickleball, like it was some new rifle shot noise. But in reality, it was much quieter than any other sport. It was quieter than tennis.
- Another bonus that comes with pickleball was that doubles badminton used the exact same dimensions as pickleball. For example, he lived at the Bryant Park Association in Lake Oswego, which had a disused tennis court covered with pine needles. They got it all cleaned up, resurfaced it, and now, they had a tennis court that also hosted two pickleball courts, as well as two badminton courts using little brackets on the pickleball nets. The interior lines of a single tennis court were

within a foot and a half of the dimensions for volleyball. They were now playing volleyball, badminton, pickleball, tennis, as well as a corner basketball court on the same original tennis court.

- He was trying to say that this boogeyman of noise from pickleball just did not exist. He encouraged people to go down to Memorial Park where they play pickleball every day on two dedicated courts that the Association developed with the help of the Wilsonville Parks and Recreation Department. Pickleballs were a whiffle ball. How much noise could a whiffle ball make?
- He rested his case, but believed fear of the unknown sometimes drove people into caution. The reason why pickleball had exploded as it had was it had an answer for every question.

Mr. Frinell asked if Mr. Widden would like to live within 109 ft of a court.

Mr. Widden replied he live 51 ft from the court at his house at the end of Pioneer Ct in Lake Oswego in the Bryant Park Association. His house was the closest house to that court and it was just not an issue. Now, one could hear them playing tennis down there. The problem, at least for the tennis people, was there were no tennis players left on his street. If tennis people were really good or active, they join Stafford Hills Athletic and pay the \$150 a month, or the Mountain Park Tennis Club or Portland Tennis Center, so they could play with other highly-skilled, competitive players. What was left was the occasional garage-sale tennis racket wielding dinkers where mom was trying to teach their whining nine-year-old how to play tennis, because it was not being done in schools. There were no more tennis clubs or teams in grade school or high school. Colleges have abandoned tennis as a sport. He lived next to two pickleball courts and just did not hear them. It was less noise than a ping pong ball.

Chair Fierros Bower asked if Mr. Widden's courts were vegetated or just open.

Mr. Widden responded his courts were open. There were some shore pine type trees that they hated because they shed needles on the courts. A bunch of trees should not be put around a tennis, basketball, or pickleball court because they shed leaves and needles, which require a bunch of maintenance. You want to talk about a major offender for noise: leaf blowers. Landscapers come in at 5:30 am, and leaf blowers register over 100 dB. He believed everyone had heard leaf blowers churning away.

Chair Fierros Bower confirmed there was no rebuttal from the Applicant and closed the public hearing at 7:26 pm.

Lenka Keith moved to approve **Resolution No. 301**. **James Frinell** seconded the motion.

Ms. Akervall commented that so much of the Board's focus was on the pickleball corner of the park, but she also wanted to remind everyone about the rest of the park that was presented last month. She believed a lot of great things were presented in the other parts of the park that had not been discussed.

Chair Fierros Bower verified with Staff that the rest of the park remained as was presented in the last meeting. The only amenity that had been removed was the basketball hoop.

Ms. Keith noted basketball could be quite noisy and sometimes, neighbors have a hoop where kids play basketball all afternoon and into the evening hours; sometimes even after dark when people have lights on the street. She believed reducing to only pickleball and doing away with the basketball should help.

Chair Fierros Bower asked if Ms. Akervall had concerns regarding the balance of the park's design.

Ms. Akervall answered no; she believed it would be a lovely park.

The motion passed unanimously.

Chair Fierros Bower read the rules of appeal into the record.

Mr. Kohlhoff clarified the new exhibits were included as part of the record after being announced in the beginning.

- B. Resolution No. 304. Villebois Neighborhood Park Swim Center: Stacy Connery, AICP, Pacific Community Design, Inc. - Representative for Fred Gast, Polygon NW Company - Applicant.** The applicant is requesting approval of a SAP Amendment with Master Plan Refinement, a Preliminary Development Plan Amendment and Revised Final Development Plan for a modification to Neighborhood Park 5 (NP-5) for the addition of a community building and outdoor swimming pool and associated improvements. Properties involved are Tax Lot 1446, Section 15AB and Tax Lot 180, Section 15, Township 3 South, Range 1 West, Willamette Meridian, City of Wilsonville, Clackamas County, Oregon.
Staff: Daniel Pauly

Case Files: DB15-0017 Specific Area Plan (SAP) Amendment with Master Plan Refinement
 DB15-0018 Preliminary Development Plan Amendment
 DB15-0019 Revised Final Development Plan

Chair Fierros Bower called the public hearing to order at 7:30 pm and read the conduct of hearing format into the record. Chair Fierros Bower, Lenka Keith, and Kristin Akervall declared for the record that they had visited the site. No board member, however, declared a conflict of interest, bias, or conclusion from a site visit. No board member participation was challenged by any member of the audience.

