



**Development Review Board
Panel A Meeting
May 10, 2021
6:30 pm**

This meeting is taking place with social distancing precautions in place:

- Board members are participating virtually, via Zoom videoconferencing
- Anyone experiencing fever or flu-like symptoms should not attend
- Council Chambers capacity is limited to 25 people and social distancing guidelines will be enforced

To Provide Public Comment

- 1) E-mail Shelley White at swhite@ci.wilsonville.or.us for Zoom login information
- 2) E-mail testimony regarding Resolution No. 388 (Canyon Creek 8-Lot Subdivision) to Philip Bradford, Associate Planner at pbradford@ci.wilsonville.or.us by 3 pm on May 10, 2021.
- 3) In-person testimony is discouraged, but can be accommodated. Please contact Daniel Pauly at pauly@ci.wilsonville.or.us by phone at 503-682-4960 for information on current safety protocols.



**Wilsonville City Hall
Development Review Board Panel A**

Monday, May 10, 2021 - 6:30 P.M.

- I. Call to order:
 - II. Chairman's Remarks:
 - III. Roll Call:
 - Daniel McKay Jean Svadlenka
 - Kathryn Neil Ben Yacob
 - Rachelle Barrett
 - IV. Citizens' Input:
 - V. Consent Agenda:
 - A. Approval of minutes of the April 12, 2021 DRB Panel A meeting
 - VI. Public Hearings:
 - A. **Resolution No. 388 (*revised*). Canyon Creek ~~8-Lot~~ 5-Lot Subdivision: Scott Miller, SAMM-Miller LLC – Applicant for William Z. Spring and Fallbrook, LLC – Owners.** The applicant is requesting approval of a Comprehensive Plan Map Amendment from Residential 0-1 Dwelling Units per Acre to Residential 4-5 Dwelling Units per Acre, a Zone Map Amendment from Residential Agriculture-Holding (RA-H) to Planned Development Residential 3 (PDR-3) and adopting findings and conditions approving a Stage I Master Plan, Stage II Final Plan, Site Design Review, Type C Tree Plan, Tentative Subdivision Plat, ~~and Waiver for an 8-lot~~ 5-lot residential subdivision located at 28700 ~~and 28705~~ SW Canyon Creek Road South. The subject site is located on Tax Lot 6400 ~~and a portion of Tax Lot 3800~~ of Section 13BD, Township 3 South, Range 1 West, Willamette Meridian, City of Wilsonville, Clackamas County, Oregon. Staff: Philip Bradford
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- | | | |
|-------------|-----------|------------------------------|
| Case Files: | DB20-0039 | Zone Map Amendment |
| | DB20-0040 | Comprehensive Plan Amendment |
| | DB20-0041 | Stage I Master Plan |

DB20-0042	Stage II Final Plan
DB20-0043	Site Design Review
DB20-0044	Type C Tree Plan
DB20-0045	Tentative Subdivision Plat
DB20-0053	Waiver <u>(no longer needed in revised design)</u>

This item was continued to this date and time certain at the April 12, 2021 DRB Panel A meeting.

The DRB action on the Comprehensive Plan Map Amendment and Zone Map Amendment is a recommendation to the City Council.

- VII. Board Member Communications:
 - A. Recent City Council Action Minutes

- VIII. Staff Communications:

- IX. Adjournment

Assistive Listening Devices (ALD) are available for persons with impaired hearing and can be scheduled for this meeting. The City will also endeavor to provide the following services, without cost, if requested at least 48 hours prior to the meeting.

- Qualified sign language interpreters for persons with speech or hearing impairments.
- Qualified bilingual interpreters.
- To obtain such services, please call the Planning Assistant at 503 682-4960

DEVELOPMENT REVIEW BOARD MEETING
MAY 10, 2021
6:30 PM

- V. Consent Agenda:
 - A. Approval of minutes of April 12, 2021 DRB Panel
A meeting

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

**Development Review Board – Panel A
Minutes– April 12, 2021 6:30 PM**

I. Call to Order

Chair Daniel McKay called the meeting to order at 6:31 p.m.

II. Chair's Remarks

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

Barbara Jacobson, City Attorney, stated public testimony was typically limited to three minutes, but when a large number of citizens wanted to testify that much time could not be given. There was no requirement that the City let people sign up and give their time to someone else so they could speak for 30 minutes; that was not the intent. The intent was to hear all of the concerns, but to hear those concerns once, rather than four or five times. She reminded that the Board members were volunteers and that the Board was the judge in this quasi-judicial matter. The respectful thing was for citizens to tell the Board how they felt, but not repeat it. She described how public testimony would be conducted for the hearing, which included confirming which speakers were ceding their time to an individual representing a group of citizens.

III. Roll Call

Present for roll call were: Daniel McKay, Jean Svadlenka, Kathryn Neil, Rachelle Barrett, Ben Yacob

Staff present: Daniel Pauly, Barbara Jacobson, Miranda Bateschell, Kerry Rappold, Khoi Le, Kim Rybold, Philip Bradford, and Shelley White

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. Consent Agenda:

A. Approval of minutes of March 8, 2021 DRB Panel A meeting

Kathryn Neil moved to approve the Consent Agenda. Ben Yacob seconded the motion, which passed unanimously.

VI. Public Hearing

A. **Resolution No. 388. Canyon Creek 8-Lot Subdivision: Scott Miller, SAMM-Miller LLC – Applicant for William Z. Spring and Fallbrook, LLC– Owners.** The applicant is requesting approval of a Comprehensive Plan Map Amendment from Residential 0-1 Dwelling Units per Acre to Residential 4-5 Dwelling Units per Acre, a Zone Map Amendment from Residential Agriculture-Holding (RA-H) to Planned Development Residential 3 (PDR-3) and adopting findings and conditions

approving a Stage I Master Plan, Stage II Final Plan, Site Design Review, Type C Tree Plan, Tentative Subdivision Plat, and Waiver for an 8-lot residential subdivision located at 28700 and 28705 SW Canyon Creek Road South. The subject site is located on Tax Lot 6400 and a portion of Tax Lot 3800 of Section 13BD, Township 3 South, Range 1 West, Willamette Meridian, City of Wilsonville, Clackamas County, Oregon. Staff: Philip Bradford

Case Files: DB20-0039 Zone Map Amendment
 DB20-0040 Comprehensive Plan Amendment
 DB20-0041 Stage I Master Plan
 DB20-0042 Stage II Final Plan
 DB20-0043 Site Design Review
 DB20-0044 Type C Tree Plan
 DB20-0045 Tentative Subdivision Plat
 DB20-0053 Waiver

This item was continued to this date and time certain at the March 8, 2021 DRB Panel A meeting.

Chair McKay called the public hearing to order at 6:41 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.

Barbara Jacobson, City Attorney, stated for the record that because this was a continued hearing, those who submitted testimony at the original hearing should be assured that their testimony was also before the Board and would be treated the same as testimony provided tonight.

Philip Bradford, 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. Bradford presented the Staff report via PowerPoint, briefly noting site's location and features and reviewing the requested applications with the following key additional comments:

- The subject property was occupied by a single-unit dwelling and detached garage. The surrounding land uses included single-unit dwellings and multi-family housing in the higher density, PDR-4 zoning to the south; additional single-unit dwellings to the north in the Renaissance at Canyon Creek subdivision; and a Residential Agriculture Holding-Residential (RAH-R) zoned single-unit dwelling directly to the north of the subject property.
- Background. The site was originally part of the 1964 Bridle Trail Ranchetts, developed prior to Wilsonville's incorporation as a city. Each lot was approximately two acres in size, and adoption of the current Comprehensive Plan Map included a residential density for this area reflecting the existing subdivision. Beginning in the mid-2000s, the City approved 15 of the

original 19 Ranchetts lots for Comprehensive Plan Map amendments to increase the density from 0-1 to 4-5 dwelling units per acre (du/ac).

- The Applicant proposed to redevelop Lot 9 and a portion of Lot 10 to create an 8-lot subdivision, which would be consistent with the requested Comprehensive Plan designation of 4-5 du/ac, and was requesting a Zone Map amendment consistent with the Comprehensive Plan designation for the site to be rezoned PDR-3.
- Lots shown in dark grey had been redesignated to Residential 4-5 du/ac and light grey indicated the original Bridal Trail Ranchetts Lots that retained their original Comprehensive Plan designation. Lots south of Boeckman Rd were not part of the Bridle Trail Ranchetts subdivision. (Slide 5)
- Noticing. Staff had followed proper noticing procedures, which included background information about the project and outlined adaptations for the hearing process and for providing testimony as adopted by the City in response to COVID-19.
 - Following the continuation of the original public hearing on March 8, 2021, Staff sent a second public hearing notice on March 23, 2021 to ensure all residents within the notification distance of the subject property were given sufficient time to provide public comment.
 - Staff received comments from approximately 20 individuals. Comments received prior to deadline were included in the Staff report as Exhibits D1-D20. A few comments were received after the deadline. Several residents provided public comments multiple times and those letters were compiled within each exhibit for residents who had done so.
- The proposed change to the Comprehensive Plan Map designation for the 2.25-acre property from 0-1 du/ac to 4-5 du/ac was consistent with previous Plan Map amendments for properties in the Bridle Trail Ranchetts subdivision. The usable open space area to the west of the subject property was already zoned PDR-3, had a Comprehensive Plan Designation of 4-5 du/ac, and was not subject to the proposed Zone Map Amendment or Comprehensive Plan Amendment, which Council approved via Ordinance 570 in 2004. (Slide 8)
- Zone Map Amendment. Contingent on approval of the Comprehensive Plan Map amendment for the increased density, the Applicant proposed a corresponding PDR zoning of PDR-3. Other portions of the Bridle Trail Ranchettes with past approval of increased density to 4-5 du/ac had the same PDR-3 zoning. The property was currently zoned RAH-R.
- Stage I Preliminary Plan. The Stage I Master Plan generally established the location of housing, streets, and open space tracts on the site, which would be reviewed in more detail with the Stage II Final Plan. The Applicant proposed residential lots and open space as allowed in the PDR-3 zone. The Applicant had to meet open space standards and provide an affidavit, which was included as Exhibit B3, demonstrating the landscape architect had experience designing similar open spaces. This requirement stemmed from changes in the residential code modernization project approved last year.
- The Stage II Final Plan included a proposed lot layout and size, as well as block size and access that demonstrated consistency with development standards for PDR zones.
 - Eight residential lots were proposed which met the minimum density allowed for the site. Each home would be required to provide one, off street parking space per Code

- requirements, and an additional 9 ft by 18 ft parking space on the driveway for an additional vehicle.
- Tract A was proposed as an open space which provided 7,691 sq ft of usable open space, which provided a pedestrian connection into the open space tract from the public sidewalk, a preserved tree, a stormwater facility, a community garden, and an open play area. This met the 12.5 percent usable open space requirement of 7,690 sq ft based on the gross development area of the subject property.
 - A Trip Generation Memo was required using the City's traffic consultant, DKS, but at the time the trip generation memo was created, 11 dwelling units were proposed. The final iteration of the project being presented at tonight's hearing had fewer units than what was calculated in the trip generation summary, and would therefore, generate fewer trips than stated within the Trip Generation Memo. Because the proposed development generated less than 25 PM peak trips, a full Transportation Impact Study was not required.
 - He reviewed the conclusions of the traffic memo noted in Table 1 (Slide 12), noting the proposed plan provided adequate access to each parcel and that the existing walkway that connected Canyon Creek Rd South to SW Morningside would not be impacted by the proposal. No additional off-site improvements were required and DKS did not note any safety concerns stemming from the proposed subdivision.
 - The majority of comments received by the City noted concerns regarding additional development where there was only one access point in and out of the neighborhood.
 - The local street, SW Daybreak, which provided access to SW Canyon Creek Rd, could handle 1,000 to 1,500 daily trips without any issues. Streets within neighborhoods like this, with less than 100 dwelling units, would not see congestion at neighborhood intersections.
 - He noted the City's policy was not to minimize traffic on local streets, but rather to ensure all streets and intersections function within established limits. The Traffic Memo confirmed the street network would continue to function at the City standards set forth in the Code.
 - Site Design Review. Tract A, the open space, would be owned by the HOA and contained a non-fenced stormwater feature, an open play area to accommodate a variety of activities, and a community garden. A concrete pathway into the open space area was provided that terminated in a seating area surrounded by two new trees shown at the southeast portion of the open space tract.
 - Tree Removal Plan. Currently, 92 trees had been surveyed on the subject property. The applicant proposed removing 26 trees outside the SROZ due to grading and site improvements, and one tree due to its Poor condition. The proposed mitigation consists of planting 26 additional trees in the SROZ area, six black tupelo street trees, one Red Maple street tree, and two eastern redbud trees within the usable open space area for a total of 35 trees.
 - The four trees circled in red located either fully or partially on City of Wilsonville property, which was unimproved right-of-way. A condition of approval required that the trees remain. Without proper signature and consent from the City, the trees were not permitted to be removed. (Slide 14)

- Staff questioned the feasibility of the proposed tree protection plan after overlaying the preliminary plat with the tree plans after the arborist report called in to question the feasibility of retaining the trees at the rear of Lots 4 through 8, indicated in yellow. (Slide 15) The Applicant was asked to provide a more realistic tree plan or examples of houses that could be built without disturbing the root zone of the trees, but did not adequately respond to Staff's requests as detailed in Finding F20. Therefore, conditions of approval were added to ensure the maximum protection and preservation of the trees, which were shown behind the four homes pictured on Slide 16.
- The proposed Tentative Subdivision Plat met the technical platting requirements, demonstrated consistency with the Stage II Final Plan, and did not create barriers to the future development of adjacent sites.
- Waiver. A sideyard setback waiver was requested for the western portion of Lot 8 and the interior of Lots 1, 2, and 4 through 8. Staff agreed with the rationale provided by the Applicant and recommended approval of the interior sideyard setback waiver as this would increase the consistency with the adjacent homes in the area by providing more similar homes and a more cohesive appearance. Many of the adjacent two-story homes had received a sideyard setback waiver to 5 ft, including the Renaissance at Canyon Creek subdivision which was approved in 2003.
 - However, the setback for corner lots was not a waiver typically granted by the City, and the Applicant did not provide a rationale as to why the corner lot setback waiver would result in an improved site condition for the overall development; therefore, Staff conditioned the approval of the waiver to be specific to the internal lot lines of the development. The areas that applied to this waiver were circled in red on the diagram shown on Slide 18.
 - As a condition of the Zone Map amendment, Staff added a condition requiring that the setback for Lot 1 at the northern property line and the setback for Lot 3 at the southern property line remain at 10-ft to maintain consistency with the RAH-R zone.
- Public Comments. Staff received numerous public comments about many concerns regarding the application. (Slide 19) Additional discussion points and responses related to public comment were included in the Staff report.
- Staff added several conditions of approval in response to the most relevant concerns expressed by residents that related to applicable Code criteria. He reviewed the new conditions relevant to setbacks, parking, trees, and the waiver with these key comments:
 - Condition PDB 1. As already noted, future homes constructed on Lots 1 and 3 must maintain the side yard setbacks adjacent to the other properties.
 - Condition PDD 3. Driveways must maintain a 9 ft by 18 ft parking space, which was the minimum dimension per the Code.
 - Condition PDD 15. The HOA was required to actively enforce no parking areas, tow any illegally parked vehicle within 12 hours, and establish fees for homeowners who violate the no parking zones.
 - Condition PDF 6. The project arborist shall be on site to observe any grading that may impact the trees and the tree protection fencing to ensure the root zones of the trees are not negatively impacted by construction.

- Condition PDF 7. The Applicant shall appropriately clear any debris and invasive species within the SROZ area prior to planting any mitigation plantings.
- Condition PDF 8. The applicant shall submit a revised tree preservation and removal plan that shows the retention of Tree Nos. 6245, 6246, 6247, and 6248, and include proper tree protection fencing for those trees.
- Condition PDF 9. With the arborist report completed, Staff expected that future construction might impact the trees at the rear of Lots 4 through 8. If such issues arise, the project arborist shall provide City staff a written explanation of the measures considered to preserve the trees along with the line of reasoning that makes the preservation of the tree not feasible. Prior to further construction within the tree protection zone, the City would verify the validity of the report through review by an independent arborist to ensure that the tree could not be preserved. If it was ultimately decided that the tree cannot be preserved by both arborists, then the developer may remove the tree, and would be required to plant one tree of the same variety at another location within the project area.
- Condition PDH 1. Lot 8, a corner lot, shall have a 10-ft sideyard setback along the western lot line.
- Applicant Responses. Staff e-mailed the Applicant regarding several concerns that were uncovered while reviewing the application materials and/or that were raised by residents. The Applicant responded to those concerns on March 24, 2021, and those materials were contained in the staff report as Exhibit B5.
 - The Applicant revised their waiver request for a 5-ft sideyard setback to interior lots only, and requested 7 ft for Lot 8, which was the corner lot. As noted earlier, the revised waiver request was still conditioned as previously noted.
 - A service provider letter from Republic Services was provided that stated the approval of the proposed subdivision configuration for solid waste collection.
 - The Applicant provided an exhibit showing the current subdivision configuration could meet the turnaround radius for Tualatin Valley Fire & Rescue's (TVF&R) equipment.
 - The Applicant did not provide additional information on the feasibility of the tree removal plan, which was why numerous conditions were added by Staff to ensure the trees were preserved to the greatest extent possible.
 - Staff recommended approval to City Council of the requested Comprehensive Plan and Zone Map Amendments, as well as the requested applications with conditions as noted in the Staff report. He entered into the record the public testimony submitted after the deadline, including their relevant exhibit numbers.

Jean Svadlenka asked with regard to the Comprehensive Plan Amendment whether the 11,381 housing units indicated in Finding A4 of Exhibit A1 included approved projects that had not yet been built.

Daniel Pauly, Planning Manager, responded that figure only included occupied housing units. He explained that although data was available on the number of home projects that had been approved but not yet built, it had not yet been calculated or reflected in the Staff report. The

numbers provided were the latest, holistic statistics available at the time the Staff report was written.

Ms. Svadlenka asked if that data could be provided so the Board would know how many homes would be available or that would become available in the near future.

Mr. Pauly replied the data was based on last year's Annual Housing Report, which was expected to be published within the next couple months.

Ms. Svadlenka noted Finding A5 discussed consistency with nearby development. She asked about the zoning of the surrounding areas, specifically, if they were all PDR-3.

Mr. Bradford responded that the subject property was bordered by PDR -4 to the south, PDR-3 and RA-HR to the west, and PDR-4 to the east. (Slide 9)

Ms. Svadlenka noted Findings A24 and A25 discussed the variety of housing types and encouraging variety, especially in housing balance. She asked if the proposed homes would be in the medium to high price range.

Mr. Bradford replied he would assume so, but since there were no homes to evaluate at this time, he could not speak to future prices.

Ms. Svadlenka said she had read that in the materials. She asked what percentage of homes in Wilsonville was within the low to medium and medium to high price ranges, so she could determine what was available in those price ranges and try to analyze the variety of homes based on housing types.

Mr. Pauly replied some of that information would be included in the Annual Housing Report, as well as the Equitable Housing Strategic Plan, but it was not incorporated in the Staff report.

Miranda Bateschell, Planning Director, added that the Equitable Housing Strategic Plan did a deeper analysis of the city's housing prices, housing stock, and housing supply in comparison to both existing and future demographics, so that information could be provided for the Board.

- Due to State finding regulations, findings presented in the Staff report were based on the last established Housing Needs Analysis (HNA) for the city, which was adopted in 2014. The analysis looked at housing types and demographics, and provided guidance on future housing policy to ensure adequate housing opportunities and choices were being provided to the community at large. A key finding of the HNA, which might clarify the specific findings presented in the Staff report, was that Wilsonville's growth was generally outpacing the city's housing supply, which was one reason to look for new urban growth areas, like Villebois and Frog Pond, as well as infill and redevelopment opportunities.
- The outcomes of the HNA were why the City was looking at more multi-family housing being provided in Town Center long term and for infill opportunities like the project before the Board that would provide additional housing options for the community within the urban growth boundary or city boundary without needing to expand it.

- The combination of all the ways to provide additional housing choices and options would achieve the variety and amount of housing the community needed moving forward. Though this one subdivision would not answer all the housing needs of the city, it would address one of the housing types and choices demanded by existing or future residents.

Ms. Svadlenka asked how housing needs were analyzed in terms of how the City knew who wanted to move into Wilsonville.

Ms. Bateschell responded Staff looked at the existing community to identify those who may want to grow their families and children who want to remain in Wilsonville. Staff also assessed county, regional and state demographic changes to help inform the local market, which also had a relationship with surrounding communities. Wilsonville was part of a school district with a neighboring city, and had families who had people working in Portland and Salem, for example. There were many reasons that people chose Wilsonville, and that choice often changed over the lifetime of the resident living in the community. Housing needs changed based on their age, needs, and family ties, as well as employment. Those demographic changes were considered outside the city itself.

Ms. Svadlenka asked if the HNA addressed the jobs/housing balance noted in Finding A28, which discussed needing new homes for people who work in Wilsonville. How many people who live in Wilsonville actually work in Wilsonville?

Ms. Bateschell noted that data was identified as part of the HNA and she would e-mail it to Staff during the hearing if she could find it. She recalled that the majority of people who work in Wilsonville did not live here; only about 15 percent of people both lived and worked in the community. At the time of the HNA report, she believed there were more jobs than houses. There had often been an imbalance in providing great opportunities for jobs but not enough housing opportunities to counterbalance that.

- There were more houses now and more people were living in Wilsonville. However, when children and retirees were factored in, there were probably more jobs than working age individuals. It was something the City continued to monitor because there were advantages to having jobs and housing balance, but there was no magical number. A lot more went into a housing decision in a household than just having jobs available. For example, jobs might be available, but maybe not in a particular desired sector or a spouse might be working elsewhere and need to travel as well. The more that could be done to provide that balance, the more opportunities there would be to reduce impacts to things like the City's transportation system, etc.

Mr. Pauly stated he had pulled up the 2015 numbers, which he believed was the last full analysis of the Equitable Housing Strategic Plan. The data had been recently shared by the Mayor in a presentation: 5 percent of Wilsonville jobs were held by local residents who live and work in the city, and about twice as many people commute into Wilsonville as those who commute out of Wilsonville.

Ms. Bateschell added that a partial analysis had been done with the County for the update to the Equitable Housing Strategic Plan. Due to funding restrictions, it did not assess everything that would go into the HNA. However it did provide a lot of information about housing type, where they were located in a city, as well as different price points. The information could be shared with the Board. The City was scheduled to adopt a new HNA in 2023 which would integrate all the changes that have been made, including the policy recommendations from the last HNA that had either been adopted or were in the process of being adopted.

Kim Rybold, Senior Planner, confirmed that the partial analysis was completed in August 2019 because some of the findings were incorporated into the Equitable Housing Strategic Plan. She confirmed that the report could be provided to the Board.

Rachel Barrett stated with regard to the roads and parking, she had some difficulty connecting the dots on Tract B and the driveways for Lots 1, 2 and 3. She was trying to get more of a description, where Tract B passed through, and how it looked according to the road.

Mr. Bradford indicated where the sidewalk curb cut was located and noted Lot 1 would be accessed from the public street, but the driveways from lots 2 and 3 would connect on to the private street. (Slide 11)

- He confirmed the walkway to the green space was off the main road.

Ms. Barrett asked about the location of the non-useable riparian zone and how it was protected in the green space.

Mr. Bradford stated the Significant Resource Overlay Zone (SROZ) was east of the boundary of Lots 1, 2 and 3, adding Boeckman Creek flowed through that corridor, which was the riparian corridor, so it was not developable.

- He confirmed the HOA would own the SROZ area, ultimately.

Chair McKay asked for clarification about whether the conservation requirement was for the HOA, or did the City consider having the Board essentially granting the City that land.

Kerry Rappold, Natural Resources Manager, confirmed a condition of approval was included that Tract C be placed in a conservation easement, which would be dedicated by the developer. Ultimately however, the City would work with the HOA in terms of the use and maintenance of the area. The conservation easement would place restrictions on what could be done in that area.

Ms. Svadlenka referenced Finding B12 which discussed preserving and protecting the SROZ area. She asked what type of protections would be included in the agreement with the HOA, beyond the development phase and into the future.

Mr. Rappold responded the conservation easement would include wording consistent with the Code and would specifically prohibit things like structures, grading, tree removal, or anything

that would alter the area. Any potential tree removal might involve a hazardous tree in the future, which would be handled through the City's tree removal process.

Ms. Svadlenka asked who would be responsible for monitoring the SROZ area for any illegal activity.

Mr. Rappold explained it was difficult to get direct access to these areas as they typically abutted the back of lots, especially in subdivisions. Individuals could file complaints, which was the first avenue. He spent time walking in the riparian areas and if he saw something, he would talk to people, but there was no active policing of these areas.

- He confirmed residents do report concerns or violations to the City. Some HOAs proactively came to talk to him about tracts that have conservation easements.

Chair McKay asked if there was a conservation easement for the usable open space in Tract A.

Mr. Pauly confirmed there would no conservation easement on Tract A; however, any significant change to that area would require DRB approval.

Kathryn Neil asked if the area below the slope was not just leaves being be taken out and maintained by the HOA or by the City.

Mr. Rappold replied the City could not force the removal of those invasive species, though it was certainly encouraged and supported. Because the Applicant was using that part of the site as part of the tree mitigation, the City would expect to see those invasive plants, which were primarily Himalayan blackberry, removed prior to the planting of that area. There was also an expectation that they would continue to control that over time.

- He confirmed that removal of all the cement blocks that appeared to be lying around the area was a condition of approval. They would need to be removed in order to plant the area.

Chair McKay asked if any access was to be granted by the HOA to the Boeckman Creek Corridor as part of this development.

Mr. Rappold confirmed the City would be given access through the conservation easement and conceivably, the area could be accessed through the Public Utility Easement as well. Sometimes access was difficult when private property and backyards backed up to the SROZ

Ben Jacob asked to see where the street parking spaces would be located for each lot.

Mr. Bradford clarified there were no on street parking spaces.

Chair McKay said he understood the street was proposed to be 20-ft wide according to the map provided by Republic Services.

Mr. Bradford replied the exact number was a bit wider, between 23 ft and 26 ft wide. The overall right-of-way width would be 47.88 ft at the eastern end and 48.42 ft at the western end as seen on Page 9 of the Staff report. However, that was the right-of-way overall, not the pavement width. The TVF&R conditions specifically outlined the parking restrictions based on the specified width of the street. The width of the street in question restricted street parking entirely.

- He confirmed the only parking available was the driveway and potentially, the garage.

Mr. Pauly added that met Code.

Ms. Neil understood there was only one parking space per driveway.

Mr. Pauly explained the driveway designs were not available at this time, but each unit was required to provide at least one parking space. It was against the law to require any more than that.

- He clarified the driveway designs would not come back to DRB as it involved a building permit that was approved administratively.

Chair McKay asked how the ten trips were determined for the eight houses in the Staff report.

Ms. Bateschell called a point of order and noted that while the slides were displayed, a member of the public had provided marks and comments on the slide. She requested that members of the public refrain from such actions, noting that this was a public hearing and that the contents of the presentation would be public record. Staff reports were presented to allow the Board to ask questions. She stated any comments or things of note could be noted on the record when the community members provided their public comment. She emphasized that members of the public were not allowed to alter what was on the screen.

Khoi Le, Development Engineer Manager, noted the original proposal was more than the current proposal. DKS compared the number of proposed lots to what had been there before. According to the ITE Manual, each single-family housing unit generated approximately 1.1 trips; multiplied by 11 proposed single-family housing units resulted in a rounded total of 12 trips. The two existing single-family housing units were subtracted from that total to arrive at 10 trips. (Slide 12)

Chair McKay noted that he only saw one home on his site visit and asked for confirmation on the number of housing units currently on the site.

Mr. Pauly explained the traffic study was done for this lot and the lot across the street. In the end, the application only involved the subject lot, so it actually showed more trips than were proposed. Because fewer trips were being generated, Staff did not request that the traffic study be redone. Staff's rational was that if it worked for 10 units; it would work for 8 units.

Mr. Le confirmed Mr. Pauly's comments.

Chair McKay asked for Staff to clarify which trees must remain until further study.

Mr. Bradford indicated the four trees in question, noting they appeared to straddle the property line; however, upon closer inspection, they could be seen as being more on City property in the unimproved right-of-way. (Slide 14)

Ms. Neil asked if not removing the four trees would impact the setback for Lot 8.

Mr. Bradford responded the Applicant would need to revise the plans because that would impact the tree protection fencing and it was conditioned to show a revised protection fencing. It would then fall under the other condition that while Lot 8 was being constructed and any work was being done very close or that would impact that tree protection fencing, the arborist would have to be on site to inspect and make sure there was no damage to those trees.

Ms. Neil noted two new trees would be planted in the open space where the community garden was proposed and asked if any of the existing trees could be preserved.

Mr. Bradford replied the Applicant showed the community garden at the back. Based on a different arborist report, the Leyland Cypress were in sort of an L-shaped grove of trees. He believed a Type B had been approved last year for the construction of a home on that lot. Trees become dependent on each other, in that if one was cut down, all of them essentially needed taken out. Those trees needed to come out based on that rationale, and also to provide the community garden there. It was better to have more appropriate trees in that open space.

Mr. Jacob asked how many bedrooms would be included in the eight new buildings.

Mr. Bradford clarified the application only pertained to the subdivision, so the residential units were not part of this review, but would be reviewed at the building permit stage. The number of bedrooms was not part of this application or subject to any of the review criteria.

Mr. Pauly added that generally, DRB did not review single-family home permits.

Mr. Jacob understood the City was holding off on approval until confirmation was received about whether the nine trees in the back would be retained or not.

Mr. Bradford clarified the trees at the rear were conditioned to provide that flexibility.

Chair McKay asked Staff to review the specific conditions, particularly regarding whether it was feasible to maintain or protect the trees; that that like trees would have to be replanted on the property.

Mr. Pauly explained how Staff arrived at this condition, noting this was not the first time the City had dealt with a situation where there were significant trees. One example involved two,

300-year-old White Oak rather than a few decades old Douglas Fir. In that case, it was conditioned that everything humanly possible had to be done to keep the trees. However, it was often a process where you did not know until you dug down to see where the roots were.

- The requirement was that everything feasible had to be done to keep the trees; however, it was important to be realistic that the City could not stop houses from going on those lots just because the trees exist, which would be counter to adopted City Standards. Trees were kept if there was a feasible alternative. If there was no feasible alternative, the City could not stop development on the property.
- The conditions were built on the idea that an arborist would be hired by the builder. They usually hand-dig to excavate to see where the roots are and determine if the root was a size that would be detrimental to the tree. If there was no feasible alternative, they could make a submission to the City and Staff would review it with a third-party arborist to confirm the technical accuracy. If both arborists agreed, approval would be granted for the tree to be removed. The standard the City applied was that all feasible alternatives were considered and encouraged for keeping trees, but if no alternative existed, development would not be stopped.

Chair McKay stated that in reading the written public testimony, specifically where it discussed the waiver in Finding H2, it appeared Staff did not recommend a waiver. He asked why the recommendation was made in support of the reduced setbacks for the interior. It seemed the conditions for setbacks of the side yards on the corner lots were not a compensation for that waiver, but essentially denied the waiver and required it to be up to the current Code.

Mr. Bradford noted in the findings for the Zone Map Amendment was where it was originally conditioned for the sideyard setbacks for Lot 1 at the north and Lot 3 at the south to go to 10 ft. Then the Applicant revised their waiver request to not remove the northern boundaries of Lot 1 and 3. However, due to the orientation of those lots and resident concerns from adjacent properties, Staff believed the concerns could be addressed by conditioning a greater setback in line with the existing zone as part of the Zone change to mitigate that impact.

- As far as the waiver request, Staff agreed with the Applicants' rationale for the request on the internal lot lines, but since no rationale was provided for the waiver request on Lot 8 and how that sideyard setback would result in an improved site condition, Staff recommended the 10-ft setback, which coincided to be the same setback as the RAH-R sideyard. Staff recommended following the setback for a corner lot on Lot 8 because technically, the land that divided Lot 8 from the open space was unimproved City right-of-way. In Staff's view, Lot 8 was the corner of that street intersection.
- He clarified that only Lot 8 was considered a corner lot.

Mr. Pauly noted that the reasons for the 10-ft setback on Lots 1 and 3 were different than the reason for a 10-ft setback for Lot 8. The 10-ft setback for Lot 8 was driven by the PDR-3 zone requirement of a 10-ft sideyard setback for corner lots. The 10-ft setback for Lots 1 and 3, on the north and south property line, was driven by public comment to keep the existing setback to not allow development any closer than it was allowed today.

Chair McKay asked if the current Code would allow for a 5-ft setback on the sideyard on the north of Lot 1 and the south of Lot 3.

Mr. Pauly replied that without the special provision under the Zone change for the 10-ft setbacks for Lots 1 and 3, the PDR-3 zone would allow a 7-ft setback.

Chair McKay asked if the City's recommendation was a compromise to increase the setback for the two properties by 3-ft, in exchange for reducing the internal setbacks for Lots 4 through 8.

Mr. Pauly replied it was not necessarily an exchange, but more to directly address comments received from the adjacent property owners, which did not apply for the interior lots. He deferred to the Applicant to further address how having the 5-ft setbacks drove things like the floor plan and size of the garage for the eventual house that could be built on the lot. He noted the wider the house, the wider the garage and driveway could be, adding the Applicant could likely offer further technical expertise.

Mr. Bradford confirmed that the request for the 7-ft setback on the west side of Lot 8 had been denied, so it needed to remain 10-ft. He clarified the red circles were to indicate where waivers were requested, not those that were approved. (Slide 18)

Ms. Bateschell said the Applicant had requested 7-ft and Staff was recommending 10-ft.

- In response to Chair McKay's prior question, she acknowledged the waiver was somewhat confusing as Staff was essentially recommending only part of the waiver request and this was done through an approval but with a condition that addressed the part that Staff did not recommend.

Ms. Barrett stated there seemed to be a lot riding on the HOA as far as monitoring the no parking zone and taking care of the riparian zone. She asked if a new HOA would be established for the eight houses or would they be joining an existing HOA.

Mr. Pauly deferred to the Applicant to provide more details on their plans, noting that it could go either way as part of the plat. In either case, the City would review the covenants to ensure it addressed all the City requirements being discussed should the project be approved.

- He also deferred to the Applicant to address ownership versus control of Tract A and the relationship regarding the LLC.

Ms. Svadlenka asked who would have access to that open space area, just HOA members or the general public. She noted the gate between the City-owned right-of-way and the Sundial Apartment and asked if any of those residents were expected to be able to use the right-of-way to access the open space and how would that be addressed.

Mr. Bradford confirmed it was addressed in Engineering Condition PFD 18, which required that the access and stormwater facility easement be recorded over the entirety of Tract A as part of the final plat.

Mr. Pauly clarified that was for City access for stormwater and did not regard public access.

Mr. Bradford said he was uncertain whether the gate at Sundial remained closed, but that property was not a part of the application.

Mr. Pauly explained the open space area would typically function the same as other small private parks throughout the city that were in developments of different ages. Some might have signs stating, "For residents only". They were generally used by those in the immediate vicinity, and were also maintained by and insured through the HOA.

Chair McKay noted that of the 26 trees, the 21 or 22 he counted that being removed along the southern boundary were fairly large. Many comments received were concerned with replanting those in the SROZ with non-like trees that were smaller in diameter and perhaps without the same type of root system. He recalled some questions about erosion and asked if this had been reviewed by the City, or had Staff considered requesting that other trees be planted.

Mr. Bradford stated perhaps there was some confusion with the wording in the Staff report. He noted a Natural Resources condition required native shrub planting within the SROZ, and there were no changes to the mitigation plan proposed by the Applicant, which showed Douglas fir and Western red cedar planted in the SROZ. The like species proposed by the Applicant met the numeric mitigation standards within the SROZ, but the additional condition from Natural Resources required native shrub plantings within the SROZ.

Mr. Rappold explained Natural Resources wanted to see a bit more structure added when mitigating within the SROZ and it certainly added more to complement the tree species with a shrub or understory type of planting.

Chair McKay noted the significant grade on Lots 1 through 3, but particularly on Lot 1. Some public comments voiced concerns about the grade and the potential for runoff, etc. He asked if the grading had been reviewed by the City or would adequate mitigation and City reviews be involved to ensure it did not pose harmful conditions on the residents of the surrounding area.

