

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

**Development Review Board – Panel A
Minutes–December 8, 2014 6:30 PM**

Approved
January 13, 2015

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, Simon Springall, Ken Ruud, Kristin Akervall and City Council Liaison Julie Fitzgerald.

Staff present: Blaise Edmonds, Barbara Jacobson, and Daniel Pauly

VI. 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

Councilor Fitzgerald reported on the following City Council actions as follows:

- On December 1, 2014, Council:
 - Approved annexing a zone change in Villebois for two small parcels that had been left as islands in the section off the corner of Grahams Ferry Road and Tooze Road.
 - Heard a presentation by PGE regarding GreenPower Communities and a proposal by PGE to ask cities to encourage their residents to voluntarily sign up for buying GreenPower.
 - Approved the intergovernmental agreement (IGA) regarding the French Prairie Bicycle Pedestrian Bridge after Engineering Staff’s presentation and discussion.
- On December 2, Council held a Joint Council meeting with Tualatin City Council to discuss the Basalt Creek Planning Area. Many ideas were discussed and there was still much work to be done to strike a balance between strong interests from several Tualatin Councilors to have more residential and some industrial development of that area.

VI. Consent Agenda:

A. Approval of minutes of November 10, 2014 DRB Panel A meeting

Simon Springall moved to approve the November 10, 2014 DRB Panel A meeting minutes as presented. Kristin Akervall seconded the motion, which passed 3 to 0 to 2 with Ken Ruud and Lenka Keith abstaining.

VII. Public Hearing:

A. Resolution No. 294. Ridder House Offices conditional use permit: KJD Properties - Owner. The applicant is requesting approval of a conditional use permit for a home business. The subject property is located on at 10050 SW Wilsonville Road on Tax Lot 1100 of Section 23B, T3S, R1W, Clackamas County, Oregon. Staff: Blaise Edmonds

Case Files: DB14-0066 – conditional use permit

Chair Fierros Bower called the public hearing to order at 6:38 p.m. and read the conduct of hearing format into the record. All Board members declared for the record that they had visited the site. No board member, however, declared a conflict of interest, bias, or conclusion from a site visit. No board member participation was challenged by any member of the audience.

Blaise Edmonds, Manager of Current Planning, 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. Edmonds presented the Staff report via PowerPoint, briefly reviewing the site's history and noting the project's location and surrounding features, with these key comments:

- The Board did not usually review conditional use permits. KJD Properties had hoped to occupy the former Montessori school building through a home business use as defined under Code 4.001.122. The use did not qualify as a home occupation, where the owner resides in the house with a small business, so the application was for a home business, which is reviewed as a conditional use at a public hearing to ensure the proposal was consistent with the provisions of the Comprehensive Plan and requirements of the Zoning Code.
 - The .66-acre site was suitable for the proposed use considering its size, shape, design, location, topography, existence of improvements and natural features, and that all required public facilities exist. And, the proposal would not alter the character in a manner that would substantially limit or preclude the use of surrounding properties or the uses listed as permitted in the zone.
- Surrounding businesses and property owners included Bernert Towing, David Young, a nursery business, and Wilsonville Concrete.
 - The Applicant would like to have a small group of managers and estimators along with some administrative support under one roof as a home business or low impact office use in the old Montessori school building, which was more conveniently located closer to Wilsonville Rd.
- The old house belonged to the Ritter Family dating back to around 1906. Some additions had been added to the house over the years including improvements by the Montessori school to meet the Building Code to have a preschool-type use within the building.
 - The Applicant did not plan to tear down the house, which Staff considered a win. Planning Staff were concerned the house would be demolished and replaced with some other industrial use as the site was zoned Residential/Agricultural-Holding and designated industrial in the Comprehensive Plan
- The application was a good effort to save the house and bring in a compatible industrial use, which was a criterion under the conditional use permit; that the use be in character with the surrounding uses. Driving down Wilsonville Rd, no one would notice an office use was in the house. The Applicant had removed Montessori school side and was not proposing a new sign.
- A proposed condition of approval from the City Engineering Division asked that the main driveway off Wilsonville Rd be closed because it was too close given the distance separation of 600 ft to 1,000 ft, and this was an opportunity to close that driveway. The Applicant supported closing the driveway because they preferred having a proposed new driveway come south and to the east and connect to Industrial Way, the private street they own. The new driveway, used for both fire and business access, would go through a filbert orchard and no tree permit was required to construct the road because filbert trees were not regulated trees.
 - Another Engineering condition required a curb be constructed to make it look like the rest of the street with curb and gutter construction and not like a driveway.
- Building Code conditions required that the second floor could not be occupied as it could not support the floor loads of an office use, or even storage use. Therefore, the only part of the house the office workers could use was the main floor.
 - Improvements would be made to the bathroom to better suit the new use, as well as other minor tenant improvements.

- The Building Division also conditioned that the Applicant to get an occupancy permit before occupying the building.
- Because the project was being treated as a commercial/industrial use, the Code criteria for trash enclosures and screening applied. The Applicant would provide sufficient parking on the parking lot, but Staff's one concern regarded potential issues with Republic Services being able to access the trash enclosure. Slide 8 showed a parking space directly in front of the enclosure. Mitigating this potential problem was not really a City issue, but rather a matter for the Applicant and Republic Services.
- The Staff report listed many references regarding Special Area of Concern Area G and how to keep Wilsonville Concrete moving forward even with future expansion.
- Staff strongly recommended approval as this was a very low impact conditional use that was very compatible to the surrounding area.

Simon Springall corrected a minor typo in Condition PF3 to state, "Applicant shall ~~with~~ *either*". He asked if the requirement was to build a curb at the existing driveway or was the Applicant being given the choice of building a gate.

Mr. Edmonds clarified the condition provided a choice of a having gate or a standard curb and gutter driveway.

Mr. Springall recalled reading somewhere that the existing driveway was intended to be used for emergency access only.

Steve Adams, Development Engineering Manager, agreed that there was a choice. The Applicant originally expressed a desire to have emergency access there, so he worded the PF Conditions that the Applicant could have the far access gate so they could have access, but he did not want it open so that anyone could just turn in, and then realize they turned the wrong way. Essentially, it would be a non-usable driveway. He believed the Applicant would use the access gate option. He did not believe there was any reason to require that it be an emergency gate. He told the Applicant they could put in a full curb and build the sidewalk as a driveway access as fire trucks have no problem mounting the curb and driving over. Although it looks like a sidewalk, structurally, it would be built as a driveway. He understood the Applicant believed that was too much money and would likely use the gate option, but how the access was cut off was the Applicant's choice.

Kristin Akervall inquired whether the new driveway accessing Industrial Way would be paved considering emergency vehicles could use it as an access.