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

Mr. Pauly presented the Staff report via PowerPoint, noting the projects' locations and surrounding features, and describing the proposed applications with these key additional comments:

- He briefly reviewed the Villebois Planning Process and how refinements were made to the Villebois Master Plan.
- The SAP-East Amendment with Master Plan Refinement would allow the Applicant to add additional amenities. Refinements were allowed as long as they did not remove the types and character of parks. There was also language in the Master Plan that specifically talked about having flexibility over time. For example, when the Master Plan was adopted, there were no indications regarding pickleball, but the Master Plan provided the flexibility for that to be added over time.
 - In this case, given the history and carrying capacity of the prior facility, the desire for additional residents to have access to a swimming pool was not anticipated as things had played out, so Polygon was requesting to add the swimming pool and community building to the park while still keeping all the Master Plan amenities. The Master Plan amenities affected most by adjusting things around were the community garden being relocated as well as a reduction in the size of the lawn play.
 - One test was the availability of these amenities in the SAP. There was plenty of lawn play available throughout Villebois, especially in SAP-East. At the PDP level, a number of additional green park areas were added, so there was sufficient lawn play.
 - The community garden was interesting because both the Master Plan and previous PDP approval gave the dimensions, but did not really get into the detail of how the community garden would

function. Both the PDP design approved in 2012 and the proposed design showed the park being right over a high pressure petroleum pipeline (Slide 7), so the size and number of plots shown in the Master Plan for the community garden might not be possible considering other site conditions. Having it on the other side of the park as proposed made more sense.

- He described the differences between the plan approved in 2012 and the proposed plan, noting that the apple orchard was essentially an extension of the community garden in a form that could exist over the petroleum pipeline.
- Preliminary Development Plan (PDP) Amendment. The PDP addressed a lot of functional questions with regard to utilities, roads capacity, parking, etc.
 - The traffic report revealed no major concerns, as there was enough capacity to manage any additional trips, which were all assumed to internal to Villebois. A good number of the surrounding neighbors would walk or bike to the park and very few, if any, people would be driving from outside the neighborhood. The park was just designed to serve the Villebois community. Bike parking would be provided.
 - There was a little inconsistency about parking between the traffic memo and Staff report. The parking proposed for the swim center was actually based on the table in Section 4.155 of the Development Code. However, a different table in the Villebois code would actually require fewer parking stalls. Nonetheless, there was sufficient on-street parking to meet the parking requirements. Although a hot summer day might result in higher parking demands on the adjoining streets, no on street parking was required for the homes as the minimum parking requirement for the homes was met entirely by the garages. Even if a side of the street was used by the homes, there was still sufficient parking to meet the expected demand, or per code, of the swim center. A marked ADA spot on the street would also serve the swim center.
 - There were no concerns about setbacks, lot coverage, etc. for the swim center building as all those requirements were met.
- Revised Final Development Plan. The two major features or site conditions that really drove a lot of the park's design was the slope and the petroleum pipeline. The site sloped from Berlin Ave down to Stockholm Dr, so it was lower towards Boeckman Rd. He described various features of the park as follows:
 - The architecture of the swim center building met the Architectural Pattern Book being similar to all the single family homes by following an American modern design. He displayed the four elevations of the building, noting the front would face Villebois Drive with the rear facing the swimming pool. The architecture was important as the swim center would be along a main corridor coming into Villebois from Boeckman and Tooze Rd.
 - The swimming pool was surrounded by an approximately 6,700 sq ft deck, which was a good amount larger than the deck at the other Villebois pool, providing plenty of room for deck furniture and relaxing outside the water.
 - A retaining wall was required along Stockholm Dr to make the swim center area flat.
 - A condition of approval still applicable from the previous approval required the retaining wall to be decorative stone or brick construction or veneer, likely similar to the retaining wall recently installed just up the road above the wetland.
 - The fence around the pool would be a fence type shown in the Pattern Book, which was a nice-looking fence used elsewhere in Villebois.
 - Bike racks, a bench, and drinking fountain would be located in front of the community building.
 - The community garden area included raised beds, some of which were adjacent to the concrete path and could be accessed by wheelchair. The raised beds could also be used by people who have a hard time getting down to the lower beds, providing access for individuals with disabilities.
 - The plots in the main portion of the garden were 10 ft by 10 ft, a fairly standard size for community gardens. Because of the slope, the garden would actually be terraced with timber

walls from the pool area to the lawn play area. He clarified the trees pictured in Slide 24 indicated the apple trees along one side of the garden. There would be steps, but the Applicant was providing a ramp next to the steps to allow a wheelbarrow to be used.