Mr. Bradford deferred any response regarding future reviews to Mr. Le. He explained that for this part of the DRB review, the Applicant submitted a preliminary grading plan, and if approved, a more detailed grading plan would be required for review as the proposal moved through the permitting process. Once the housing permits came in individually, the Building Department would also cross-check them with the final grading plan as well.

Mr. Le added that all the runoff generated by impervious areas, such as the driveways and roofs, would be collected and conveyed to a public system. The only run off that could be seen going down to the slope was the rainwater on the natural ground, which was like grass and areas that were not impervious. Additionally, Staff would look for a stabilization and had included requirements to provide erosion control and to stabilize the slope.

Ms. Neil asked if there was a chance that runoff could affect the homeowners to the south with the grade as it was proposed now.

Mr. Le replied that water always runs from higher to lower areas. Based on the natural slope of this area, the natural water would run from west to east, especially between Lots 1, 2, and 3. With the proposed grading, there was no change in the direction of the water going from west to east, but there would be less water going down the slope because the runoff generated by the impervious surfaces would be collected and conveyed to the public system.

Chair McKay asked if there was a requirement that the planted trees be conserved or would be checked to ensure they take root and continue to live.

Mr. Pauly confirmed such a condition was included on the matter, as well as clear City standards.

Ms. Svadlenka noted Finding D60 regarding the dead-end street limitations stated, "The full length of the proposed public street exceeds the 200-ft maximum for dead-end streets." She asked why that would not require a waiver.

Mr. Bradford responded that as proposed, the consideration allows for the extension of that street to the north; it was not assumed to be a permanent condition, necessarily.

Mr. Le added this was a temporary dead-end and the City fully expected the street to extend to the north and connect to Helene St. Although currently a dead-end, it was not permanent so the 200-ft dead-end criterion was not applicable.

Mr. Pauly stated the City also acknowledged that was a long-term thing. The house to the north was fairly new and the City had not received any plans from that property owner to do anything differently any time soon. In this situation, it did technically allow for that future extension and from that standpoint, it was an acceptable solution.

Mr. Le noted it was similar to McGraw Ave, north of this area.

Ms. Svadlenka noted Finding D66 stated the private access drive was for two dwelling units, but she understood it the access for three dwelling units, Lots 1, 2, and 3.

Mr. Bradford clarified that Lot 1 took access from the public street. Only Lots 2 and 3 had driveways leading off the private access drive.

Mr. Yacob asked where the individual parking spaces were located for Lots 2 and 3.

Mr. Pauly responded they would be assumed to be on the lot. No parking had to be provided on the shared driveway.

Ms. Svadlenka asked Staff to comment on the protection of the preserved trees. She asked if the chain link fence to be put around the preserve trees was permanent or just for the construction period.

Mr. Bradford replied there was a City detailed drawing on tree protection fencing. Prior to the issuance of the grading permit, Staff would go out to verify that fencing was in place. The fencing needed to remain up in compliance with the detailed drawing throughout the duration of construction. Once construction was finished and there were no further risks to the trees, the fence would be removed.

Mr. Pauly added there were times during construction when the fence could be removed, but an arborist was required to be on site to supervise the work while any work was done within the protection zone.

Chair McKay noted on his drive through the development that the streets did seem really narrow. He asked for confirmation that the street design and layout had been reviewed and approved by the fire department.

Mr. Bradford confirmed that the entire plan sheet package was sent to TVF&R at the development review team notice stage of the project where Staff requested comment from the other agencies that review projects, as well as from the City's internal Engineering division and no concerns were received about access through the neighborhood beyond the conditions related to the development.

Ms. Svadlenka understood that just the project plans were reviewed, it did not take into account the fact that people still park there anyway. She asked what happened when reality was different than the plans, or when the streets were private and not public, thereby restricting the City's ability to enforce. Who would people contact to report someone parked in a no parking zone or on a sidewalk? How would such scenarios be addressed?

Mr. Le noted if people were parking in no parking zones on public streets often enough and people complained, it would be an enforcement issue. Typically, private streets must have clearance for firetrucks to get through, if the private streets had no parking signs, the HOA would be the enforcement body, or they could call TVF&R to see what should be done to keep people from parking in the fire lane.

Mr. Pauly added he had quite a bit of experience on this, both in relation to enforcement as well in rewriting City standards that allow private drives. Previously, the City standards did not limit the number of homes that could be accessed by a private street, but the current standards only allow up to four homes to take their primary vehicle access off a private drive, and the subject application only had two.

- Staff was working with the Applicant to ensure there were clear mechanisms in the covenant to ensure parking was enforced. Subdivision covenants that were unclear about parking made enforcement difficult.
- Staff's recommendation was to keep a reasonable level of homes accessing from private drives consistent with Code, and then ensure there was teeth in the covenants in terms of allowing private enforcement by the HOA of the parking rules when it becomes a concern of one or more neighbors. The HOA could impose fines or tow cars for parking violations if stated in the covenants.
- He confirmed Lots 4 through 8 fronted on a public street and therefore parking violations would be enforced by the City.

Chair McKay called for a brief recess at 8:23 pm and reconvened the meeting at 8:31 pm. He called for the Applicant's presentation.

Steve Miller, Emerio Design, 6445 SW Fallbrook Place, Unit 100, Beaverton, OR, 97008, stated that out of consideration for everyone's time, he would not repeat information already presented by Staff, but would focus on conditions of approval and any questions.

- He thanked Staff for detailing the history of the area, noting that its development had begun in 2006 and since that time, it had continued at a PDR-3 development pattern, which was why the Applicant had requested that zone as part of the zone change request.
- Growth in Wilsonville, as well as throughout the state, was outpacing the supply of land, which was why the subject property was zoned as a Residential Holding Zone (RHZ). He read the purpose of the zone from City's Development Code, "The purpose of this Zone is to serve as a holding zone to preserve the future urban level development potential as undeveloped property designated for more intense development. This zone has been applied to all urbanizable properties within the city which are planned for development and which have not previously received development approval in accordance with the Comprehensive Plan." This statement was important for the underlying zone, because the RHZ designation had been given to the property because it was large enough to be redeveloped and the designation enabled the property to be held as a large chunk of land that would allow for urbanized density when it was re-zoned, which was what was happening with the current application. The question was not if the land would be rezoned and redeveloped to higher density, but when, and when the public facilities and infrastructure would be in place to afford it the opportunity to get rezoned and redeveloped to urbanizable density.
 - Those public improvements were now in place. The Traffic Study had noted no adverse impact to the streets as a result of the proposed eight new lots. Water and sewer capacities were available to serve the proposed new homes, and because of those things, the Applicant was moving forward with the application.
- He displayed the Site Plan and referenced the trees that were partly on the Applicant's property and partly on the unimproved right-of-way. Although some trees had potential to be preserved, and some trees would be, other trees needed to be removed to accommodate a home on Lot 8. As such, the Applicant requested that the condition of approval be amended to eliminate the trees impacting Lot 8 from preservation. Once the home came in, the

Applicant would work with the City to see if the two southern most trees could be preserved as well by possibly hand-digging in the foundation in that area.

- As previously stated in the traffic memo, he reminded that the application had been for 11 lots at one time. The Applicant had considered vacating the right-of-way to take advantage of using that space as open space to go along with Tract A. However, the request to vacate was not well-received by neighbors, so the Applicant moved on to an alternative option, which resulted the application proposed this evening.
- The original option had proposed removal of all trees. However, after relooking at the plan again, the Applicant figured a few trees could be retained and let their removal be determined with the development of the homes. Therefore, the Applicant's Protection and Removal Plan was based upon the grading it would take for the site to get developed with the new streets and the lots, but not for the future homes.
 - He reiterated the Applicant was not proposing tree removal and preservation for the homes, but only for the construction of the subdivision. Some trees could be preserved with the homes, but it would be determined when the homes came in. The Applicant believed the condition of approval was good the way it was written because it provided that flexibility, but two trees would need to be removed to accommodate the home on Lot 8.
- The Applicant had chosen a 7 ft setback on Lot 8 because of the unimproved right-of-way that the City was agreeable to vacating. Everyone realized the street would not be utilized as part of the overall transportation system. It had been dedicated as a right-of-way in anticipation that it might be necessary, but with the construction of the nearby apartment complex, it was no longer necessary for the right-of-way to be punched through. The emergency access gate would be preserved, and the Applicant would add a curb cut, so the gate could be used and to facilitate the turning of emergency vehicles.
 - Lot 8 was not a typical corner lot because of that reason, so the Applicant really preferred a 7-ft setback. As seen with the narrower lots approved in the recent Code revisions for the PDR-3 Zone, as the setbacks were pinched down, the Applicant's ability to get comparable homes in the neighborhoods to the south, north, and west was limited. Ten feet did not seem practical for the same reason removing some trees at this point was not practical. As such, the Applicant asked that the 7-ft setback on Lot 8 be allowed.
- Displaying an aerial slide, he indicated approximately where Lot 1 would be on the plan and its relation to an existing home to the north. He understood the homeowner's concern and clarified the homes would not be close to each other. Similarly, if the property to the north were ever developed and the street was extended to the north, the homes would feature adjacent side yards, providing space between the homes. Therefore, the Applicant was requesting a 7-ft setback for Lot 1, which was consistent with the PDR-3 zoning. The Applicant was confused as to why they were being held to an old standard when they were doing a zone change. The Applicant was agreeable to the 7-ft setback for the lot in question, but 10 ft did not make sense.
 - Similarly, a 7-ft setback was necessary for Lot 3 as well because of a 7½-ft easement to the north for the sewer line to enter a nearby manhole. If the lot was cut off by another 10 ft, the resulting home would only be about 25-ft wide, which nobody

wanted. He wondered if enough thought had gone into why the Applicant had requested the setbacks because if 17½ ft was removed from the lot, no one would want the resulting home built on it. It would be better to have a condition of approval that required treatments to the sides of the homes, such as glazing, screening, or architectural elements, to help mitigate the impact of the home to those lots. Given the width of the lots, a 10-ft setback, along with the additional setbacks, was not a good idea. It would create very skinny homes, something no one wanted. The Applicant was trying to create homes that were comparable to those found in the nearby Renaissance development.

- He asked the DRB to strongly consider the setback request. The Applicant had put a lot of thought into getting like-sized homes on the lots with setbacks that helped mitigate some of the impacts and without ruining the opportunity to get reasonable-sized homes on them.
- The easement for the storm sewer was 7½ ft on each side of the lot, in addition to another 7 ft elsewhere on the lot, for a total of 14½-ft lost on the width of Lot 3. When the Applicant first presented their proposal, Staff was concerned about what size homes would fit on the lots, which prompted the Applicant to provide sample homes for Lots 1 and 2 in the plan set to demonstrate that a nice-sized home could be built on those lots and be compatible with the surrounding neighborhood. He asked the DRB to look at that in context with what the Applicant was requesting and why, and look at where the existing residents were located and see that the Applicant had tried to come up with something that was compatible. There could be other ways to achieve that besides increasing the setback, such as additional glazing, screening, or other architectural features on the sides of those homes that would mitigate that.
- Because Lot 8 did not function as a normal corner lot, a 7-ft setback was also desired because a total of 12 ft would be removed from that lot.
- He hoped the DRB would recognize that and understand it was important to the project. The setbacks being requested would ensure compatibility with the surrounding neighborhood.
- A lot of discussion had taken place around needed housing and growth. He was confident the DRB had been paying attention to the happenings at the State level around needed housing of all types in every jurisdiction in Oregon due to a statewide housing crisis. Although that had also led to the adoption of House Bill 2001, which allowed for middle housing to be brought into residential neighborhoods, the Applicant did not want that for this neighborhood and believed their proposed single-family, detached housing fit very well in the neighborhood and helped complement the existing developments around the area. He hoped the DRB understood that in the future, there would be residential projects with duplexes, triplexes, and four-plexes mixed in with single-family residential. Those types of middle housing units would also be allowed outright, not conditionally, in the future in redeveloped existing neighborhoods. The Applicant believed they offered a better product than that for this neighborhood, and as such had come forward with their proposal.
- He reiterated that the Applicant's proposal met the Comprehensive Plan, satisfied the PDR-3 zoning requirements, and was at the lowest level of density for the zone and acreage. The Applicant had put in a lot of effort to include open space with grass play area and a

community garden area for the neighborhood's enjoyment. He understood neighbor concerns that the open space might be a place where people attempt to hide out, but the fencing would be open chain link or low enough to allow for line of sight throughout most of the area. The space was designed to be welcoming and have a community feel, not a place for people to hide out and do illegal things.

- He believed there might have been a miscommunication from Staff regarding the trees on some lots. There had been a lot of correspondence with Staff as community comments came in, and there was a request for the Applicant to respond to them in the moment. He did not recall a conversation about putting houses on certain lots where a home could be built. He reiterated the setbacks and pointed out the footprint of where a home could be developed but that also had trees. He agreed those footprints would go into those root protection zones. A house on one of the lots could negatively impact the trees. The alternative was to show all the trees being removed, so he believed the Applicant had struck a compromise with the City as there was potential to save those trees. The developer could work with Staff when the housing plans came in. If they could not be saved, it would be noted by an arborist, as well as the City's arborist supporting the independent arborist's findings regarding whether or not the trees could be preserved. Mitigation trees would be planted for any removed trees. He hoped the DRB understood the balancing act the Applicant was up against.
- He believed, and Staff agreed, the project complied with all the clear and objective applicable review criteria, which was why they recommended approval of the project. However, the Applicant was here tonight to talk with the DRB and the community about any concerns, and anything they could do to help address those in a reasonable way.
 - The only item requested by the Applicant that was not in compliance was the setback variance for a few of the lots to enable better-sized homes on them. The Applicant had put forth an effort to not cram as much housing into the area as possible. The maximum density was 12 units, but the Applicant's proposal was at the minimum density.

Jean Svadlenka asked how the ownership of Tract A would work.

Mr. Miller replied there was a partnership between the Applicant and the Applicant's partner wherein they owned both lots. After development, Tract A would be turned over to the homeowners association (HOA).

Ben Yacob asked if the HOA would be for the 8 lots only or part of another HOA in the community.

Mr. Miller responded that due to the distance to the other lots, as there was at least one lot between the developments, he foresaw the HOA being a standalone HOA for the 8 lots, responsible for the tract and the small shared driveway for Lots 2 and 3.

Chair McKay asked for the location of the pedestrian access to Tract A and if Tract A would be available to the public or HOA members only.

Mr. Miller displayed the applicable slide and explained that the hard surface trail coming into Tract A would tie into the pedestrian sidewalk along the cul-de-sac bulb. He also indicated the location of the proposed chain-link fence and gate for the access.

- He stated that Tract A was a private open space intended for the subdivision only as they would be maintaining it, which was the standard. It was also a liability to the HOA if non-HOA members utilizing the space were injured in doing so.

Chair McKay stated he understood the justification, but would confirm with Staff later if other such spaces in Wilsonville were for residents only.

Mr. Miller added he understood the Code required that it be private open space.

- In response to another question, he added the trees that would have to be removed on the back side of Tract A to provide more sunlight to the community garden and maximize that space.

Ms. Svadlenka asked why the Applicant had decided to use the area as a community garden as opposed to just having an open space with the trees.

Mr. Miller explained the Applicant believed having a community garden would be a great amenity for the subdivision to use as a meeting place and bring residents together. The Applicant also had to bring some other components into the open space besides landscaping. In addition to the garden, the space would also include a patio area with benches and a grassy open area where someone could play catch, for example.

Ms. Svadlenka asked if the two trees proposed for removal on the west side of Lot 8 could be retained with a 10-ft setback on the western property line.

Mr. Miller explained the Applicant did not believe the 10-ft setback was necessary and it would not save the four trees anyway due to how far out the root protection zone extended. It was going to be a challenge to save the two trees to the south, but building a house on Lot 8 would not be possible if the two trees to the north remained.

Ms. Svadlenka said she understood the Applicant had been requested to provide Staff an example plan of homes that could be built along the southern property line if the trees there were preserved and asked why the same could not be done for Lot 8. She said she had a hard time visualizing what kind of home would be applicable there if those trees were protected.

Mr. Miller explained the root protection zone overlapped both the 7-ft and 10-ft setback as shown in Staff's diagram provided in the packet. He clarified that the Applicant never said they would not provide something. If something was requested, it was at the eleventh hour as comments came in from neighbors. He did not recall ever being asked to provide housing plans for Lots 4-8, because they would have if asked. The Applicant had tried to meet every demand Staff had made leading up to tonight's meeting, so he was at a loss as to how to address that comment. He noted they did show the building footprints and Staff's overlay had correctly

determined that preserving some of the trees would be a challenge, and the only way to do so was by hand-digging in the foundations in those areas with an arborist present.

Rachelle Barrett asked if the Applicant had considered reducing the number of lots by one to increase the remaining lots' sizes and meet other requirements, like the setbacks and tree preservation.

Mr. Miller reiterated that the current proposal was already at the minimum density, and meeting density was an important criterion, so the number of lots could not be reduced any further. The Code required the Applicant to land between the minimum and maximum, and if they failed to do so, they were not efficiently utilizing the property.

Ms. Neil understood there was two acres of land and eight lots, but with almost an acre of it not buildable, the Applicant was trying to fit 8 lots on one acre.

Mr. Miller explained the gross acreage was the total land minus the SROZ area. Density was calculated on the net acreage, which was the developable land minus the SROZ land.

Ms. Svadlenka understood that some transferrable credits could be taken from the undevelopable land and added to the density of the developable land. She believed that was a part of the new Code requirements with the PRD3 zoning that was just approved in July 2020. The current application was the first affected by the new Code requirements.

Mr. Miller replied that no density transfer from the SROZ was ever brought to the Applicant's attention. The current proposal was not based on a density transfer, but on what type of density was available once the SROZ boundary was subtracted from the gross buildable area.

Mr. Pauly stated Staff did have some comments on that finding when the Board was ready.

Ms. Svadlenka asked in considering the internal setbacks and tree preservation, had smaller home sizes been considered which would bring more variety to the area and also provide homes priced more in the low-to-medium price range.

Mr. Miller replied the Board had already heard from the neighbors that that was not desired; that they wanted homes that were compatible with the homes already in the neighborhood. Therefore, low-income housing was not considered for the project.

Ms. Svadlenka responded she did not believe a home with slightly less square footage would be considered low-income housing; for example, reducing the home size by 1,000 sq ft would preserve the trees on the southern boundary line.

Mr. Miller explained the home would have to be even smaller than that, particularly on Lots 5, 6, 8, and probably Lot 4.

Chair McKay understood that if the DRB granted the 5-ft setback request for the interior lots, instead of the 7-ft, it would decrease the width of the house by 4-ft. He asked what the Applicant was thinking in terms of the existing plans for houses versus what a reduction of 300 to 400 sq ft would look like in regards to house size

Mr. Miller responded that he did not fully understand the question and asked if Chair McKay was asking what type of impact increased setbacks would have on house size.

Chair McKay answered yes, and asked would the homes go from 2,800 sq ft to a 2,500 sq ft. How would the homes' square footage change?

Mr. Miller replied it was not necessarily about size, but the appearance and streetscape. The Applicant was trying to create a streetscape that was similar to the surrounding neighborhoods such as Renaissance at Canyon Creek, and the recently-approved subdivisions to the north that were zoned PDR-3 by having homes approximately 25 ft to 30 ft in width. Would be closer to 38 ft in height.

Chair McKay said he believed the houses being developed to the north were a bit skinnier than than the compatible homes being discussed.

Mr. Miller clarified with the proposed setbacks, the houses on Lots 4-8 would be closer to 38-ft wide and 34-ft without. With a 7-ft setback, Lot 8 would be slightly different than Lots 5-7 because it would have an additional 2 ft off that lot. The idea was to build 35 ft to 38-ft-wide homes, which was generally shown. He apologized for misspeaking and referencing something narrower. The idea was to build homes that were compatible with the homes approved to the north and the other surrounding neighborhoods.

Chair McKay asked what home sizes the Applicant envisioned on Lots 4-8.

Mr. Miller noted the Applicant was not the builder, but 2800 sq ft to 3200 sq ft was anticipated.

Chair McKay noted Mr. Miller's earlier suggestion about using architectural considerations to improve privacy along the southern border of the development. One public comment mentioned having a 6-ft privacy fence similar to the one on the northern side of the property and he asked if that had been or would be considered.

Mr. Miller responded the Applicant had also commented about wanting privacy. A typical 6-ft high, good neighbor fence was anticipated along Lots 3-8, as well as along Lot 1, to provide privacy for both parties.

Mr. Yacob asked if it was feasible for the homes to have driveways that would accommodate two vehicles since there was a lack of street parking.

Mr. Miller noted there was no on-street parking requirement, only an off-street parking requirement. The driveways were anticipated to accommodate two vehicles which would give each house a minimum of two to three parking spaces and the potential for up to four, but he could see a two-car garage with a single-car driveway on each lot. He noted that once the street itself was developed, which would occur when the property to the north was developed, there would be parking available on one side.

Mr. Yacob said he believed the neighborhood would definitely appreciate a multi-car driveway and a multi-car garage.

Mr. Miller agreed and noted that other surrounding cities were also concerned about parking, which the Applicant heard about in many jurisdictions.

- He commented on and requested amendments to the following conditions of approval:
 - On Page 15, Condition PDD1 currently said "ongoing" in reference to the 10-ft side yard on the northern line of Lot 1 and the southern line of Lot 3, and the Applicant requested that this condition be amended to 7 ft.
 - On Page 18, Condition PDF2 stated that the Applicant/Owner shall submit an application for a Type C tree removal." He clarified that had already been submitted. The Applicant submitted a Type C grading permit request to be reviewed by the DRB, so he was confused why the condition was still present and asked Staff to clarify.
 - On Page 19, Condition PDF8 discussed the trees to be preserved along Lot 8. He asked that Tree 6245 and Tree 6246 be removed from that condition, adding the Applicant would attempt to save Trees 6247 and 6248 with the construction of the home.
 - He confirmed the condition listed Tree 6245 twice, so the typo should be corrected to Tree 6245 and Tree 6246
 - On Page 20, Condition PDH1, the ongoing condition for Lot 8 which referenced a 10-ft setback should also be amended to a 7-ft setback.

Chair McKay asked Staff to clarify the reason for Condition PDF2.

Mr. Bradford stated that presently, the DRB was considering the Type C Tree Removal Plan which was separate from the permits. The removal permits came in separately after DRB reviewed the plan. The Applicant would show once again what the final tree removal was and pay the amount per tree in the fee schedule for a Type C Tree Removal Permit. There was often confusion about the process as there was a Type C Tree Removal Plan and a Type C Tree Removal Permit. This condition ensured the Applicant would come back for the Type C Tree Removal Permit.

Mr. Pauly stated that Finding D21 addressed the SROZ transfer, adding he wanted to ensure the DRB understood the minimums and maximums stated therein. Without the SROZ transfer, it was a 6-lot minimum. He deferred further explanation of how the density transfer worked so he could research and confirm whether the City was mandated to allow the density transfer or if it was an option for the Applicant.

Chair McKay noted the report showed five lots plus two lots equals 8 lots, and asked if that calculation was why a lot was missing.

Mr. Bradford responded that more research was needed to determine whether or not that was a typo.

Mr. Pauly added that Staff would look into that while the DRB was hearing public testimony. It was a very important point, and he wanted to quadruple-check the math to make sure it was correct and that they understood the issue before answering. At the time the Staff report was published, Staff believed everything was correct, but after seeing the numbers tonight, he wanted to check them again.

Mr. Miller interjected to apologize for having misspoken earlier regarding the density. When doing the density calculation, the Applicant calculated what the density would be both with and without the density transfer, resulting in two levels of density shown in the narrative.

Mr. Bradford confirmed that it was a typo. Instead of 5, it should say 6, and instead of 6, it should say 7, but the 2 and 3 were correct, and the final numbers, 8 and 10, were also correct.

Ms. Svadlenka asked Mr. Bradford to comment on Staff's request for the Applicant to provide another proposed building plan showing the trees on the southern boundary preserved.

Mr. Bradford stated Exhibit B5 of the Staff report was a PDF of email correspondence between Staff and the Applicant. He read his email response to the Applicant from Page 2 of 4 as follows, "Adjacent property owners have concerns about tree removal along the rear property line. The plan set shows trees saved on Lots 4-6 and 8 that are unrealistic based on the potential building envelope shown on the preliminary plat. The arborist's report also questions the feasibility of retaining these trees and maintaining the required tree protection fencing during construction. If you plan on saving these trees, please provide exhibits similar to Lots 1 and 2 that show a house on these lots that are buildable while maintaining these trees." He noted the Applicant's response was below.

Mr. Miller said he appreciated Staff clarifying that and explained the reason nothing was provided was because the Applicant was not building on those lots, but a future builder. Originally, the Applicant had shown those trees being removed. The Grading Plan was specific to the construction of the subdivision. Had the Applicant been required to show a plan for the homes, it would have shown those trees being removed. He believed a compromise had been reached, noting the Applicant had shown the trees being reserved because they could be saved with the grading for the subdivision, but now, there was a condition that stated the Applicant had to work with an arborist to see whether the Applicant could continue to preserve those trees, and if not, provide information from that arborist so the City's arborist could concur that the trees could not be preserved. So, it seemed a compromise had been reached on those trees.

Mr. Pauly noted the other trees in the right-of-way were owned by another party and those trees could not be removed without that property owner's permission.

Chair McKay noted the usable acres calculation of 1.24 times 4 on Finding D21 did not equal 5.64. It was the same for the one below. He believed Mr. Bradford had 1.41, which he believed was correct, but perhaps that was where a typo might be adding to the confusion.

Mr. Bradford agreed that might be a typo as well, noting the Findings were the last thing he changed in the Staff report.

Ms. Svadlenka interjected the confusion could possibly be because the usable acres was not 1.24 but 1.41.

Chair McKay agreed, adding that using 1.41 would result in the right amount there. Additionally, the gross SROZ was off by .01, which he believed could be due to rounding.

Mr. Pauly clarified that originally, the usable open space was not included in that number, but was added later, changing the number from 1.24 to 1.41. In terms of the SROZ density transfer, he confirmed the Code stated, "The City shall allow..." and Staff understood that to mean an applicant was not obligated to use the density transfer, but if they opted to do so, the City had to allow it.

Chair McKay confirmed that the Applicant was using the density transfer because the setback would have been 7-ft, but with the transfer, the Applicant could go up to 10-ft.

Ms. Svadlenka asked if the transfer credit was new Code.

Mr. Pauly explained the SROZ density transfer had existed for approximately two decades, and the PDR-3 Zoning was adopted in June 2020, along with some minor changes to the language.

Mr. Rappold explained the density transfer had been a part of the SROZ Code since June 2001.

Chair McKay said he could not think of any neighborhood spaces that had fencing around them to reserve the space for exclusive use by an HOA and asked Mr. Pauly if that was something typical in the city.

Mr. Pauly replied some of the older neighborhood spaces probably did not have public access easements, but most of the smaller parks in Villebois did, although they were maintained by an HOA. He knew of one that had signage stating it was for the exclusive use of that subdivision's residents. Otherwise, he believed parks were unfenced and unsigned, but he did not know which ones had public easements and which did not.

Chair McKay stated it would be a nice feature for the surrounding community to have an extra open space, particularly the homes across the street from Lot 8. He asked if the City had considered having that portion of the open space dedicated as public park space.

Mr. Pauly replied the City was not in the business of maintaining the small neighborhood parks outside of a few instances where the City had to take them over. Per the Parks and Recreation Master Plan, the City was interested more in the broader regional public parks that served the whole community.

Chair McKay asked about the process or consideration used in creating an easement for the parks that did have a public access easement.

Mr. Pauly responded that in Villebois, it was a standard practice, but there was no clear requirement for the Applicant to allow public access in this circumstance.

Chair McKay asked what the open spaces were like in the nearby communities like at the Canyon Creek at Renaissance Homes across the way.

Mr. Pauly replied that Aspen Meadows to the north had a common open space with a picnic table and other amenities that was adjacent to the SROZ. At the time Renaissance at Canyon Creek was approved, the standards were a bit different as backyards were allowed to be counted as the required open space, so their shared open space was a smaller percentage, but there was a common pool and common landscaping tracts.

Mr. Yacob asked if Tract A was unique in that it had a community garden. He understood that in some community gardens, the vegetation needed to be protected from wildlife.

Mr. Pauly responded there was an unfenced community garden in Villebois that was owned and maintained by the HOA.

Chair McKay called for public testimony in favor of, opposed and neutral to the application. He reviewed the procedure for providing public testimony and asked that the list of those who signed up to testify be called upon by the meeting recorder.

Shelley White, Planning Administration Assistant, stated she had received numerous emails wherein a number of residents stated they were ceding three minutes to another resident. For the record, she called out the names of those who had requested to give testimony to confirm they were present and wanted to testify or cede their time to another resident.

Ms. White called upon Sarah Lorente and Michelle Eldridge and received no response.

Jodi Dupell, Canyon Creek Rd, confirmed that her house number was already on the record. She said her main concerns were about parking, large construction vehicles and the children in the neighborhood. When the new street was put in, her driveway had been blocked repeatedly

with big trucks. Despite there being no parking on the street, construction workers parked there daily. She was also concerned about the impact on children's ability to play at the end of the cul-de-sac. She understood the need to build more homes, but since she had bought her home four years ago, there had been nonstop construction.

Paromita Mukherjee, SW Summerton Ave, stated her house number was on record. She was also concerned about parking. There were already many more cars parked in the neighborhood which resulted in narrow roads and with so many kids running around, it did not feel safe.

Ms. White called upon Stacie Heath, who communicated that she agreed with what had been stated so far.

Heidi Swickard stated it was not just the new development that had street parking issues. All of the Renaissance development seemed to park on the street. On Daybreak, cars were parked on both sides of the street, and they were not all new homeowners in the new development. There used to be No Parking signs in the Renaissance development on Canyon Creek Rd South but the signs were removed by residents. She did not know why they had been removed.

Ms. White confirmed that Erin Glogau, Irene Jackson, and Kevin Marshall ceded their testimony time to Anthony Calcagno, who was given twelve minutes to testify.

Anthony Calcagno, 7563 SW Vlahos Dr, stated his two main points regarded grading and the overall site impacts as well as zone density. He presented testimony referencing a PowerPoint, entered into the record as Exhibit D27, with these comments:

- He understood the Applicant was going to minimize grading to only what was required to build the site, but he believed the plans submitted were a bit misleading in that regard as the subject site was a bit different than previous sites that had been submitted. Looking at the existing ground contours of the development already approved to the north, he noted the top lot had a fairly large 14-ft elevation drop, the middle lot had an 8-ft elevation drop, and the bottom lot, which was currently under construction, had a 7-ft drop. The lots were basically being constructed on native soil. He did not believe a lot of fill had been brought in to construct the homes given the daylight basements, which meant one story down from the driveway was approximately 8 ft to 10-ft, so it was relatively easy to make that work. The existing ground at the proposed site had a 20-ft drop, just to the edge of the SROZ, which was much more problematic from a fill and construction standpoint.
- He displayed a sheet from the plans submitted by the developer that showed a profile along the center of the proposed street. It was difficult to tell what was happening because the lower half of the slide was a profile with exaggerated vertical scale. He recreated the diagram without the exaggeration to more easily see what was happening. He explained there was a gentle slope at the top of the site, through Lots 6, 7, and 8 that became steeper as it advanced towards the back of the site.
 - The lines on the bottom profile indicated the existing ground as a dotted line, the proposed finished ground as a solid black line, and the elevation at the center of the proposed street in red, which extended through Lot 1.

- The Applicant was proposing to bring in quite a bit of fill to construct the end of the public street and the driveway for Lot 1. The finished ground would be approximately 9 ft to 10 ft higher than the existing ground where the driveway of Lot 1 was presumed to be. Considering the existing ground dropped, well less than 20 ft, and another 8 ft would be added, there would be a very large elevation change from the front to the back of the house.
- There was a 25-ft offset between the edge of the SROZ boundary and any structures built. The proposed fill was a 50 percent grade, which was barely stable, but still used frequently. The problem was the house would not drop low enough from the front of the house to the back; it would still be off the ground.
 - He understood the house plan the Applicant provided was just an example, but noted that even though the house dropped approximately 10-ft from the front door to the bottom of the rear patio back door, that rear patio was still about 8 ft to 9 ft off the ground, which would require either a very large wall directly off the patio or more fill.
- He believed the Applicant was showing a very rosy picture of what was proposed and that the actual impacts to the site would be quite a bit more intense. The bottom line was that the Applicant was trying to put in too many lots. The house in his example would be built almost entirely on fill, rather than existing native soil, which brought more problems, including potential settlement.
- These factors all needed to be considered when approving so many lots, so close together on such a steep grade.
- The underlying question of having too many lots had always been discussed in the context of the Applicant's requested rezoning.
 - The lot sizes for the lots surrounding the proposed site ranged from 14,000 sq ft to a few smaller lots at 5,400 sq ft. The proposed lots were really out of place; five were less than 5,000 sq ft, and three lots were a bit bigger, but long and skinny due to being on such a steep grade. He began questioning why the proposal supposedly matched the surrounding area when the lots were so much smaller and looked at PDR-2.
 - His neighborhood south of the subject site was zoned at PDR-4, 6 to 7 units per acre, but that was nowhere near what it was actually built at, which he believed had something to do with the Sundial Apartments being factored into that. His neighborhood alone, without the Sundial Apartments, had 6.8 usable acres. Under a PDR-3 density that would be a minimum of 33 and a maximum of 42 homes. Under PDR-2, it would be a minimum of 17 and a maximum of 25 homes, which was right where his neighborhood was at 20 homes. Although his neighborhood was zoned for PDR-4, it was built out at PDR-2 standards. He admitted he did not know all of the rules and there could be some errors in his calculations.
 - If the proposed development requested PDR-2, as opposed to PDR-3, there would be very nice lots that matched well with the surrounding neighborhoods. He displayed a map he created featuring five lots to illustrate his point.
 - He asked that the DRB consider suggesting the Applicant reapply as a PDR-2. He realized it would be a little island in the PDR-3 ocean, but in this case, it deserved consideration as it fit much better into the surrounding area.

- Because of the grading, the subject site was much more difficult to build on than nearby sites, and therefore, more thought and detail was required regarding the Applicant's grading plans, which did not appear to be sufficient. He understood they were only grading for the driveways and streets, but after the zoning was approved, it would be too late to remove a lot or reduce the density, which why it must be considered now.
 - If the project were approved under PDR-2, nobody would question it. Neighbors would still be unhappy, but at least the lot sizes would match, the homes would be nice, there would be enough space, and there would be room to save the trees.
- Additionally, eight homes sold at \$600,000 or five homes sold at \$1 million resulted in the same overall real estate value; though he understood it was more complicated than that.
- This was the first project to be proposed under the new PDR-3 lot size, and anytime rules changed, additional scrutiny was warranted. He questioned whether the Renaissance development would even qualify under PDR-3 anymore as it was less dense. He reminded that the existing zoning did not tell the whole story.

Ms. White received no response from Veronica Sala, but confirmed that Jay Tinker, Monica Davis, Jeff Lulay, Sr, Hayden Russell, and Mike Lama ceded their testimony time to Dave Carlson, who was given eighteen minutes to testify.

Dave Carlson stated his address was in the record. He stated that he agreed with all previous comments from neighbors who were opposed to development. He presented testimony referencing a PowerPoint, entered into the record as Exhibit D28, with these comments:

- He had noticed that in the original plat for the Bridle Ranchettes from the 1960s that there was a 12-ft easement on the south side of the property that ran the full length of the subdivision. That easement had not been removed from the title report although the easement that ran along Boeckman Creek to the east had been removed. He wanted to know if that 12-ft easement was still in place.
- He thanked Staff, adding that every interaction he had with Staff had been excellent. They were courteous, polite, and responsive. He also wanted to recognize the DRB as citizen volunteers who cared about their city. His neighbors also cared about their city, especially as it relates to their properties. He thanked the Board members for their service and for doing their homework, adding it was impressive to see them in action.
- This process had been interesting, and he had learned a lot about how City governance and business was conducted. He had to play catch-up because he had to dig for information, and the City's recommendation had just come out last week, so he and neighbors had had to scramble to try to come up with good questions and good points to make.
- The impact on adjacent neighbors to the proposed development was important because of a couple different criteria. Most of tonight's conversation seemed to center around an attitude of why not develop the property. He and his neighbors' perspective was whether or not the proposed development was the best use of the property. People within his group that had expressed interest in buying the property, but it seemed there was a dogged determination to develop it, even if it was not the best use of the property.
- The number of variances and Code changes that were required also raised questions. If building codes and setbacks had to be changed in order to accommodate the houses, then

maybe the question to ask was whether this was the right project; the right number of homes. Putting up eight houses against four did not seem like a situation that could result in a compromise, but rather, one winner and a lot of losers. The neighbors were here tonight because they recognized that and did not want to lose what they had worked hard for and had come to appreciate about living in Wilsonville. He had lived in his home in Wilsonville for 27 years.