Mr. Edmonds replied the Applicant had not specified and deferred the question to the Applicant. If emergency vehicles access the site from Wilsonville Rd at the gate, they would not need to come from the south end of the site. The new driveway would be a private drive and the City did not regulate whether it needed to be paved. If the Applicant went with the emergency gate option for fire access, that would be the access for the emergency services.

Ms. Akervall added that the existing access seemed narrow and inquired about the parking shown along the old driveway on Slide 7.

Mr. Edmonds confirmed the Applicant was proposing parking along the old driveway. Condition PD3 required eight parking spaces, so the parking spaces in the old driveway were bonus parking. The Applicant could confirm that their personnel, such as management and estimators, were in and out throughout the day. The Applicant also had a wholesale nursery business. He suggested David Bernert, the Applicant, could give the Board a better picture of the actual operation of the office use.

Lenka Keith understood the old driveway would be used as an emergency entrance as well as parking.

Mr. Edmonds replied he was not the fire marshal, but certain distances would be required for hose lay fashion to the fire hydrant on Wilsonville Road. A fire would not be fought from Wilsonville Rd, he believed the fire department would have to get on the site, but the key was to access the fire hydrant and access around the building to fight a fire, similar to any other residence.

Ms. Keith inquired how emergency vehicles would get on the site if there was parking in the driveway. She also asked about any requirements to leave the access gate unlocked.

Mr. Edmonds replied that he did not have that information. He clarified that the fire district typically requires a Knox box, which enabled them to enter a locked gate.

Chair Fierros Bower asked what the time frame was for a conditional use permit.

Mr. Edmonds replied no time limits exist on conditional use permits. The Montessori school was there for 35 or 40 years under a conditional use permit. While other cities set a time limit, Wilsonville's Code did not. Conditional use permits were rare in the city.

- He clarified that Grace Chapel operated under a five-year temporary use permit. Conditional use permits protect the Applicant more than temporary use permits, which could be revoked if the terms of the permit were violated. It was more difficult to close a business under a conditional use permit, which would require an extreme violation.

Mr. Springall asked if a fire marshal's report was required.

Mr. Edmonds replied there was no fire marshal's report. He brought the application to the attention of the Building Division, which coordinates with the fire department, and noted Condition BD1 covered practically everything, including that the Applicant must demonstrate that they meet the fire code, building code, structural code, mechanical plumbing code, etc. He noted the Board could attach something to the condition that Applicant obtains a fire marshal report before they occupy.

Mr. Springall noted the questions asked about the driveway access from Wilsonville Rd and whether cars parking in the old driveway would be a problem.

Mr. Edmonds suggested that language about including a fire marshal's report could be added to Condition BD 1.

Mr. Springall agreed that language was acceptable. He was also uneasy about the Applicant having a choice to gate or completely block the driveway due to fire safety concerns. For example, if emergency access was from the new driveway from the south, perhaps the road would need to be improved more than proposed to accommodate emergency vehicles; whereas, if the access was from Wilsonville Rd, then the concern would be about access not being blocked. He was concerned about the choice in Condition PF3. He wanted to know which option the Applicant intended and suggested the Board could then phrase the condition language accordingly.

Mr. Edmonds suggested the Board could get more information from the Applicant, who had been very thorough with Staff regarding the operation of the building.

Chair Fierros Bower asked if the fire department would review the plans and make necessary comments on that phase of the project when the Applicant went in for the building permit.

Mr. Edmonds replied he had not sent a notice to the fire marshal since the Building Division typically coordinates with and submits plans to the fire department. In this instance, he believed the Montessori school had adequate fire access off of Wilsonville Rd, as typically, the fire department and Building Division were much more concerned about children and school safety and providing emergency services. In his mind, it met the test for fire and emergency access previously for the preschool for 40 years, so in changing to an office use, it did not occur to him to send a letter directly to the fire marshal. He relied on the Building Division to point out any major flaws they saw.

Ms. Akervall understood Mr. Edmonds' reasoning, but in her opinion, the difference was the access road change, which was not in place with the Montessori school. She was curious about what the Applicant planned and suggested further discussion following the Applicant's presentation.

Chair Fierros Bower called for the Applicant's presentation.

Dave Bernert, Owner, Wilsonville Concrete, PO Box 37, Wilsonville, OR, clarified that the driveway was not designated for parking in the application, and therefore it would be left open for access.

- He noted that Marine Industrials was a heavy construction company owned by the Applicant, and a complete Grading Plan for carrying a full load capacity on the new entry road was included in the application, so the Applicant was increasing access for fire and safety by having two egress and access routes.
- Although open for input, the Applicant's tentative plan was a gate because that was what the fire department was accustomed to in terms of rapid access. In addition to the gate, the Applicant would also provide a little lift so the fire department would have to jump the curb.
- No road currently existed today, only dirt. The Applicant had already designed the Grading Plan and load capacity for the new road to accommodate a full truck, so it would be a full function access route off Industrial Way.
- He thanked Mr. Edmonds and Mr. Adams for their assistance in putting together and reviewing the options the Applicant needed to meet for the conditional use permit.

Mr. Springall confirmed the Applicant was comfortable with the Board making the condition more specific to include, "The Applicant shall construct a fire utility access gate at the existing driveway onto Wilsonville Rd" since that was the Applicant's plan.

Mr. Bernert confirmed the gate seemed like the best option in terms of the Applicant still allowing rapid access from Wilsonville Rd, but also having access from the additional driveway, which would be built to load capacity for trucks.

Ms. Akervall noted that in several places, the application listed there would be six to eight administrative management staff working in the facility. Page 8 of the application included a mockup of the different rooms and it looked like there were six desk spaces plus an additional six cubicles, which was twelve work spaces. She noted previous statements that people would be coming and going throughout the day. She asked how many people were expected to be in the building due to the parking issues that might be created as people might want to park in the old driveway.

Mr. Bernert replied there was probably enough parking for 14 considering the full driveway back. In heavy construction, personnel were flexed because the company was currently working in two to three states. Flex personnel included project managers who were on jobs and might not return to this site for years. Currently, six to eight personnel were expected, but primarily there would be only four active managers, two estimators, a general manager, and a controller. There was extra capacity in the building, but the Applicant would probably not use it. He reiterated his appreciation for the City's support.

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

Sheri Young, Silver Leaf Farms, which was part of the Young partnership, stated that while Silver Leaf Farms would not have personnel in the proposed offices, they were part of the ownership on the property between the subject offices and Industrial Way. They supported the use for the building, so far as it met the requirements, but did have a concern about the driveway being closed. That driveway has served both the Montessori school and the property to the east, which was currently not built but had been built before and had requests from purchasers. She expected the property to be sold for an office or other use.