- The reconfigured multipurpose court included tether ball, horseshoes, shuffle board, a picnic table, drinking fountain, and benches, as well as four square and hopscotch.

Lenka Keith asked about the logistics of the community garden. She asked if there would be any kind of receptacles for yard debris for people cleaning up and if there would be irrigation. Would there be any rules on the use of pesticides and such or was that up to the homeowners association (HOA)?

Mr. Pauly replied a lot of that would be the responsibility of the HOA. He understood that hose bibbs would be provided. The previous Final Development Plan did not get into any of those details, only that there would be a community garden. Nothing was included in any of the submitted materials about who would be able to sign up, whether pesticides were allowed, etc. The Applicant could provide a lot more information on those topics.

Kristin Akervall said in the diagram, it looked like the apple trees were very close to the pipeline. She questioned if that was safe, because roots go a lot deeper than shovels.

Mr. Pauly replied part of that concern was administrative, because the easement holder permitted digging, but wanted one of their employees there to watch any digging. The City had dug sewer lines through this area. If supervised by the pipeline company, digging to plant the trees should be fine. The easement holder would not be comfortable with people digging with shovels without supervision.

Ms. Akervall clarified she was concerned about roots impacting the pipeline as the trees grew.

Steve Adams, Development Engineering Manager, explained the pipeline had been there since the 1930s and was a welded steel pipe, so there was no joint for a root to intrude. The pipeline was tested on a routine basis by Kinder Morgan and supplied auto fuel from refineries in Washington to the Eugene area. It was strictly a transmission line. Kinder Morgan protected the pipeline intently. One could not dig or cross the pipeline without having a Kinder Morgan employee present the entire time an operator was digging. In talking to Chris Neamtzu and Kerry Rappold about tree issues throughout Villebois, the majority of trees, especially apple trees, had 80 to 90 percent of their roots in the top 18 in of soil; very few roots go down. Trees like white oaks were really the only trees with roots that really go deep to suck the water out of the ground. His understood the City was not concerned by such trees in similar situations.

Mr. Pauly agreed the trees would not go that deep. The big issue was the requirement that someone had to be there if a shovel was in the ground, and the Applicant was not going to pay a Kinder Morgan employee to guard the community garden all summer.

Ms. Akervall liked the idea of having an orchard, adding it made sense next to the community garden. She questioned if the apple trees would shade some of the plots. In the diagram, it looked like at least four of the 29 plots would be shaded.

Mr. Pauly responded that apple trees tend to be topped and pruned a lot, so they would not necessarily grow to be tall, like an oak for example. It was not a situation atypical of a garden near a lot of trees. Those plots would not be as sunny as others, but should still function. He deferred to the Applicant for additional comment. He confirmed the location of the wheelbarrow ramp on the map.

Chair Fierros Bower confirmed the swimming pool was primarily for use by Villebois residents.

Mr. Pauly added that swimming pool would be a private homeowners' pool similar to other homeowners' pools throughout Villebois and in other Wilsonville communities. The pool would be owned by the HOA.

Chair Fierros Bower called for the Applicant's testimony.

Jim Lange, Pacific Community Design, 12564 SW Main Street, Tigard, OR, stated he had been fortunate enough to be involved with Villebois since the Concept Plan. To see how the project goals had been followed and how the project's details had evolved over time had been very rewarding in his career.