- He displayed an existing home on a two-acre parcel in the Bridle Trail Ranchette property up against Phase II and noted that the house now had three, 35-ft houses, 5-ft from their property line. It was an example of what happened when a development tried to maximize density and profit and compromised individual property owners' rights. In the example, it was a side setback up against a huge piece of property and obviously, it was a pretty significant look.
- Another issue with setbacks involved how things were finished. Fortunately, there were two different projects available to see what the finished product looked like. Unfortunately, it was not consistent with what the plans look like or what the Code states. One example showed a new home built with no regard to the existing home as the grades did not match, it was not landscaped, it was not fenced, the water was running off, and weeds were growing. It was development that was not consistent with what happens in Wilsonville, and not something he believed anyone was proud of. The driveway only held one car, and there was a huge electrical box that sat next to the car that made it impossible to expand the driveway.
- The finished road abutting the neighbor's property was not Wilsonville quality. The subdivision was finished and it was not Wilsonville done well. There were weeds, water running off the neighbors property, a junky-looking sign, the sidewalk dead-ended, and the entire project was an eyesore that was certainly not consistent with the quality of planning done by the City. It demonstrated not finishing well. It was living proof that Phase I and Phase II were not done to an A standard, but were rather, a C minus finished product.
 - As the ground sloped farther towards the canyon, the houses got taller. In the case of this three-story home, it appeared the homeowner had taken it upon themselves to finish the edge of their property with the addition of stones and landscaping. The other side of the street was not finished. At the rear of the property, there was approximately 14 ft from the ground to the bottom of the deck, which was not even close to the offset where Lot 3 dropped off.
- There was a conflict between livability, desirability, and profitability. The 7-ft side setback standard in the Building Code put a total of 14 ft between houses, which was too tight to do much landscaping. If the basic Code for side setbacks could not be followed, they were compromising the minimum, and the minimum Code was there for safety reasons, perhaps for fire. Going from 14 ft to 10 ft between houses seemed like a legitimate reason for the DRB to question whether the development made sense as planned.
- He displayed a photo of a nearby house he believed was approximately 40-ft tall on the short end, and toward the rear property line, it was a lot taller. A photo of the rear of the house showed approximately 14 ft from the deck down to the ground.
 - He appreciated Mr. Bradford for extending the proposed setback at the south end of Lot 3 to 10ft because 5ft was crazy. His next door neighbor's back yard, which had a

beautiful patio, would basically be 15 ft from a house that was approximately 38 ft tall. It was not too dramatic to say that they would not be able to see the sky.

- The development was not a friendly, helpful, or well thought through. It was not Wilsonville quality to have a winner and a bunch of losers when a piece of property was developed cramming in eight houses.
 - In the Renaissance development, there were eight ranchettes on two-acre parcels, but the parcels were flat. The current proposal had eight homes on less than one acre, which was why the lot sizes were so tiny. He agreed with Mr. Calcagno that they were not against development. Neighbors simply did not want their backyards and their views ruined with houses jammed up against the property lines.
- With regard to future development, having a dead-end street be acceptable because the City had the naïve assumption that the owner of the \$1.8 million home to the north, that was built just six years ago, would sell his property to a developer who would then tear down the home and extend the road longer than the Code required, seemed silly.
 - The Clackamas County Tax Map still showed an outline of the Bridle Trail Ranchette easement at the south end of the property, which made him think it was still in effect.
 - He encouraged everyone to walk the property and take another look at Phase 1 and Phase II and the impact those developments had on neighbors.
- He displayed a slide of the \$1.8 million home that showed how the street came right up against the property line. The house would also have a corresponding street on the other side of it, effectively making it an island. The owners had purchased that home when there were no developments around them, and it was zoned for one home per acre, just like it was when he had purchased his own house.
 - Another slide showed how close the proposed house was very close to the fence and the neighbor's property. It would have a huge impact and be similar to living in Chicago with houses that were 10 ft apart and 20 ft to 30 ft tall.
- He displayed the view from the back of his and his neighbors' homes looking toward what could be Lot 3. Currently, there were big trees there that would be cut down and a pastoral view. Another slide showed the other side of the property looking at Phase I. In between the flowering trees and fir trees was a 24-ft tall wall with a street on top of it, which was how they finished Phase I, with a 24-ft drop off at the end of the street with a fence and sign that read "future road, future development." Evidently, 24 feet of fill would be put in there and houses built at some point in the future when people get tired of looking at houses 24 ft above them to the street level.
- Setbacks were important and the way subdivisions tied into existing properties was very important. There was living proof of how that had been done, but unfortunately, it had not been done as well as we wanted it to be done.

Chip Halstead stated his address was on record and that he wanted to lend his support to both Mr. Carlson's and Mr. Calcagno's concerns. He was a 19-year resident of Wilsonville and lived in the house at the end of SW Vlahos Dr, next to Mr. Carlson, which intersected where the proposed 8-lot subdivision project was being considered.

- He understood that if the development was approved, the Applicant planned to remove most of the 25 mature trees that currently provided a wall of privacy and noise abatement

on the southern plat edge between his neighborhood and the new one being considered. Because so many large, healthy trees had already been lost to the recent ice storm, he completely disagreed with any building proposal that involved the removal of a single one of the 50-ft tall healthy, mature trees, let alone the entire stand. Planting new trees in other areas would not provide the same wall of privacy as the current placement. Instead, neighbors would face a tall wall of tightly-packed, two-story homes.

- While he could understand building three to five new homes on the site with adequate yards and proper street access with parking, replacing the current one-story home with eight, two-story homes squeezed in on the same property was ridiculous. The proposed development plan included no parking on the new street, so excess cars and trucks, already a big problem in the neighborhood, would become an even bigger problem, choking off the local streets and blocking fire hydrants, something that was already happening.
- Any zoning changes and waivers that allowed the proposed subdivision to go forward would negatively affect the safety of his and his neighbors' homes at the end of Vlahos, as well as the 125 homes that already existed in the neighborhood. Currently, there was only one entrance and exit for cars, trucks, and emergency vehicles, which made the situation very unsafe. Adding more homes without additional entrances and exits was asking for trouble. The recent fire in Villebois had been compounded by similar issues.
- One of the reasons he had chosen to live in Wilsonville 19 years ago was the long-term community planning that kept their little town from turning out into a mess of tall buildings, signs, jammed neighborhoods, and crowded streets like Tigard or Beaverton. He was not in favor of any plan that would harm his neighborhood, damage their view, or diminish their safety.

Ms. White confirmed that Kanika Russell ceded her testimony time to Joan Carlson. She received no response from Sharon Sala or Stephanie O'Malley. Ms. Carlson was given six minutes to testify.

Joan Carlson stated her address was on record. She noted it was 10:17 pm and some people had probably gone to bed. She was frustrated the meeting had gone on so long and that she would not have the extra minutes from Ms. Sala and Ms. O'Malley. She then presented testimony referencing a PowerPoint, entered into the record as Exhibit D29, with these comments:

- Her family had lived in Wilsonville since 1994, when its population was 7,000 people. Currently, it was closer to 25,000 residents. She had raised three kids in the city and had been very involved in the community. Her family had been very active in opposing the women's prison that was set to be built directly behind Wood Middle School, and the City had done the right thing, listened, and found a more suitable location. She was also involved in the Beauty and the Bridge Project, which involved over 1,000 students. In that project the City had listened, was involved, and the community now had a public art piece along Wilsonville Rd underneath the I-5 interchange.
- The City of Wilsonville 2021 Annual Community Report featured 16 images of trees on the cover sheet, as well as many other photos of trees in the 28-page report. Trees were important to the people of Wilsonville. For the twenty-third consecutive year, Wilsonville had been recognized as a Tree City, USA by the National Arbor Day Foundation.

Wilsonville had worked hard for that endorsement and done the right thing in promoting trees in the community.

- A page in the Annual Community Report stated, "Growing, protecting the City's urban forest." She reiterated that Wilsonville was a city of trees. For many years, Wilsonville had been named a Sterling Tree City, USA. Wilsonville had recently revitalized its Heritage Tree Program to celebrate Wilsonville's trees. She read the following excerpt from the Annual Community Report, "Nearly 50 street and yard trees were planted in residential neighborhoods in 2020, supporting the Council's goal to implement a tree replacement program." That accomplishment was commendable, but dwarfed by a single development plan to cut down most of a grove of 26 Douglas firs, the Oregon State Tree, Spruce, and Ponderosa Pine trees. The cutting down of the grove benefited and enriched a single person, the developer.
- The City had already responded to the developer, and had noted Page 63 of the DRB report that four of the trees slated for removal were actually on City property. The City had said no, and she thanked the City for doing a good thing. However, just tonight, the Applicant had asked again to cut down those trees.
 - The burden fell on the loss of those large, mature, native, healthy trees that measured from 16 in to 24 in in diameter and had survived the recent ice storm. The developer wanted to cut down those majestic beauties. She asked why a Tree City would allow a developer to do that. It would not be difficult to develop the property with slightly less density and save some trees; let's save all the trees. It was not worth squeezing in an extra home or two and losing a grove of 50-year-old trees. The developer himself had called the lots skinny. The developer was asking for a zoning change to build eight homes on the property. The trees would not survive. They would be cut down to make room for very large homes on very small lots. The Applicant's plan had Xs on a lot of the trees, but everyone knew all the trees along the southern edge would be taken out.
- She displayed an aerial photo of the subject site that showed the neighborhood homes on the left and the \$1.8 million home on the right. The developer wanted to cram eight homes on skinny lots onto the subject site in the center. The steep grade running to the south was not visible in the photo.
- The SROZ had been a dumping site for the property owner for years. The lack of healthy and mature Conifer trees attested to this unhealth. Currently, the SROZ behind the subject property was full of invasive blackberry bushes and dead trees. Page 63 of the DRB report stated, "Based on Staff visits to the site, there was significant debris located within the mitigation area and there were Staff concerns about the viability of replanting." She pointed out that everything there was dying except the blackberries.
 - Condition of Approval PDF7 required the Applicant to appropriately clear the debris. There were piles of concrete. She said she had photos and videos of the homeowner dumping over the edge, adding she had a video from today. She displayed photos showing the dump site and some of the debris, noting that the homeowner had been covering up his garbage with branches.
- The March 2021 and April 2021 editions of the Boones Ferry Messenger were widely read by community members because they were all about trees. Wilsonville was a Tree City. She asked that the DRB please keep it a Tree City.

Ms. White confirmed that Alec Olsen and Emily Ostrom ceded their testimony time to Helena Lulay, who was given nine minutes to testify.

Helena Lulay stated she had sent a PowerPoint to Staff earlier in the day, but she would make her comments without since it could not be located. She wanted any additional time she had deferred to someone who might lose time. Her comments were as follows:

- She was a 25-year resident of Wilsonville and sat on two nonprofit boards for people with disabilities, as she was all about accessibility and protecting. She read from Development Code Section 4.175, Public Safety and Crime Prevention, stating, "All developments shall be designed to deter crime and ensure public safety." She wished the photo was available to share, but thankfully, the DRB had looked at the photos she had sent in of parking which would answer questions about whether a fire truck could fit down the street.
- These violations occurred daily. She had sent the photos to and had spoken with the Deputy Fire Marshall who had done the report and he agreed the situation was horrible, but noted that all he reviewed was whether the street was wide enough, and if so, it was good.
 - That did not pertain to "ensure public safety." There were pictures of cars parked on either side of a crosswalk, when the requirement was to park five feet away. This made it dangerous to cross streets, particularly for small children. Cars were also parking in front of fire hydrants every day. The Deputy Fire Marshall had informed her that it was the City's responsibility to paint the curbs red, and she believed the City did not want to paint the curbs because they did not want to maintain them.
- There were codes and rules on the books for protection, yet no one wanted to enforce them. Instead, another street was proposed, with no parking, for 2,800 sq to 3,000 sq ft homes with small driveways that would likely house more than two people.
 - As mentioned, the applicants came in to get zoning, but then the project was passed on to developers.
 - Aspen Meadows homes featured 15-ft long driveways, not the required driveway length of 18 ft, even though appropriate driveways had been promised. A Prius could not even fit in the driveway, but hung over the sidewalk. She asked how it was ADA compliant if a wheelchair could not use the sidewalk because a car was partially blocking it.
 - Cars were parking in places they were not supposed to, including on sidewalks. She had even seen an RV parked on the sidewalk. That was the reality every day. She hoped she could resend her PowerPoint presentation to the DRB because it had photos of all the instances she had outlined, and she wanted it to be a part of the public record.
- The Deputy Fire Marshall had told her they could get their vehicles 150 ft down the new street. The proposed houses on Lots 1 through 3 would have to have fire sprinklers installed because fire apparatus would not be able to access them. Sprinklers were great for inside the home, but what would happen in there was a barbecue fire or a wildfire in the SROZ. Those proposed houses were so tightly packed together that any fire would spread to her and her neighbors' homes on the other side.
- She stated she was worried about accessibility and how emergency vehicles would get into the development. She would not be able to live in the proposed homes because her son was

medically fragile, and the street was not accessible morning, noon, or night. Minutes matter in an emergency.

- It was crazy to make eight homeowners or the HOA accountable for ensuring neighbors would not park there or reporting them to the authorities. Who would call on their neighbor to get them fined? And why the twelve hour timeframe? Someone could die in that time.
- Just because something had been done in the past, did not mean it had to be done again. The City should learn from the mistakes that happened in Villebois and not wait until there was a tragedy or a death. Every time the Board heard a siren, would they wonder if the emergency vehicles were headed to Aspen Meadows III, the development they said would be okay? She did. It was a reality. They lived it every day.
- The proposed development did not belong. The rezoning did not belong. If a development did not fit, it should not be built. No street; no safety. She reiterated City Code Section 4.175 stating that all development shall be designed to deter crime and ensure public safety and she urged the DRB to follow that. The City of Wilsonville knew how to do that and should do that.
- She noted the pictures were really good in her video.

Ms. White said she was concerned the file might have been too large and got caught in the City's system.

Chair McKay stated he believed some photos had been included with the Staff report that showed some of the parking. He had driven to the subject site earlier in the day and understood what Ms. Lulay was talking about.

Donna Chan, 7598 SW Vlahos Dr, stated she would be addressing the personal effects of zoning changes in her neighborhood. She had lived in Wilsonville for 35 years. She owned her home and a rental on SW Vlahos Dr. She had seen many changes during that time, some for the better, some not. Betty Vlahos had sold her property in 1998 to a company that built the Wilsonville Care Facility, now The Springs. When it was in the planning process, neighbors on SW Vlahos Dr attended town hall meetings and voiced various concerns. The owners and developers had assured neighbors of several things regarding parking and traffic that eventually went by the wayside. Neighbors were told parking would not be a problem, and the facility would have plenty of it. There were now cars parking on the streets in front of people's homes, sometimes for 8 to 10 hours while people were on shifts, and oftentimes in inappropriate places. There was clearly not enough parking at the care facility. She had been told recently by a management associate that originally there was supposed to be more parking in the back, but it was not feasible due to drainage issues.

- Traffic had been much worse than the developer portrayed. Residents now lived with trucks, delivery trucks, fire trucks, garbage trucks, and employee traffic at all hours that created a great deal of noise pollution. One of the tenants at her rental had moved out specifically because of that. She wanted the DRB to be aware of all this because she was concerned that the proposed zoning changes could cause future problems no one was aware

of. She had made a promise to herself she would try to help anyone avoid changes that would affect the quality of life in the neighborhood.

- She would look out her window toward the end of the cul-de-sac where the new construction was being planned on the other side of the current houses and see the beautiful, old fir trees that Wilsonville was supposed to be famous for protecting. After driving back through the area of the proposed zoning changes, she was concerned that the City was not taking into account the current world they lived in with various delivery trucks that were now a big part of our lives. There was little to no room on the streets back there for those vehicles and proposed zoning changes. The City did not seem to be taking that into consideration.
- She assumed that City Staff and the DRB took pride in planning for the future of Wilsonville and were proud of the decisions they made. She asked that they please be mindful that those decisions could negatively impact the daily lives of neighbors who had been living there for many years.

Ms. White confirmed that Laurie Barr and Richard Davis and ceded their testimony time to Mark Kochanowski. She received no response from Annie Falconer and Rene Sala. Mr. Kochanowski was given nine minutes to testify.

Mark Kochanowski stated his address was on file and presented testimony referencing a pdf file displayed via Zoom that was entered into the record as Exhibit D30, with these comments:

- He and his wife owned the two-acre property next to the 14-lot planned development created by Scott Miller, SAMM-Miller. They had purchased their property approximately six years ago, moving from Villebois so they could have some land and he could cut grass. Approximately a year later, he learned about the development.
- His issues regarded Scott Miller, the developer, the City of Wilsonville, and the builder not properly complying with requirements in the current development. The DRB should not continue to approve waivers for variances that allow additional high-density housing to be developed in low-density neighborhoods. He hoped to have enough time to address his seven points: well water needs protection, no enforcement of the tree root system, the McGraw Ave storm water passing onto his property, variances and waivers, low density adjacent to high density, trespassing onto adjacent property, and the DRB voting.
- The presentations, the questions from the six Board members, and some of the verbiage from Steve Miller and Dan Pauly had him quite irritated.
- He displayed a photo of his home that showed two large trees along the wire fence on his property line, adjacent to the first of three houses built right down his property line. Regarding the document created by Dan Pauly with the developer, he was told there would be a privacy fence along the three homes and that his trees would be protected. Mr. Pauly had sent him an email with strong verbiage. When Mr. Pauly made his presentation about the protection of trees, and the DRB members were asking, he had just laughed.
 - One of his two trees was 2 ft in diameter with branches that extended out with 15 ft radius for a 30 ft-wide tree. The tree overhung from his property to the adjacent property where a house was proposed. He was told his tree and its roots would be protected, a 6-ft wire mesh fence would be erected during excavation with protection,

and an arborist would be on site. That did not happen. The excavator had come in a foot or so from his property line, digging the first house's foundation and ready to start the next. When he saw this, he called Mr. Pauly to his property and he with an associate, and they talked to the excavator at the property line for about 45 minutes, and then Mr. Pauly came to his front door. He asked Mr. Pauly what he was going to do, and Mr. Pauly replied that the fence would go up the next day. Excavating continued and three to four days later, he called Mr. Pauly to say there was still no fence. Staff had talked about protection but that was just smoke. He wished Ms. Carlson luck in her plea for tree protection, especially on an adjacent property.

- He received no follow-up about his concerns and had no idea whether or not his issues had been elevated to a supervisor, the City Attorney, or anyone. The developer, contractor, and the City of Wilsonville had offered zero justice.
- He displayed a photo of a home being built with a 7-ft setback that had a ladder on it that was oftentimes 11 ft to 12 ft from his house and on his property. He had gone over multiple times to kick various workers off his property and told them if they had a problem with that to go talk to Dan Pauly, who created the trespassing mess. He noted he had liability if he allowed them to continue.
- The next photo showed scaffolding being used at Frog Pond. The siding people were using something similar. Painters did not go around with scaffolding. He thanked the City for allowing the encroachment and trespassing onto his property, which he now had to defend. He was even kicking off his neighbors' painters and their ladders; 7 ft setbacks were not enough and 5 ft setbacks would be even worse.
- He had a well next to his house on the Boeckman [inaudible] property that sold, and after grading and the installation of utilities, the well was still there, approximately 40 ft from his property. He got nervous when they were about to pour foundations, so he called the State Water Department to file a complaint because they were getting too close to the well and he wanted it capped off and his water protected. Eight football fields up the road by Mentor Graphics was a City well site that was emergency supply. He asked if there were inspections or permits for any of this.

Ms. White confirmed that Kristi Halstead ceded her testimony time to Brenda Troupe, who was given six minutes to testify.

Brenda Troupe stated her address was already on the record. She had lived in her house for 24 years and agreed with all previous testimonies regarding opposition to the proposed development. She addressed the issues of fire and life safety with the following comments:

- The proposed development consisted of a public street and a private drive. The private drive was the responsibility of the HOA, who would actively enforce the no parking area and tow any illegally parked vehicle within 12 hours. That was a long time to wait for a car to move or be towed if a fire broke out in the meantime. The bigger concern was that the same situation would apply to the public street that would be designated as a no parking fire lane that was the responsibility of the City. Due to the lack of adequate parking, people often parked on the street illegally as documented by photos taken in the Aspen I and II subdivisions built by the same developer, including parking in front of fire hydrants, no

parking signs, and halfway on the sidewalk due to inadequate parking. The photos Ms. Lulay sent to Staff but did not come through.

- This developer had stated that parking would not be an issue because two parking spaces per household had been allotted in the driveway. That only worked in theory. Taking into account the proposed size of the homes, it was reasonable to assume that the houses would have more than two cars per household. Her own neighborhood demonstrated that was true.
- She wondered who was ultimately responsible for illegally parked cars on public streets that blocked the path of emergency vehicles. The Deputy Fire Marshall stated that they were unable to enforce parking violations and that it was the responsibility of the City. The City stated it was the responsibility of the police department. The problem with the police department being responsible was that no tickets had been issued to illegally parked vehicles in the other two Aspen Meadows subdivisions or anywhere else in the surrounding neighborhood. The probability of the police responding to a parking violation was not good.
- The house on Lot 3 would back up to her house and be located, hopefully at least, 10 ft from her property line. She asked who she should call if there was an illegally parked vehicle, how long the vehicle would remain parked and blocking the fire lane, what would happen if a fire broke out on Lot 3, how emergency vehicles would get to the back of her house if it was blocked, and how long that would take.
 - Sprinklers in the houses would not help if a fire was located outside, such as fires started by children playing with matches in the woods, a burning cigarette tossed into the bark dust, or fires like the ones experienced last summer, caused by outside influences that resulted in loss of property, towns, and human life. The proposed development was a disaster waiting to happen. She asked the DRB if they were all going to pretend it could not happen and just shrug their shoulders. It was a blatant total disregard for human life. The taxpaying citizens of Wilsonville had a right to 24/7 fire protection. The proposed development as it stood was not realistic, safe, or worth the risk of homes and lives.
- At last month's DRB meeting, neighbors were told some comments received from citizens included opposition to the entire development. They were also told to keep an open mind and to compromise on some of the issues. Neighbors would have to compromise their backyard setbacks, their trees, their privacy, their home values, and general livability. The developer had to compromise nothing. She believed he should rethink the entire development and find another piece of ground that was more suitable to his vision.
- The proposed subdivision was a house of cards built on waivers and untruths. Just because mistakes had been made in the Aspen Meadows subdivision did not mean those mistakes had to be repeated. To the contrary, the City should learn from those mistakes and move forward in a positive direction for the betterment of its neighborhoods and the community. One man's gain should not be at the expense of other people's.
- It was very clear from all the testimony heard tonight that the rezoning should not be approved. She thanked the DRB for their time and consideration in hearing all the neighbors' heartfelt objections.

Ms. White confirmed that William Jackson ceded his testimony time to Michelle Calcagno. She received no response from Brent Glogau. Michelle Calcagno was given six minutes to testify

Michelle Calcagno, 7563 SW Vlahos Dr., Wilsonville, OR, stated that many issues important to her had already been addressed tonight by the neighbors. She presented testimony referencing a PowerPoint, entered into the record as Exhibit D31, with these comments:

- She displayed a photo of the trees that she and her neighbors were deeply concerned about, noting there were a lot of feelings and frustration about what might happen to the trees. She pleaded for the DRB to consider what Mr. Calcagno had said earlier in the evening. They had taken a lot of time to prepare their thoughts. Mr. Calcagno was a fantastic engineer and knew what he was talking about. She was positive he was correct in his math, even though he had said he might not be. They were 15-yr residents of Wilsonville, loved the community, and it was important to them. Their home and neighborhood was important to them.
- She had prepared a stack of notes and information to present to the DRB to make them realize how big a deal this was for them, but now it was 11:00 o'clock.
- In the past, she had been a quiet citizen and had never done anything like testify in front of the DRB or City Council, but she was here tonight because it was personal, and she was very frustrated that when she had reached out, she was not taken seriously, she was not considered, and she had received very cold and calculated answers. She had been told that emotions did not matter and were not important to the DRB or considered, valued, or measured by the DRB.
- While she understood that, it was wrong. She wondered if all that mattered to the City were calculations, zone lots, density, and averages. The point of having a review board and the members donating their time was because there was more to it than that. It was careful considerations, looking at what worked in one development versus another, and determining what was best for everyone. That was why there was a DRB. Codes and Rules were important and absolutely needed to be looked at, but common sense was also needed. The City needed a review Board that could look at the Codes and realize when something did not work in a particular area. Creative thought was needed.
 - There were aesthetics to think about, privacy, quality, and emotions because lives were involved. Her home was impacted. The City was changing her privacy, her backyard, and making changes for people, and the Board needed to think about that very carefully when making these decisions. She hoped they would. She hoped that the DRB heard her, understood, and would not take this lightly.
- She understood development was needed, but the trees were hugely important, which was why Mr. Calcagno had shared a great alternative. The developer needed to try again. This proposal was not going to work very well.
- This matter was upsetting to her whole family. She displayed a photo of a letter her daughter had written to the DRB, which she entered into the record as follows:

"Please do not cut the trees down. And did you know that 20% of the rainforest is gone, and these trees cannot be cut down. P.S. Owls live in these trees. I saw one.
From Luciana and Nathan Calcagno."
- She confirmed that her family had, in fact, seen owls and one had flown through their backyard two nights ago. Her daughter attended Boones Ferry Primary School where she

was learning about habitats, conservation, and how to protect the environment. When she heard the conversations at home, she wondered why trees were being cut down.

- It was in the Board's hands. Adults needed to do more than just talk about what they could do for the environment. Action needed to be taken and decisions that mattered and counted needed to be made. She understood this was a small section, but every choice mattered.

Ms. White confirmed that Patti Lama, Marisa Burmeister, and Jeff Lulay, Jr, ceded their testimony time to Greg Pelser. She received no response from Jim Chan, Kristen Colyer, or Brendan Colyer. Mr. Pelser was given twelve minutes to testify.

Greg Pelser stated his address was in the record, adding he lived on the corner of Daybreak Rd and Canyon Creek S. He noted Dan Pauly had recently been advertising in the newspapers, asking for input from the community on zoning and development, and he applauded Mr. Pauly's effort. The advertisement began by stating, "A significant part of what makes Wilsonville a desirable neighborhood is its history of thoughtful residential housing." It went on to state, "The right answer considers the future, while also enhancing the look, feel, and function of our neighborhoods" which was very well put. The survey was put on *Let's Talk Wilsonville*—be careful what you ask for. Residents had been talking and hoped the City was listening.

- The Renaissance residents loved their neighborhood. It was well-planned with plenty open space and plenty of street parking. Renaissance was a highly desirable neighborhood; a crown jewel of the community. Last year, Aspen Meadows was added, and it compromised the neighborhood in terms of livability. The new proposed development would devastate the neighborhood, which had large homes, large lots, and plenty of parking and open space, to Aspen Meadows, which had smaller lots, very little parking and very little open space. This new development was asking for zero street parking and very little open space, and would be cram with large homes on even smaller lots.
- The Board was given hundreds of pages to digest, which was not an easy task. Thankfully, he was an engineer who ran and owned an engineering contracting company for 38 years, so he was used to reading through such materials. He presented some of his concerns as follows:
- On Page 25, the developer's response to some of the concerns stated, "The narrative addresses how the process project meets all the required codes." This was a big problem. First, there was a clear requirement process for Code appeals, which required a clear list of each Code section being appealed and then explain the reason for the appeal. This process was not followed.
 - The Staff report included multiple appeals and compromises that were kind of hidden throughout the entire documents.
- Parking. Throughout the report, it stated the homes would have at least one driveway per Code, and the Code required 18-ft driveways in the front of each home, as well as a 20-ft setback from the garage door. He measured the first four driveways at Aspen Meadows, and each was 15.5 ft; how did they get away with that?
 - He understood the developer was not going to build it, but the preliminary house plan for Lots 1 and 2 submitted by the developer showed 15-ft driveways. This was not Code compliant, yet Page 47 of the Staff report stated the driveways would be a minimum of 20-ft.

- Street Lengths. Page 52 of the Staff report stated the full length of the street exceeded the 200-ft maximum for a dead-end, then it stated, “however, the street would be extended north in the future and the project contains a turnaround for fire and emergency vehicles.” The turnaround submitted by TVF&R was for the Canyon Creek Rd South overlay on the existing street near the roundabout; not for the bottom of the dead end street. However, Page 9 of the Staff report stated that the private driveway along with the cul-de-sac bulb “aids in providing truck turnaround space for TVF&R and public services”. They did not do an overlay of a turnaround down there and the fire marshal had already admitted he could not go down there and he could not handle the homes at the end of this development.
 - The developers were requesting another Code variance to add sprinkler systems for the inaccessible homes. The sprinkler system variance was typically used for rural homes, homes without adequate water supply for hydrants, or homes that were too far away for adequate fire vehicle response times. Sprinkler systems were not appropriate for a new development in the heart of city that fire trucks could not access. A house fire there would likely occur from a chimney fire, a roof fire resulting from 4th of July fireworks, or a brushfire from the SROZ zone nearby. Fire sprinkler systems were a poor substitute for a firetruck in such cases and were unlikely to activate until the fire was inside the building structure. Again, there were all these variances.
- Public street. Page 52 of the Staff report stated, “The City Engineer has preliminarily found that the street designs and widths are consistent with Figure 3-9”, which was on Page 9 of the report and clearly showed a minimum curb-to-curb Code requirement of 28 ft to 32 ft wide. On Page 41, the Staff report stated, “The planned subdivision will provide a functional street.” Page 52 stated, “The proposed street appears to meet the standards” and again, “The required improvements are proportional and typical for residential developments.”
 - Multiple drawings had been submitted showing street width of 47-ft, but digging deeper, Drawing 8 depicted a curb-to-curb dimension of 24-ft, but in Figure 3-9, the Code requirement was a minimum of 28 ft to 32 ft.
 - Digging even deeper, he found a quote on Page 9 stating, “Full improvements are not feasible until the north property is developed” but again, they stated that they found that the street designs and widths were consistent with Figure 3-9, which was very misleading.
- He summarized that the development would have half a street that exceeded the maximum length for a dead-end, and the entire development was contingent upon the development of the north property, which was a \$2 million estate that would likely be there for 50 years and beyond. Hopefully, it would become a heritage home at that time; something the city could be proud of.
- He said he had sat on a design review board for the City of Portland for 15 years, and not meeting the minimum Code standards for the width and length of a public street would have resulted in an immediate denial. There were safety and liability issues.
 - The purpose of a review board was to limit the liability of a City. If the City alone allowed variances from national and local codes, it would be liable. A review board shifts the liability away from the City, which could say it was approved by peers and professionals from the community. The DRB should not have to bear that burden on all these variances.
- In conclusion, he referenced Mr. Pauly’s statement, “The right answer considers the future, while also enhancing the look, feel, and function of the neighborhoods” and he should have

added safety. This was the first proposed development under the high-density zoning provision, and those new requirements already presented enough challenges, so let's not mess this one up with numerous Code waivers and variances. He urged the DRB to vote no on this project.

- He stated if the DRB voted "Yes", he would like to request an extension on the City Council vote to allow time to seek counsel.

William Spring, 27700 Canyon Creek Rd North, stated he was the property owner of 28700 Canyon Creek Rd South, the property being reviewed. He had read through all the citizens' concerns involving his property and understood the concerns. With surrounding development over the years, he and his parents had the same similar concerns.

- When he was approached with the proposed design of a single-family housing development, he believed it would best fit the property, and that the surrounding neighbors would prefer to see single-family homes rather than apartments. His small, ranch-style home no longer suited the look of the surrounding neighborhood.
- As for his neighbors along the south property line, the Vlahos Dr residents had turned their citizen concerns into complaints about his property and attacking his character, stating he had been dumping in the SROZ for years. That was totally incorrect; he had been using a portion of his property to pile leaves and only organic materials, resulting in what would be considered a compost pile, which naturally turns into soil. He has used the back portion of his property to accumulate large branches and trees for backyard burning, which was legal within the city of Wilsonville outside the burn ban area.
- The citizens had expressed concerns about tree removal. He noted that every tree being discussed had been planted by him over 30 years ago to buffer their subdivision from his home.
- When their homes were built, their developer chose not to install a privacy fence. It appeared that they were in favor of Wilsonville's growth and of homes being built, but not in their backyard.
- Many residents had expressed concerns about traffic, parking, fire department access and street size.

Mr. Pauly noted Mr. Spring's three minutes was up, but as part of the Applicant's team, he was allowed additional time as part of the rebuttal to the testimony.

Mr. Miller stated that William Spring had been speaking on his own behalf as the property owner, not as part of the rebuttal team, so he did not want that to take away any time from rebuttal.

Mr. Pauly stated there was no time limit on rebuttal.

Mr. Miller said he understood questions to anyone who spoke would take place now because the record was typically closed after rebuttal and the Board would go to deliberations. He was a bit confused about the procedure.

Ms. Jacobson [inaudible] If the Board had questions for the neighbors, they should be asked while they were still present. Questions for the Applicant could be asked after rebuttal.

Mr. Pauly agreed, noting there could be additional testimony that the Applicant might want to rebut.

Chair McKay confirmed the Board members had no questions for any member of the public, and then he called for the Applicant's rebuttal.

Mr. Pauly confirmed for Mr. Miller that the Board would be able to ask questions of the citizens after rebuttal and then he would be given opportunity for a second rebuttal.

Mr. Miller stated he appreciated the passion and understood that some frustrations existed due to other development projects in the neighborhood, while other frustrations were more relevant to the subject project. His comments were as follows:

- The parking issue raised on Canyon Creek Rd by the public about many of the no parking signs being removed could be addressed by the City by reestablishing the no-parking signs which were clearly meant to be there. He was not certain how parking in the subject development would affect properties to the north. The Applicant's proposal met the off street parking requirement for the subdivision, which was two off street parking spaces. Garages and driveways could also satisfy that requirement, so he did not believe parking was an issue for this project, though it was more of an issue for the neighborhood. The review had to be based on the criteria for this property and proposal, and that requirement had been met.
- Someone had expressed that many variances or appeals were being requested. He clarified there were no appeals, and the only waiver request was for the setbacks. The proposed street was standard for a three-quarter street, which was the requirement for this project. Extending the dead-end when the north property developed was a standard practice in Oregon, and sometimes the requirement was to build only a half-street. The Applicant was building as much of the street as possible on their property, which was proportionate to the project and the impacts generated from the project.
 - In terms of the street length, different sections of the Staff report had been referenced during testimony. He clarified that a cul-de-sac was not proposed for the street, it would be terminated on the north boundary so it could be extended north when that property redeveloped. He was not sure if the property was worth \$1 million or \$1.8 million, but it had redevelopment potential, and it was surprising what was redeveloped. The street ended in anticipation that property would be redeveloped at some point.
- Fire sprinklers were common. It was not that the firetruck could not go farther than 150 ft; it was the fire marshal's preference to not go beyond 150m, which necessitated backing out a farther distance. Using the right-of-way and cul-de-sac bulb minimized the backing distance required for a firetruck to get out of that area. Fire sprinklers bought additional time for the firetruck to go down to that area and get set up, but they could drive clear to the end of the street. The Applicant was setting it up per the fire department's standards, which included the turnaround and fire sprinklers for the homes extending beyond the 150 ft. The Applicant was operating under the standard Fire Code for the entire State, which all fire departments

operated under, not just Wilsonville. No deviation was being requested. The Applicant was meeting the standard on its face based upon what was available for this property and what might happen in the future with the redevelopment of other properties.