- She noted that in closing the driveway, the Young partnership was not informed that this driveway would be closed until reading the application.
- She believed it was kind of negligent that the City would close a driveway being used by two parties as a result of the neighbor changing the use on their property. In this case, they were concerned that the triangle between the two properties, amounting to close to an acre, which matters if one plans to sell property, whether the replacement access road would be designated, not just private with serving the development in question, but also the Young property.
 - She noted the family had recently settled with the City regarding a City acquisition where the family previously had an access across a private property that then developed, and the City made that part of the development and then later closed that access. When the back parcel was evaluated, it had less evaluation capacity because of the loss of access. Real estate is location, location, and access.
 - If the subject driveway was closed and then someone decided that Industrial Way could not be used, she noted for 30 years the City has also talked about closing that part of Industrial Way and having another alternative out, subsequently the Youngs would lose value on that piece of property.
- The Young ownership wanted a condition of approval to clarify that the access driveway to the south would serve both properties and provide some assurance that the remainder of the property would be developable in the future.
 - Referencing Slide 4 of Staff's PowerPoint, she noted the two tax lots that did not extend to the proposed access road as indicated by the red line running from the bottom of the office property east to Industrial Way. The Youngs concerned that the subject project would lose the rights of the narrow parcel to develop in the future.
 - She also noted concerns about the parking plan, which showed cars backing out from parking spaces into the narrow area that would be a shared area by adjacent properties. If that narrow parcel, which was partly owned by both the Youngs and Bernerts, was developed, there would be no room for cars to back out, so there could be a problem with both of them using the same road.
- She expected to work further with Mr. Bernert on the exact location of the proposed access road because the access of the property to the east had not been considered; it was losing access and needed a clear access to the south to allow for development of both properties to the south being that they were different ownerships. She clarified there was no plan to divorce the Bernerts, but one never knew what was coming in terms of ownership and the ownership between the two properties was not the same.
- She clarified the location of the two tax lots, the narrow tax lot adjacent to the subject property and the triangular-shaped tax lot to the east bordering Industrial Way.
 - She reiterated her concern that if the City either acquired Industrial Way or cut it off, one could have a hard time access Industrial Way. She noted former City Engineer Mike Stone had wanted a 300-ft backup space, but she was unsure about the depth.
- She reiterated that this plan did not address the issue of adjacent properties and that technically, they were different ownerships, so in planning for one, closing a driveway to one property, and looking at a replacement driveway, the potential development of the adjacent property should have been addressed and whatever was decided about the replacement access road should be recorded.

Mr. Ruud asked if a current easement agreement existed between the parties.

Ms. Young believed the existing roadway was across both properties. She had only seen the application last week and had not yet run a title report. She indicated where the Montessori school had a second house the location of the existing driveway, as well as the other way to come out onto Industrial Way. Other than that, she believed it was a great plan.

Ms. Keith asked about the ownership of the tax lots to the south.

Mr. Bernert explained that the ownership of the tax lots noted by Ms. Young, as well as the two tax lots to the south of the two lots were in 50 percent ownership with the Youngs with an easement to the south and the City of Wilsonville owned the small four-tenths of an acre at the corner of Industrial Way and the proposed driveway. The Bernerts owned the properties to the east and south at 100 percent, as well as the road, Industrial Way. He assured that the Bernert and Young families had a very good working relationship.

Ms. Young suggested that the tax lots and percentage of ownership for be identified in the application to clarify what was impacted.

Barbara Jacobson, Assistant City Attorney, asked if Ms. Young was requesting assurances from the Applicant that the Youngs would be able to use Industrial Way, the Applicant's road.

Ms. Young stated that assumed the parcel already had the right to use Industrial Way. She agreed the Young ownership needed to know they had access one way or the other to retain full development potential.

Ms. Jacobson explained that the City did not control who gives access to who between neighbors unless there was an easement. If there was an easement of record, then that would be retained. She suggested that the Applicant discuss how that would be handled.

Ms. Young noted the City was closing the existing driveway.

Chair Fierros Bower called for the Applicant's rebuttal.

Mr. Bernert clarified it was not really rebuttal. He noted the Applicant owned 50 percent of the two parcels as well, so if put up for sale, they would obviously be interested in making sure the easement would enable the sale of the property and the Bernerts were more than willing to work on all of their multiple easements of the 27 parcels they owned in Section G.

Mr. Ruud asked if the current driveway proposed for closure was strictly on one parcel or was it shared between a couple parcels.

Mr. Bernert believed the access was on the parcel that the Applicant just purchased.

Ms. Keith said it seemed that the Board needed to know if there was an easement.

Chair Fierros Bower asked if the Applicant knew whether an easement existed on the property where the offices were being proposed.

Mr. Bernert replied he did not know.

Ken Ruud asked if Staff was certain—

Mr. Edmonds stated the information was all new to him as he was using the Applicant's record that the driveway was on the Applicant's property. He had no information that the driveway was shared with the adjacent property, so the Board would have to work through the Applicant and Ms. Young to get the information about who controls the accesses. The Montessori school used the access for all those years and it was never closed off by the adjacent property owner. The information seemed convoluted, but was something the Bernerts and Young family could explain. Mr. Bernert stated that there were several ownerships and access involving the 80 acres, but that information was not disclosed to Staff.

Mr. Springall understood the Applicant had full ownership of the pink shaded area shown in the application. He asked if the Applicant was now saying that they had partial ownership of some of those lots.

Mr. Bernert replied there were various ownerships of the 27 parcels and 101 acres. The back 31 acres was owned outright by the Bernerts, as well as the front 27 acres. He referenced some small parcels to the south that had joint ownership, adding that the back portion was typically 50/50 partnerships.

Ms. Jacobson suggested it might be a moot point because there were certain requirements for development and access, so whether or not the driveway was closed might not matter. She proposed that the City Engineer testify as this was his condition and area of expertise.

Mr. Adams did not believe anyone had knowledge that the undeveloped parcels owned by Ms. Young were being accessed by the existing driveway. As far as her concern about continuing access to it, if those parcels were to develop, Engineering would not want access onto Wilsonville Road as it would be a more intense use of the access, which was nonconforming. The access did not meet the safety standards to have a left turn and a driveway located so close together on Wilsonville Road.

- With regard to continuing access to the undeveloped parcels, the fire access gates could have dual locks, one for the fire department that opened the whole gate, and a private lock to open the gate to get to the front property. The gate would not forbid the use of an owner to get in; they just had to stop and unlock the lock to open the gate to drive in.
- He did not believe vehicles would access that driveway very often, but if someone wanted to have access by that driveway they could with a shared lock on the gate, so the City would not be closing the access the Youngs claim to have and use right now.
- He was uncertain how the access to Industrial Way was regulated, but knew the City had some access rights to access the City's water treatment plant. He was unsure whether Dave Bernert or his company would forbid access to Ms. Young's property from Industrial Way, but suggested Mr. Bernert could provide that answer.

Mr. Springall understood access would be required to develop the property and presumed that access would need to come off Industrial Way.