- Polygon was very excited and continued to want to be involved in this project. Their sales were going well and they were really happy with how the community was turning out. Polygon had received some feedback that another swim center would be a really good thing, and so while this was not a requirement of the Master Plan, the Applicant did believe it would enhance the community.
- At one point, no swim center was included when the Concept Plan, Master Plan, and Specific Area Plan were approved for all the areas in Villebois. One was proposed in the south side, but it had a hard time coming to fruition, which had a lot to do with the economy. Polygon was very happy to step in and help bring that first one to reality on the ground, and the residents have really enjoyed it. With this application, the Applicant was asking to add a second swim center.
- Some overriding goals of this project were especially noted in the Master Plan, which included connectivity, sustainability and diversity. This particular park was a little microcosm of that considering all the uses going on there. A group could be gardening while a different group played shuffle board or tether ball, and hopefully, everyone would be participating in all the things that could be done in the swim center. The park was a wonderful little microcosm of how a community could come together and provide a whole bunch of different things in close proximity to each other.
- He noted that the community building would have restrooms, a community room with a kitchen, and some offices. Some comments were received about having picnic tables or something outside, which was why a kitchen facility was in the building. There was no intent to keep people from eating while swimming. It was being encouraged by the inclusion of a kitchen. The deck around the pool would have furniture, such as recliners to lay out and eat on.
- He believed the only question he did not hear an answer to regarded whether the apple trees would shade the plots. The apple trees were shown with a pretty broad canopy but they get pruned. The trees get loaded with fruit, and if allowed to grow out, the branches break and cause all kinds of problems. Because the trees tend to be pruned back, the Applicant did not see that as a problem at all.

Chair Fierros Bower asked how the renting of the community garden plots would work.

Mr. Lange replied that the answer the very first day would be different two years in and again in five years. Community gardens evolve. The HOA would own it, and Polygon had a very strong relationship with its HOA. They had a full time HOA liaison, and even in low times, they kept that position open. Polygon stay engaged with their HOAs to try to provide them the benefit of their experience on other projects to help them manage themselves. The HOA would set up some rules, but it would evolve over time.

Ms. Akervall asked where the water would be located.

Mr. Lange replied that was not shown on the drawing, but there would be water. The building itself would be metered. Hose bibbs would be on the outside of that building for maintenance and there would be extensions, he imagined, out into the garden itself. There would not be a spigot for every plot. Part of the evolution of the garden would address wheelbarrows, for example, and whether everyone would need their own.

Ms. Keith asked what garden users would do with the debris if they were trimming or cleaning up.

Mr. Lange replied that would also evolve over time. Some people want to cart it all off and some want to mulch it and compost it.

Ms. Keith said she was excited to see so many different uses, but she urged Applicant to talk about yard debris and the use of pesticides, because different people have different ideas about how things should be done, and they might not always be compatible or in agreement. Rules should also be set for maintenance, because people sometimes have very lofty ideas about all the things they want to grow and then it just completely gets out of hand and looks messy for the whole community.

Mr. Lange agreed, adding that was why community gardens evolve. One person's vision might be a rose garden, and another's was a piece of natural prairie. The HOA would have to stay engaged and find that right balance for the group using it.

Ms. Keith asked if there would be a lifeguard by the pool.

Mr. Lange did not believe there would be a lifeguard, but that might be something the HOA would want to add. He did not believe there was a lifeguard at the other swim center.

Chair Fierros Bower said that she previously lived in Charbonneau and each neighborhood pocket had swimming pools; typically, there were no lifeguards on duty. Children were supposed to be supervised by an adult.

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

Leslie Modell, 11342 SW Barber Street, Wilsonville, assumed the community building was in fact a private recreation facility that would function similarly to the current one on Palermo Dr at the bottom of Piccadilly Park, which was a totally closed facility. It required key access to the members allocated by the HOA. Therefore, none of that facility was open to the public. It was open only to the private members, and it appeared that this community building would probably follow that same pattern.

- Now, you do have a community garden.
- He asked if any of the community center facility would be open to the public, not the swimming pool perhaps, but were there public bathrooms. In the earlier discussion about the Montague Park, the bathrooms facilities were removed apparently for good reasons, and that issue was now settled. At the time, however, there was testimony to the fact that there would be bathroom facilities available at both the Piazza Park when completed, and NP-5, the site under discussion. He asked if that bathroom facility was a public part of the community center.

Mr. Pauly clarified that RP-5 was Regional Park 5, and NP-5, which was this park, Neighborhood Park 5. The restrooms were in Regional Park 5, which would be coming up in the next few months.

Chair Fierros Bower asked if the restrooms were close by.

Mr. Pauly explained the restrooms were not necessarily close to this park, but in that next park up from Edelweiss Park on the north side of Berlin Avenue, a little west of the subject site.

Chair Fierros Bower confirmed there was no rebuttal from the Applicant and closed the public hearing at 8:09 pm.

Lenka Keith moved to approve Resolution No. 304. James Frinell seconded the motion, which passed unanimously.

Chair Fierros Bower read the rules of appeal into the record.

VIII. Board Member Communications

A. Results of the April 27, 2015 DRB Panel B meeting

IX. Staff Communications

There were none.

X. Adjournment

The meeting adjourned at 8:12 p.m.

Respectfully submitted,

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