- Lot sizes. The City had approved a new portion of its Code for smaller lot sizes in the PDR-3 zone. The City desired to increase density in the city to help minimize the expansion of the urban growth boundary (UGB) and contain growth within the current UGB to avoid sprawl. That was the tradeoff; how efficiently could this property be used for housing today so that the City would not need to acquire more property to continue to grow as a city, which was a struggle for all cities. All the people that provided testimony were living in subdivisions that had once been farmland or some type of open land that was much larger than what existed today. In the State of Oregon, growth was absorbed inside the UGBs of incorporated cities to minimize outward growth into the rural areas of the county to preserve that land for farming and forests, and for those who want to live on larger lots. The balance was to get dense development into the city to help minimize the impacts on rural land. That was why the Comprehensive Plan designated this property as a holding zone for later redevelopment at a higher density. It had to be viewed from a big picture perspective. The City was trying to maintain a smaller UGB by getting denser development on these lands that could accommodate it. The Applicant was not a greedy developer, but was trying to provide a project in line with the City Codes that addresses what could be done for the properties, which was a minimum density for the zone.
- Trees. As Mr. Spring indicated, he planted the trees 30 years ago when the Vlahos subdivision was going in to provide some buffering. Those trees were on his private property and not owned by the people to the south, which had to be taken into consideration. The Applicant was trying to save some of the trees.
 - As seen in the grading plan, cutting all the trees down was not proposed at this time. The Applicant wanted to work with the arborist and homebuilder to see about positioning the houses in a way that some trees could be preserved. Although there were no guarantees, they were going to try.
- Comments about the Renaissance at Canyon Creek subdivision raised a point about how open space calculations at that time resulted in credits so that the backyards of some lots counted as usable open space. Those benefits were no longer available. The open space for this project was calculated per square footage of the developed area. For the area the Applicant was developing, substantially more open space was being provided than what Renaissance was required to provide for its 82 home subdivision. It was a big difference.
- Regarding Code Section 4.175, he assured the project was safe, which was why the City recommended approval. Both the streets and sidewalks met the standards required by the City, including ADA requirements. Onsite runoff stormwater would be contained on site.
- Residents living south of the project would not be compromised; they would not be able to access this subdivision. No one would be able to come up through the apartment complex and use the unimproved right-of-way to access that part of the city. From where they lived, residents to the south would have to go around to Canyon Creek Rd and cut through the Renaissance project to get into the subject development. The way the streets functioned in each development regarded two separate issues. He guessed their streets functioned at a high level and the Applicant was trying to make the subject streets function at a high level.

- The Applicant would finish the cul-de-sac bulb, install sidewalks, provide additional connectivity to the existing pedestrian trail between Canyon Creek Rd South and the Renaissance subdivision, the sidewalks to the north would be stubbed so they could continue on the eastside of Canyon Creek Rd South and connect with the sidewalks being constructed in the current projects.
- It was unfortunate that these larger lots developed in a piecemeal process, but that was how infill occurred. If all of the properties could not be acquired, you develop what you can and then over time, any additional street widening, planter strips, street trees and sidewalks were completed to achieve the final desired product.
- Some discussions had emerged about the neighbors trying to acquire the property proposed for development. He understood by the time they approached Mr. Spring, the land was already under contract and no longer available.
- The way the streets were stubbed with the barricades was standard. He noted the weeds on the backside of the barricade were on the City right-of-way for the street and could be removed at any time.
- The height of the homes discussed during testimony was in line with the Code standard for Wilsonville, which was why they were constructed that way. If someone at the City was not getting the 18-ft driveways right or not measuring the homes correctly, that was not this subdivision's problem. Such things might need to be considered more internally to determine why there were 15-ft driveways when they were supposed to be 18-ft long.
- The Applicant was applying Wilsonville's Code standards to bring this project into the city and have it become another wonderful part of the community. Perhaps there was a misunderstanding by some people who had moved into the neighborhood that these lots were to be redeveloped, which had always been the vision of the City and the Code said that these large lots with the holding rezone overlay would be redeveloped at a higher density to meet Wilsonville's 20-year supply of all housing needs.
 - Ironically, the City was likely updating its Code to address and codify House Bill 2001, which would allow middle housing on all PDR zones as an outright use, so the subject property could potentially have duplexes, triplexes, or higher density than what was being proposed now.
- The Applicant believed single-family detached was what people in the neighborhood wanted to see and the project was well thought out. The street met the standards with the three-quarter street as required. The grading plan was simply for the construction of the subdivision. The future homes would have to comply with all of the City's height requirements, and any above ground basements would be taken into consideration when measuring height. Sloped lots were calculated based on the average of the overall height, which was why a house might look tall from the back of the sloped lot, but very short from the street.

Mr. Pauly confirmed that Mr. Spring had nothing further to add.

- He noted he did not believe that some of the Codes, policies, and visions of the City with regard to the Code and Comprehensive Plan were accurately portrayed. For example, the standing adopted policy was 0 to 1, which was being changed as part of this application. In

particular, the change in the PDR-3 zone was not necessarily to increase density, but to essentially make the math in the Code work according to the required density for a lot size.

Mr. Pauly entered the following exhibits into the record:

- Exhibit D21: Email from Helena Lulay dated April 8, 2021.
- Exhibit D22: Email from Brenda Lund dated April 8, 2021.
- Exhibit D23: Email from Nilanjan Mukherjee dated April 2, 2021.
- Exhibit D24: Unlabeled comment letter received from Bill Spring via email
- Exhibit D25: Letter dated April 12, 2021 received jointly from Land Advocates (HLA) and the Fair Housing Council of Oregon (FHCO).
- Exhibit D26: Written testimony submitted by Mike Lama during the DRB A meeting.
- Exhibit D27: PowerPoint presented by Anthony Calcagno.
- Exhibit D28: PDF presentation by Dave Carlson.
- Exhibit D29: PowerPoint presented by Joan Carlson.
- Exhibit D30: PDF presentation by Mark Kochanowski.
- Exhibit D31: PowerPoint presented by Michelle Calcagno.

Chair McKay asked if Staff had the opportunity to review Exhibit D25, which mentioned a requirement the City had for Goal 10 Findings, and if Staff had any comments.

Mr. Pauly replied Staff had reviewed it and had conferred with Legal, and no additional findings were necessary at this point.

Mr. Yacob noted a resident had raised a question about a 12-ft easement on the south side of the property between Lots 2 and 3. He understood it had appeared on the Clackamas County tax map for the property.

Mr. Pauly confirmed the 12-ft easement was an older easement that the Applicant would have to address as part of the final plat process. Staff did not know what the easement entailed or if it was still valid. The Applicant would have to resolve any outstanding deed issues as part of the platting.

Mr. Bradford noted the existing easement was not part of the review criteria. The City did not enforce the [inaudible] of easements.

Mr. Miller stated the Applicant understood the easement had been potentially resolved, but as Staff indicated that burden was on the Applicant to ensure it was resolved with the recording of the plat.

Ms. Svadlenka inquired if any other zoning had been considered, such as PDR-2 as opposed to PDR-3 as mentioned during public testimony.

Mr. Miller responded PDR-3 was used in the original layout with 11 lots, and PDR-3 was still being applied as it was consistent with the current zoning in the neighborhood.

Mr. Jacob asked how long the contract was with the property owner, noting the Applicant had two years to build on the subdivision.

Mr. Miller responded the Applicant had a period to conclude the purchase agreement with the seller of the property. Thereafter, the Applicant would become the property owner and be subject to operate under the decisions of the City and to have the development constructed within two years.

Chair McKay asked Staff what would happen if any conditions of approval were not met by the Applicant, citing comments made during public testimony about problems with an existing development.

Mr. Pauly replied it would depend on the type of condition. Flimsy fencing or fencing that was not to standard or was moved was enforceable. Tree damage was enforceable with fines, etc. Oftentimes, the general contractor would do a good job and a subcontractor would mess things up over the weekend. Staff did their best to respond to complaints and be there to observe, but it was not possible to be there 24/7. Staff did their best to make the conditions clear about being sure to erect strong fencing.

- For other conditions, things could be withheld. Approval of the plat was a major point where Staff ensured everything was in place, such as the public improvements and landscaping, and if not, ensuring that bonding was in place for the surety that it would get done. Ultimately with agreement, occupancy to the homes could be withheld. Other long term conditions, such as keeping the street trees alive, had other enforcement mechanisms. While it depended on the situation, the City took noncompliance seriously.
- He said he would not fully agree with the characterization mentioned earlier. The contractor was not the easiest to deal with and it was not a typical situation. The City regularly enforced tree conditions, so the characterization that the City did not was not accurate.

Mr. Miller clarified the characterization cited earlier referred to a different developer, and did not relate to Mr. Scott Miller. He agreed it was not an accurate representation.

Mr. Pauly said he understood it was a builder.

Chair McKay asked what could be done to help ensure the project did not have a crummy builder that resulted in a similar situation, or have someone who blasts through trees or does not erect fences, etc.

Mr. Pauly replied that he had talked to some builders, and had even had developers include that the contractors were obligated to take care of the fence, but that did not stop a subcontractor on a weekend. Making sure that the fence was up and that the communication was clear was important. Other options included signing the fences in multiple languages stating that removing fencing or damaging trees would result in significant fees. The significant white oaks were valued at \$50,000 to \$80,000 per tree. Different methods of communication, both through the contractor

and onsite, helped address the issue. A fence set two feet into the ground did not always send a clear message.

Mr. Yacob asked how the Board could ensure no one's property was being infringed upon by another contractor from a different property given the variances provided on the side yards between buildings.

Mr. Pauly responded that was difficult to address and would involve a private enforcement situation.

Mr. Yacob suggested that making the side yards shorter might invite more infringements on neighboring properties.

Mr. Pauly responded he did not believe that was a suitable criterion for utilizing the limited amount of land available; otherwise, the setback worked. Scaffolding and other tools could be used to work in that space and some subdivisions utilized joint-use easements, allowing people to maintain the sides of their homes. It was a common expectation that people ask permission prior to entering another homeowner's private property.

Mr. Miller noted a potential condition of approval would be to require that all work be done on the subject property with no trespassing onto neighboring properties. He agreed scaffolding worked for installing siding and painting. This would only be an issue for the north setback on Lot 1 and the south setback on Lot 3. The remaining homes would be constructed before they were purchased, so no trespassing would occur because the developer would still own the properties at that point.

Ms. Svadlenka asked about the change made to PDR-3 and a brief explanation of House Bill 2001.

Mr. Pauly explained the change to PDR-3 clarified how to calculate open space, which the Applicant had done correctly. The change also addressed some other things to make the math work; for example, if 8 lots were required to have 12 percent open space, the lots could actually be built, whereas before the math would not work. There was also a reduction in lot size from 5,000 sq ft to 4,500 sq ft to make the math work given a completely flat circumstance.

- House Bill 2001 allowed for the subdivision of any lot to be anything from a single-family home to a quad-plex, rowhouses, etc. The Applicant indicated what they planned to do, but under State law, any lots going forward in Wilsonville were not single-family lots, but residential lots, which could allow a variety of different housing types. The changes would likely go into effect this fall, and once adopted, a developer could pull a building permit like they could for a single-family house and build a middle-housing type. The requirement from the State was that middle-housing types must be allowed with the same process and criteria as single-family homes.
- He confirmed that this approval would not necessarily guarantee single-family homes, noting the homes would not likely be fully built by the fall, so if a builder decided to put a duplex or triplex on one of the lots and could make the parking work, that could be done.

Mr. Miller stated that was a concern for the Applicant and they were agreeable to a condition of approval stating that only single-family homes could be built on the lots.

Mr. Pauly responded he did not believe that would be legal from the City's standpoint. He added that CC&Rs could not restrict such development, nor could the City.

Mr. Miller stated he agreed with Mr. Pauly's comments.

Chair McKay noted there was disagreement about what the Applicant could do about parking and asked if widening the street to 26-ft could be considered to allow for parking along one side.

Mr. Pauly stated that after driveway cuts, it was unlikely there would be much space for street parking, even if the street was wide enough.

Mr. Miller stated in looking at the plan, there was a little separation between the northern portion of the street and the north property line. Positioning the street at the north property line would result in a 26-ft width, which would allow for parking on one side of that street. That little space was really the only flexibility available to the Applicant. The street could not be moved to the south because there was not enough room.

Chair McKay asked if moving the street to the north property line would eliminate or reduce the existing buffer for that property owner.

Mr. Miller responded the buffer would be reduced from 5-ft to 3-ft from the property line.

- He confirmed there was no sidewalk on the north side, only a curb, adding that change would also allow for parking on one side of the street.

Chair McKay confirmed with Mr. Miller that the north side of the street would have no driveways so a full street of parking would be available.

Mr. Pauly noted it was after 12:00 am and that he wanted to check in with the Board about continuing the meeting. Unless the 120-day rule was waived by the Applicant, a decision was needed at this hearing. If there were any concerns that a criterion was not met, that would be grounds to deny the application. He noted there were still some outstanding disagreements between the Applicant and Staff that had not been successfully resolved, including the trees on City property that the Applicant did not have permission to cut down as well as what the related setback would be. If the Applicant was amenable to waiving the 120-day rule to allow time to resolve those questions, as well as questions about the right-of-way width, the Board could close the hearing with specific instructions for Staff to work with the design team to resolve certain issues and return before the Board for further deliberation at the next meeting. If the application was going toward approval, the Applicant was more likely to get something that worked better for them if they were to waive the time line at this point.

Chair McKay inquired how many days were left of the existing 120-days.

Mr. Pauly responded the 120-days would expire around May 4 or 5, before the Board's next hearing.

Chair McKay asked if there was an opportunity for the Board to do an interim or ad hoc hearing.

Mr. Pauly explained the application had to go before City Council as well and Council would have to review it next week in order to meet the timeframe.

Ms. Jacobson noted the application might be appealed either way and the City Council appeal would need to fit into that same period of time, so unless there was an extension granted, the Board had to make a decision tonight. Mr. Pauly had laid out several options and while there was disagreement, waivers were discretionary. There was a Staff recommendation to approve some waivers and the developer wanted additional waivers. The DRB could either go with Staff's recommendation with no additional waivers and keep all the conditions exactly as presented in the Staff report; or adopt the requests the developer made for additional waivers and the removal of those trees; or the Board could approve the Staff report and the development but deny all the waivers; or the developer could give some additional time to see if the developer and Staff could close that gap. Otherwise, [inaudible]

Chair McKay responded that after deliberating for almost six hours, he wanted to do credit to the process. He thanked everyone again, including members of the public and the Applicant for their time.

Mr. Miller stated the Applicant was requesting permission to cut down the trees that were half on the Applicant's property and half on the right-of-away. He clarified there were no additional waiver requests, only those that were originally requested. It was just different than what Staff recommended.

Mr. Pauly asked if the Applicant was amenable to a continuation by waiving the 120-days, probably to June 22 as a date certain to ensure the issues could be resolved and to allow time for any appeal.

Mr. Miller stated the Applicant sought confirmation from the City to cut those trees down. He noted the waivers were as originally requested; there were no new waivers.

In terms of the street, if the DRB wanted to make a condition that the paved surface be widened enough to allow street parking on one side, the Applicant was confident in looking at the plans that they could get to 26-ft to allow for street parking.

- The Applicant would not waive the 120-day clock, but they were willing to toll the clock for a period. He asked for a brief time to discuss tolling the clock with his team.

Chair McKay requested a brief recess at 12:06 pm and reconvened the meeting at 12:12 pm.

Mr. Miller thanked everyone for the time to discuss tolling the clock. He stated if the City was willing to have the Applicant cut down the trees that would be great. Whether the setback was 7 ft or 10 ft, a house could not be built on that lot with the trees. If the City did not want the trees cut down, Staff should say that and the Applicant would save them and work with the arborist to have them removed through that process. It would be in everybody's best interest to just recognize that those trees would not be able to be preserved to include a home on that lot.

- Regarding the paved width of the public street, because the street tapered at the east end, he asked that the condition be to make the street 26-ft wide to the maximum extent practicable to allow for street parking in the main street section before approaching the taper. This would allow for as much on street parking as possible.
- In terms of tolling the clock, he asked if tolling until June 1, 2021 would allow enough time to get through City Council.

Mr. Pauly replied he did not think so due to how the dates fell in May. The Board would meet again on May 10, 2021 and there was a fifth Monday in May, which pushed the City Council meeting to June 7, 2021, so the second reading would be on June 21, 2021.

Mr. Miller responded that extending that long to June 22nd was problematic as it impacted the purchasing contract. He asked if it would be possible to get everything done by June 15th.

Mr. Pauly responded it could be possible.

Ms. Bateschell confirmed with Ms. Jacobson that the appeal period had to be included. It was one thing to have the hearing complete with City Council, but being able to get through the required appeal period was challenging.

Mr. Miller commented the Applicant preferred to toll the clock only to June 15th, but based on what he was hearing, it did not seem possible to get through the process by then. The Applicant wanted to work with everyone and make the project work. The best he could do would be to toll the clock to the end of June.

Mr. Pauly responded Ms. Jacobson had stated a City Council meeting could be pushed up to the end of June.

Mr. Miller stated he appreciated that, noting the application had already been pushed out 30 days, so the Applicant appreciated any help in that regard.

Mr. Pauly noted the City did not like to drag the process out any longer than necessary, but he believed there were a few things that could still be resolved.

Mr. Miller stated for the record that the Applicant would toll the clock until June 30, 2021 and that he would submit a signed form by the end of the day, Tuesday. He asked Mr. Bradford to send the form.

Chair McKay requested an explanation of the process going forward so the DRB could confirm it agreed with continuing the hearing.

- He confirmed the DRB was not ready to make a decision tonight, adding he had questions.

Mr. Pauly stated the Board had heard a lot of testimony. Typically, Staff would recommend closing the hearing, but the Board also had the option to leave the record open.

Ms. Svadlenka confirmed if the hearing was closed, the Applicant could not be asked any further questions.

Chair McKay stated he still had questions for the Applicant, and he was sure other members of the Board would as well, based on the conversation between the City and the Applicant. He preferred leaving the record open to allow the opportunity to ask the Applicant more questions.

Staff noted that if the record was left open, it would be open from both sides; anyone could still submit comments.

Chair McKay responded that was fair, adding he would be open to the community adding anything new as well.

Mr. Pauly clarified the meeting would be continued to May 10th, but the idea was to get the application resolved through City Council.

Chair McKay thanked the members of the public for their testimony, adding that anything further to be addressed was preferred to be received in writing to give the Board opportunity to thoughtfully deliberate.

Mr. Pauly entered the PowerPoint presentation mentioned by and received from Helena Lulay entered into the record as Exhibit D32. He confirmed that the presentation would be included as part of the revised Staff report in the packet materials on May 10, 2021.

Chair McKay moved to leave the record open and continue the public hearing on Resolution No. 388 to a date certain of May 10, 2021. Jean Svadlenka seconded the motion, which passed unanimously.

VII. Board Member Communications

- A. Results of the March 22, 2021 DRB Panel B meeting
- B. Recent City Council Action Minutes

Packet materials were not discussed.

VIII. Staff Communications

There were none.

IX. Adjournment

The meeting adjourned at 12:23 p.m.

Respectfully submitted,

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

DRAFT

**DEVELOPMENT REVIEW BOARD MEETING
MAY 10, 2021
6:30 PM**

VI. Public Hearing:

- A. Resolution No. 388. Canyon Creek 5-Lot Subdivision: Scott Miller, SAMM-Miller LLC – Applicant for William Z. Spring – Owner.** The applicant is requesting approval of a Comprehensive Plan Map Amendment from Residential 0-1 Dwelling Units per Acre to Residential 4-5 Dwelling Units per Acre, a Zone Map Amendment from Residential Agriculture-Holding (RA-H) to Planned Development Residential 3 (PDR-3) and adopting findings and conditions approving a Stage I Master Plan, Stage II Final Plan, Site Design Review, Type C Tree Plan, and Tentative Subdivision Plat for a 5-lot residential subdivision located at 28700 SW Canyon Creek Road South. The subject site is located on Tax Lot 6400 of Section 13BD, Township 3 South, Range 1 West, Willamette Meridian, City of Wilsonville, Clackamas County, Oregon. Staff: Philip Bradford


Case Files: DB20-0039 Zone Map Amendment
 DB20-0040 Comprehensive Plan Amendment
 DB20-0041 Stage I Master Plan
 DB20-0042 Stage II Final Plan
 DB20-0043 Site Design Review
 DB20-0044 Type C Tree Plan
 DB20-0045 Tentative Subdivision Plat

This item was continued to this date and time certain at the April 12, 2021 DRB Panel A meeting.

The DRB action on the Comprehensive Plan Map Amendment and Zone Map Amendment is a recommendation to the City Council.

MEMORANDUM

TO: Development Review Board
Daniel Pauly; Philip Bradford, City Staff
Applicant and Members of the Public

FROM: Barbara A. Jacobson, City Attorney 

DATE: May 3, 2021

RE: Canyon Creek Subdivision: Important Application Changes and Hearing Protocol Information

Planning met with Applicant Scott Miller and his team to discuss potential changes to his development proposal in light of community concerns, as well as staff concerns after additional findings and hearing testimony were presented at the April 12 DRB hearing. After meeting with staff to review applicable review criteria and different options for moving forward, the Applicant decided to modify the application, generally as follows:

- Reduce the number of proposed residential lots from 8 to 5, making the smallest lot approximately 6,000 square feet and the largest lot approximately 10,000 square feet.
- Move the open space adjacent to the SROZ area and meet the size requirement based on the new gross development area. While a new landscaping/use plan has not yet been developed for the space in this new location, it is not anticipated that trees in this area will need to be removed. Additionally, the landscape and use plan for the open space area (including tree removal, if any) will be brought back to DRB for approval when development is ready to occur. This requirement has been added as a condition of approval to the staff report.
- No waivers will be granted. No setbacks will be reduced. The revised site plan from the applicant removes the need for any waivers.
- Increase the width of the public street in order to provide on-street parking spaces.
- The City has not agreed to removal of trees in City right-of-way.

City staff have reviewed the changes proposed by the applicant and have determined the changes are code compliant and remove the need for any waivers. Any development of this property will result in tree removal. Landowners have the right to remove trees on their property pursuant to the City Code. The City will continue to work with the Developer, and a certified arborist, to preserve as many trees as reasonably possible.

Hearing Protocol

The time to decide this land use case is about to expire. If the case is not decided within that time frame, approval is deemed to have occurred. To ensure this case will be decided by the DRB at its May 10, 2021 meeting, the following protocol must be observed:

1. Staff will limit their presentation to approximately 15 minutes to cover updates only and will not go over what has already been presented. DRB members will be asked to hold any questions for staff until after the Applicant presents his case.
2. The Applicant will present his case and will be asked to be as brief as reasonably possible and not to repeat information already presented.
3. DRB may ask questions of the Applicant or staff following the Applicant's presentation.
4. New testimony from citizens, both in favor and opposed, will be heard. Citizens who have not already testified, or ceded their time for testimony on their behalf, will be given first priority. Citizens who have already testified or ceded their time to testimony will not be allowed to testify unless they have new information and in that case, only after those who have not previously testified.
5. Depending on the number of people signed up to testify, testimony will be limited to 2 or 3 minutes. **Testimony will not be allowed to be ceded to another party.** No party will be allowed to speak beyond

the allocated 2 or 3 minute time frame. Written testimony of any length may be submitted prior to the hearing. The sooner it is submitted, the more time DRB members will have to read it.

6. After citizen testimony, the DRB may ask questions of any citizen who testified, staff, or the Applicant.
7. Per Code requirements, the Applicant will have a short time to respond to the citizen testimony.
8. DRB will ask any last questions to staff or any party and then close the hearing. The DRB hearing is expected to close by no later than 8:30 in order to allow the DRB sufficient time to discuss, deliberate, and make a decision on the application before them.

**DEVELOPMENT REVIEW BOARD
RESOLUTION NO. 388**

A RESOLUTION ADOPTING FINDINGS RECOMMENDING APPROVAL TO CITY COUNCIL OF A COMPREHENSIVE PLAN MAP AMENDMENT FROM RESIDENTIAL 0-1 DWELLING UNITS PER ACRE TO RESIDENTIAL 4-5 DWELLING UNITS PER ACRE, A ZONE MAP AMENDMENT FROM RESIDENTIAL AGRICULTURE-HOLDING (RA-H) TO PLANNED DEVELOPMENT RESIDENTIAL 3 (PDR-3) AND ADOPTING FINDINGS AND CONDITIONS APPROVING A STAGE I MASTER PLAN, STAGE II FINAL PLAN, SITE DESIGN REVIEW, TYPE C TREE PLAN, TENTATIVE SUBDIVISION PLAT, FOR AN 5-LOT RESIDENTIAL SUBDIVISION AND NOT APPROVING REQUESTED WAIVERS THAT ARE NO LONGER NEEDED WITH AN UPDATED DESIGN LOCATED AT 28700 SW CANYON CREEK ROAD SOUTH. THE SUBJECT SITE IS LOCATED ON TAX LOT 6400 SECTION 13BD, TOWNSHIP 3 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, CITY OF WILSONVILLE, CLACKAMAS COUNTY, OREGON. SCOTT MILLER, SAMM-MILLER, LLC – APPLICANT FOR WILLIAM Z. SPRING – OWNERS.

WHEREAS, an application, together with planning exhibits for the above-captioned development, has been submitted in accordance with the procedures set forth in Section 4.008 of the Wilsonville Code, and

WHEREAS, on March 8, 2021, the Development Review Board continued the public hearing to a date and time certain of April 12, 2021, and

WHEREAS, on April 12, 2021, the Development Review Board opened the public hearing and after hearing from staff, the applicant, and other parties continued the public hearing to a date and time certain of May 10, 2021, and

WHEREAS, the Planning Staff has prepared the staff report on the above-captioned subject dated April 5, 2021, and

WHEREAS, the Planning Staff has prepared an amended staff report on the above-captioned subject dated May 3, 2021, and

WHEREAS, said planning exhibits and staff report were duly considered by the Development Review Board Panel A at meeting conducted on April 12, 2021 and May 10, 2021, at which time exhibits, together with findings and public testimony were entered into the public record, and

WHEREAS, the Development Review Board considered the subject and the recommendations contained in the staff report, and

WHEREAS, interested parties, if any, have had an opportunity to be heard on the subject.

NOW, THEREFORE, BE IT RESOLVED that the Development Review Board of the City of Wilsonville does hereby adopt the staff report dated May 3, 2021, as amended, attached hereto as Exhibit A1, with findings and recommendations contained therein, and authorizes the Planning Director to issue permits consistent with said recommendations for:

DB20-00039 through DB20-0045; Comprehensive Plan Map Amendment, Zone Map Amendment, Stage I Preliminary Plan, Stage II Final Plan, Site Design Review of Parks and Open Space, Tentative Subdivision Plat, and Type C Tree Removal Plan.

ADOPTED by the Development Review Board of the City of Wilsonville this 10th day of May, 2021, and filed with the Planning Administrative Assistant on _____. This resolution is final on the 15th calendar day after the postmarked date of the written notice of decision per *WC Sec 4.022(.09)* unless appealed per *WC Sec 4.022(.02)* or called up for review by the council in accordance with *WC Sec 4.022(.03)*.

Daniel McKay, Chair - Panel A
Wilsonville Development Review Board

Attest:

Shelley White, Planning Administrative Assistant



Exhibit A1
Staff Report
Canyon Creek Phase 3 Subdivision – 5 & New Residential Lots

Development Review Board Panel 'A' Quasi-Judicial Public Hearing
Revised May 3, 2021

Added language ***bold italics underline***
Removed language ~~struck through~~

1st Hearing Date: April 12, 2021
Continued Hearing Date: ***May 10, 2021***
Date of Original Report: April 5, 2021
Date of Revised Report: ***May 3, 2021***

Application Nos.: DB20-0040 – Comprehensive Plan Amendment
DB20-0039 – Zone Map Amendment
DB20-0041 – Stage I Master Plan
DB20-0042 – Stage II Final Plan
DB20-0043 – Site Design Review
DB20-0044 – Type C Tree Plan
DB20-0045 – Tentative Subdivision Plat
~~DB20-0053 – Waiver~~

Request/Summary: The requests before the Development Review Board include a Comprehensive Plan Map Amendment, Zone Map Amendment, Stage I Master Plan, Stage II Final Plan, Type C Tree Removal Plan, ***and*** Tentative Subdivision Plat, ~~and Waiver~~.

Location: 28700 ~~and 28705~~ SW Canyon Creek Road South - The property is specifically known as Tax Lot 6400 ~~and a portion of Tax Lot 3800~~, Section 13BD, Township 3 South, Range 1 West, Willamette Meridian, City of Wilsonville, Clackamas County, Oregon

Owner: William Z. Spring
~~Fallbrook, LLC (Contact: Neil Fernando)~~

Applicant: SAMM-Miller, LLC (Contact: Scott Miller)

Applicant’s Rep.: Emerio Design, LLC (Contact: Steve Miller)

Comprehensive Plan Designation (Current): Residential 0-1 dwelling units per acre (du/ac)
Comprehensive Plan Designation (Proposed): Residential 4-5 dwelling units per acre (du/ac)

Zone Map Classification (Current): RA-H (Residential Agricultural-Holding)
Zone Map Classification (Proposed): PDR-3 (Planned Development Residential-3)

Staff Reviewers: Philip Bradford, Associate Planner
Khoi LE, PE, Development Engineering Manager
Kerry Rappold, Natural Resources Program Manager

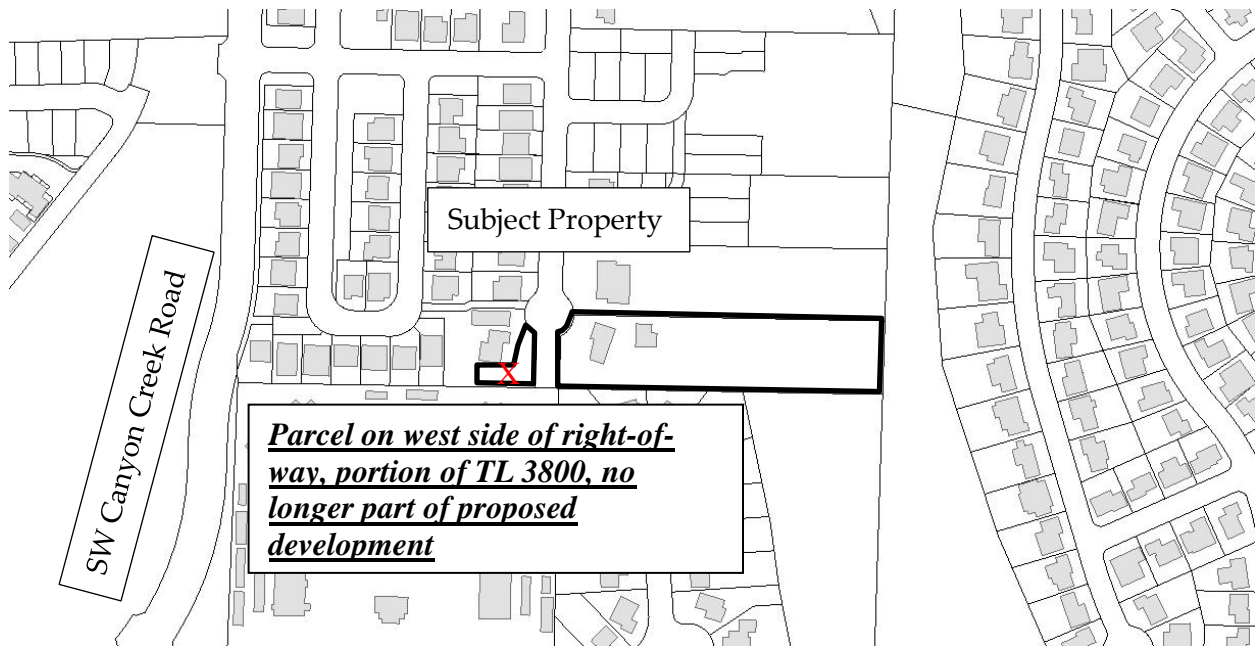
Staff Recommendation: Based on relevant review criteria, recommend approval to the City Council of the Comprehensive Plan Map Amendment and Zone Map Amendment ~~with conditions~~; and approve with conditions the Stage I Master Plan, State II Final Plan, Type C Tree Plan, and Tentative Subdivision Plat, ~~and Waiver~~ contingent on City Council approval of the Comprehensive Plan Map Amendment and Zone Map Amendment. Not approve the Waiver request based on the applicant's revised plan that no longer requests any waivers.

Applicable Review Criteria:

<u>Development Code:</u>	
Section 4.008	Application Procedures-In General
Section 4.009	Who May Initiate Application
Section 4.010	How to Apply
Section 4.011	How Applications are Processed
Section 4.014	Burden of Proof
Section 4.031	Authority of the Development Review Board
Section 4.033	Authority of the City Council
Subsection 4.035 (.04)	Site Development Permit Application
Subsection 4.035 (.05)	Complete Submittal Requirement
Section 4.110	Zones
Section 4.113	Standards Applying to Residential Development in All Zones
Section 4.118	Standards Applying to Planned Development Zones
Section 4.124	Standards Applying to All Planned Development Residential Zones
Section 4.124.3	PDR-3 Zone
Sections 4.139.00 through 4.139.11	Significant Resource Overlay Zone (SROZ)
Section 4.140	Planned Development Regulations
Section 4.154	On-site Pedestrian Access and Circulation
Section 4.155	Parking, Loading, and Bicycle Parking
Section 4.167	Access, Ingress, and Egress
Section 4.171	Protection of Natural Features and Other Resources
Section 4.175	Public Safety and Crime Prevention
Section 4.176	Landscaping, Screening, and Buffering
Section 4.177	Street Improvement Standards
Section 4.197	Zone Changes
Section 4.198	Comprehensive Plan Changes
Sections 4.200 through 4.290	Land Divisions
Sections 4.300 through 4.320	Underground Utilities
Sections 4.600-4.640.20	Tree Preservation and Protection
<u>Comprehensive Plan and Sub-elements:</u>	

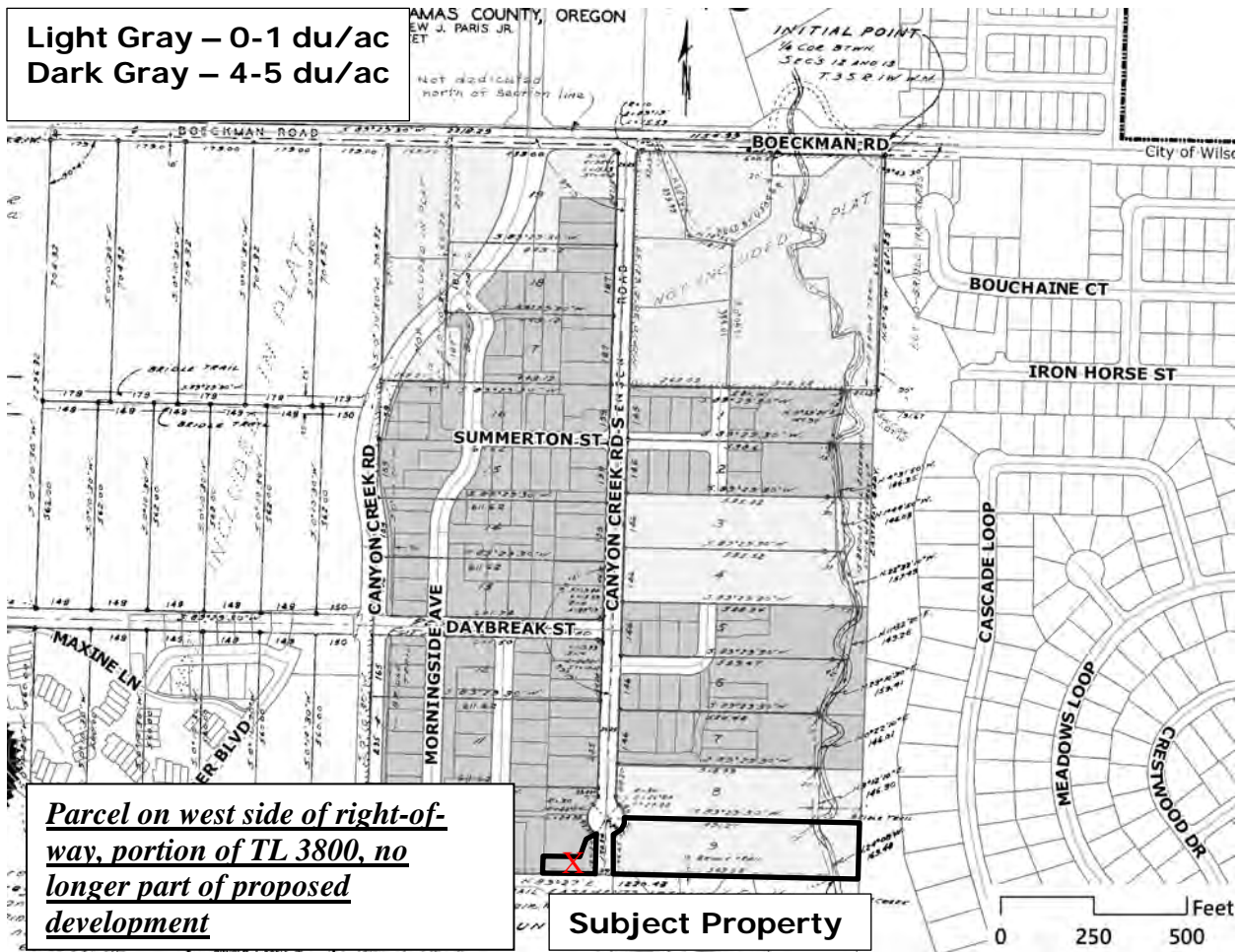
Citizen Involvement	
Urban Growth Management	
Public Facilities and Services	
Land Use and Development	
Plan Map	
Transportation Systems Plan	
<u>Regional and State Law and Planning Documents:</u>	
Oregon Statewide Planning Goals	

Vicinity Map



Background:

The subject property is part of the 1964 Bridle Trail Ranchetts subdivision, developed prior to Wilsonville’s incorporation as a city. Each lot in the subdivision was approximately 2 acres in size, and adoption of the current Comprehensive Plan Map included a residential density for this area reflecting the existing subdivision. Beginning in the mid-2000s, the City approved many of the Bridle Trail Ranchett lots for Comprehensive Plan Map amendments to increase the density from 0-1 to 4-5 dwelling units an acre (du/ac). Currently, the City has approved portions of 15 of the original 19 Bridle Trail Ranchett lots for increased density of 4-5 dwelling units an acre (du/ac).