Mr. Adams replied he would need to talk with Ms. Jacobson to confirm what rights the City had. He knew the City could not make a property undevelopable by cutting off access, but was unsure what could or could not be done in this case. The City would not want an intensified use on Wilsonville Road from that driveway because it had nonconforming spacing. If Ms. Young had a development application, Engineering would look through the ramifications and the legal rights for both parties before making a decision about the two undeveloped parcels.

Mr. Ruud understood that with Industrial Way being a private drive, the City could not require access off of Industrial Way for the currently undeveloped property.

Mr. Adams replied Industrial Way was private, but the City had an easement and actually owned part of the street due to agreements made years ago when the water treatment was being built. The City owned parcels that cut across the road. He believed easements were also granted to OrePac to use Industrial Way. Although private, OrePac got its access from there, too. It was not a sole use driveway.

Mr. Springall inquired whether the new information made it appropriate to hold the proposal over to the next meeting in order to clarify these questions.

Ms. Jacobson replied certainly, the Board could defer making a decision in order to give the Applicant a chance to speak with Ms. Young. It appeared that the driveway was solely on the Applicant's property, but if an easement was in place, express or implied, then that ought to be worked through. Staff could also look at what the City's rights were regarding the access on Industrial Way. She believed the City had an easement, but it was still the Applicant's property, so even though the Applicant had given the City an easement, whether or not the Applicant had given or was willing to give anyone else an easement was the Applicant's right. Even without Staff's recommendation, if the Applicant wanted to close that driveway off and no easement existed for the adjoining property owner that was the Applicant's right. The parties had a good working relationship, so perhaps they could figure that out before the next meeting.

Mr. Edmonds noted that this was Mr. Ruud's last meeting and any other reappointments were uncertain, so at least three Board members would need to be at the next meeting to have a quorum.

Ms. Jacobson suggested the Applicant provide any thoughts about what he knew or wanted to do.

Ms. Keith asked if the Board could require that an easement be in place prior to development.

Ms. Jacobson replied not if there was not an easement there now.

Chair Fierros Bower called for the Applicant's rebuttal.

Mr. Bernert reiterated the Applicant owned 50 percent of the parcels that they would be granting an easement on. They would be granting an easement to themselves so it was a moot point. If there was a opportunity and desire to move some of those parcels, it would be in the Applicant's best interest to substantiate an easement off of their own private road, as well as the proposed access route to the building. Logically, it seemed straightforward as the Applicant would be the beneficiary if there was a desire with the Youngs to sell either of those properties.

Mr. Ruud agreed that made sense, but the Board had to make sure it lived beyond the Applicant. For instance, if Applicant sold their 50 percent interest in the property, could whatever was agreed to at this meeting live beyond that.

Ms. Keith added good relationships could go bad, and there would be no guarantee that the 50 percent owner would be able to sell their percent ownership without legal access.

Mr. Bernert clarified the partnership was more than 50 years old, so there were lots of opportunities for it to go bad, and the parties had sustained this partnership before the city was a city.

Chair Fierros Bower understood the Board wanted to request additional information and have the Applicant return with that information.

Mr. Springall confirmed there could be a motion along those lines as one way to resolve the issue. Another way would be to approve the application as presented. He questioned whether the hearing should be closed or remain open.

Ms. Jacobson suggested the Board keep the hearing open to keep the dialogue going with the Applicant and Ms. Young. The issue was whether there was some existing right being deprived of the Young property owner to use the driveway that the Applicant and the City wanted to have closed. It did not sound like there was an easement, but no testimony had been heard specifically to that effect. She suggested having the Applicant clarify that, and perhaps the property owners could come to an agreement whereby it was not the City's issue to worry about and the application could be approved.

Chair Fierros Bower called for the Applicant and Ms. Young to come forward.

Mr. Ruud asked if there was an existing access easement between the parties.

Ms. Young suggested obtaining a title report. She noted that in looking at map there was too much green to where the existing road was located. The left hand turn from Wilsonville Road indicated that the road comes across both property lines. She knew tax maps were not very accurate and suggested determining where the road went, because if it was shared, then closing it would require a replacement access and getting that on the record in case the friendly partners die and the heirs and assigns get into problems.

- She was uncomfortable with the City closing an existing driveway where it was not clear that both properties had been notified, and that the remainder of access for a property was dependent upon Industrial Way, which everyone assumed was usable, but that was actually unknown. Unfortunately, she had seen things go bad when she was told, "Oh, it will be fine." She stated if the Board was fine with that, the Youngs and Bernerts could work that out amongst themselves.

Mr. Bernert said he was not sure what there was to work out. He did not bring the title to definitively answer the question about whether an easement existed.

Ms. Jacobson believed the title needed to be examined to determine if the closed driveway encroached on both properties, which would be an issue. If the driveway was solely on the Applicant's property, then the Applicant could do what they wanted with their property. In the meantime, perhaps the Youngs and Bernerts could figure out a solution before the next Board meeting.

Mr. Ruud asked about the lead time on the application.

Mr. Edmonds replied there was plenty of time, noting the 120-day rule, including appeals, was by March 9, 2015. He was concerned about having a quorum for a continuance due to term limits and people moving, but added that perhaps a member from Panel B could sit in.

Mr. Springall agreed to attend one more meeting even if he was appointed to the Planning Commission.

The remaining Board members confirmed their availability for next month's hearing.

Mr. Edmonds suggested a continuance, adding he believed more evidence was needed.

Mr. Ruud stated he could attend the January 12th meeting, if necessary.

Chair Fierros Bower confirmed there was no further public testimony and closed the public hearing at 7:43 pm.

Lenka Keith moved to continue the public hearing for Resolution No. 294 to January 12, 2015 to clarify the location of the current access driveway and for Staff to obtain additional information from the fire marshal. Ken Ruud seconded the motion, which passed unanimously.

Chair Fierros Bower called for a brief recess at 7:44 pm and reconvened the meeting at 7:48 pm.

B. Resolution No. 295. Chateau Villebois: Stacy Connery, AICP, Pacific Community Design – Representative for J. Patrick Lucas, Chateau Villebois LLC – Applicant.