The first and largest approved change in this area from 0-1 to 4-5 du/ac was in 2004 with the adoption of Ordinance No. 570 for Renaissance at Canyon Creek. The supporting staff report discussed the need of additional homes to provide housing for people working in Wilsonville as well as others desiring to live here. In addition, the findings point out the limited amount of vacant residential land within the City, and that designations for higher residential density surround the original Bridal Trail Ranchettes subdivision.

In early 2006, Ordinance No. 604 similarly changed the Comprehensive Plan designation for approximately four acres on the east side of Canyon Creek Road South from 0-1 to 4-5 du/ac for the development of the 13-lot Cross Creek Subdivision. The City made the same findings regarding the need of additional housing units, the limited amount of vacant land within the City, and the density of surrounding areas.

In 2007, Ordinance No. 635 approved a similar Comprehensive Plan designation change for approximately 0.69 acres on the west side of Canyon Creek Road South, north of Renaissance at Canyon Creek. The City made findings consistent with the previously approved amendments.

In 2014, Ordinance No. 738 approved the same density change in 2014 for a property whose owners had elected not to participate in the 2004 Renaissance at Canyon Creek subdivision project, but desired to redevelop in 2014.

In 2016, Ordinance No. 790 changed the Comprehensive Plan designation from 0-1 to 4-5 du/ac for the 14-lot Aspen Meadows subdivision to the north of the subject property.

In 2018, Ordinance No. 823 changed the Comprehensive Plan designation from 0-1 to 4-5 du/ac for the 5-lot Aspen Meadows Phase 2 subdivision located south of the 14-lot Aspen Meadows subdivision. The City made findings consistent with the previously approved amendments.

Summary:

Comprehensive Plan Map Amendment (DB20-0040)

The applicant proposes to change the Comprehensive Plan Map designation for the 2.25-acre subject property from 0-1 du/ac to 4-5 du/ac, consistent with previous Comprehensive Plan Map amendments for properties in the Bridle Trail Ranchettes subdivision.

Zone Map Amendment (DB20-0039)

Contingent on approval of the Comprehensive Plan Map Amendment for an increased density of 4-5 du/ac, the applicant proposes a corresponding PDR zoning of PDR-3. Other portions of Bridle Trail Ranchettes with past approval of increased density to 4-5 du/ac have the same PDR-3 zoning.

Stage I Master Plan (DB20-0041)

The Stage I Master Plan generally establishes the location of housing, streets, and open space tracts on the site, reviewed in more detail with the Stage II Final Plan. The applicant proposes residential lots and open space as allowed in the PDR-3 zone.

Stage II Final Plan (DB20-0042)

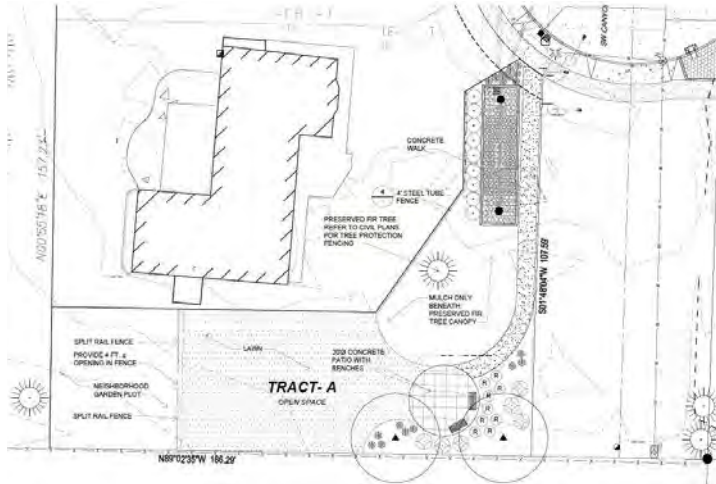
The Stage II Final Plan includes a proposed lot layout and size as well as block size and access that demonstrate consistency with development standards for Planned Development Residential Zones. The applicant proposes installing necessary facilities and services concurrent with the development of the proposed subdivision.

Regarding the protection of natural features and other resources, the design of the project avoids disturbance of the significant natural features on the site, particularly the Boeckman Creek riparian area. The applicant proposes development on the eastern portion of the site, which drops by approximately 15 feet near the edge of the SROZ. This slope necessitates some grading and construction of a retaining wall, specifically on lots 13 and Tract A, to prepare lots for development.

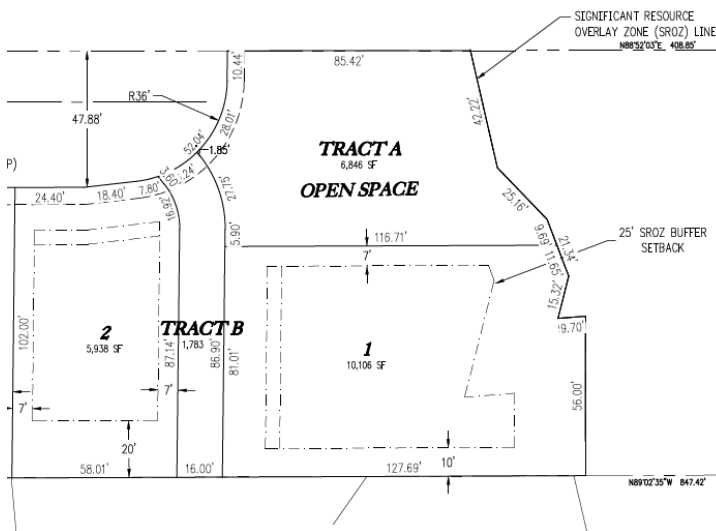
Site Design Review (DB20-0043)

The applicant proposes an open space area (Tract A) which provides ~~7,691~~ 6,729 square feet of usable open space. ~~The usable open space area provides a pedestrian connection into the open space area from the public sidewalk, a preserved tree, a stormwater facility, a community garden, and an open play area. The applicant has included a completed affidavit form attesting that the usable open space area has been designed by a registered landscape architect with experience designing similar usable open space areas within residential areas.~~ At the time of writing this staff report, only the size and general shape of the required usable open space area has been submitted to staff. The layout, amenities, and overall appearance including landscaping are subject to the Site Design Review criteria and are intended to be reviewed by the Development Review Board. It is unlikely the applicant can provide Staff with a professionally designed landscape plan and affidavit prior to the continued hearing date of May 10, 2021. In order to ensure the future open space meets Site Design Review criteria and requirements for Open Space areas contained in Section 4.113, staff has conditioned that the final design of Tract A return before the DRB for final approval.

On April 29, 2021 the applicant sent staff a revised subdivision plan that includes a newly configured open space area (Tract A) which now provides 6,729 square feet of usable open space. The location of the open space is more appropriate than the previous proposal and allows clear sightlines into the usable open space area and adjacent natural area. Due to the time constraints involved in revising the open space to meet the requirement that it be designed by a registered landscape architect, the open space has been conditioned to return to the DRB for final design approval.



Previous Usable Open Space Location (Tract A)



Proposed Usable Open Space Location (Tract A)

Tentative Subdivision Plat (DB20-0044)

The applicant’s tentative subdivision plat shows all the necessary information consistent with the Stage II Final Plan for dividing the property in a manner to allow the proposed development.

Type C Tree Removal Plan (DB20-0045)

While the development plans preserve the large forested area in the eastern portion of the site within the Significant Resource Overlay Zone (SROZ), the plans include removal of ~~21~~ 26 trees that are either not viable or not practicable to preserve with proposed grading for development. The proposed planting of 35 trees, including street trees and additional trees in the SROZ, will mitigate for the removals.

Waiver (DB20-0053)

The applicant is requesting a waiver to reduce setbacks. The request includes reducing the 7 foot side yard setback as required by development standards for all residential zones to 5 feet on the

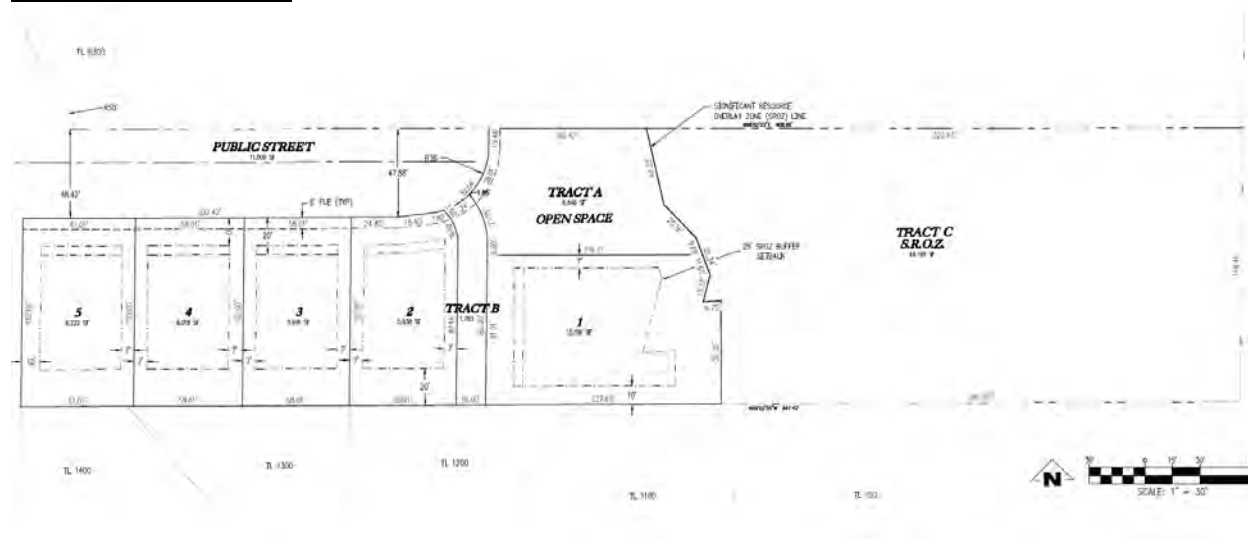
internal side yards of lots 2 and 4-7 for two-story homes. The applicant also requests a 7-foot setback on the western side of Lot 8 where 10 feet is required for corner lots by the development code in Section 4.113 Standards Applying to Residential Developments in Any Zone.

A revised layout submitted to the City on April 29, 2021 no longer shows the requested side yard setbacks that necessitated a waiver. The Applicant no longer requests the waiver application. The DRB therefore will not approve any of the previously requested waivers.

Discussion Points:

Changes to Proposal after April 12, 2021 DRB Panel A Hearing

Staff and the Applicant have been in communication regarding the project since the April 12, 2021 DRB hearing to explore various options that would result in a proposal that better addresses the resident and staff concerns, particularly regarding the waiver request. With previous conditions requiring increased setbacks and only partial support for the side-yard setback waiver, it became clear upon further review, that the density transfer from the SROZ was resulting in a need for the waiver in order to fit the additional density on a smaller infill site. The SROZ density transfer criteria require the transfer to be permitted only if other development standards for the zone are able to be met such as setbacks. Without the waiver it is not possible to meet setbacks, therefore the applicant chose to not utilize the density transfer. The applicant has since revised the proposed subdivision to contain five (5) residential lots. The new proposal provides a more consistent layout similar to adjacent established low-density neighborhoods, which is more consistent with the language and implementation measures within the Comprehensive Plan for Residential Districts.



Redevelopment of Bridle Trail Ranchettes

The 1964 Bridle Trail Ranchettes Subdivision created 19 lots, many of which were approximately 2 acres in size. In the most recent adoption of the Comprehensive Plan map, the entire subdivision was designated Residential 0-1 dwelling units per acre, and had a Zone Map designation of RA-

H. Subsequently, portions of 15 of the 19 lots have been rezoned to 4-5 dwelling units per acre, consistent with residential development in the City nearby. The subject proposal continues the trend reflecting the continued infill with urban residential densities of this area.

Residential Code Modernization Project

In April 2020, the City approved the Residential Code Modernization Project, which updated the Planned Development Residential (PDR) and Residential (R) zones to improve clarity, consistency, and usability of standards related to density and open space. Additionally, the code updates aimed to better coordinate minimum and typical lot sizes with the Comprehensive Plan and Zoning density ranges. These changes altered the PDR-3 zone by removing the average lot size requirement of 7,000 square feet, minimum density of one unit per 8,000 square feet and minimum lot size of 5,000 square feet. The new requirements contain a minimum lot size of 4,500 square feet and no average lot size or minimum density at build out. This is the first land use application to be reviewed under the new code requirements.

Balancing Uses in Planter Strips

Many design elements compete for space within the planter strips between sidewalks and streets. These elements include street trees, stormwater facilities, and streetlights while accommodating appropriate spacing from underground utilities and cross access by pedestrians. For various reasons, it is not practical to place street trees and streetlights in stormwater swales. As directed by the City, the applicant's plans show a priority to laying out street trees and street lighting keeping appropriate spacing from utility laterals and water meters, and then placing stormwater facilities where space remains available and placement is desirable. Due to the site constraints posed by the site, the street trees have been provided in the front yard area of the lots rather than within the planter strips.

~~Land Divisions to Create Open Space Tract~~

~~The applicant controls the site to the west of the subject property located at 28705 SW Canyon Creek Road S. In November of 2020, the city approved an application to partition the property, creating the parcel that is now proposed as a usable open space tract for this subdivision (Casefile AR20-0032).~~

Usable Open Space Requirements

The Applicant proposes the ~~five~~ *five* ~~eight~~ lot subdivision with development plans that include an open space tract of ~~7,694~~ *6,729* square feet outside of the SROZ. For developments with less than 10 units, an open space area must be at least 1,000 square feet in order to count toward the 25% open space requirement. Half of the open space area must be located outside the SROZ and be programmed for active recreational use. ~~The applicant has provided an open space area that meets the size and usability requirements and has submitted the required affidavit that shows the open space was designed by a professional landscape architect.~~ *Due to the changes made to site plan and thus, the proposed open space area, the Applicant will be required to return to the*

DRB for a detailed open space area design that meets the site design review standards. The Applicant will need to submit an open space designed by a professional landscape architect, and should the landscape architect change from the previous proposal, a new affidavit will be required.

Traffic Study Memo

The proposed development generates less than 25 PM peak trips; therefore, a full Transportation Impact Study is not required. At the time the Trip Generation Memo was written by DKS Associates, the proposed development contained 11 dwelling units. The current proposal contains ~~eight (8)~~ five (5) dwelling units and would generate less trips than stated within the Trip Generation Memo. As the proposed development now contains less units than originally anticipated, a revised Trip Generation Memo is not required. The Trip Generation Memo concluded by stating the subdivision would generate 10 new PM peak hour trips (6 in, 4 out), and that 3 PM peak hour trips will travel through I-5/Elligsen Road interchange and 1 PM peak hour trip will travel through the I-5 Wilsonville Road interchange. The proposed plan provides adequate access to each parcel and that the existing walkway that connects Canyon Creek Road South to SW Morningside is not impacted by the proposed plan. No additional off-site improvements were required and DKS did not note any safety concerns stemming from the proposed subdivision.

Public Streets and Private Drives

The applicant proposes a new Public Street and a new private drive (Tract B) to provide access to the subdivision. The private drive provides access to three lots and is not proposed for extension. The private drive along with the cul-de-sac bulb aid in providing truck turn around space for TVF&R and Republic Services vehicles. The proposed public street has a proposed width of 48.42' at the west and 47.88' at the eastern end. Figure 3-9. Local Street Cross-Section from the Transportation System Plan (TSP) shows a right-of-way width for a local street to be between 49' and 56' feet. As noted in the TSP, 47' is allowed with constraints, and in this particular situation, the applicant proposes street improvements including two-way traffic, sidewalk, and a planter strip on the south side of the proposed street. Full improvements are not feasible as the property to the north is under separate ownership and not under redevelopment to require right-of-way dedication. If the property to the north is developed, there will be additional right-of-way dedication and public improvements required that will meet the Local Street Cross-Section standard. The applicant's modified site plan has also widened the proposed right-of-way to provide a public street wide enough for parking on one side of the street. The proposed public street continues to meet the standards for partial street improvements.

FIGURE 3-9. LOCAL STREET CROSS-SECTION



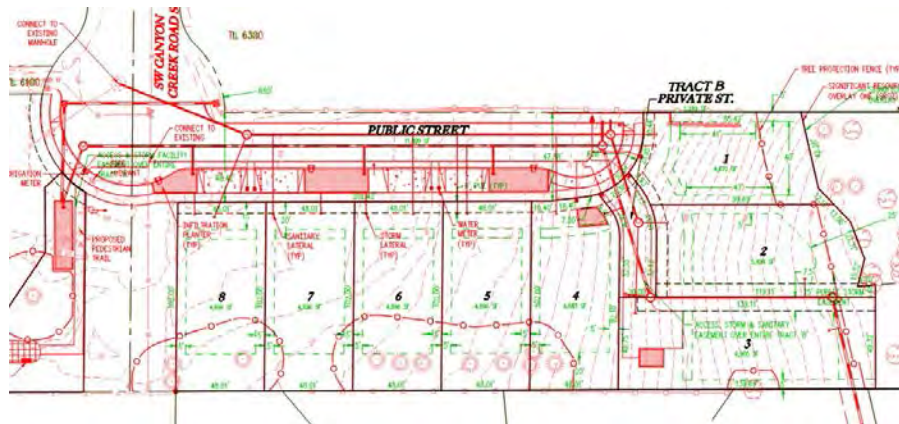
Notes:

1. Minimum right-of-way width of 47 feet (parking on one side) and 51 feet (parking on both sides). Providing parking on both sides is preferred unless constraints exist.
2. Minimum sidewalk width is 5 feet; minimum planter strip width is 5 feet.
3. Curb width of 1/2 foot is included in the planter strip width.
4. Curb and sidewalk bulb-outs at crosswalks or street intersections as determined by Community Development Director.
5. Street lights shall be located within the planter strip as required in the PW Standards.
6. No lane striping on street. Signage as required.
7. New streets shall incorporate low impact development design as practicable.

Tree Removal and Protection Plans

There are currently 92 trees that have been surveyed on the subject property. The applicant proposes the removal of ~~21~~ 26 trees outside the SROZ due to grading and site improvements, and one (1) tree due to poor condition. The proposed mitigation consists of planting 26 additional trees in the SROZ area, 6 black tupelo *Nyssa sylvatica* street trees, one (1) Red Maple *Acer rubrum* street tree, and two (2) eastern redbud *Cercis Canadensis* trees within the usable open space area for a total of 35 trees.

However, the arborist report notes that several of the trees shown as preserved along the rear lot lines for lots ~~2-5~~ 4-8 should be reevaluated against the future home plans as the tree protection fencing overlaps with the buildable area of the proposed lots (shown in the image below delineated by green dashed lines). It is important the tree protection fencing is realistic and easy to maintain as fencing ensures construction impacts will not impact the root zones of the trees and increases the likelihood the preserved trees will survive after construction is complete. Staff has witnessed similar situations in other projects and in order to preserve the trees to the greatest extent possible, a condition of approval has been added to reassess the trees with the project arborist when the future house plans are provided to ensure maximum preservation. In the case that tree removal is requested for one of the trees indicated for preservation, the project arborist will submit a report to City Staff including a written explanation of the measures considered to preserve the trees along with the reasoning that makes preservation not feasible.



Side Yard Setback Waiver Request

The applicant has requested a waiver for side yard setbacks for two story homes, which would decrease the setbacks from the required 7 foot setback to a 5 foot setback on the interior lot lines of the lots. The applicant also requests a waiver for the required 10 foot setback for Lot 8, which is a corner lot. Staff supports the waiver for the interior setback reduction on the interior lot lines based on the applicant's rationale; however, a condition of approval has been added to require a 10 foot setback in line with the requirements for a corner lot as this setback is not typically waived. Furthermore, as a condition of the zone map amendment, staff has included a condition of approval to require 10 foot setbacks on the northern lot line of Lot 1 and southern lot line of Lot 3, which maintains the setback of the Rural Agricultural Holding Residential (RAH-R) zone.

Comments Received and Responses:

Comments were received from the following individuals during the public comment period and are included in Exhibits D1 through D20 of this Staff Report:

- Email from D. and J. Carlson
- Email from H. And J. Lulay
- Email from B. Lund
- Email from A. and M. Calcagno
- Email from S. and S Lorente
- Email from J. Britt
- Email from K. Troupe
- Email from M. Davis
- Email from M. Lama
- Email from A. Halter
- Email from K. and B Colyer
- Email from K. Tinker
- Email from K. Halstead
- Email from K. and R. Fink
- Email from M. Kochanowski
- Email from M. and A. Falconer
- Email from S. Heath
- Email from J. Dupell
- Email from C. Halstead
- Email from G. Pelser
- Email from N. and P. Mukherjee
- Email from W. Spring
- Email from Housing Land Advocates (HLA) and Fair Housing Council of Oregon (FHCO)

A summary of comments by topic area is included below. All concerns raised in the comments received are addressed in the Summary and Discussion Points sections above as well as in the Findings, which can be found later in this Staff Report.

Traffic Congestion

The majority of comments received by the City note concerns regarding additional development where there is only one access point in and out of the neighborhood. A Trip Generation Memo was prepared by DKS and is included as part of Exhibit B1. A local street such as SW Daybreak that provides access to SW Canyon Creek Road can handle 1,000 to 1,500 daily trips without issues. Streets within a neighborhood such as this, with less than 100 dwelling units would not see congestion at neighborhood intersections. It should be noted the City policy is not to minimize traffic on local streets, but rather to ensure all streets and intersections function within established limits. The traffic memo confirmed the street network continues to function at the City standards set forth in the code.

Privacy Concerns

In addition to tree removal impacts contributing to a loss of privacy, residents expressed concerns and asked questions regarding fencing and screening requirements where the new subdivision abuts existing development. Based on the proposed layout, headlights on the private street (Tract B) may impact adjacent properties at night. The code does not require screening or buffering where two residential zones meet. This is particularly true as the proposed zone PDR-3 is a lower density zone than the PDR-4 zone to the south. While there is no requirement for the proposed subdivision to require a fence along the proposed residential lots, the occupants of the new homes will likely also desire privacy and developers typically construct privacy fences along property lines. ~~In addition, to address neighborhood concerns of more intense development resulting from the zone change, a Condition of Approval for the Zone Map Amendment requires the setbacks along existing north and south property lines be kept at no less than 10 feet, which is the current setback required in the existing RA H zone for these property lines.~~

Lot Size

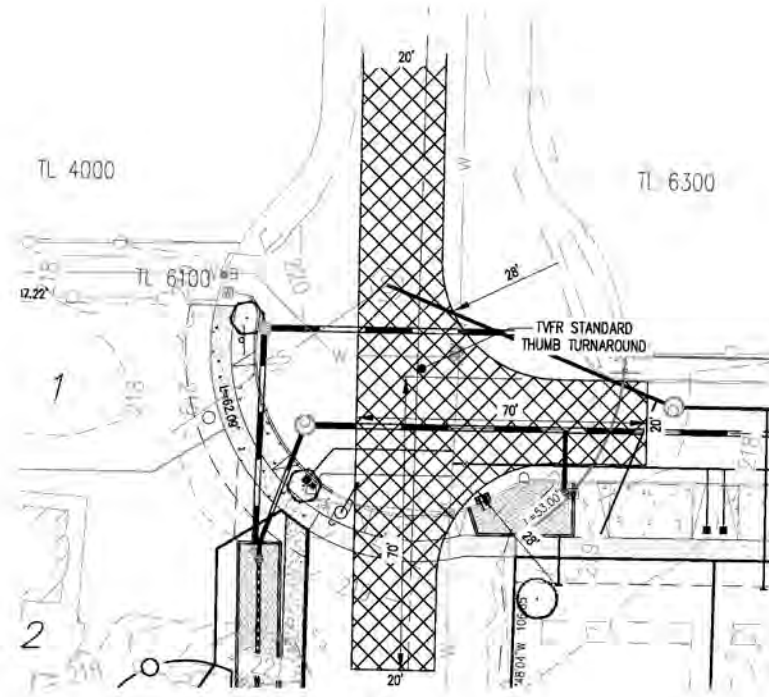
Residents expressed concerns about the proposed residential lots containing a smaller lot size than the other residential lots zoned PDR-3 in the immediate vicinity. Concern is expressed that this subdivision will be inconsistent with the adjacent developments. Based on code changes that went into effect in June 2020 that revised the minimum lot size in the PDR-3 zone, the residential lots proposed all exceed the minimum lot requirement. Lot size is a clear and objective development criteria. If lot sizes meet the minimum size set by the zone, then there are no grounds for denying an application based on lot size. It should also be noted that the property development to the south has substantially larger lots than typical for the zone they are located in (PDR-4), which actually is a denser zone with a lower minimum lot size than the proposed project. The underlying zoning standards, not the adjacent development pattern which happens to have larger lot sizes than zoned for, is what the City is required to apply when evaluating a development application. *The revised proposal has reduced the amount of lots in the proposal from eight (8) to five (5), which results in fewer lots with larger lot sizes, which is more consistent with the surrounding residential developments.*

Parking

Neighbors expressed concerns regarding on-street parking in the nearby Aspen Meadows subdivision despite there being no parking signs. Residents are concerned that the same situation will occur upon development of this proposed subdivision, which exacerbates their concerns regarding fire safety. The proposed subdivision contains at least one (1) off-street parking space per unit meeting the code requirement of one (1) space per dwelling unit, additionally with the condition that each driveway contain enough room to fit a standard 9 x 18 parking space, each lot will provide two (2) parking spaces. *The revised proposal now includes on-street parking to address concerns regarding parking.*

Fire Safety

TVF&R has reviewed the proposed development and did not raise any additional concerns regarding access when providing staff with conditions of approval. In order to address resident concerns, the applicant has included the TVF&R turn around standard overlaid on the subdivision plan that demonstrates that a turnaround in this location is feasible. All homes located in excess of 150 feet down the new public street will be equipped with fire sprinklers as required by the fire code.



Tree Removal and Natural Habitat Impacts

Neighbors to the south of the proposed development expressed concerns about a potential wetland on the property and that the existing Douglas fir trees on the property provide quality habitat to wildlife in the Boeckman Creek vegetated corridor. No evidence in the record nor from a site visit supports the wetland concern. Any wetland that did exist would need to meet established standards for the City to enforce protection and restrict development. Trees within the SROZ are not subject to removal on the subject property. For trees outside of the protected natural areas, the City's established policy for tree removal is that tree preservation should be considered in balance with other requirements. All tree preservation policies established in City code are being followed and trees will be preserved where possible. Staff has added a condition of approval to ensure the maximum preservation of the trees by requiring the project arborist to submit a report and with an explanation of measures considered to preserve trees and reasoning that makes the preservation of the trees not feasible.

Property Values

Several residents noted concerns about the configuration of the proposed subdivision resulting in reduced property values for adjacent properties. No evidence in the record related to this concern demonstrate any criteria applicable to this application would be violated.

Grading Plans

Several residents raised concerns regarding the steep slope on site and questioned how future homes will be built on a site that will require grading work. Another resident noted inconsistencies within the grading plans provided by the applicant and their feasibility concerning the homes being shown on Lots 1 and 2. Staff would like to note that the homes shown on Lots 1 and 2 were requested to show feasibility of fitting a home on the lot and are not reflective of the final homes to be built in those locations. The current grading plans are preliminary grading plans; the final grading plans will be reviewed during the site grading permit process and cross-referenced during the building permit process to ensure compliance.

Architectural Compatibility

There are concerns that these homes will not take into consideration the precedent set by adjacent subdivisions in terms of the architectural design of the future dwellings on the proposed lots. This application is for an 8-lot subdivision; construction of future dwelling units will be reviewed under separate permits. Architectural design of future residential units is not a criteria applicable to this application. The Development Code does not contain design standards residential dwelling units outside Villebois, Frog Pond, and Old Town; therefore, future dwellings will be able to utilize any architectural style. Adjacent properties and development projects were not subject architectural design requirements either.

Process and Role of the Planning Division and Board

A number of comments concern the nature of the process, City staff, decision makers and their role in approving development. Staff, the Development Review Board members, and City Council, in their roles reviewing development applications, must be impartial and focus on the facts of the case and how the facts align with adopted policies and code standards. The staff report serves not to represent the developer or surrounding residents; the purpose is to represent the City as a whole through the City's policies and standards which serve to represent the needs and interests of the community, and to evaluate the development application against those standards. Planners use their technical knowledge and professional judgment to evaluate the specifics of a project and whether it meets the relevant standards of the Code, presenting this in the staff report to DRB. If a development proposal meets all of the clear and objective development standards, then the staff recommend approval of the project regardless of any personal opinion they may hold.

Housing Land Advocates and Fair Housing Council of Oregon Comments

A comment letter submitted jointly by Housing Land Advocates (HLA) and the Fair Housing Council of Oregon (FHCO) was received by Staff after the deadline to submit public comments in order to be integrated into the staff report. The letter, received on April 12, 2021, requests the Board defer adoption of Resolution No. 388 until Goal 10 findings are added to the staff report. Goal 10 findings that evaluate the proposal under the Housing Needs Analysis (HNA) and Buildable Lands Inventory (BLI) have been added to the staff report to satisfy this request, see Finding A38.

Conclusion and Conditions of Approval:

Staff has reviewed the applicant's analysis of compliance with the applicable criteria. The Staff Report adopts the applicant's responses as Findings of Fact except as noted in the Findings. Based on the Findings of Fact and information included in this Staff Report, and information received from a duly advertised public hearing, Staff recommends that the Development Review Board recommend approval and approve, as relevant, the proposed application (DB20-0039 through DB20-0045 and ~~DB20-0053~~) with the following conditions:

Planning Division Conditions:

Request A: DB20-0040 Comprehensive Plan Map Amendment

This action recommends to the City Council approval of the Comprehensive Plan Map Amendment for the subject property. The Zone Map Amendment (DB20-0039) and all approvals contingent on it are contingent on the Comprehensive Plan Map Amendment.

No conditions for this request

Request B: DB20-0039 Zone Map Amendment

This action recommends adoption of the Zone Map Amendment to the City Council for the subject property. This action is contingent upon the Comprehensive Plan Map Amendment (DB20-0040). Case files DB20-0041, DB20-0042, DB20-0043, DB20-0044, DB20-0045, and ~~DB20-0053~~ are contingent upon City Council's action on the Zone Map Amendment request.

~~PDB 1. Ongoing: Future homes constructed shall maintain the side yard setbacks of the RAH R zone of 10 feet at the northern lot line of Lot 1 and the southern lot line of Lot 3. See Finding B14.~~

No conditions for this request

Request C: DB20-0041 Stage I Master Plan

Approval of DB20-0041 (Stage I Master Plan) is contingent on City Council approval of the Zone Map Amendment request (DB20-0039).

~~PDC 1. General: The applicant shall revise AR20-0032, and record the partition with Clackamas County to ensure the subdivision meets the open space requirements. See Finding C14.~~

No conditions for this request

Request D: DB20-0042 Stage II Final Plan

Approval of DB20-0042 (Stage II Final Plan) is contingent on City Council approval of the Zone Map Amendment request (DB20-0039).

PDD 1. General: The approved Stage II Final Plan (Final Plan) shall control the issuance of all building permits and shall restrict the nature, location and design of all uses. The Planning Director through the Class I Administrative Review Process may approve minor changes to the Final Plan if such changes are consistent with the purposes and general character of the Final Plan. All other modifications shall be processed in the same manner as the original application and shall be subject to the same procedural requirements. See Finding D7.