The applicant in requesting approval of SAP Central Refinements, PDP 2 Central Modifications, Variances for front setbacks and building height for Chateau Villebois, a Final Development Plan for Chateau Villebois and Tract 'R' Pocket Park and a Final Development Plan for Lot 74 Carriage Homes. The site is located on Tax Lots 1900, 2200 and 2500 of Section 15AC, T3S, R1W, Clackamas County, Oregon. Staff: Daniel Pauly

Case Files: DB14-0057 – SAP Central Refinements
DB14-0058 – PDP 2 Central Modification
DB14-0059 – Variance: Front Setback for Chateau Villebois
DB14-0060 – Variance: Building Height for Chateau Villebois
DB14-0061 – Final Development Plan for Chateau Villebois and Tract 'R' Pocket Park
DB14-0062 – Final Development Plan for Lot 74 Carriage Homes

Chair Fierros Bower called the public hearing to order at 7:48 p.m. and read the conduct of hearing format into the record. All Board members declared for the record that they had visited the site. No board member, however, declared a conflict of interest, bias, or conclusion from a site visit. No board member 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 comments:

- The proposal involved two projects, one for a 49-unit apartment building, and three carriage home units, similar to the units reviewed by this Board a couple months ago.
- He noted that in previous applications, the Final Development Plan (FDP) dealt primarily with parks and open spaces; but in this case, since the property was in the Village Center, the FDP actually dealt with all the architecture details as well.
- SAP-Central Refinements. (DB14-0057)
 - Density. Reducing the number of condos and increasing the number of urban apartments was proposed for a total increase of 10 units, which was about a 1 percent change; well within the 10 percent allowed in the Development Code through the refinement process.
 - Rainwater Features. The previous approval included onsite rain gardens to treat about 3600 sq ft, but with the development taking up essentially the whole lot including landscape buffers, the Applicant proposed placing the bioretention cell in the Barber St right-of-way, which would actually treat more impervious area. Staff also supported this refinement.
- PDP 2 Central Modifications (DB14-0058)
 - The shape and size of buildings were different in the previous PDP approved for Chateau Villebois on Lot 71. Now, an apartment building essentially spanned the whole lot. He noted the adjacent parking, circulation area, exterior trash enclosure. Other elements still included the pocket park, a midblock pedestrian path going from Toulouse St to Barber St, and the three

- Carriage Homes fronting the alley off Toulouse St.
- Parking. Chateau Villebois was meeting the parking requirement with a mixture of parking spaces: 42 spaces were in the parking structure under the building; 14 spaces were along the back property line; six parking spaces on Barber St; and two adjacent parking spaces on Costa Circle.
 - The Village Code clearly allowed parking requirements to be met on adjacent rights-of-way. For example, a lot of the parking for The Domain, the larger, multi-building apartment complex in the Village Center, was on the adjacent streets.
 - With a total of 64 parking spaces, 93 percent of the parking requirement was met on site, but not in structures that would likely be used for purposes other than parking. Staff expected that all the parking spaces would be available for tenant parking.
 - Each carriage home unit had a two-car garage underneath, providing plenty of parking for the three, 600 sq ft units. Even if all the garages were used for storage, the parking standard would still be met for the Carriage Homes.
 - Bicycle parking would be accommodated by a bike rack located at the main entrance on Barber St, as well as an interior bike room to provide long-term parking for the residents.
 - Traffic. Proposed for PDP 2 Central were 32 new trips, a 10 trip peak hour difference from the 22 trips originally approved, but this did not raise any concerns from the City's traffic engineers.
 - He addressed clarifying questions from the Board as follows:
 - He clarified that the on street parking was in the existing right-of-way of Barber St and the bioretention cell would be in the planting strip between the sidewalk and curb. He confirmed landscaping would be placed at the end of the Carriage Homes facing Toulouse St (Slide 34). There was no parking adjacent to the street there, only landscaping.
 - The Villebois Village Master Plan included a variety of different types of units, including urban apartments, stacked flats, and condos: The main difference was ownership style. Originally, the project was going to be of a modular construction, though he did not have all the details on the previous approval. The aggregate land use category of attached urban housing included a variety of specialty housing, which was expected to flex one way or another, depending on the market at the time.
 - He confirmed that the previously approved condos were intended for ownership and now rental units were proposed.
 - He did not know how many parking spaces would be assigned.
 - Regarding concerns about subleasing larger units and the potential of having additional vehicles, he deferred to the Applicant. He noted the majority of the units were one bedroom, so a majority of parking would be assigned to one-bedroom units.
 - He continued with the Staff report by reviewing the variance criteria in the City's Code (Slide 15), noting the basic premise of a variance was that Code compliance was "impractical" and created "unnecessary hardship" because some issues existed that need to be resolved.
 - The two criteria the Board would be considering regarded the notion of unique circumstances and that the variance requested was the minimum necessary.
 - Variance: Front Setback for Chateau Villebois (DB14-0059) The Village Zoning Code required a 5-ft front setback for a multi-family building in the Village Center and the Applicant was requesting a 1.5-ft or 18-inch setback.
 - In the 2009 approval, which had since expired, the design and front articulation of the building was different, but a variance was granted for 1.5 ft, but while this had been done before, the Board should consider the current variance request based on the current merits.
 - One key argument made in the Applicant's application had to do with the uniqueness of the site and where it was set in the transect of the Village Center. In the Development Standards, no front setback was required for mixed-use buildings in the Village Center, such as the building right next to the Piazza. The building could go essentially right to the property line; however, a 5-ft setback was required for multi-family dwellings.

- Additionally, the mixed-use building adjacent to the Chateau Villebois could potentially be built right to the property line, so having this building also right to the property line would create a more consistent setback and a more consistent feel of an edge of an urban room along Barber St.
- Also discussed was the nature of the trees. There were three preserved trees along Barber St in the landscape strip between the sidewalk and street, and there were preserved trees in the pocket park, so the building needed to fit between those trees, which was a unique circumstance.
- He clarified that an intervening sidewalk would run between the proposed building and the adjacent, future mixed-use building with trees and greenery planted along that pedestrian path.
- He noted that both variance requests were being driven by putting a building on top of a parking lot due to the dimensions involving the length of the parking stalls and the practical width of a drive aisle.
 - With or without the added units, the size of the lot and not having any surface parking planned anywhere nearby, drove this to be a project with a parking structure, which was related to the variance request.
- He reviewed the dimensions of the site's features, including the parking stall lengths for two rows of parking and the drive aisle, resulting in 1.5 ft remaining, which was the Applicant's request. (Slide 20)
- He clarified that the hardship was not being able to program a building over parking on the subject property with a 5-ft setback.

Mr. Ruud asked if that was due to the increase from 39 to 49 units.

Mr. Pauly replied not necessarily. There were 42 parking spaces underneath and parking would still be needed for 10 units, most of which were smaller units, but he had not done the calculation. Without the 10 units, some of the parking could be removed and on street parking used so the building could be moved back. However, for years there has also been the notion of having a consistent setback along Barber St, especially considering some of the issues related to the height variance, where the non-residential use was on the ground floor, similar to a mixed-use building right at the street, so the variance made sense from an urban design standpoint as well.

- The Applicant's primary argument was having that the inconsistent setback between two similar buildings that in the end could be about a 9 ft difference. It would be a more consistent look along the street to have them similarly setback. However, the minimum necessary was hard to calculate for consistency in urban design. If that room was needed for the required parking, then the calculation on Slide 20 was really the argument for the minimum necessary criterion.

Chair Fierros Bower asked if the Applicant was proposing something that went beyond what zoning regulations required as far as design; some kind of a give and take.

Mr. Pauly replied that the Development Code did define the minimum depth for a parking stall. At least 60 percent of the parking spaces needed to be standard parking spaces, which have a minimum length of 18 ft. Compact spaces could be 15 ft long, but the spaces adjacent to the narrow planting strip toward the back had to be 16 ft long due to requirements to have a wheel stops to prevent vehicles from going into the landscaping and buffer area. That extra foot was needed to keep the car from overhanging into the landscaping and other property.

Ms. Keith understood having three units more or less did not matter, as long as there were two rows of parking this spacing was required.

Mr. Pauly confirmed as long as three rows of parking were required, this was the minimum given that parking structure. He reiterated no specific drive aisle width was required in the Development Code. He

suggested the city engineer could talk more to what was practical and functional. The Board had had previous discussions about functional parking and functional drive aisles; that 24.5 ft seemed fairly standard and when moving cars in a short structure, more of that space would be wanted to move around.

Ms. Akervall agreed with Mr. Pauly's comments about the 24.5 ft, adding she always gets a little claustrophobic in parking garage spaces. She asked if someone could speak to the standard and soothe any concerns that enough space would exist to back cars out of the four compact spaces on the end inside, specifically, without incident. The space shown in the diagram looked small to her.

Steve Adams, Development Engineering Manager, stated guidelines in parking and traffic books exist for private parking areas, but he did not know what the standard width was as he dealt more with right-of-way. He knew the standard width for fire access was 20 ft, and offered to research the appropriate width between two aisles of parked cars.

Mr. Pauly suggested the Applicant's design team could explain why 24.5 ft made sense from their calculations.

Chair Fierros Bower noted in other jurisdictions where she had worked, 24 ft was typical in double-loaded parking areas, and 12 ft behind a single aisle of parking stalls.

Mr. Pauly clarified the single row of parking was intended to have two direction traffic, so even 18 ft would be fairly narrow.

Ms. Keith noted the interior columns and did not believe it should be any narrower.

Mr. Pauly agreed, noting the columns combined with the narrow drive aisle at Red Robin made maneuvering worse. He proceeded with the Staff report and PowerPoint as follows:

- Variance: Building Height for Chateau Villebois (DB14-0060)
 - In the Village Center, multi-family dwellings were 45 ft and mixed-use buildings were allowed to go up to 60 ft. That 15-ft difference essentially accommodated the commercial tenant space with four stories above to equal 60 ft. The commercial space included a 10-ft clear ceiling, a couple feet of mechanical space, and essentially a 1-ft floor between levels.
 - The Applicant was requesting that a 51 ft high building be allowed. Although a single building, multiple components would be discussed further in the FDP. The proposed building's four-story 51-ft high portion was closer to where the 60-ft building would be permitted. The building then transitioned down to 40-ft high, which was below the maximum, as it got closer to the park and the single-family to the west.
 - He noted that due to the way the parking was designed and to provide ventilation, the parking structure itself rose about 8 ft above grade, resulting in the building being 6 ft over the maximum building height.
 - The middle of the structure was obviously even higher, but the Village Center Architectural Standards (VCAS) allowed elevator shafts, towers, etc. to go above the maximum height by right; therefore, the middle structure was acceptable regardless of whether the variance was granted or not.
 - At 51 ft, the eastern portion of the building was 6 ft over the maximum height required. Similar to the mixed-use commercial building with 40 ft to 45 ft of residential structure, one could argue that in lieu of the 15 ft for mixed use, there was 8 ft of parking underneath that required increasing the height beyond 45 ft to get the four stories and allow for ventilation of the understructure parking.

Mr. Ruud noted the previously approved four-story Portera at the Grove building, which he thought was unique for a four-story, and asked if the Code had a height or a story requirement.

Mr. Pauly explained an optional requirement in the VCAS did encourage meeting maximum building heights in this area given the desire to make the Village Center a true urban core.

Ms. Keith noted in the picture that the average height appeared to be just a bit over the current maximum.

Mr. Pauly answered yes, if the two sides of the building were averaged; specifically, the east side would be 6 ft over.

Ms. Keith said she would argue that it was better perhaps to have different heights; otherwise there would be one big mass that was all the same height.

Mr. Pauly added especially if one envisioned a 60-ft building just to the east and the stepping that would occur transitioning from the denser urban core down to the park and single-family row home areas.

Mr. Ruud recalled seeing that the four-story and height variance allowed for the roof terrace, but that could still exist with a three-story building.

Mr. Pauly agreed it could, but deferred to the Applicant to address any financial implications. He cited arguments made for the Portera at the Grove, that it was an elevator building with structured parking, both of which were very expensive to construct and would often drive the unit count to make the project pencil. He noted the Applicant had not presented any information on that to Staff thus far.

Mr. Ruud asked if there were other existing four-story apartments in Wilsonville.

Mr. Pauly replied the proposed Chateau Villebois was adjacent to The Charleston, a four-story building that was 41-ft tall. There would likely be tall buildings across the street as well. He noted Chateau Villebois would be noticeable in that location until other buildings are built, which was why architecture would be discussed as well.

Mr. Springall asked about the height of the mixed-use building across the street around the Piazza, which he believed was four floors above retail.

Mr. Pauly was unsure, but believed it was about 60 ft high, assuming 10 ft per residential floor and 12 ft to 15 ft for the retail floor. He continued with the Staff report as follows:

- Final Development Plan for Chateau Villebois and Tract “R” Pocket Park (DB14-0061)
 - He displayed several slides showing the four elevations Chateau Villebois, as well as several street views of the building and highlighted the proposed architecture, color, and materials in light of Staff’s review the VCAS with these key additional comments:
 - Each elevation reflected the same design and featured full design improvements.
 - The changes in materials, colors, vertical façade planes, bays and recesses, as well as breaks in the roof elevation helped articulate the façade to break up what otherwise would be a very large expanse of building. Other elements like offsets at different projections and balconies at different levels also helped break up the building. In Staff’s opinion, the Applicant did a good job of making a large building look like a smaller scale.
 - The VCAS discussed using heavier materials at the base to define the bottom and top of the buildings. The Applicant did a good job using brick on the Normandy style, three-story portion, which gave way to stucco panels higher up and then a clear roof. Natural stone-looking, porcelain tiles used on the Parisian-urban style gave way to the stucco panels with a clear parapet at the top.