PDD 2.	Prior to Final Plat Approval: All crosswalks shall be clearly marked with contrasting paint or paving materials (e.g., pavers, light-colored concrete inlay between asphalt, or similar contrast). See Finding D34.
PDD 3.	Prior to Final Plat Approval: Any area, whether in a garage or in a driveway, counted as a required parking space shall have the minimum dimensions of 9 feet by 18 feet. See Finding D37.
PDD 4.	General: A waiver of remonstrance against formation of a local improvement district shall be recorded in the County Recorder’s Office as well as the City’s Lien Docket as part of the recordation of the final subdivision plat. See Finding D59.
PDD 5.	General: The design of the private access drive in Tract B shall provide for a useful lifespan and structural maintenance schedule comparable to a public local residential street. See Finding D68.
PDD 6.	General: All travel lanes shall be constructed to be capable of carrying a twenty-three (23) ton load. See Finding D70.
PDD 7.	Prior to Final Plat Approval: On the final subdivision plat, public pedestrian and bicycle access easements, including egress and ingress, shall be established across the entirety of all pathways located in private tracts. See Finding D31.
PDD 8.	General: All street trees and right-of-way landscaping shall be installed fronting a lot prior to issuance of an occupancy permit for a home on the lot. See Finding D51.
PDD 9.	General: The approved landscape plan is binding upon the applicant/owner. Substitution of plant materials, irrigation systems, or other aspects of an approved landscape plan shall not be made without official action of the Planning Director or Development Review Board, pursuant to the applicable sections of Wilsonville’s Development Code. See Finding D52.
PDD 10.	General: All landscaping shall be continually maintained, including necessary watering, weeding, pruning, and replacing, in a substantially similar manner as originally approved by the Board, unless altered as allowed by Wilsonville’s Development Code. See Findings D53 and D54.
PDD 11.	<p>General: The following requirements for planting of shrubs and ground cover shall be met:</p> <ul style="list-style-type: none"> • Non-horticultural plastic sheeting or other impermeable surface shall not be placed under landscaping mulch. • Native topsoil shall be preserved and reused to the extent feasible. • Surface mulch or bark dust shall be fully raked into soil of appropriate depth, sufficient to control erosion, and shall be confined to areas around plantings. • All shrubs shall be well branched and typical of their type as described in current AAN Standards and shall be equal to or better than 2-gallon containers and 10” to 12” spread. • Shrubs shall reach their designed size for screening within three (3) years of planting. • Ground cover shall be equal to or better than the following depending on the type of plant materials used: gallon containers spaced at 4 feet on center

<p>minimum, 4" pot spaced 2 feet on center minimum, 2-1/4" pots spaced at 18 inch on center minimum.</p> <ul style="list-style-type: none"> • No bare root planting shall be permitted. • Ground cover shall be sufficient to cover at least 80% of the bare soil in required landscape areas within three (3) years of planting. • Appropriate plant materials shall be installed beneath the canopies of trees and large shrubs to avoid the appearance of bare ground in those locations. <p>Compost-amended topsoil shall be integrated in all areas to be landscaped, including lawns. See Finding D47.</p>
<p>PDD 12. <u>General:</u> All trees shall be balled and burlapped and conform in size and grade to "American Standards for Nursery Stock" current edition. See Finding D47.</p>
<p>PDD 13. <u>General:</u> Plant materials shall be installed to current industry standards and be properly staked to ensure survival. Plants that die shall be replaced in kind, within one growing season, unless appropriate substitute species are approved by the City. The applicant shall provide specific details on the proposed irrigation method prior to installation of street trees. See Finding D48.</p>
<p>PDD 14. <u>Prior to Final Plat Approval:</u> The applicant shall submit a revised Sheet L1 showing the landscaping plan to match the new shape and square footage of the proposed usable open space area in Tract A. <i><u>If the project landscape architect changes, the applicant shall submit a new Affidavit of Professional Credentials for Residential Usable Open Space Areas in the City of Wilsonville. For final approval of the revised open space area, the applicant shall return to the Development Review Board for review of the redesigned open space.</u></i> See Finding D49.</p>
<p>PDD 15. <u>Prior to Final Plat Approval:</u> The applicant shall revise the CC&R's and Bylaws documents to require the future Homeowners Association to actively enforce no parking areas, tow any illegally parked vehicle within 12 hours, and establish fees for homeowners who violate the no parking zones. See finding D37.</p>

Request E: DB20-0043 Site Design Review of Parks and Open Space

Approval of DB20-0043 (Site Design Review of Parks and Open Space) is contingent on City Council approval of the Zone Map Amendment request (DB20-0039)

<p>PDE 1. <u>Prior to Final Plat Approval:</u> The applicant shall submit landscape plans meeting applicable design standards and receive DRB approval of the landscape plans for the usable open space (Tract A) and install the approved landscaping unless such landscaping installation is deferred based written agreement with the City.</p>

Request F: DB20-0044 Type C Tree Plan

Approval of DB20-0044 (Type C Tree Plan) is contingent on City Council approval of the Zone Map Amendment request (DB20-0039).	
PDF 1.	General: This approval for removal applies only to the 21 26 trees identified in the applicant's submitted Tree Maintenance and Protection Plan, see Exhibit B3 <i>as revised</i> . All other trees on the property shall be maintained unless removal is approved through separate application.
PDF 2.	Prior to Grading Permit Issuance: The applicant/owner shall submit an application for a Type 'C' Tree Removal Permit on the Planning Division's Development Permit Application form, together with the applicable fee. In addition to the application form and fee, the applicant/owner shall provide the City's Planning Division an accounting of trees to be removed within the project site, corresponding to the approval of the Development Review Board. The applicant/owner shall not remove any trees from the project site until the tree removal permit, including the final tree removal plan, have been approved by the Planning Division staff. See Finding F18.
PDF 3.	Prior to Final Plat Approval: The applicant/owner shall install the required 26 mitigation trees, as shown in the applicant's sheets 4 and L1 of Exhibit B3 <i>as revised</i> , per Section 4.620 WC.
PDF 4.	General: The permit grantee or the grantee's successors-in-interest shall cause the replacement trees to be staked, fertilized and mulched, and shall guarantee the trees for two (2) years after the planting date. A "guaranteed" tree that dies or becomes diseased during the two (2) years after planting shall be replaced.
PDF 5.	Prior to Commencing Site Grading: The applicant/owner shall install six-foot-tall chain-link fencing around the drip line of preserved trees as identified on the Tree Preservation and Removal Plan Sheet 3 of 14 in Exhibit B2 <i>as revised</i> . The fencing shall comply with Wilsonville Public Works Standards Detail Drawing RD-1230. See Finding F24.
PDF 6.	Ongoing: The project arborist shall be on site to observe any grading or construction that may impact the required tree protection fencing and to ensure the root zones of the trees are not negatively impacted by construction. See finding F24.
PDF 7.	Prior to Final Plat: The applicant shall appropriately clear debris and invasive species within the SROZ area prior to planting any mitigation plantings. See Finding F23.
PDF 8.	Prior to Final Plat: The applicant shall submit a revised tree preservation and removal plan that shows the retention of trees 6245, 6245, 6247, and 6248, including proper tree protection fencing. <i>Should the trees require removal in the future, City of Wilsonville approval will be required and the applicant shall follow the steps outlined in Condition of Approval PDF 9 to demonstrate that the removal is necessary.</i> See Finding F20.
PDF 9.	Ongoing: While an extensive arborist report has been completed and trees and conditions have been inventoried to determine which trees will be preserved, based

on staff analysis of the plans it is expected that future construction situations may arise involving preserved trees at the rear of Lots ~~two four~~ (2) (4) through ~~five eight~~ (5) (8). If such issues or situations arise, the project arborist shall provide City staff with a written explanation of the measures considered to preserve the trees along with the line of reasoning that makes the preservation of the tree not feasible. Prior to further construction within the tree protection zone, the City will verify the validity of the report through review by an independent arborist to ensure that the tree cannot be preserved. If it is ultimately decided that the tree cannot be preserved by both arborists, then the developer may remove the tree, and will be required to plant one tree of the same variety at another location within the project area. See Finding F20.

PDF 10. *The applicant shall provide the two (2) mitigation trees located in the usable open space (Tract A) as proposed on April 12 within the new usable open space area (Tract A), and provide street trees consistent with the amounts shown on the previous configuration of the proposal. See Finding F20.*

Request G: DB20-0053 Tentative Subdivision Plat

Approval of DB18-0031 (Tentative Subdivision Plat) is contingent on City Council approval of the Zone Map Amendment request (DB20-0039).

PDG 1. **Prior to Final Plat Approval:** Any necessary easements or dedications shall be identified on the final subdivision plat.

PDG 2. **Prior to Final Plat Approval:** The final subdivision plat shall indicate dimensions of all lots, lot area, minimum lot size, easements, proposed lot and block numbers, parks/open space by name and/or type, and any other information that may be required as a result of the hearing process for the Stage II Final Plan or the Tentative Subdivision Plat.

PDG 3. **Prior to Final Plat Approval:** Where any street will be extended signs stating “street to be extended in the future” or similar language approved by the City Engineer shall be installed. See Finding E14.

PDG 4. **Prior to Final Plat Approval:** Prior to the recording of the final subdivision plat, the applicant/owner shall submit for review and approval by the City Attorney CC&R’s, bylaws, etc. related to the maintenance of the open space tracts. Such documents shall assure the long-term protection and maintenance of the open space tracts.

PDG 5. **Prior to Final Plat Approval:** For all public pipeline easements, public access easements, and other easements, as required by the city, shown on the final subdivision plat, the applicant/owner and the City shall enter into easement agreements on templates established by the City specifying details of the rights and responsibilities associated with said easements and such agreements will be recorded in the real property records of Clackamas County.

Request H: DB20-0053-Waiver

Approval of DB20-0053 (Tentative Partition Plat) is contingent on City Council approval of the Zone Map Amendment request (DB20-0039).

PDH 1. ~~Ongoing:~~ Future construction on Lot 8 shall have a 10-foot side yard setback along the western lot line. See Finding H2.

The following Conditions of Approval are provided by the Engineering, Natural Resources, or Building Divisions of the City’s Community Development Department or Tualatin Valley Fire and Rescue, all of which have authority over development approval. A number of these Conditions of Approval are not related to land use regulations under the authority of the Development Review Board or Planning Director. Only those Conditions of Approval related to criteria in Chapter 4 of Wilsonville Code and the Comprehensive Plan, including but not limited to those related to traffic level of service, site vision clearance, recording of plats, and concurrency, are subject to the Land Use review and appeal process defined in Wilsonville Code and Oregon Revised Statutes and Administrative Rules. Other Conditions of Approval are based on City Code chapters other than Chapter 4, state law, federal law, or other agency rules and regulations. Questions or requests about the applicability, appeal, exemption or non-compliance related to these other Conditions of Approval should be directed to the City Department, Division, or non-City agency with authority over the relevant portion of the development approval.

Engineering Division Conditions:

Request D: DB20-0040 Stage II Final Plan

PFD 1.	Prior to Issuance of Public Works Permit, Public Works Plans and Public Improvements shall conform to the “Public Works Plan Submittal Requirements and Other Engineering Requirements” in Exhibit A1.
PFD 2.	Prior to Issuance of Public Works Permit, submit site plans to Engineering demonstrating how the site being served with public utilities: domestic and fire water, sanitary sewer, and storm drainage. Public utility improvements shall be designed and constructed in accordance with the Public Works Standards.
PFD 3.	Prior to Issuance of Public Works Permit, submit site plans to Engineering showing street improvements including pavement, curb, planter strip, street trees, sidewalk, and driveway approaches along site frontage on Canyon Creek Road South and the proposed new public street. Street improvements shall be constructed in accordance with the Public Works Standards. The eyebrow corner shall be designed with minimum centerline radii to allow fire, utility, moving trucks turnaround.
PFD 4.	Prior to Issuance of Public Works Permit, submit a storm drainage report to Engineering for review and approval. The storm drainage report shall demonstrate the proposed development is in conformance with the Low Impact Development (LID) treatment and flow control requirements, and the Public Work Standards.

PFD 5.	Prior to Issuance of Public Works Permit, a Performance Bond in an amount equals to 150% of the approved Design Engineer’s construction estimate shall be submitted to Engineering for public infrastructures construction guarantee purposes.
PFD 6.	Prior to Site Commencement, an approved Erosion Control Permit must be obtained and erosion control measures must be in place. Erosion Control Permit must be renewal annually until the entire site is completely established and stabilized.
PFD 7.	Prior to Final Plat Approval, street improvements including pavement, curb, planter strip, street trees, streetlights, sidewalks and driveway approaches along the site frontage on Canyon Creek Road South and the new public street shall be constructed and completed.
PFD 8.	Prior to Final Plat Approval, storm drainage improvements along the site frontage on Canyon Creek Road South, in the new public street, in Tract A, and the private street Tract B, and the easement located on <u>Lot 1</u> lots 2 and 3 shall be constructed and completed.
PFD 9.	Prior to Final Plat Approval, the 8-inch public sanitary sewer mains, associated manholes and laterals serving the proposed lots shall be constructed and completed.
PFD 10.	Prior to Final Plat Approval, public 8-inch DI water main, associated fittings, fire hydrants, blow-off assembly, and services serving the proposed lots shall be constructed and completed.
PFD 11.	Prior to Final Plat Approval, streetlights shall be constructed and energized.
PFD 12.	Prior to Final Plat Approval, provide a copy of the Home Owner Association (HOA) establishment legal document to Engineering for City’s record.
PFD 13.	Prior to Final Plat Approval, provide a copy of the HOA’s CC&R to Engineering for review and City’s record. The CC&R shall include language indicating the maintenance responsibility for <u>the open space Tract A</u> , the private street Tract B and all the stormwater LID facilities.
PFD 14.	A Stormwater Maintenance Agreement and Access Easement for the maintenance and access to all the LID stormwater facilities located on private lots shall be in place. The document shall be recorded as a part of the Final Plat recordation.
PFD 15.	A Stormwater Maintenance Agreement for the maintenance of the LID stormwater facilities locate in the right of way or public tract shall be in place. The document shall be recorded as a part of the Final Plat recordation.
PFD 16.	Record a 6-foot Public Utility Easement (PUE) as a part of the Final Plat recordation.
PFD 17.	Record the Open Space-Tract A and the Private Street-Tract B as a part of the Final Plat recordation.
PFD 18.	Record the Aeess , Storm <u>easement over the entirety of</u> Tract B as a part of the Final Plat.

PFD 19.	Record the 15-foot stormwater easement over the public stormwater line located on Tract A and Lot 1 as a part of the Final Plat.
PFD 20.	The City will prepare all easement documents and provide them to the Developer for signatures. Exhibits and legal descriptions associated with all Tracts and Easements and Agreements however shall be prepared by a license Surveyor/Engineer hired by the Developer. The developer will also be responsible for the preliminary title report, title insurance and recording fees associated with the recordation of all the Tracts and Easements and Agreements.
PFD 21.	Prior to Issuance of Conditional Acceptance, a Maintenance Bond in the amount equals to 10% of the cost to construct the public improvements shall be submitted to Engineering for maintenance purposes. The Maintenance Bond shall be kept in place for a period of 2 years from the day of Conditional Acceptance.
PFD 22.	Prior to Issuance of Conditional Acceptance, a Maintenance Bond in the amount of 100% of the cost to install all required landscaping in water quality/quantity facilities and vegetated corridors, plus 100% of the cost to maintain the landscaping in these areas shall be submitted to Engineering for maintenance purposes. The Maintenance shall be kept in place for a period of 2 years from the day of Conditional Acceptance.
PFD 23.	Prior to Issuance of Conditional Acceptance, provide the City with the As-Built plans for the City's record.

Natural Resources Division Conditions:

All Requests

NR 1.	Natural Resource Division Requirements and Advisories listed in Exhibit C3 apply to the proposed development.
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Building Division Conditions:

All Requests

BD1.	<p>Prior to construction of the subdivision's residential homes, designated through approved planning procedures, the following conditions must be met and approved through the Building Official:</p> <ol style="list-style-type: none"> a. Street signs shall be installed at each street intersection and approved per the public work design specifications and their required approvals. b. All public access roads and alleys shall be complete to "Base Lift" for access to the residential home sites. c. All public and service utilities to the private building lots must be installed, tested and approved by the City of Wilsonville's Engineering/Public Works Department or other service utility designee. d. All required fire hydrants and the supporting piping system shall be installed tested and approved by the Fire Code Official prior to model home construction. (OFC 507.5).
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Master Exhibit List:

The entry of the following exhibits into the public record by the Development Review Board confirms its consideration of the application as submitted. The exhibit list below includes exhibits for Planning Case Files DB20-0039 through DB20-0053. The exhibit list below reflects the electronic record posted on the City's website and retained as part of the City's permanent electronic record. Any inconsistencies between printed or other electronic versions of the same Exhibits are inadvertent and the version on the City's website and retained as part of the City's permanent electronic record shall be controlling for all purposes.

Planning Staff Materials

- A1. Staff report and findings (this document)
- A2. Staff's Presentation Slides for Public Hearing (to be presented at Public Hearing)

Materials from Applicant

- B1. **Applicant's Narrative and Materials**
 - Signed Development Permit Application
 - Narrative
 - Amended Property Information Report – National Title Insurance Company
 - Legal Description
 - Tax Map
 - Tree Protection Specifications
 - Tree Inventory Data
 - Arborist Report – Morgan Holen & Associates
 - Draft CC&Rs and Bylaws
 - DKS Trip Generation Memo
 - Preliminary Stormwater Management Plan
 - Reduced 11x17 Subdivision Plans
- B2. **Drawings and Plans – 8-Lot Subdivision**
 - 1 Cover Sheet
 - 2 Existing Conditions & Demolition Plan
 - 3 Tree Preservation and Removal Plan
 - 4 Tree Mitigation Plan
 - 5 Preliminary Plat
 - 6 Preliminary Grading Plan
 - 7 Preliminary Site and Utility Plan
 - 8 Preliminary Public Street Plan and Profile
 - 9 Preliminary Storm Plan and Profile
 - 10 Preliminary Lighting Plan
 - Preliminary Street Tree Plan
 - Lots 1 & 2 Lot Fit Exhibit
 - Lot 1 Floor Plan
 - Lot 2 Floor Plan

- L1 Landscape Plan
- B3.** Affidavit of Professional Credentials for Residential Usable Open Space Areas in the City of Wilsonville
Relevant Projects List
- B4.** TVF&R Standard Thumb Turn Around Plan
- B5.** 3/24/21 E-mail Response to Staff Questions from Emerio Design
- B6.** Revised Legal Description and Sketch
- B7.** Republic Services Service Provider Letter
- B8.** *Signed Land Use Application Extension of Time Form April 13, 2021*
- B9.** *Revised Plan Set April 29, 2021*
- B10.** *Additional Findings from Applicant, May 3, 2021*

Development Review Team Correspondence

- C1.** Engineering Requirements
- C2.** Building Division Requirements
- C3.** Natural Resource Requirements
- C4.** TVF&R Standards

Other Correspondence

- D1.** Email from D. and J Carlson Dated February 25, 2021, April 1, 2021, and April 2, 2021
- D2.** Email from H. and J Lulay Dated February 25, 2021 and April 2, 2021
- D3.** Email from B. Lund Dated February 25, 2021, March 5, 2021, and April 1, 2021
- D4.** Email from A. and M. Calcagno Dated February 26, 2021 and April 2, 2021
- D5.** Email from S. and S. Lorente Dated February 26, 2021
- D6.** Email from J. Britt Dated March 6, 2021
- D7.** Email from K. Troupe Dated March 7, 2021 and April 1, 2021
- D8.** Email from M. Davis Dated March 27, 2021
- D9.** Email from M. Lama Dated March 30, 2021 and April 2, 2021
- D10.** Email from A. Halter Dated April 2, 2021
- D11.** Email from K. and B. Colyer Dated April 1, 2021
- D12.** Email from K. Tinker Dated April 1, 2021
- D13.** Email from K. Halstead Dated April 2, 2021
- D14.** Email from K. and R. Fink Dated April 2, 2021
- D15.** Email from M. Kochanowski Dated April 2, 2021
- D16.** Email from A. Falconer Dated April 2, 2021
- D17.** Email from S. Heath Dated April 2, 2021
- D18.** Email from J. Dupell Dated April 2, 2021
- D19.** Email from C. Halstead Dated April 2, 2021
- D20.** Email from G. Pelser Dated April 2, 2021
- D21.** *Email from Helena Lulay dated April 8, 2021.*
- D22.** *Email from Brenda Lund dated April 8, 2021*
- D23.** *Email from Nilanjan Mukherjee dated April 2, 2021*

- D24. Unlabeled Comment letter received from Bill Spring via email
- D25. Letter dated April 12, 2021 received jointly from Land Advocates (HLA) and the Fair Housing Council of Oregon (FHCO)
- D26. Written testimony submitted by Mike Lama during DRB A Meeting
- D27. PowerPoint presented by Anthony Calcagno
- D28. PDF presentation by Dave Carlson
- D29. PowerPoint presented by Joan Carlson
- D30. PDF presentation by Mark Kochanowski
- D31. PowerPoint presented by Michelle Calcagno
- D32. PDF presentation by Helena Lulay

Procedural Statements and Background Information:

1. The statutory 120-day time limit applies to this application. The applicant first submitted the application on September 8, 2020. Staff conducted a completeness review within the statutorily allowed 30-day review period and found the application to be incomplete on October 8, 2020. The applicant submitted additional material on November 18, 2020. Planning Staff conducted a second completeness review within the statutorily allowed 30-day review period and found the application to be incomplete on December 11, 2020. The applicant submitted additional materials on December 23, 2020. Planning Staff deemed the application complete on January 7, 2021. The City must render a final decision for the request, including any appeals, by May 7, 2021. The applicant submitted a signed Land Use Application Extension of Time form on April 13, 2021 to extend the 120-day time limit set by ORS 221.178. The applicant has extended the date for final action to June 30, 2021.
2. Surrounding land uses are as follows:

Compass Direction	Zone:	Existing Use:
North:	RA-H	Residential
East:	PDR-4	SROZ, Residential
South:	PDR-4	SROZ, Residential
West:	PDR-3	Residential

3. Previous City Planning Approvals:
Current subdivision (Bridle Trail Ranchetts) approved prior to City incorporation
AR20-0032 – Class II Administrative Review 2-Lot Partition
4. The applicant has complied with Sections 4.013-4.031 of the Wilsonville Code, said sections pertaining to review procedures and submittal requirements. The required public notices have been sent and all proper notification procedures have been satisfied.

Findings:

NOTE: Pursuant to Section 4.014 the burden of proving that the necessary findings of fact can be made for approval of any land use or development application rests with the applicant in the case.

General Information

Application Procedures-In General

Section 4.008

The City's processing of the application is in accordance with the applicable general procedures of this Section.

Initiating Application

Section 4.009

The property owners William Z. Spring and Neil Fernando on behalf of Fallbrook, LLC, have has signed the submitted application form.

Pre-Application Conference

Subsection 4.010 (.02)

Following a request from the applicant, the City held a pre-application conference for the proposal on March 28, 2019 (PA19-0006) in accordance with this subsection.

Lien Payment before Approval

Subsection 4.011 (.02) B.

No applicable liens exist for the subject property. The application can thus move forward.

General Submission Requirements

Subsection 4.035 (.04) A.

The applicant has provided all of the applicable general submission requirements contained in this subsection.

Zoning-Generally

Section 4.110

This proposed development is in conformity with the applicable zoning district and general development regulations listed in Sections 4.150 through 4.199, applied in accordance with this Section.

Request A: DB20-0040 Comprehensive Plan Map Amendment

As described in the Findings below, the request meets the applicable criteria or will by Conditions of Approval.

Development Code - Comprehensive Plan Amendment Process

Procedures and Criteria in Comprehensive Plan

Subsection 4.198 (.01)

- A1. The lot of the subject development site is of sufficient size for development in a manner consistent with the purposes and objectives of Section 4.140.

Review Bodies

Subsection 4.198 (.02)

- A2. The DRB and City Council are considering the request as described.

Applicant Agreeing to Conditions of Approval

Subsection 4.198 (.05)

- A3. The owner will be required to sign a statement accepting conditions for approvals granted contingent on the Comprehensive Plan Map Amendment and Zone Map Amendment.

Comprehensive Plan Amendment Required Findings

Meets Identified Public Need

Subsection 4.198 (.01) A.

- A4. The “Residential Development” portion of the Comprehensive Plan (Policy 4.1.4) identifies the need for additional housing within the City to serve housing and economic needs of residents and employees working within the City.

Based on data used for the City of Wilsonville Annual Housing Report, as of the third quarter of 2020 the city has 11,381 housing units. The most recent data from the 2019 Annual Housing Report shows the following mix of housing units:

- 45.7% Apartments
- 40.4% Single-Unit Dwellings
- 7.5% Middle Housing
- 4.8% Condominiums
- 1.3% Mobile Homes

Policy 4.1.4 and its implementation measures, seek to “provide opportunities for a wide range of housing types, sizes, and densities at prices and rent levels to accommodate people who are employed in Wilsonville.” The proposal provides additional residential lots supporting an ongoing desire for homes at various price levels as part of Wilsonville’s strong diversity of housing unit types.

Meets Identified Public Need As Well As Reasonable Alternative

Subsection 4.198 (.01) B.

- A5. The proposed subdivision has similarities in site density and housing product to other subdivisions nearby such as Renaissance at Canyon Creek and Aspen Meadows, and provides a consistent density and development type as the area becomes more dense and urban over time. The consistency with nearby development makes the proposed continued residential use at the proposed density meet the need for a variety of homes better than other density or design options for the site. The decision to not use the available SROZ density transfer supports the ability to have lots that meet the context of immediately adjacent lots.

Supports Statewide Planning Goals

Subsection 4.198 (.01) C.

- A6. The City's Comprehensive Plan complies with the Statewide Planning Goals. The consistency of the proposal with the Comprehensive Plan, as stated in the findings for this request, demonstrates the proposal also complies with the Statewide Planning Goals. See also Findings A33-A37.

No Conflict with Other Portions of Plan

Subsection 4.198 (.02) D.

- A7. The applicant is requesting an amendment of the Comprehensive Plan Map for the subject properties. The applicant does not propose to modify or amend any other portion of the Comprehensive Plan or Plan Map.

Comprehensive Plan-Initiating, Applying for, and Considering Plan Amendments

Who May Initiate Plan Amendments

Introduction Page 7 "Plan Amendments" 1.

- A8. The property owner of the subject lot has initiated the proposed amendment.

How to Make Application

Introduction Page 7 "Plan Amendments" 2.

- A9. The property owner of the subject lots, who has submitted a signed application form provided by the City and paid the required application fee, initiated the proposed amendment.

Consideration of Plan Amendments

Introduction Page 7 "Plan Amendments" 3.

- A10. The City Council will consider the plan amendment only after receiving a recommendation from the Development Review Board.

Standards for Approval of Plan Amendments

Conformance with Other Portions of the Plan

Introduction Page 7 "Plan Amendments" 4. a.

A11. The change of residential density for the subject properties does not lead to nonconformance with other portions of the Comprehensive Plan.

Public Interest

Introduction Page 7 "Plan Amendments" 4. b.

A12. The request is in the public interest by providing needed housing. See also Finding A4.

Public Interest Best Served by Timing of Amendment

Introduction Page 7 "Plan Amendments" 4. c.

A13. The timing of the amendment is appropriate. See Finding A5.

Factors to Address in Amendment

Introduction Page 7 "Plan Amendments" 4. d.

A14. The area is suitable for the proposed development as it is in a residential area with similar development and has the necessary public services, including streets, available. It is similar to and follows the trends in recent nearby developments such as Renaissance at Canyon Creek and Aspen Meadows. The density is consistent with these other recent nearby developments. No parties submitted substantial evidence supporting concerns that the development would negatively affect property values. Preservation of natural resource areas is part of the development. The application of design standards ensures healthful, safe and aesthetic surroundings.

Conflict with Metro Requirements

Introduction Page 7 "Plan Amendments" 4. e.

A15. The review did not identify any conflicts with Metro requirements. Particularly, Wilsonville's housing mix continues to exceed Metro's requirements.

Public Notice Requirements

Introduction Page 8 "Plan Amendments" 5.

A16. The City has or will send all required public hearing notices.

Urban Growth Management

Urbanization for Adequate Housing

Implementation Measure 2.1.1.b.

A17. The proposal provides for additional housing density to accommodate those employed with the City. See also Finding A4.

Revenue Sources for Urbanization

Implementation Measure 2.1.1.d.

A18. Existing requirements for improvements and systems development charges apply to the development proposed concurrently with the Comprehensive Plan Map amendment.

New Development and Concurrency

Implementation Measure 2.1.1.e.

A19. The City's concurrency requirements in the Development Code apply to the concurrently proposed development.

Encourage Master Planning

Implementation Measure 2.1.1.f.2.

A20. The subject property is large enough, being greater than the two-acre threshold for planned development established in Section 4.140, for design consistent with the City's planned development regulations to support design quality and conformity with the Comprehensive Plan.

Public Facilities and Services

Urban Development Only Where Facilities and Services Can Be Provided

Implementation Measure 3.1.2.a.

A21. Application of the concurrency standards of the City's Development Code ensures the development proposed concurrently with this amendment request will have all necessary facilities and services provided. See Stage II Final Plan in Request D.

Paying for Facilities and Services

Implementation Measures 3.1.3.a., 3.1.4.f., 3.1.5.c., 4.1.4.h.

A22. The City has all necessary codes and processes in place to ensure the development pays for public facilities/services directly related to the development.

Growth and Sewer Capacity

Implementation Measure 3.1.4.b

A23. The City will not allow development without adequate sanitary sewer capacity. As reviewed in the Stage II Final Plan, adequate sanitary sewer capacity exists by connecting to the existing sewer in Canyon Creek Road South.

Land Use and Development

Variety of Housing Types

Implementation Measures 4.1.4.b, 4.1.4.j., and 4.1.4.o.

A24. Wilsonville has a rich diversity of housing types. Infill in other areas of the Bridle Trail Ranchetts involved residential development of a similar density as proposed (including

Renaissance at Canyon Creek and Aspen Meadows subdivisions). The proposal supports the area's existing role amongst Wilsonville's housing mix.

Encouraging Variety and Housing Balance

Implementation Measure 4.1.4.c and 4.1.4.d

A25. Being relatively small for a planned development, not a lot of variety would be expected within the development. However, the proposal provides some variety of lot sizes allowing diversity of housing products.

The proposed development does not detract from the City's ongoing work to encourage variety and promote housing balance. Based on data used for the City of Wilsonville Annual Housing Report, as of the third quarter of 2020 the city has 11,381 housing units. The most recent data from the 2019 Annual Housing Report shows the following mix of housing units:

- 45.7% Apartments
- 40.4% Single-Unit Dwellings
- 7.5% Middle Housing
- 4.8% Condominiums
- 1.3% Mobile Homes

The addition of ~~eight (8)~~ five (5) residential lots would not take away from the variety that currently exists within the city.

Housing Needs of Existing Residents

Implementation Measure 4.1.4.f.

A26. The proposed housing will fit into the rich diversity of Wilsonville's housing to allow existing residents to move up or move down, thus opening their units to others.

Housing Development and the Social and Economic Needs of the Community

Implementation Measure 4.1.4.g.

A27. Wilsonville has a rich diversity of housing types, to which these additional homes would contribute. The diversity of housing types supports the variety of needs of members of the community.

Jobs Housing Balance

Implementation Measures 4.1.4.l. and 4.1.4.p.

A28. It is anticipated the planned homes could be occupied by people working in Wilsonville. The location is close to employment centers including Town Center and the industrial area north of Boeckman between Canyon Creek Road and Parkway Avenue.

Provision of Open Space and Protection of Established Neighborhoods

Implementation Measure 4.1.4.t

A29. The applicant proposes an open space area that is consistent with the development standards applicable to the requested zoning of the property, PDR-3. The city's Comprehensive Plan requires new development to preserve the character of established neighborhoods, in particular the low-density zones. The site abuts properties with a comprehensive plan designation of 0-1 du/ac to the north, 4-5 du/ac to the west, and 6-7 du/ac to the south and east. It is important to note that while the property to the south has a higher density designation, it was developed at a substantially lower density that would make the configuration more similar to 2-3 or 4-5 du/ac designated properties. The previous iteration of the project presented at the April 12, 2021 DRB Panel A Hearing utilized the density transfer provision in WC Section 4.130.11. The density transfer is permitted if the applicable code criteria is met for uses, setbacks, outdoor living area, landscaping, building height, and parking. With the previously requested waiver it became clear that the project was not able to utilize the SROZ density transfer without a setback waiver, which does not meet the intent of the provision and resulted in a site configuration that was inconsistent with the surrounding neighborhoods. The applicant has now revised the proposal to include five (5) residential lots, which provides a site configuration that is more consistent with the established neighborhood context and is no longer utilizing the SROZ density transfer nor proposing the side-yard setback request.

Residential Districts and Density

Implementation Measures 4.1.4.u. and 4.1.4.z.

A30. The applicant requests the density to change from 0-1 du/ac to 4-5 du/ac in an area transitioning from rural residential to denser urban residential. Similar changes have occurred on other nearby properties including the areas currently occupied by Renaissance at Canyon Creek and Aspen Meadows subdivisions.

2-3 or 4-5 Dwelling Unit Per Acre Residential District

"Residential Planning Districts" page D-19

A31. The 4-5 du/ac designation is appropriate as adequate access to streets is available creating traffic volumes within the limits set by the City, it is adjacent to a variety of residential densities, including low density, and it is an appropriate density to allow development while preserving the natural slope and riparian areas of the properties.

Metro Urban Growth Functional Plan

Maintaining or Increasing Housing Capacity

Title 1 3.07.110

A32. The proposal will increase the City's housing capacity within the current City limits.

Statewide Planning Goals

Citizen Involvement

Goal 1

A33. A thorough citizen involvement process, as defined in Wilsonville's Development Code and Comprehensive Plan, ensures citizen involvement in the decision.

Land Use Planning

Goal 2

A34. The Comprehensive Plan Amendment is required to meet policies based on the statewide framework and is required to provide adequate facts to make a decision based on the applicable review criteria.

Agriculture Lands

Goal 3

A35. The areas proposed for new housing development are not currently in commercial agriculture use. Increasing development within the City limits has the potential to lessen slightly the demand for housing on land currently in use for commercial agriculture.

Natural Resources, Scenic and Historic Areas, and Open Spaces

Goal 5

A36. The City's SROZ overlay standards ensure protection of significant natural resources on the eastern portion of the subject properties.

Air, Water and Land Resources Quality

Goal 6

A37. The requirements to preserve the natural area as well as stormwater requirements help maintain water quality. No significant negative impacts to air and land resources can reasonably be anticipated.

Housing

Goal 10

A38. *The proposed Comprehensive Plan map amendments will continue to allow the City to meet its housing goals and obligations reflected in the Comprehensive Plan. Specifically:*

- *The City has an existing Housing Needs Analysis and Buildable Lands Inventory adopted in 2014 collectively known as the Wilsonville Residential Land Study. The key conclusions of this study are that Wilsonville: (1) may not have a 20-year supply of residential land and (2) the City's residential policies meet Statewide Planning Goal 10 requirements.*

- Under the Metro forecast, Wilsonville is very close to having enough residential land to accommodate expected growth. Wilsonville could run out of residential land by 2032.
- If Wilsonville grows faster than the Metro forecast, based on historic City growth rates, the City will run out of residential land before 2030.
- Getting residential land ready for development is a complex process that involves decisions by Metro, City decision makers, landowners, the Wilsonville community, and others. The City is beginning the process of ensuring that additional residential land is available through the concept planning process for the Advance Road new urban growth area. The City also adopted a new plan and development standards for more multi-family units in the Wilsonville Town Center. Finally, the City provides infill opportunities, allowing properties with existing development at more rural densities to be re-zoned for more housing, which this application falls under.
- Wilsonville is meeting Statewide Planning Goal 10 requirements to “provide the opportunity for at least 50 percent of new residential units to be attached single family housing or multiple family housing” and to “provide for an overall density of 8 or more dwelling units per net buildable acre.”
- Wilsonville uses a two-map system, with a Comprehensive Plan Map designating a density for all residential land and Zone Map with zoning to implement the Comprehensive Plan designation. Changing the Comprehensive Plan Map to a higher density zone will ensure related zone map amendment and development approvals support the Comprehensive Plan and Goal 10.
- The proposal increases density allowed and development capacity within the existing urban growth boundary and improving the capacity identified in the 2014 study. The type of housing is anticipated to be single-family; however, the approval will allow middle housing consistent with House Bill 2001 and implementing administrative rules once the City’s updated code is adopted.
- The proposal directly impacts approximately 0.4% of the developable residential land identified in the 2014 Wilsonville Residential Land Study (approximately 2 of 477 acres).

Request B: DB20-0039 Zone Map Amendment

As described in the Findings below, the request meets the applicable criteria or will by Conditions of Approval.

Comprehensive Plan

Diversity of Housing Types

Implementation Measure 4.1.4.b.,d.

B1. Based on data used for the City of Wilsonville Annual Housing Report, as of the third quarter of 2020 the city has 11,381 housing units. The most recent data from the 2019 Annual Housing Report shows the following mix of housing units:

- 45.7% Apartments
- 40.4% Single-Unit Dwellings
- 7.5% Middle Housing
- 4.8% Condominiums
- 1.3% Mobile Homes

The City has approved hundreds of new residential lots, mainly in Villebois and Frog Pond West, for development over the next few years. The proposal will provide additional residential lot options outside of Villebois and Frog Pond West within the existing City limits.

Safe, Convenient, Healthful, and Attractive Places to Live

Implementation Measure 4.1.4.c.

B2. The proposed Planned Development Residential-3 (PDR-3) zoning allows the use of planned development to enable development of safe, convenient, healthful, and attractive places to live.

Residential Density

Implementation Measure 4.1.4.u.

B3. The subject area will be zoned PDR-3, allowing the application of the proposed residential density of 4-5 du/ac to the subject property.

Development Code

Zoning Consistent with Comprehensive Plan

Section 4.029

B4. The applicant requests a zone change concurrently with a Stage I Master Plan, Stage II Final Plan, and other related development approvals. The proposed zoning designation of PDR-3 is consistent with the proposed Comprehensive Plan Residential 4-5 du/ac designation. The approval of the Zone Map Amendment is contingent on City approval of the related Comprehensive Plan Map Amendment.

List of Base Zones

Subsection 4.110 (.01)

B5. The requested zoning designation of PDR-3 is among the base zones identified.

Standards for All Planned Development Residential Zones

Typically Permitted Uses

Subsection 4.124 (.01)

B6. The list of typically permitted uses includes residential building lots for development of allowed residential uses, and open space, covering all proposed uses on the subject properties.

Appropriate PDR Zone

Subsection 4.124 (.05)

B7. PDR-3 is the appropriate PDR designation based on the Comprehensive Plan density designation, as proposed, of 4-5 du/ac.

Zone Change Procedures

Subsection 4.197 (.02) A.

B8. The applicant submitted the request for a Zone Map Amendment as set forth in the applicable code sections.

Conformance with Comprehensive Plan Map, etc.

Subsection 4.197 (.02) B.

B9. The proposed Zone Map Amendment is consistent with the proposed Comprehensive Map designation of Residential 4-5 du/ac (see Request A). As shown in Request A and Findings B1 through B3, the request complies with applicable Comprehensive Plan text.

Specific Comprehensive Plan Findings for Residential Designated Lands

Subsection 4.197 (.02) C.

B10. Findings B1 through B3 under this request and A24 through A30 under Request A provide the required specific findings for Implementation Measures 4.1.4.b, d, e, q, and x.

Public Facility Concurrency

Subsection 4.197 (.02) D.

B11. The applicant's Exhibits B1, B2, and B3 (compliance report and the plan sheets) demonstrate the existing primary public facilities are available or can be provided in conjunction with the project.

Impact on SROZ Areas

Subsection 4.197 (.02) E.

B12. The proposed design of the development preserves and protects the SROZ area on the property.

Development within 2 Years

Subsection 4.197 (.02) F.