- Using natural stone veneer all the way up the central element broke up the two buildings and provided a transition on the front elevation.
- The proposed building maintained a consistent French architectural standard.
- The parking structure would be screened by decorative grill work, as discussed in the VCAS.
- The use of either square or vertical windows is consistent. Although the wider windows looked horizontal all together, they were separate, vertical window elements that provided a vertical look.
- The balcony windows were large enough to allow light and air into the apartments, as well as providing some outdoor living space or access for each of the units.
- On Slide 27, he noted a row house had been constructed in the area shown behind the runner.
- He reviewed the floor plans for each of the four floor levels, noting the units were predominantly one-bedroom units with three-bedroom units on the ends and two-bedroom units scattered throughout.
 - The first floor included a bike room, which was required for long-term bicycle parking.
 - The fourth floor had a roof terrace and six units.
 - He noted that even if the six units were removed, three rows of parking would probably still be needed.
- All of the landscaping was consistent with the Community Elements Book, was professionally designed, and used approved species. The furniture in the pocket park followed the Community Elements Book as well.
- Final Development Plan for Lot 74 Carriage Homes (DB14-0062)
 - The proposed Carriage Homes were the same design and used the same type of materials as the others previously approved.
 - Buffering landscaping was proposed along the street and around the site, which was consistent with the Community Elements Book.

Ms. Keith noted Page 6 of 78 of the Staff report discussed street trees. She asked where the tulip tree would be located, and specifically, how close they would be to the building.

Mr. Pauly replied the tulip tree was the preferred species on Costa Circle. The trees would be planted in the planting strip with a 5-ft wide sidewalk and 5-ft setback before reaching the building.

Ms. Keith said she was concerned because the trees could grow gigantic, as high as 90 ft to 100 ft, and sometimes twice as much; they also tended to be a little messy. She understood that was the suggested species, but she questioned if having such large trees so close to the building was a wise choice.

Mr. Pauly replied the tulip tree would be about 10 ft away and pruning should be sufficient to make sure it did not interfere with the building. From Staff's perspective, providing a consistent look along the street was a big consideration as well.

Ms. Akervall asked if the trees along Barber St, which had very little setback, were tall and skinny and why some proposed street trees on Page 6 were not the preferred species.

Mr. Pauly agreed it was a valid point. He explained that when the master planner was developing the plan, they wanted a consistency of street tree to provide the desired urban design, especially on the main boulevard. Staff could look at the list of approved street trees to see if more columnar trees could be found that would be more appropriate. Staff could also work with the Applicant and the master planner to suggest more columnar trees when dealing with zero to 1.5 ft setbacks rather than a broader tree.

Ms. Keith believed the canopy of a tulip tree could be 40 ft across, and the trees drop a lot of sap, so this did not seem like a wise choice for this particular spot.

Mr. Pauly advised modifying the condition to allow Staff to work with the Applicant for one of the other approved types of street tree to make sure a species was chosen that would work long term.

Chair Fierros Bower inquired about the proposed plantings in the bio swale.

Mr. Pauly replied it would have native plantings. Staff did not have the specific plant palate but Natural Resources was working with the Applicant, who might know the design. On other projects, Staff did not often have the full plant palate for rainwater gardens. Specific plant palates were in the Community Elements Book, as well as the rainwater programs that needed to be followed. Staff has had success following those and letting the engineers and Natural Resources Manager Kerry Rappold work together to come up with a plant palate that made that function the way the City wanted. Oftentimes the black tupelo was used if a tree was required because it handled the wet conditions better.

Chair Fierros Bower liked the idea of having vegetation along the Barber St frontage to provide screening for the 8-ft area where there was just wall and the grating.

Mr. Pauly added providing that it was set in different levels in terms of design as well.

Mr. Springall noted the distributed letter from Tualatin Valley Fire & Rescue (TVF&R) and the concern about the three trees in the pocket park noted at the bottom of the first page in bold.

Mr. Pauly believed TVF&R was referring to the preserved trees on Barber St, which he did discuss with Building Plans Examiner Don Walters, who said it would be worked out and had not flagged it as a big concern. The Applicant would have to do some design considerations to compensate for any lack of fire access in certain locations. Tradeoffs were often done in building design, such as sprinklering every home in Villebois to allow for the skinnier streets.

- He entered a letter received from Tualatin Valley Fire & Rescue dated December 1, 2014 supporting the application predicated on the listed criteria and conditions of approval into the record as Exhibit C6.

Mr. Edmonds responded to Chair Fierros Bower's earlier question by reading Condition NR4, which stated, "Plantings in rainwater management components located in the public area shall comply with the Public Works Standards." He noted Public Works Standards would have a preferred list of rainwater plantings.

Mr. Pauly agreed, adding that adopted plant lists exist all over that really drove that.

Mr. Springall confirmed the midblock trail was a hard concrete surface and asked what type of traffic would be allowed on it.

Mr. Pauly confirmed it was hard surface and that as with other midblock crossings, it would not be restricted to pedestrians. It would be a private path with public access, which meant it would be open to the public, but the rules established by the homeowners association (HOA) had to be followed. For example, if the HOA did not allow skateboarding, that might be restricted. He noted it was an older easement, so he was unsure of the exact language for the access easement on the recorded plat.

Mr. Springall suggested that given the urban nature and intent, it would seem appropriate to allow all sorts of vehicles as long as they were not dangerous, including skateboards.

Mr. Pauly said he was not aware of any HOAs that had restricted skateboarding. He would expect bicycles would be allowed at least.

Chair Fierros Bower called for the Applicant's presentation.

Stacey Connery, Costa Pacific Communities, representing the Applicant, said she appreciated Mr. Pauly's thorough Staff report and offered to respond to any questions.

Chair Fierros Bower recalled a question about assigned parking spaces and how that would be handled.

Patrick Lucas, Chateau Villebois, LLC, stated he had not thought about it, but the parking spaces should be assigned. This was the first time subleasing had come up, but he did not think it would be allowed; the management company would handle that. The three-bedroom units would most likely be families, not people subleasing the spaces, but he was aware subleasing did happen.

Ms. Akervall asked for more information regarding the street trees on Barber St, including their shape.

Ms. Connery replied the landscape architect was not present, but she knew the landscape architect had reviewed the list and selected the trees from the list she believed would work best in this environment. She requested that the condition be modified to allow a choice of trees that would work well next to this type of building and to allow the Applicant to work back and forth with Staff.

Mr. Lucas addressed the height issue and setback, noting the original approval was for two buildings called Trafalgar Condominiums. It was more efficient to make one building, but the Applicant did not want one giant box. He decided to make the side closest to the residential units shorter and then taller toward the Village Center because the next building over was planned to be 60 ft tall. The buildings heights would be 42 ft, 51 ft, and then 60 ft high, which he believed was the original intent of the design to have more of a metropolitan type of Village Center.

- He attended the HOA meeting at Villebois about a month ago and a main concern of the residents was the traffic and speed on Barber St. He understood that taller buildings closer to the street had what was called a "calming effect," where people naturally slowed down.
- Regarding the setback, he noted that getting the parking and drive aisles in the plan was really tight. He suggested the thing to keep in a mind was that a 1.5 ft setback was not 1.5 ft off the street, but more like 10 ft from the curb, approximately.

Ms. Connery noted it would be pretty close. There was a 5-ft sidewalk and a 7 ft to 8 ft planter.