B13. Related land use approvals will expire after 2 years, so requesting the land use approvals assumes development would commence within two (2) years. However, in the scenario where the applicant or their successors do not commence development within two (2) years allowing related land use approvals to expire, the zone change shall remain in effect.

Development Standards and Conditions of Approval

Subsection 4.197 (.02) G.

B14. As can be found in the findings for the accompanying requests, the proposal meets the applicable development standards either as proposed or through a condition of approval. ~~One condition is added to address neighbor concerns about the closeness of new homes to existing property lines. Condition of Approval PDB 1. requires the side yard setback in the current RA H zone of 10 feet be maintained along the north and south project boundaries. The Zone Map Amendment would otherwise allow 7 foot setbacks where a side yard of a new lot faces the existing property lines. This would apply primarily to proposed lots 1 and 3 as other lots either do not touch existing property lines or have the rear yards facing existing property lines where setbacks greater than 10 feet would already be required.~~

Request C: DB20-0041 Stage I Preliminary Plan

As described in the Findings below, the request meets the applicable criteria or will by Conditions of Approval.

Comprehensive Plan

City Support Development of Land Within City Consistent with Land Use Designation

Goal 2.1, Policy 2.1.1., Implementation Measure 2.1.1.a.

C1. The City's Comprehensive Plan designates the subject property for residential use. The proposed Comprehensive Plan Map amendment would increase the density for the subject property and would continue to be supportive of the development of the subject land for residential dwellings as long as proposed development meets applicable policies and standards.

Urbanization for Adequate Housing for Workers Employed in Wilsonville, Jobs and Housing Balance

Implementation Measures 2.1.1.b., 4.1.4.l., 4.1.4.p.

C2. The proposal provides for urbanization of an area planned for residential use to provide additional housing within the City available to workers employed within the City. However, no special provisions or programs target the units to workers employed within the City.

City Obligated to do its Fair Share to Increase Development Capacity within UGB

Implementation Measure 2.2.1.b.

- C3. The property is within the urban growth boundary and available for use consistent with its residential designation. Allowing development of the property for additional residential units supports the further urbanization and increased capacity of residential land within the Urban Growth Boundary.

Urban Development Only Where Necessary Facilities can be Provided

Implementation Measure 3.1.2.a.

- C4. As can be found in the findings for the Stage II Final plan, the proposed development provides all necessary facilities and services.

Provision of Usable Open Space

Implementation Measures 3.1.11.p, 4.1.5.kk

- C5. Findings related to Section 4.113 of the Development Code offer additional details related to provision of usable open space.

Wide Range of Housing Choices, Planning for a Variety of Housing

Policy 4.1.4., Implementation Measures 4.1.4.b., 4.1.4.c., 4.1.4.d., 4.1.4.j., 4.1.4.o.

- C6. Based on data used for the City of Wilsonville Annual Housing Report, as of the third quarter of 2020 the city has 11,381 housing units. The most recent data from the 2019 Annual Housing Report shows the following mix of housing units:
- 45.7% Apartments
 - 40.4% Single-Unit Dwellings
 - 7.5% Middle Housing
 - 4.8% Condominiums
 - 1.3% Mobile Homes

The City has approved hundreds of new residential lots, mainly in Villebois and Frog Pond West, for development over the next few years. The proposal will provide additional residential lot options outside of Villebois and Frog Pond West within the existing City limits.

Accommodating Housing Needs of Existing Residents

Implementation Measure 4.1.4.f.

- C7. The applicant intends on providing a housing product attractive to existing residents of the City as a whole including current homeowners and current renters looking to purchase in a medium to high price range, similar to other nearby homes. The number of units and location context do not lend themselves to creation of housing units at a lower price point to accommodate existing residents looking at the low to medium low price range

Planned Development Regulations

Planned Development Lot Qualifications

Subsection 4.140 (.02)

- C8. The planned ~~five eight~~ *five* lot subdivision will accommodate residential development, a functional public street, and preserved open space consistent with the purpose of Section 4.140.

Ownership Requirements

Subsection 4.140 (.03)

- C9. The owner of the subject property has signed an application form included with the application.

Professional Design Team

Subsection 4.140 (.04)

- C10. Steve Miller of Emerio Design is the coordinator of a professional design team with all the necessary disciplines including an engineer, a surveyor, and a planner among other professionals.

Planned Development Permit Process

Subsection 4.140 (.05)

- C11. The subject property is greater than 2 acres, is designated for residential development in the Comprehensive Plan, and is proposed to be zoned Planned Development Residential. The property will be developed as a planned development.

Comprehensive Plan Consistency

Subsection 4.140 (.06)

- C12. The proposed project, as found elsewhere in this report, complies with the PDR-3 zoning designation, which implements the proposed Comprehensive Plan designation of Residential 4-5 du/ac.

Planned Development Application Requirements

Subsection 4.140 (.07)

- C13. Review of the proposed Stage I Master Plan has been scheduled for a public hearing before the Development Review Board in accordance with this subsection and the applicant has met all the applicable submission requirements as follows:
- The property affected by the Stage I Master Plan is under an application by the property owner.
 - The applicant submitted a Stage I Master Plan request on a form prescribed by the City.
 - The applicant identified a professional design team and coordinator. See Finding

C10.

- The applicant has stated the uses involved in the Master Plan and their locations.
- The applicant provided the boundary information.
- The applicant has submitted sufficient topographic information.
- The applicant provided a tabulation of the land area to be devoted to various uses.
- The applicant proposes a single phase of development.
- Any necessary performance bonds will be required.

Standards for Residential Development in Any Zone

Outdoor Recreational Area and Open Space Land Area Requirements

Subsections 4.113 (.01)

C14. The proposed ~~five~~ eight-lot subdivision must provide 25% open space half of which (12.5%) must be located outside of the Significant Resource Overlay Zone (SROZ) and be usable open space programmed for active recreational use. The applicant has provided Tract A to be the usable open space area for the subdivision. The GDA including Tract A is ~~105,727~~ 98,034 square feet. After removing the SROZ area of 44,198 square feet, the net buildable area is ~~61,527~~ 53,836 square feet. 25% of the GDA is ~~15,381~~ 13,459 square feet and 12.5% of the site GDA is ~~7,690~~ 6,729 square feet. The revised open space area shown on the plans is now ~~7,691~~ 6,729 square feet which meets the minimum open space requirement for the proposed subdivision. ~~To ensure the subdivision meets the open space requirements as the open space tract was created by AR20-0032, a condition of approval PDC-1 that requires the applicant to record the proposed partition with the county prior to site development.~~

Other Standards

Subsections 4.113 (.03) through (.14)

C15. The applicant proposes meeting these standards. See Request D, Stage II Final Plan.

Standards for All Planned Development Residential Zones

Typically Permitted Uses

Subsection 4.124 (.01)

C16. The list of typically permitted uses includes residential uses the lot s can accommodate and open space on the subject property.

Accessory Uses

Subsection 4.124 (.02)

C17. While the proposal does not specifically propose any of the listed accessory uses, they continue to be allowed accessory uses.

Appropriate PDR Zone and Maximum and Minimum Density

Subsection 4.124 (.05)

C18. PDR-3 is the appropriate PDR designation based on the Comprehensive Plan density designation, as proposed, of 4-5 du/ac. See Requests A and B.

Block and Access Standards

Subsection 4.124 (.09)

C19. Street locations and lot configurations are such as to support the development of blocks supportive of these standards with existing and potential future development of adjacent properties.

PDR-3 Zone

Development Standards

Section 4.124(.07)

C20. Each lot meets the minimum lot size of 4,500 square feet. The lots are all at least 40 feet wide meeting the minimum lot width at the building line and meet the minimum street frontage requirements. Lots will allow all structures will meet the maximum lot coverage of 50% for the largest building and 60% for all structures along with the 35 foot height limit at the time of building permit issuance.

Request D: DB20-0042 Stage II Final Plan

As described in the Findings below, the request meets the applicable criteria or will by Conditions of Approval.

Planned Development Regulations

Planned Developments Lot Qualifications

Subsection 4.140 (.02)

D1. The planned ~~five eight~~ *five* lot subdivision will provide residential building lots, a functional public street, and preserved open space consistent with the purpose of Section 4.140. The subject property is 2.25 acres and is suitable for a planned unit development. Concurrent with the request for a Stage II Final Plan, the applicant proposes to rezone the property to PDR-3.

Ownership Requirements

Subsection 4.140 (.03)

D2. The owner of the subject property signed an application form included with the application.

Professional Design Team
 Subsection 4.140 (.04)

D3. Steve Miller of Emerio Design is the coordinator of a professional design team with all the necessary disciplines including an engineer, a surveyor, and a planner among other professionals.

Stage II Final Plan Submission Requirements and Process

Consistency with Comprehensive Plan and Other Plans
 Subsection 4.140 (.09) J. 1.

D4. With the requested Comprehensive Plan Map Amendment, Request A, the project is consistent with the Comprehensive Plan and other applicable plans of which staff is aware.

Traffic Concurrency
 Subsection 4.140 (.09) J. 2.

D5. As shown in the Trip Generation Memorandum, Exhibit B1, the City expects the proposed subdivision to generate ten new p.m. peak hour trips. Of the studied intersections, the City expects the proposed development to generate three p.m. peak hour trip through the I-5/Elligsen Road interchange area and one p.m. peak hour trip through the I-5/Wilsonville Road interchange area. No identified intersection would fall below the City’s Level of Service D. At the time the Trip Generation Memo was written the proposed development contained 11 dwelling units. ~~The current proposal contains 8 dwelling units and would generate less trips than stated within the memo.~~ ***The current proposal now contains 5 lots / dwelling units and would generate less trips than stated within the Memo.***

Table 1: Trip Generation Summary

Land Use (ITE Code)	Size	Trip Rate ^b	P.M. Peak Hour Trips		
			In	Out	Total
<i>Proposed</i>					
Single-Family Detached Housing (210)	11 DU ^a	1.1 trips/DU	7	5	12
<i>Existing</i>					
Single-Family Detached Housing (210)	2 DU ^a	1.1 trips/DU	-1	-1	-2
Net New Total Trips			6	4	10

^aDU = 1 Dwelling Unit

^bTrip rates shown were back-calculated using the ITE fitted curve equation.

Facilities and Services Concurrency
 Subsection 4.140 (.09) J. 3.

D6. The applicant proposes sufficient facilities and services, including utilities, concurrent with development of the residential subdivision.

Adherence to Approved Plans

Subsection 4.140 (.09) L.

- D7. Condition of Approval PDD 1 ensures adherence to approved plans except for minor revisions approved by the Planning Director.

General Residential Development Standards

Purpose of Outdoor Recreational Area

Subsection 4.113 (.01)

- D8. The purpose and intent of the open space requirements are met through the provision of a ~~7,690~~ 6,729 open space tract to meet the usable open space tract along with an additional 44,198 square feet of open space located within the SROZ.

25 % Open Space Required

Subsection 4.113 (.01) B.

- D9. As over half of the subject property is classified as SROZ, well in excess of 25 percent of the property is proposed as open space.

Required Open Space Characteristics

Subsection 4.113 (.01) C.

- D10. The proposed ~~five~~ ~~eight~~-lot subdivision must provide 25% open space half of which (12.5%) must be located outside of the Significant Resource Overlay Zone (SROZ) and be usable open space programmed for active recreational use. The applicant has provided Tract A to be the usable open space area for the subdivision. The GDA including Tract A is 105,727 square feet. After removing the SROZ area of 44,198 square feet, the net buildable area is ~~61,527~~ 53,836 square feet. 25% of the GDA is ~~15,381~~ 13,459 square feet and 12.5% of the site GDA is ~~7,690~~ 6,729 square feet. The revised open space area shown on the plans is now ~~7,691~~ 6,729 square feet which meets the minimum open space requirement for the proposed subdivision. ~~To ensure the subdivision meets the open space requirements as the open space tract was created by AR20-0032, a condition of approval PDC-1 that requires the applicant to record the proposed partition with the county prior to site development.~~

~~The open space will be owned by an HOA and contains a non fenced stormwater feature, an open play area to accommodate a variety of activities, and a community garden. The applicant has provided a concrete pathway into the open space area that terminates in a seating area. The application contains an affidavit that attests to the open space area being designed by a registered landscape architect with past experience designing similar residential park areas.~~ *The proposed open space will be owned by an HOA and at the time of publishing this staff report, the specifics of the open space area design are unknown. Staff has conditioned that the applicant return before the DRB and provide additional documentation demonstrating compliance with the open space standards. See condition of approval PDD 14 and Finding D49 for additional discussion.*

Building Setbacks – Lots Over 10,000 Square Feet

Subsection 4.113 (.02) A.

D11. Except for the 44,198 square foot SROZ tract which is not buildable, ~~no~~ one lots (Lot 1) within the proposed ~~8-lot subdivision~~ 5-lot subdivision exceeds 10,000 square feet. ~~This subsection is not applicable.~~ The proposed lot will meet the front yard and garage setback of 20 feet, and side yard setbacks of 10 feet, and rear yard setback of 20 feet in accordance with this subsection. Compliance with these standards will be reviewed and enforced during the building permit review process.

Building Setbacks – Lots Not Exceeding 10,000 Square Feet

Subsection 4.113 (.02) B.

D12. The proposed lots will allow homes to be built to meet the front yard setback of 15 feet, garage door setback of 20 feet, side yard setbacks of five (one story) to seven (two stories) feet, and rear yard setback of 15 (one story) to 20 (two stories) feet. ~~The applicant has requested a waiver to reduce the side yard setback to five feet for two story homes, see Request H. Condition of Approval PDB 1 requires an additional 10 foot side yard setback for Lots 1 and 3.~~

Effects of Compliance Requirements and Conditions on Cost of Needed Housing

Subsection 4.113 (.13)

D13. No parties have presented evidence nor has staff discovered evidence that provisions of this section are in such a manner that additional conditions, either singularly or cumulatively, have the effect of unnecessarily increasing the cost of housing or effectively excluding a needed housing type.

Underground Utilities Required

Subsection 4.118 (.02) and Sections 4.300 to 4.320

D14. The developer will install all utilities underground.

Habitat Friendly Development Practices to be Used to the Extent Practicable

Subsection 4.118 (.09)

D15. The portions of the subject property proposed for development do not contain any wildlife corridors or fish passages. Consistent with City and other standards, the applicant proposes protection of the SROZ, and no disturbance within this area is proposed. Outside the SROZ, the developer will minimize grading to only what is required to install site improvements and build homes. The applicant has designed, and will construct, water, sewer, and storm water infrastructure in accordance with the applicable City requirements in order to minimize adverse impacts on the site, adjacent properties, and surrounding resources.

Permitted Uses

Subsections 4.124 (.01) and (.02)

D16. The applicant proposes open space and residential lots, which are or accommodate allowed uses in the PDR zones. While no allowed accessory uses are specifically mentioned in the applicant's materials, they will continue to be allowed.

Block and Access Standards in PDR Zones

Maximum Block Perimeter: 1800 Feet

Subsection 4.124 (.09) 1.

D17. No new blocks will be created as part of the proposed subsection. The existing block lengths in the neighborhood will not be compromised with the proposed development and no additional blocks will be created as part of the proposed subdivision.

Maximum Spacing Between Streets for Local Access: 530 Feet

Subsection 4.124 (.09) 2.

D18. The proposed public street providing access to the project is approximately 155 feet south of SW Helene Street. The distance between the subdivision entrance, which for the purposes of measurement is the cul-de-sac bulb of SW Canyon Creek Road S and the private street is approximately 227 feet.

Maximum Block Length Without Bicycle or Pedestrian Crossing: 330 Feet

Subsection 4.124 (.09) 3.

D19. The newly proposed public street providing access to the subdivision from SW Canyon Creek Road S is less than 330 feet. An existing bicycle and pedestrian crossing is provided from SW Canyon Creek Road S to SW Morningside Ave.

PDR-3 Zone Standards

Minimum (4,500 sf) Lot Size

Subsections 4.124 (.07)

D20. The Preliminary Subdivision Plans show all lots exceeding the minimum lot size of 4,500 square feet for the PDR-3 zone.

Minimum Density and Maximum Density

Subsection 4.124 (.05)

D21. Minimum density has been calculated based on the Comprehensive Plan density range, understood to be the controlling standard for density, as historically applied elsewhere with Planned Development Residential zoning. The minimum and maximum density calculation for the site is as follows:

~~Total Gross Acreage: 2.43 AC~~

~~Total SROZ: 1.01 AC~~

Total Usable Acreage: 1.41 AC (Gross—SROZ)

SROZ AC $1.01 \times 4 \text{ DU/AC} = 4.04 \times .50$ (50% SROZ transfer credit) = 2.02 or 2

SROZ AC $1.01 \times 5 \text{ DU/AC} = 5.05 \times .50$ (50% of SROZ transfer credit) = 2.5 or 3

Usable acres $1.24 \times 4 \text{ DU/AC} = 5.64$ or 6 minimum lots

Usable acres $1.24 \times 5 \text{ DU/AC} = 7.05$ or 7 maximum lots

5 minimum lots + 2 transfer credits = 8 minimum lots

6 maximum lots + 3 transfer credits = 10 maximum lots

Total Gross Acreage: 2.25 AC

Total SROZ: 1.01 AC

Total Usable Acreage: 1.24 AC

Usable Acres $1.24 \times 4 \text{ DU/AC} = 4.96$ or 4 minimum lots

Usable Acres $1.24 \times 5 \text{ DU/AC} = 6.2$ or 6 maximum lots

The proposed development is for a 5-lot subdivision, thus meeting the minimum density of the range for the site in compliance with this subsection and the proposed comprehensive plan designation.

Minimum Lot Width: 40 Feet

Subsection 4.124(.07)

D22. The Preliminary Subdivision Plans show all lots with more than a 40-foot width.

Minimum Street Frontage: 40 Feet, 24 Feet on Cul-de-sac

Subsection 4.124(.07)

D23. The tentative subdivision plat shows Lots 4-8 1-5 having a minimum street frontage of at least 40 feet. Lot 1 has frontage on ~~both a cul-de-sac and~~ a private drive, with the ~~combined~~ frontage exceeding 40 feet. ~~Lots 2-3 have frontage on a private drive (Tract B) and meet the minimum lot frontage.~~

Minimum Lot Depth: 60 Feet

Subsection 4.124 (.07)

D24. The tentative subdivision plat shows the minimum lot depth for all lots exceeds 60 feet.

Maximum Height: 35 Feet

Subsection 4.124 (.07)

D25. No homes will be approved for construction in this subdivision with a height greater than 35 feet.

Maximum Lot Coverage

Subsection 4.124 (.07)

D26. All lots will meet the maximum lot coverage of 50% for the largest building and 60% for all structures at time of building permit issuance.

SROZ Regulations

Prohibited Activities

Section 4.139.04

D27. The site contains 44,198 square feet of SROZ area in Tract C located to the east of ~~lots 1-3.~~ Lot 1 and Tract A Condition of Approval NR 1 requires the SROZ portion of the site to be preserved in a conservation easement along with Tract C to prohibit any disturbance of natural vegetation without first obtaining approval from the City.

Uses and Activities Exempt from These Regulations

Section 4.139.04

D28. The regulations apply to a significant portion of the property within the SROZ. The applicant proposed no development within the SROZ; however, the applicant limits plantings in the SROZ to those identified as native on the Metro Native Plant List. Condition of Approval NR13 requires that the City's Natural Resources Manager approve the SROZ plantings prior to their installation.

Density Transfer from Significant Resource Overlay Zone

Transfer of Density from SROZ Permitted

Subsection 4.139.11 (.02)

~~D29. The applicant proposes a density transfer of two units consistent with this subsection. The permitted density transfer is three units based on the following calculation:
SROZ acres 1.01 x 5 du/ac (maximum density per proposed Comprehensive Plan designation) = 65.05 x 0.5 (50% SROZ transfer credit) = 2.58 or 3 units. The Applicant is not utilizing a density transfer from the SROZ, therefore this Subsection does not apply.~~

SROZ Density Transfer Limiting Standards.

Subsection 4.139.11 (.02) B. 2.-3.

~~D30. The standards for outdoor living area, landscaping, building height and parking are still met as established by other findings under this request. The proposed lots are of a similar size as many in the area and meet the minimum of the PDR 3 zone and will allow development of homes similar to many in the area. Setbacks and relationships to adjacent properties are similar with or without the density transfer. Setbacks for the PDR 3 zone are met. Lots for permitted residential uses and parks and open space continue to be the only uses proposed with the density transfer. All other applicable standards are able to be met with the density transfer. Based on testimony provided during the April 12, 2021 DRB~~

Panel A Hearing and only conditional support from staff regarding the previous side-yard setback waiver request, staff reevaluated the proposed density of the subdivision and worked with the applicant on a solution. It became apparent that the Waiver request was necessitated by the SROZ density transfer, as the additional lots as allowed by the transfer would only be able to fit on the property through the Waiver request. The SROZ density transfer requires projects to meet setbacks of the zone, therefore the SROZ transfer is not supportable. The applicant has revised the proposed development which now includes five (5) residential lots which does not utilize a density transfer, and thus, no longer includes a waiver request.

On-site Pedestrian Access and Circulation

Continuous Pathway System

Section 4.154 (.01) B. 1.

D31. The submitted plans show sidewalks along the frontages of all lots providing a continuous pathway system throughout the proposed subdivision. To ensure full access and function of the planned pathway system for the public, Condition of Approval PDD 7 requires public access easements across all pathways within private tracts or lots.

Safe, Direct, and Convenient

Section 4.154 (.01) B. 2.

D32. The submitted plans show sidewalk and pathways providing safe, direct, and convenient access to homes and open spaces in the adjacent Aspen Meadows subdivision.

Vehicle/Pathway Separation

Section 4.154 (.01) B. 3.

D33. The proposed design vertically and or horizontally separates all sidewalks and pathways from vehicle travel lanes except for driveways and crosswalks.

Crosswalks Delineation

Section 4.154 (.01) B. 4.

D34. Condition of Approval PDD 2 requires the clear marking of all crosswalks with contrasting paint or paving materials (e.g., pavers, light-colored concrete inlay between asphalt, or similar contrast).

Pathway Width and Surface

Section 4.154 (.01) B. 5.

D35. The applicant proposes all pathways to be concrete or asphalt, meeting or exceeding the 5-foot required width.

Parking Area Design Standards

Minimum and Maximum Parking

Subsection 4.155 (.03) G.

D36. Each dwelling unit requires one parking space. The applicant states each lot will accommodate at least one exterior parking space. The dimensional standard for a standard parking space is nine by eighteen feet; each driveway will be at least 12 feet wide by 20 feet long ensuring each unit meets the parking standard. Additionally, the proposed homes will have at least a single-car garage, providing an additional parking space.

Other Parking Area Design Standards

Subsections 4.155 (.02) and (.03)

D37. The applicable standards are met as follows:

Standard	Met	Explanation
Subsection 4.155 (.02) General Standards		
B. All spaces accessible and usable for Parking	<input checked="" type="checkbox"/>	Though final design of garages and driveways is not part of the current review they are anticipated to meet the minimum dimensional standards to be considered a parking space as well as fully accessible. Condition of Approval PDD 3 requires meeting the dimensional standards.
I. Surfaced with asphalt, concrete or other approved material.	<input checked="" type="checkbox"/>	Garages and driveways will be surfaced with concrete.
Drainage meeting City standards	<input checked="" type="checkbox"/>	Drainage is professionally designed and being reviewed to meet City standards
Subsection 4.155 (.03) General Standards		
A. Access and maneuvering areas adequate.	<input checked="" type="checkbox"/>	The parking areas will be typical residential design adequate to maneuver vehicles and serve the needs of the homes. In order to address concerns regarding access and maneuvering areas, Condition of Approval PDD 15 requiring the HOA actively enforce no parking areas, tow any illegally parked vehicle within 12 hours, and establish fees for homeowners who violate the no parking zones.
A.2. To the greatest extent possible, vehicle and pedestrian traffic separated.	<input checked="" type="checkbox"/>	Pursuant to Section 4.154 pedestrian circulation is separate from vehicle circulation by vertical separation except at driveways and crosswalks.

Other General Regulations

Access, Ingress and Egress

Subsection 4.167 (.01)

D38. Planned access points are typical of local residential streets. The City will approve final access points for individual driveways at the time of issuance of building permits.

Protection of Natural Features and Other Resources

General Terrain Preparation

Section 4.171 (.02)

D39. The major natural feature associated with this development is Boeckman Creek and its associated riparian canyon. This area is designated for protection as SROZ and will not be disturbed. Prior to any site earth work a grading permit must be issued by the City's Building Division ensuring planned grading conforms with the Uniform Building Code. Contractors will also use erosion control measures, and stake and protect SROZ and preserved trees prior to commencement of site grading. The applicant designed the development to limit the extent of disturbance of soils. Tree removal is limited to those that are non-viable, dead, diseased, dying, or those that will impede construction of infrastructure, street improvements, driveways and future building sites.

Trees and Wooded Areas

Section 4.171 (.04)

D40. The major natural feature associated with this development is Boeckman Creek and its associated riparian canyon. The applicant proposes preserving all trees within the SROZ. Outside of the SROZ, the applicant proposes retaining all trees except those that are in the way of the required frontage improvements, the new public street, the proposed private road or future dwellings. As noted in Request F, the applicant proposes removing 21 ~~26~~ trees outside of the SROZ.

Earth Movement and Soil Hazard Areas

Subsections 4.171 (.07) and (.08)

D41. The applicant states the subject property does not contain any earth movement or soil hazard areas.

Historic Resources

Subsection 4.171 (.09)

D42. The applicant nor the City have identified any historic, cultural, or archaeological items on the sites, nor does any available information on the history of the site compel further investigation.

Public Safety and Crime Prevention

Design for Public Safety, Addressing, Lighting to Discourage Crime

Section 4.175

D43. The development will be a traditional residential subdivision to create a quiet area with eyes on the street to discourage crime. Lighting will be typical of other subdivisions in Wilsonville. The Building Permit process will ensure appropriate addresses are affixed to the homes for emergency responders.

Landscaping Standards

Landscape Standards Code Compliance

Subsection 4.176 (.02) B.

D44. The applicant requests no waivers or variances to landscape standards. Thus all landscaping and screening must comply with standards of this section.

Intent and Required Materials

Subsections 4.176 (.02) C. through I.

D45. The planting areas along the street and the open spaces within the subdivision are generally open and are not required to provide any specific screening, thus the design of the landscaping follows the general landscaping standards. The plantings include a mixture of trees and stormwater swale plantings. Except where driveways and utility conflicts prevent, street trees are placed 30 feet on center.

Types of Plant Material, Variety and Balance, Use of Natives When Practicable

Subsection 4.176 (.03)

D46. The applicant proposes a professionally designed landscape using a variety of plant material. The design incorporates native plants, including coastal strawberry and spreading rush.

Quality and Size of Plant Material

Subsection 4.176 (.06)

D47. Trees are specified at 2" caliper or greater than 6 foot for evergreen trees. Shrubs are all specified 2 gallon or greater in size. Ground cover is all specified as greater than 4". Turf or lawn is used for minimal amount of the proposed public landscape area. Conditions of Approval PDD 12 and PDD 13 ensure other requirements of this subsection are met including use of native topsoil, mulch, and non-use of plastic sheeting.

Landscape Installation and Maintenance

Subsection 4.176 (.07)

D48. The installation and maintenance standards are or will be met by Condition of Approval PDD 14 as follows:

- Plant materials are required to be installed to current industry standards and be properly staked to ensure survival.
- Plants that die are required to be replaced in kind, within one growing season, unless appropriate substitute species are approved by the City.
- An irrigation system is required to ensure the plant materials survive during the establishment period. – need additional condition?

Landscape Plans

Subsection 4.176 (.09)

D49. The applicant's submitted landscape plans in Exhibit B3 provide the required information. The information contained in Exhibit B3 is based on the previous proposal. Due to the changes in the proposed open space Tract A discussed in Findings C14 and D10, the landscape plans shown on Sheet L1 do not correspond to the plans designed by the landscape architect. ~~Condition of Approval PDD 14 ensures the applicant submit a revised landscape plan based on the new shape and configuration of the proposed open space~~ For final approval of the revised open space area, the applicant shall return to the Development Review Board for review of the redesigned open space. If the project landscape architect changes, the applicant shall submit a new Affidavit of Professional Credentials for Residential Usable Open Space Areas in the City of Wilsonville. Condition of Approval PDD 14 ensures the applicant will return to the DRB for review of the usable open space plans, provide a new affidavit should the project landscape architect change, and provide new landscaping plans to correspond to the new configuration of the usable open space area (Tract A).

Completion of Landscaping

Subsection 4.176 (.10)

D50. The applicant has not requested to defer installation of plant materials.

Specific Landscaping Requirements

Section 4.450

D51. When the applicant returns to the DRB for approval of the landscape plan for the relocated open space Conditions of Approval ensuring the requirements of this section will be met.

Street Improvement Standards-Generally

Conformance with Standards and Plan

Subsection 4.177 (.01)

D52. The proposed streets appear to meet the City's public works standards and transportation systems plan. Further review of compliance with public works standards and transportation plan will occur with review and issuance of the Public Works construction permit. The required street improvements are a standard local residential street proportional to and typical of the residential development proposed.

Street Design Standards-Future Connections and Adjoining Properties

Subsection 4.177 (.02) A.

D53. The proposed design provides for the future possibility of continuation of the new public street onto the adjacent property to the north and connect to SW Helene Street.

City Engineer Determination of Street Design and Width

Subsection 4.177 (.02) B.

D54. The City Engineering Division has preliminarily found the street designs and widths as consistent with the cross sections shown in Figure 3-9 of the 2013 Transportation Systems Plan. The Engineering Division will check final conformance with the cross sections shown in the Transportation Systems Plan during review of the Public Works Permit.

Right-of-Way Dedication

Subsection 4.177 (.02) C. 1.

D55. The tentative subdivision plat shows right-of-way dedication. See Request E.

Waiver of Remonstrance Required

Subsection 4.177 (.02) C. 2.

D56. Condition of Approval PDD 4 requires a waiver of remonstrance against formation of a local improvement district be recorded in the County Recorder's Office as well as the City's Lien Docket as a part of the recordation of a final plat.

Dead-end Streets Limitations

Subsection 4.177 (.02) D.

D57. The full length of the proposed public street exceeds the 200-foot maximum for a dead-end street. However, the street may be extended in the future with development of the property to the north. The project contains a private drive, providing an outlet and turn-around for emergency services, along with a turn around in the existing cul-de-sac bulb at the southern end of SW Canyon Creek Road S which is included in Exhibit B4. The number of homes accessing the street is less than the maximum allowed for a dead-end street.

Street Improvement Standards-Clearance

Corner Vision Clearance

Subsection 4.177 (.02) E.

D58. Street locations and subdivision design allow the meeting of vision clearance standards.

Vertical Clearance

Subsection 4.177 (.02) F.

D59. Nothing in the proposed subdivision design would prevent the meeting of vertical clearance standards.

Street Improvement Standards-Interim Improvements

Interim Improvement Standards

Subsection 4.177 (.02) G.

D60. The City Engineer has or will review all interim improvements to meet applicable City standards.

Street Improvement Standards-Sidewalks

Sidewalk Requirements

Subsection 4.177 (.03)

D61. The applicant proposes sidewalks along all public street frontages abutting proposed lots and along the project frontage with Canyon Creek Road South.

Street Improvement Standards-Bicycle Facilities

Bicycle Facility Requirements

Subsection 4.177 (.04)

D62. The streets within and adjacent to the project do not require any bike facilities per the Transportation Systems Plan.

Residential Private Access Drives

Definition

Subsection 4.001 (224.) B

D63. The applicant proposes Tract B as a residential private access drive. The connection of this private drive would provide access to a total of two dwelling units. No future extension of the street is possible.

Access to No More Than 4 Dwelling Units

Subsection 4.177 (.07) A.

D64. The proposed private access drive provides access to two homes, less than the four home limit set by this subsection.

Lifespan and Structure Similar to Public Local Street for Private Access Drives

Subsection 4.177 (.07) B.

D65. Condition of Approval PDD 6 ensures the design of the private access drives provides for a useful lifespan and structural maintenance schedule comparable to a public local residential street.

Addresses for Private Access Drives

Subsection 4.177 (.07) C.

D66. The orientation of the homes fronting the private access drive and the short length of the drive enables addressing the homes off the nearby public street.

Access Drive Development Standards

Subsection 4.177 (.07) D. and 4.177 (.08)

D67. Condition of Approval PDD 7 ensures the responsible parties keep the access drives clear and the access drives are capable of carrying a 23-ton load.

Street Improvement Standards-Intersection Spacing

Offset Intersections Not Allowed

Subsection 4.177 (.09) A.

D68. The applicant does not propose any offset intersections.

Transportation System Plan Table 3-2

Subsection 4.177 (.09) B.

D69. All involved streets are local streets with no spacing standard.

Request E: DB20-0019 Site Design Review for Parks and Open Space

As described in the Findings below, the request meets the applicable criteria or will by Conditions of Approval.

E1. The applicant previously proposed a professionally designed park space meeting the applicable standards for Site Design Review. However, late changes to the site layout in response to evidence raised during the public hearing process led to the relocation of the open space. The Development Review Board is required to make a decision on other related applications prior to the design team having sufficient time to complete a professional design of the relocated open space. No evidence on the record would prevent a design on the proposed open space area meeting applicable City standards. Certainty exists a design meeting City standards can be created for the proposed space. It is simply a process of allowing the landscape architect adequate time, not afforded by the current process, to create a new site-specific design meeting City standards. A Condition of Approval requiring the applicant return to the DRB with a design meeting the applicable open space design standards is an appropriate mechanism to ensure all applicable standards are met. Condition of Approval PDE 1, along with Condition of Approval PDD 4 ensures the applicable standards will be met.

~~Objectives of Site Design Review~~

~~Proper Functioning of the Site, High Quality Visual Environment Meets Objectives~~

~~Subsections 4.400 (.02) A., 4.400 (.02) C. J., and Subsection 4.421 (.03)~~

~~E1. The proposed professionally designed landscaping provides stormwater, air quality, and other site functions while not interfering with utilities, sidewalks, or other site features. The landscaping also adds to the high quality visual environment. By functioning properly and contributing to a high quality visual environment, the proposed design fulfills the objectives of site design review.~~

~~Encourage Originality, Flexibility, and Innovation~~

~~Subsection 4.400 (.02) B. and Subsection 4.421 (.03)~~

~~E2. The City code affords the applicant's design team flexibility to create an original design appropriate for the site. The applicant provides an active open space area that contains a variety of areas to meet the needs of the future residents of the subdivision. The community garden area will provide a calm activity for residents, next to the garden area the applicant proposes an open play area that could accommodate a variety of activities. There is also a seating area adjacent to trees, which provide a sense of enclosure.~~

Jurisdiction and Power of the DRB for Site Design Review

Development Review Board Jurisdiction

Section 4.420

~~E3. Condition of Approval PDE 1 ensures landscaping is carried out in substantial accord with the Development Review Board approved plans, drawings, sketches, and other documents. The City will issue no building permits prior to approval by the Development Review Board. The applicant has requested no variances from site development requirements.~~

Design Standards

Preservation of Landscaping

Subsection 4.421 (.01) A. and Section 4.171

~~E4. The major natural feature associated with this development is Boeckman Creek and its associated riparian canyon. This area is designated for protection as a SROZ is proposed to ultimately be dedicated to the City. A conservation easement is being placed along the rear of lots 1-3 to preserve the non-usable area of those lots. The elevation drops by approximately 15 feet from east to west toward the Boeckman Creek Canyon. This slope necessitates a significant amount of grading to provide the infrastructure needed to serve the development, as well as to prepare lots for development. The extent of the necessary grading requires removal of the majority of trees on the site outside of the SROZ.~~

Surface Water Drainage

Subsection 4.421 (.01) D.

~~E5. A professionally designed drainage system demonstrates proper attention.~~

Above Ground Utility Installations

Subsection 4.421 (.01) E.

~~E6. The applicant proposes no above ground utility installations.~~

Screening and Buffering of Special Features

Subsection 4.421 (.01) G.