Ms. Akervall inquired about the space between the Carriage Homes and future mixed-use building and what was planned for that edge of the Carriage Home building adjacent to that future mixed-use building.

Ms. Connery replied most likely there would be some parking maneuvering and parking spaces back in that area because parking needed to be behind the building that would front onto Barber St. The alley would likely continue on.

Mr. Pauly believed an Important Oak north of the Carriage Homes was likely to be preserved.

Mr. Springall recalled asking about the tree two months ago. The right side of the Slide 10 stated, "Future Detached Row Homes," which the Board approved quite recently. The smaller tree was an oak marked Important. He asked about that tree and the discussion was it would need to go to have turning space.

Mr. Pauly responded that was not considered under this application.

Mr. Springall agreed it was a previous application.

Ms. Connery explained that the tree directly north of the Carriage Homes was also marked as being retained. She did not recall the species or classification. Most likely, there would be some landscaping, as well as parking maneuvering within that vicinity. She had not seen the site design, but if the tree was retained, there would be more space between the buildings.

Mr. Ruud asked if the variances were required for the previous 39 units versus moving to 49 units.

Ms. Connery stated the front setback variance was part of the previous approval, but not the height variance.

Mr. Ruud asked if the increase from 39 to 49 units caused the height variance.

Mr. Lucas answered yes. He added two issues existed with the parking. It was better to have one elevator than two, but the building ended up with one and a quarter elevators as a little elevator provided ADA access for people to get out of the parking garage to the enclosed trash enclosure. He also believed the rooftop terrace needed to be serviced by the elevators. Therefore, one side was four stories and the elevator came up so people could go down the hall or out to the terrace. He acknowledged they did not need to do the rooftop terrace, but believed it was a good addition.

Ms. Connery commented in the context to the request for the height variance, there were some implementing measures and design standards in the Villebois Master Plan that were carried through the Code and VCAS that encouraged building massing when approaching the Village Center. While the Applicant was asking for a variance to the Code, she believed the building design better achieved the intent of that standard of increasing the building massing as one got closer to the Village Center.

Mr. Ruud asked if it would be more desirable economically to have 49 units.

Mr. Lucas answered absolutely.

Mr. Edmonds commented that he was glad the original Trafalgar project expired as it was a very monolithic building with very straight lines. It was a modular, prefabricated building kind of like Legos, and in his opinion, this proposal was a far superior design.

Chair Fierros Bower believed the Applicant had done a great job creating relief on the façade as well the roofline. The Trafalgar project was a rectangular building with no relief whatsoever. There was a lot of excitement and elements and different materials being used by the Applicant to create that relief and interest.

Mr. Lucas offered his thanks, noting it took a lot of work and the first five tries did not look good.

Ms. Akervall said she also liked the rooftop terrace and asked if there would be any greenery on the rooftop terrace as well.

Mr. Lucas replied yes, and that should be in the plans.

Ms. Akervall appreciated the preservation of the trees in the pocket park as well.

Mr. Springall appreciated how tight the project was but asked if there should be any concern about preserving those trees with the construction of the parking garage so close, especially to the northern most of the three trees. All the major plans showed the tree canopy slightly overlapping the parking structure.

Ms. Connery clarified that the floor where the parking garage would be had an outdoor space or patio on top, so the building wall would actually be farther from the canopy.

Mr. Springall confirmed the canopy could overlap because of the balcony.

Mr. Lucas noted that both of his general contractors were present and both currently live in Villebois.

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

Max Gordichuk, Costa Pacific Communities, stated he worked with Villebois Master Planner Rudy Kadlub, who was unable to attend, but Costa Pacific was very excited about the prospect of Chateau Villebois and believed it was a great addition to the Village Center of the community. They strongly supported the proposed project.

Chair Fierros Bower confirmed that the Applicant had no rebuttal.

Ms. Keith preferred giving the Applicant some flexibility regarding the street trees along Barber St.

Mr. Pauly agreed and suggested striking the condition and modifying the finding.

Ms. Akervall understood that in striking the condition, it was assumed the Applicant would work with the City.

Mr. Pauly answered yes, noting the Applicant still had a proposed street tree. He suggested the Board modify the wording to state that all street trees would match the Community Elements Book.

Chair Fierros Bower closed the public hearing at 9:04 p.m.

Mr. Springall believed this was a very attractive proposal and design. The Board had heard discussion about how allowing the height to increase toward the center helped contribute to the urban center desired in Villebois, and previous applications close to this particular area of Barber St had increasing building heights toward the center. Clearly, there was an economic benefit for allowing for the increased height, but the benefit was not just to this apartment building but to the entire Village Center, where clearly some economic benefit was needed. There were existing retail building that really needed to be enabled, and retail was proposed adjacent to the subject site that would hopefully be able to be built, though clearly not until there were sufficient people in this location to justify the economy of those retail buildings. Therefore, he fully supported the setback and height variances to enable a slightly higher density at this particular location.

Chair Fierros Bower believed the Applicant had done a really good job as far as the articulation of materials, which went beyond the setback and height variances being requested.

Mr. Ruud understood the arguments. He believed it was a beautiful design, but he was not supportive of granting variances to build apartments in Wilsonville.

Ms. Akervall liked the inclusion of an elevator in the building, which allowed for some single level living spaces, which was important as not a lot of single-level living options existed in Villebois. She

believed this was an important addition to the community. The original plan had condos that would have been owned, and she was sad to see that go, but it sounded as if the Applicant could not build those buildings now given the economy. In her ideal world, condos would be proposed. She did like the single-floor living which would bring stability and a diversity of population into the neighborhood, which was needed.

Lenka Keith moved to amend the Staff report by adding Exhibit C6 and modifying Condition PDE5 to include language that the street trees will match the Community Elements Book. Simon Springall seconded the motion, which passed unanimously.

Simon Springall moved to adopt Resolution No. 295. The motion was seconded by Lenka Keith and passed 4 to 1 with Ken Ruud opposing.

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

VIII. Board Member Communications

- A. Results of the November 24, 2014 DRB Panel B meeting

IX. Staff Communications

Blaise Edmonds, Manager of Current Planning, noted this would potentially be Mr. Ruud's last DRB meeting. He thanked Mr. Ruud on behalf of Staff and the City Council for his efforts, volunteering, great questions, standing out and making everyone think about projects; he would be missed on the Board.

Ken Ruud appreciated the comments. He said it was a pleasure getting to know everyone and to serve. It was not what he expected going in, but that was a good thing.

The Board commended Mr. Ruud's participation and valuable input.

Mr. Springall noted Mr. Ruud had a good, though different, perspective that was very valuable. He hoped future Board members would offer mixed opinions. Having like minds was not beneficial; the benefit came when many people from different perspectives served on the Board.

X. Adjournment

The meeting adjourned at 9:16 p.m.

Respectfully submitted,

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