~~E7. No exposed storage areas, exposed machinery installations, surface areas, truck loading areas, utility buildings and structures, and similar accessory areas and structures exist requiring screening.~~

Applicability of Design Standards

Subsection 4.421 (.02)

~~E8. This review applies the design standards to the proposed streetscape and open space areas, which are the portions of the proposed development subject to site design review.~~

Conditions of Approval Ensuring Proper and Efficient Functioning of Development

Subsection 4.421 (.05)

~~E9. Staff recommends no additional conditions of approval to ensure the proper and efficient functioning of the development.~~

Site Design Review Submission Requirements

Submission Requirements

Section 4.440

~~E10. The applicant has provided a sufficiently detailed landscape plan and street tree plan to review the streetscape and open space areas subject to site design review.~~

Time Limit on Site Design Review Approvals

Void after 2 Years

Section 4.442

~~E11. The applicant has indicated that they will pursue development within two years. The approval will expire after two years if not vested, or an extension is not requested and granted, consistent with City Code.~~

Installation of Landscaping

Landscape Installation or Bonding

Subsection 4.450 (.01)

~~E12. Condition of Approval PDE 2 ensures all landscaping in common tracts shall be installed prior to final plat approval or as otherwise agreed upon in a written agreement with the City. Condition of Approval PDE 3 further requires all street trees and other right of way landscaping be installed in right of way fronting a lot prior to issuance of an occupancy permit for a home on the lot.~~

Approved Landscape Plan

Subsection 4.450 (.02)

~~E13. Condition of Approval PDE 4 ensures the approved landscape plan is binding upon the applicant/owner. It prevents substitution of plant materials, irrigation systems, or other aspects of an approved landscape without official action of the Planning Director or Development Review Board, as specified in this Code.~~

Landscape Maintenance and Watering

Subsection 4.450 (.03)

~~E14. — Condition of Approval PDE 5 ensures continual maintenance of the landscape, including necessary watering, weeding, pruning, and replacing, in a substantially similar manner as originally approved by the Board, unless altered with appropriate City approval.~~

Modifications of Landscaping

Subsection 4.450 (.04)

~~E15. — Condition of Approval PDE 5 provides ongoing assurance by preventing modification or removal without the appropriate City review.~~

Natural Features and Other Resources

Protection

Section 4.171

~~E16. — The proposed design of the site provides for protection of natural features and other resources consistent with the proposed Stage II Final Plan for the site as well as the purpose and objectives of site design review. See Findings D33 through D37 under Request D.~~

Landscaping

Landscape Standards Code Compliance

Subsection 4.176 (.02) B.

~~E17. — The applicant requests no waivers or variances to landscape standards. Thus all landscaping and screening must comply with standards of this section.~~

Intent and Required Materials

Subsections 4.176 (.02) C. through I.

~~E18. — The general landscape standard applies throughout different landscape areas of the site and the applicant proposes landscape materials to meet each standard in the different areas. Site Design Review is being reviewed concurrently with the Stage II Final Plan which includes an analysis of the functional application of the landscaping standards. See Finding D37 under Request D.~~

Quality and Size of Plant Material

Subsection 4.176 (.06)

~~E19. — A note on the landscape plans ensures the quality of the plant materials will meet American Association of Nurserymen (AAN) standards. Trees are specified at 2" caliper or greater than 6 foot for evergreen trees. Shrubs are all specified 2 gallon or greater in size. Ground cover is all specified as greater than 4". Turf or lawn is used for minimal~~

amount of the proposed public landscape area. Condition of Approval PDE 6 ensures other requirements of this subsection are met including use of native topsoil, mulch, and non-use of plastic sheeting.

Landscape Installation and Maintenance

~~Subsection 4.176 (.07)~~

~~E20.—— The installation and maintenance standards are or will be met by Condition of Approval PDE 8 as follows:~~

- ~~• Plant materials are required to be installed to current industry standards and be properly staked to ensure survival.~~
- ~~• Plants that die are required to be replaced in kind, within one growing season, unless appropriate substitute species are approved by the City.~~
- ~~• Irrigation Notes on the applicant's sheet L2 provides for irrigation during the establishment period.~~

Landscape Plans

~~Subsection 4.176 (.09)~~

~~E21.—— The applicant's submitted landscape plans in Exhibit B2 provide the required information.~~

Completion of Landscaping

~~Subsection 4.176 (.10)~~

~~E22.—— The applicant has not requested to defer installation of plant materials.~~

Request F: DB20-0042 Type C Tree Removal Plan

As described in the Findings below, the request meets the applicable criteria or will by Conditions of Approval.

Type C Tree Removal

Review Authority When Site Plan Review Involved

Subsection 4.610.00 (.03) B.

- F1. The requested tree removal is connected to site plan review by the Development Review Board. Review is thus under the authority of the DRB.

Reasonable Timeframe for Removal

Subsection 4.610.00 (.06) B.

- F2. It is understood the tree removal will be completed by the time the applicant completes construction of all homes and other improvements in the subdivision, which is a reasonable time frame for tree removal.

Security for Permit Compliance

Subsection 4.610.00 (.06) C.

- F3. As allowed by Subsection 4.610.00 (.06) C. 1. the City is waiving the bonding requirement as the application is required to comply with WC 4.264(1).

General Standards for Tree Removal, Relocation or Replacement

Preservation and Conservation

Subsection 4.610.10 (.01) B.

- F4. The applicant has taken tree preservation into consideration, and has limited tree removal to non-viable trees and trees necessary to remove for development.

Development Alternatives

Subsection 4.610.10 (.01) C.

- F5. No significant wooded areas or trees would be preserved by design alternatives.

Land Clearing Limited to Right-of-Way and Areas Necessary for Construction

Subsection 4.610.10 (.01) D.

- F6. The proposed clearing is necessary for streets, homes, and related improvements.

Residential Development to Blend into Natural Setting

Subsection 4.610.10 (.01) E.

- F7. Preservation and enhancement of the SROZ area allows the development to blend with the significant natural elements of the property. The project area is otherwise relatively flat land without significant natural features with which to blend.

Compliance with All Applicable Statutes and Ordinances

Subsection 4.610.10 (.01) F.

- F8. This standard is broad and duplicative. As found elsewhere in this report, the City is applying the applicable standards.

Tree Relocation and Replacement, Protection of Preserved Trees

Subsection 4.610.10 (.01) G.

- F9. Reviews of tree removal, replacements, and protection is in accordance with the relevant sections related to replacement and protection.

Tree Removal Limitations

Subsection 4.610.10 (.01) H.

- F10. The proposed tree removal is due to health or necessary for construction.

Additional Standards for Type C Permits

Tree Survey and Tree Maintenance and Protection Plan to be Submitted

Subsection 4.610.10 (.01) I. 1.-2.

- F11. The applicant submitted the required Tree Survey Maintenance and Protection Plan.

Utilities Locations to Avoid Adverse Environmental Consequences

Subsection 4.610.10 (.01) I. 3.

- F12. The Utility Plan shows a design to minimize the impact upon the environment to the extent feasible given existing conditions, particularly the Boeckman Creek SROZ. The City will further review utility placement in relation to preserved trees during review of construction drawings and utility easement placement on the final subdivision plat.

Type C Tree Plan Review

Tree Removal Related to Site Development at Type C Permit

Subsection 4.610.40 (.01)

- F13. The review of the proposed Type C Tree Plan is concurrent with other site development applications.

Standards and Criteria of Chapter 4 Applicable

Subsection 4.610.40 (.01)

F14. This standard is broad and duplicative. As found elsewhere in this report, this review applies applicable standards.

Application of Tree Removal Standards Can't Result in Loss of Development Density

Subsection 4.610.40 (.01)

F15. Review of the proposal allows residential unit counts consistent with the proposed Comprehensive Plan Map density range.

Type C Tree Plan Review with Stage II Final Plan

Subsection 4.610.40 (.01)

F16. The applicant submitted the Type C Tree Plan concurrently with the landscape plan for the proposed development. Review of the proposed Type C Tree Plan is concurrent with the Stage II Final Plan. See Request D.

Required Mitigation May Be Used to Meet Landscaping Requirements

Subsection 4.610.40 (.01)

F17. The applicant proposes counting the proposed street trees, SROZ plantings, and trees within the usable open space area as the mitigation for removal.

No Tree Removal Before Decision Final

Subsection 4.610.40 (.01)

F18. Review of the proposed Type C Tree Plan is concurrent with other necessary land use approvals. The City will not issue any tree removal permit prior to final approval of concurrent land use requests.

Tree Maintenance and Protection Plan Submission Requirements

Section 4.610.40 (.02)

F19. The applicant submitted the necessary copies of a Tree Maintenance and Protection Plan.

Tree Relocation, Mitigation, or Replacement

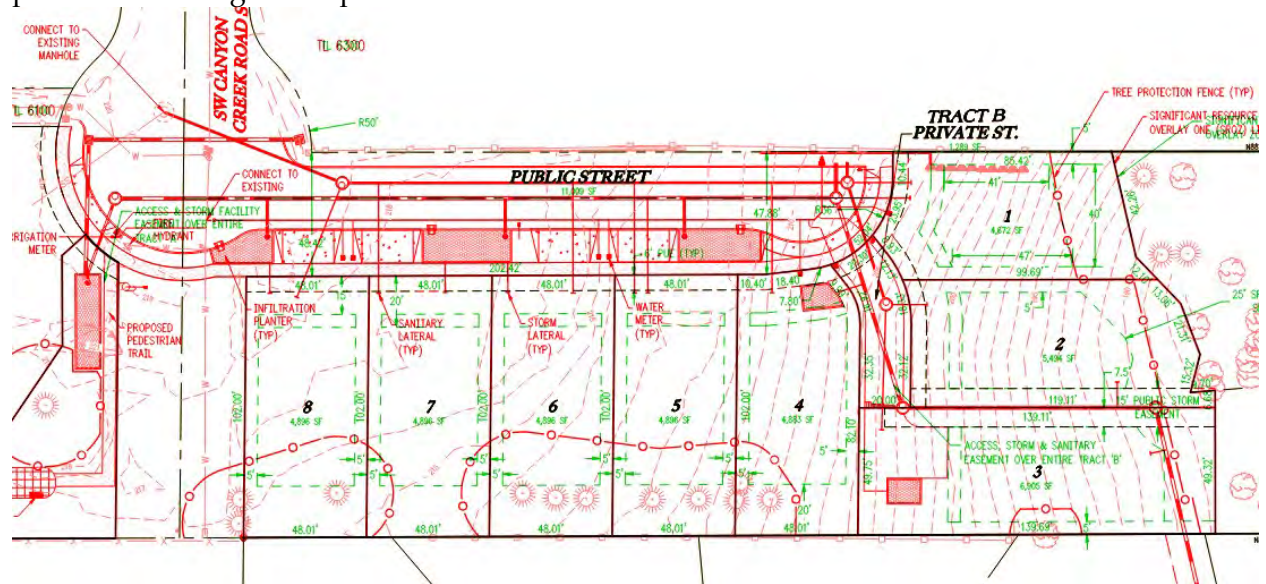
Tree Replacement Required

Subsection 4.620.00 (.01)

F20. The applicant proposes removal of ~~21~~ 26 trees 6 inches d.b.h. or greater. The applicant will plant six trees as street trees and 26 trees within the SROZ, and two trees within the usable open space area exceeding a one to one ratio. The arborist report does note that 9 trees shown as being preserved on the applicant's plan set may not be feasible stating the following: "Trees planned for retention in the rear of lots 3-6 should be re-evaluated in terms of

future home plans. The protection zones proposed for creation of the subdivision encroach into a substantial portion of the allowable building envelopes and it may not be feasible to provide adequate protection for these trees with home building.”

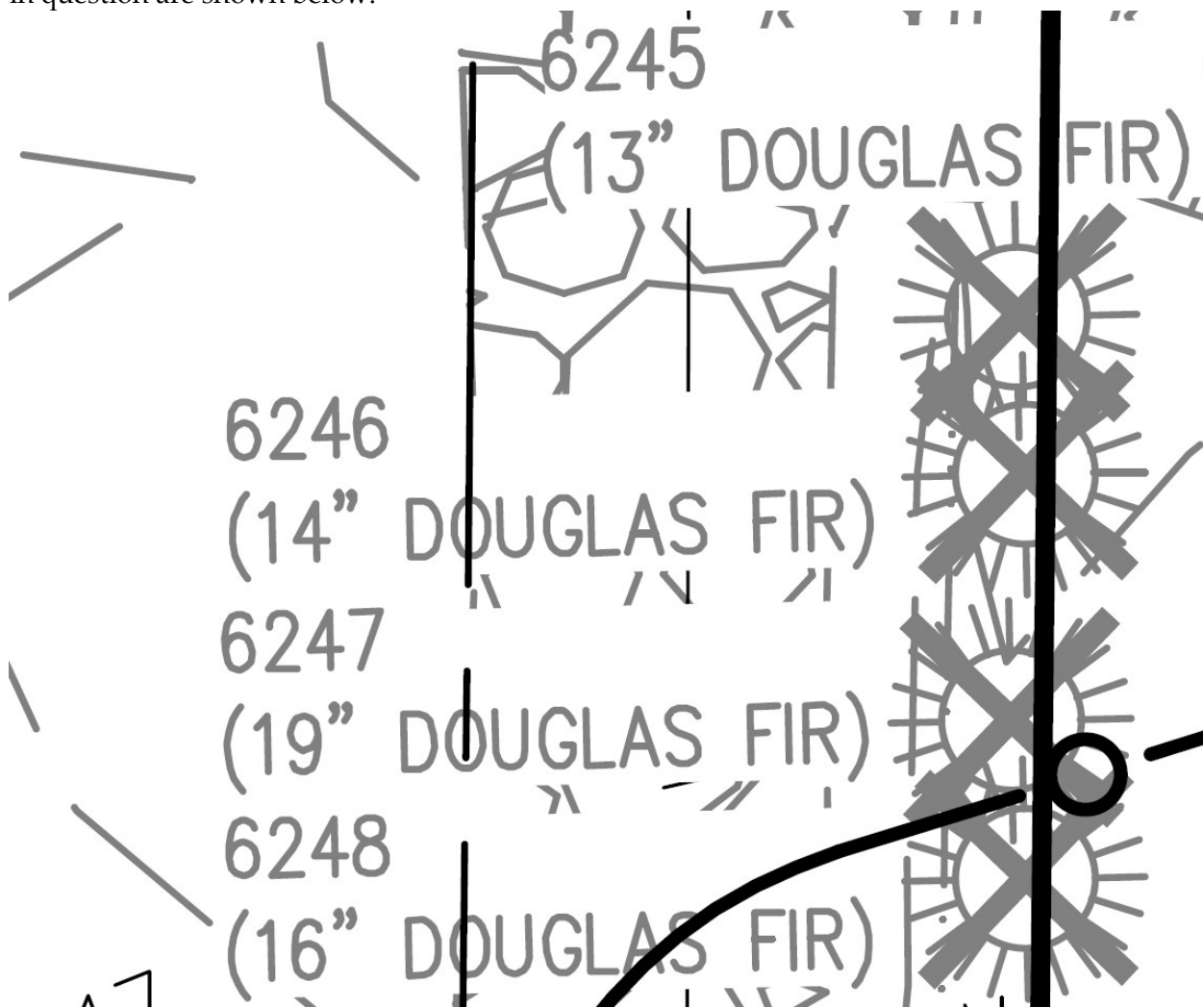
Based on when the arborist report was written, the lot numbers do not reflect the current proposal and lot numbers for the final site plan. Based on the proposed plans and arborist report, staff has concerns regarding the trees proposed for retention at the rear of lots 2-5 3 —8. The image below overlays the proposed preliminary site plan and preliminary plat and clearly shows significant overlap between the tree protection fencing and the delineated buildable area of the lots. The trees are depicted directly adjacent to the potential building envelopes.



Staff questioned the applicant on the proposed tree preservation plans as they relate to the construction of future homes on the newly created lots. The applicant’s response contained in Exhibit B5 states: *“The submitted tree preservation and removal plan is specific to the construction of the subdivision only and does not include potential tree removal to accommodate the future homes. Any necessary tree removal required for lots 4-6 and 7 to accommodate future dwellings will be addressed during the building permit review process.”*

By time of this staff report publication, the Applicant did not submit new exhibits showing modified building envelopes. Nor did the Applicant submit new findings and exhibits to modify the tree removal and protection plan as a result of a reduced buildable area that would not be feasible. As such, staff has included Condition of Approval PDF 9 that requires an assessment and written report by an arborist if any of these preserved trees are proposed for removal in the future due to construction; the report must provide a written explanation of the measures considered to preserve the trees along with the line of reasoning that prevents preservation, submitted to City staff, who will verify the validity through review by a second arborist.

In addition to the issues concerning the trees at the rear of lots 2-5 4-8, the trees proposed for removal along the western property line of Lot 8 appear to be on City of Wilsonville property and the applicant does not have City permission to remove these trees. The trees in question are shown below:



Condition of approval PDF 8 requires Tree Numbers 6245 (13" Douglas Fir), 6246 (14" Douglas Fir), 6247 (19" Douglas Fir), and 6248 (16" Douglas Fir) shall be retained unless City approval and signature is granted for these four (4) trees. The applicant shall revise the tree protection fencing plan to ensure these trees are properly protected during grading and construction. Should these trees require removal in the future due to construction, the applicant shall provide an assessment from an arborist as outlined in Condition of Approval PDF 9, and may be removed if City Staff and an independent arborist concur that removal is necessary.

Based on the revised plans provided by the applicant, the usable open space area (Tract A) has been shifted to the east and revised in size and shape. The previous open space tract contained two trees that counted toward mitigation. Condition of Approval PDF 10 requires the mitigation of these trees to shift to the new usable open space area (Tract A) and that the amount of street trees remain consistent with the numeric amounts contained within this finding.

Replacement Requirement: 1 for 1, 2" Caliper

Subsection 4.620.00 (.02)

F21. The applicant proposes tree mitigating removed trees on the basis of one tree for each tree removed. Staff does not recommend any inch per inch mitigation. The applicant proposes planting more trees than trees proposed for removal. The tree mitigation and street tree plans show each tree, including street trees and trees in the SROZ, meets or exceeds the minimum diameter requirement.

Replacement Plan and Tree Stock Requirements

Subsections 4.620.00 (.03) and (.04)

F22. Review of the tree replacement and mitigation plan is prior to planting and in accordance with the Tree Ordinance, as established by other findings in this request. The applicant's landscape plans show tree stock meeting the tree stock requirements.

Replacement Locations Requirements: On Site and Same General Area to Extent Feasible and Desirable

Subsection 4.620.00 (.05)

F23. The applicant proposes to mitigate for all removed trees on site and in the appropriate locations for the proposed development. Much of the mitigation is planned to occur within the SROZ and in addition to the tree mitigation, there is a condition of approval from Natural Resources to include twenty-five (25) native shrubs in the mitigation area upon review and approval from the Natural Resources Manager. Based on staff visits to the site, there is significant debris located within the mitigation area and there are staff concerns about the viability of replanting in this area. Condition of Approval PDF 7 requires the applicant to appropriately clear debris and invasive species within the SROZ area prior to planting any mitigation plantings in the SROZ area.

Protection of Preserved Trees

Tree Protection During Construction

Section 4.620.10

F24. Condition of Approval PDF 5 ensures tree protection measures, including fencing are in place consistent with Public Works Standards Detail Drawing RD-1240. Based on the feasibility of retaining the trees at the rear of lots 4-8, Condition of Approval PDF 6 requires the project arborist to be on site during grading and future construction to ensure the root zones of the existing trees are protected properly.

**Request G: DB20-0044
Tentative Subdivision Plat**

As described in the Findings below, the request meets the applicable criteria or will by Conditions of Approval.

Land Division Authorization

Plat Review Authority
Subsection 4.202 (.01) through (.03)

G1. The Development Review Board is reviewing the tentative subdivision according to this subsection. The Planning Division will review the final subdivision plat under the authority of the Planning Director to ensure compliance with the DRB review of the tentative subdivision plat.

Undersized Lots Prohibited
Subsection 4.202 (.04) B.

G2. The proposed land division does not divide lots into smaller sizes than allowed by the PDR-3 zone. See Finding D20 under Request D.

Plat Application Procedure

Pre-Application Conference
Subsection 4.210 (.01)

G3. The applicant requested and attended a pre-application conference in accordance with this subsection.

Tentative Plat Preparation
Subsection 4.210 (.01) A.

G4. Following gathering information from Planning staff, the appropriate professionals from the applicant's design firm, Emerio Design, prepared the tentative subdivision plat.

Tentative Plat Submission
Subsection 4.210 (.01) B.

G5. The applicant has submitted a tentative subdivision plat with all the required information.

Phases to Be Shown
Subsection 4.210 (.01) D.

G6. The applicant proposes development in a single phase with subsequent home development pursuant to the market and other factors.

Remainder Tracts
Subsection 4.210 (.01) E.

G7. The tentative subdivision plat accounts for all land within the plat area as lots, tracts, or right-of-way.

Street Requirements for Land Divisions

Master Plan or Map Conformance
Subsection 4.236 (.01)

G8. As found in other findings in this report, the land division is in harmony with the Transportation Systems Plan and other applicable plans.

Adjoining Streets Relationship
Subsection 4.236 (.02) A.

G9. The proposed public street allows for the potential future extension of the street to the north. The two remaining lots within the Bridle Trail Ranchetts subdivision have a Comprehensive Plan designation of 0-1 dwelling units an acre reflecting the current development. While no plans or requirements, short or long term, exist to require the these lots to develop and connect to the proposed subdivision it is possible that the property owners may elect to change the Comprehensive Plan and Zone Map and pursue development similar to the subject lots. Therefore, the provision for street continuation should be provided.

Planning for Further Land Divisions
Subsection 4.236 (.02) C.

G10. No further land divisions are planned or anticipated requiring consideration in arrangement of lots and streets.

Streets Standards Conformance
Subsection 4.236 (.03)

G11. As part of the Stage II Final Plan approval, the streets conform with Section 4.177 and block sizes requirements. See Request D.

Topography
Subsection 4.236 (.05)

G12. No significant topography exists affecting street layout decisions.

Reserve Strips
Subsection 4.236 (.06)

G13. No reserve strips are proposed as part of this subdivision, therefore this criteria is not applicable.

Future Street Expansion
Subsection 4.236 (.07)

G14. The proposed public street is extended to the boundary of the land division to allow for potential future extension. Condition of Approval PDE 3 requires signs stating “street to be extended in the future” or similar language approved by the City Engineer.

Additional Right-of-Way
Subsection 4.236 (.08)

G15. No additional right-of-way is required for the proposed subdivision plat.

Street Names
Subsection 4.236 (.09)

G16. No street names are proposed with this application. The City Engineer will check all street names to not be duplicative of existing street names and otherwise conform to the City’s street name system at the time of the final subdivision plat review.

General Land Division Requirements-Blocks

Blocks for Adequate Building Sites in Conformance with Zoning
Subsection 4.237 (.01)

G17. Streets and block size for Planned Development Residential zones are addressed in the Stage II Final Plan. See Request D. The tentative subdivision plat provides adequate residential building sites, and safe and convenient access and circulation will be provided by the project for vehicles, pedestrians, and bicycles in compliance with applicable requirements in the Wilsonville Development Code and Transportation System Plan.

General Land Division Requirements-Easements

Utility Line Easements
Subsection 4.237 (.02) A.

G18. As will be further verified during the Public Works Permit review and final subdivision plat review, the applicant will install all utility lines in right-of-way or dedicated easements. Franchise utility providers will install their lines within public utility easements established on the plat.

Water Courses
Subsection 4.237 (.02) B.

G19. The applicant proposes a dedicated tract for the drainage way and associated riparian area of the Boeckman Creek SROZ.

General Land Division Requirements-Pedestrian and Bicycle Pathways

Mid-block Pathways Requirement
Subsection 4.237 (.03)

G20. No mid-block pathways are proposed or required.

General Land Division Requirements-Tree Planting

Tree Planting Plan Review and Street Tree Easements
Subsection 4.237 (.03)

G21. The City is reviewing the tree planting plan concurrently with the tentative subdivision plat, see Request D.

General Land Division Requirements-Lot Size and Shape

Lot Size and Shape Appropriate
Subsection 4.237 (.05)

G22. Proposed lot sizes, widths, shapes and orientations are appropriate for the proposed single-family residential development and meet standards for the PDR-3 zone.

General Land Division Requirements-Access

Minimum Street Frontage
Subsection 4.237 (.06)

G23. The full width of the front lot line of each lot fronts a public street or private drive. Each lot meets or exceeds the minimum lot width at the front lot line. See Finding D23 in Request D.

General Land Division Requirements-Other

Lot Side Lines
Subsection 4.237 (.08)

G24. Side lot lines run at or near a 90-degree angle to the front line.

Corner Lots
Subsection 4.237 (.13)

G25. All corner lots have radii exceeding the 10-foot minimum.

Lots of Record

Lots of Record
Section 4.250

G26. The applicant provided documentation all subject lots are lots of record.

Request H: DB20-0053 Minimum Side Yard Setback Waiver

H1. The applicant's revised site plan layout submitted April 29, 2021 no longer necessitates the requested setback waivers. The waivers therefore should not be approved.

As described in the Findings below, the request meets the applicable criteria.

~~Waivers: Waive Minimum Side Yard Setback~~

~~Waiver of Typical Development Standards~~

~~Subsection 4.118 (.03) A:~~

~~H1. The applicant requests a waiver to reduce the required minimum side yard setback from 7 feet to 5 feet for Lots 1-8 for two-story homes. For single-story homes the required side yard setback is 5 feet. Lot 8 is a corner lot where the required side yard setback on the western lot line is 10 feet. Since the initial request, the applicant revised the waiver request to reduce side yard setbacks for side yards internal to the project to 5 feet from 7 feet for two-story homes, and to reduce the 10-foot setback for a corner lot from 10 feet to 7 feet for the lot line of lot 8. The typical development standards able to be waived pursuant to this subsection include setbacks. Condition of Approval PDB-1 establishes a 10-foot setback for the north side of Lot 1 and south side of Lot 3 which are not subject to the waiver request~~

~~Purpose and Objectives of Planned Development Regulations~~

~~Subsection 4.140 (.01) B:~~

~~H2. Pursuant to Subsection 4.118 (.03) A, waivers must implement or better implement the purpose and objectives listed in this subsection. The applicant specifically requests the minimum side yard setback waiver, however the narrative responses from the applicant states that "the applicant has added additional features to mitigate for those waivers, which are addressed in detail under the subsection of this document pertaining to the waiver." However, in those subsections staff finds no additional evidence that the applicant has provided any evidence of better implementing the purposes and objectives within the subsection. The proposed layout of the subdivision creates an undesirable site condition for the existing development to the south by placing the side lot line of the proposed lots where it would be more typical for the rear of these lots to face the adjacent subdivision.~~

The reduction in side yard setback from 7 feet to 5 feet in the case of north side of lots 1 and south side of lot 3 is not supported by staff and is addressed in further detail in Finding B14. Lot 8 is a corner lot abutting unimproved City right of way and must be setback 10 feet along the western property line. Staff requested additional findings from the applicant to support the waiver request and the additional findings provided are included in Exhibit B6. The additional findings focus on the size of the homes and how they will be more compatible with the existing area by granting the waiver. The applicant also revises the waiver request to specifically request a 5-foot side yard setback waiver for internal to project side yards, which are internal to the proposed subdivision. For Lots 1, 3, and 8 the applicant

~~proposes a 7 foot side yard setback, which is the side yard setback required by the PDR 3 zone for a two story home. As Lot 8 is a corner lot 10 feet would be required on the western side yard. As much of the rationale for the waiver request now focuses on larger building footprints staff still does not find this a strong basis for recommending approval of the waiver.~~

~~Staff recommends Condition of Approval PDH 1, granting approval of the waiver to allow reduced setbacks on the interior lot lines of Lots 1 8, which is consistent with other developments in the area. However, staff recommends that the setbacks for the western property line of Lot 8 remain 10 feet in accordance with the required setbacks for a corner lot. As a condition of the zone map amendment, staff has added a condition to require the northern property line of Lot 1 and the southern property line of Lot 3 to be 10 feet, as currently required by the RA H zone, in order to reduce the impact of the proposed subdivision on adjacent developments.~~



LAND USE APPLICATION EXTENSION OF TIME

Canyon Creek Phase 3 Subdivision

Project Name, Description

Samm-Miller / Applicants Rep Emerio Design, LLC / Miller Steve

Applicant's Name

Stumpell

Applicant's Signature

4/13/2021

Date

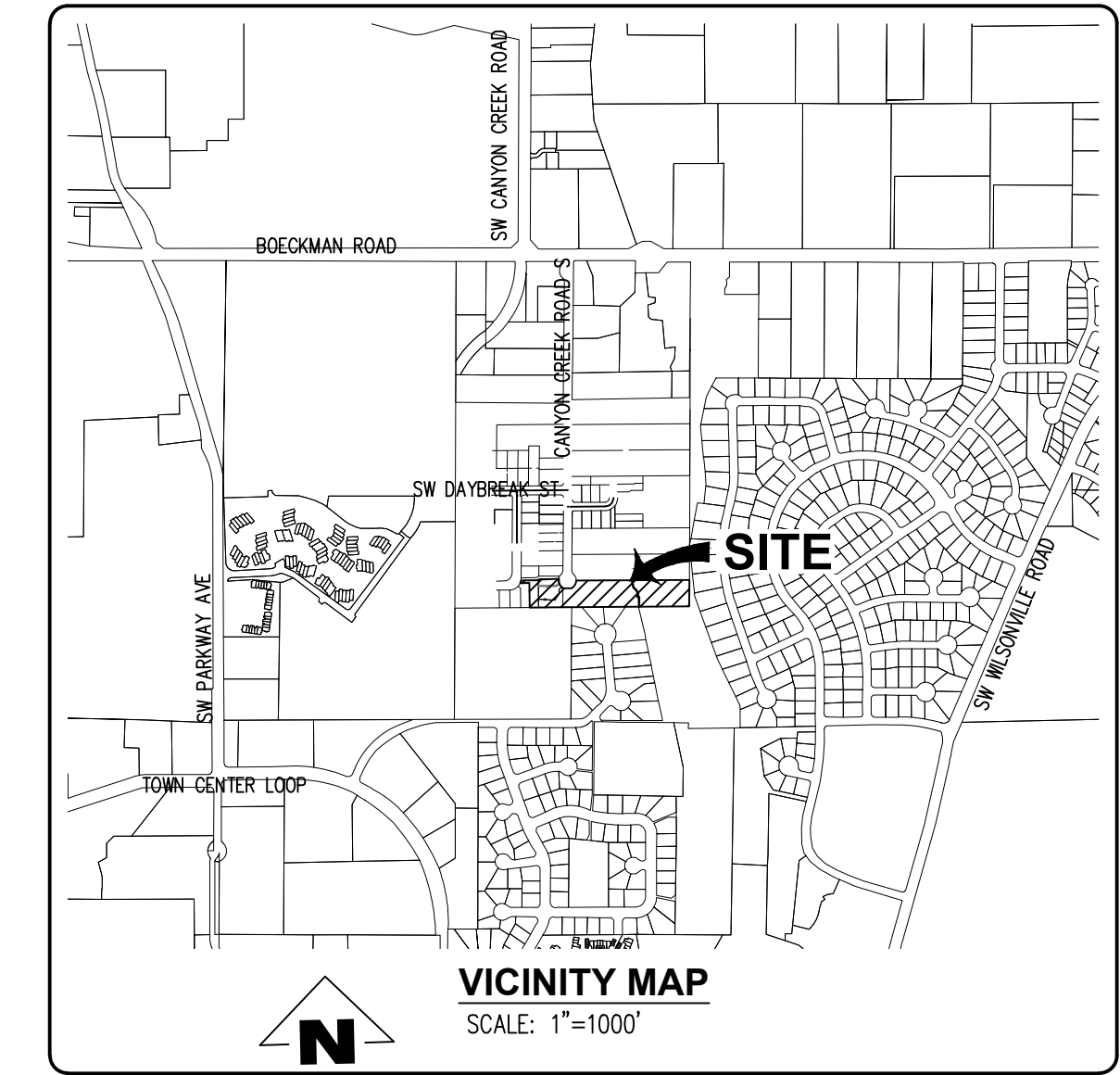
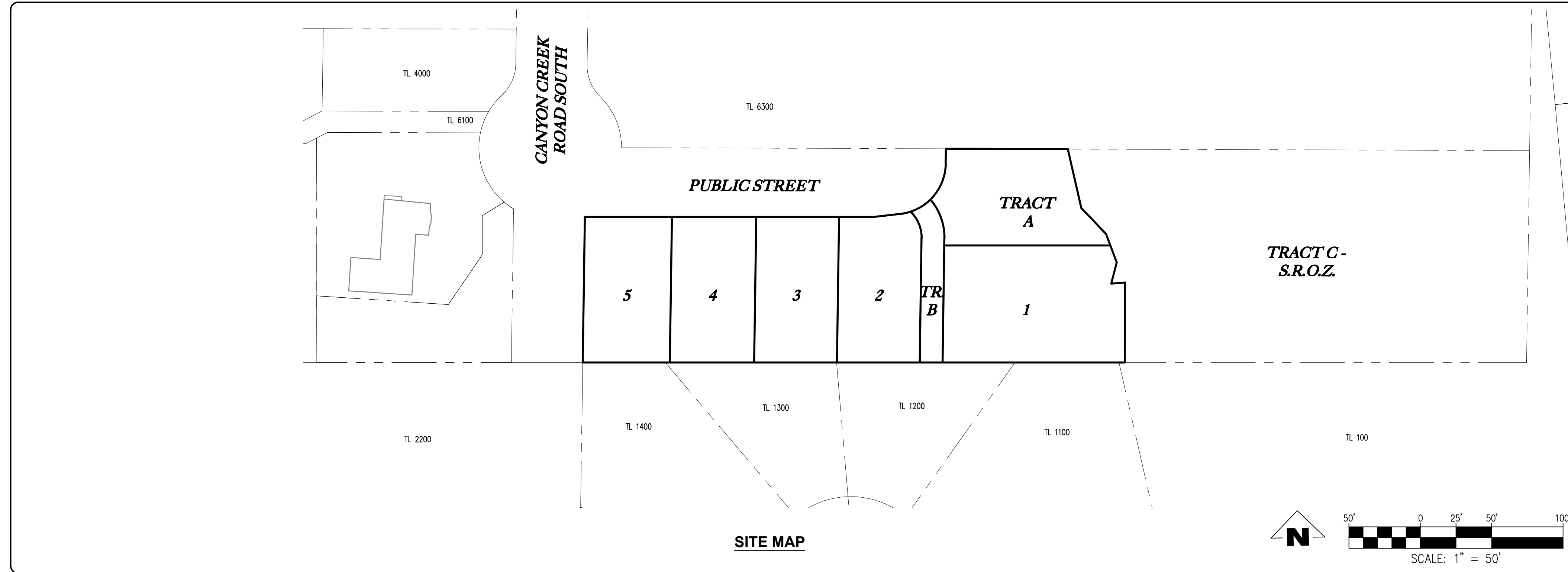
By signature above, I hereby extend the 120-day time limit set by ORS 221.178 for the City of Wilsonville to take final action on a land use application on which I am the applicant by a specific period of ___ days pursuant to ORS 227.178 (5).

June 30th, 2021



CANYON CREEK SOUTH PHASE 3

8 LOT SUBDIVISION
NW 1/4 SECTION 13, T. 3S, R. 1W, W.M.
CITY OF WILSONVILLE, OREGON



DRAWING INDEX

- 01 COVER SHEET
- 02 EXISTING CONDITIONS & DEMOLITION PLAN
- 03 TREE PRESERVATION & REMOVAL PLAN
- 04 TREE MITIGATION PLAN
- 05 PRELIMINARY PLAT
- 06 PRELIMINARY GRADING PLAN
- 07 PRELIMINARY SITE & UTILITY PLAN
- 08 PRELIMINARY PUBLIC STREET PLAN AND PROFILE
- 09 PRELIMINARY STORM PLAN AND PROFILE
- 10 PRELIMINARY LIGHTING PLAN
- 11 PRELIMINARY STREET TREE PLAN

LEGEND

---	BOUNDARY LINE	SS	EXISTING SANITARY SEWER LINE
---	EASEMENT	W	EXISTING WATER LINE
---104---	EXISTING 1' CONTOUR LINE	OH	EXISTING OVERHEAD POWER LINE
---105---	EXISTING 5' CONTOUR LINE	G	EXISTING GAS LINE
---	EXISTING CROWN (CENTER LINE OF ROAD)	---	EXISTING DITCH LINE
	EXISTING TREE	---	EXISTING WETLAND LINE
	EXISTING STORM DRAIN MANHOLE	---	EXISTING HEDGE LINE
	EXISTING SANITARY SEWER MANHOLE	---	EXISTING WOODEN FENCE
	EXISTING CATCH BASIN	---	EXISTING RAIL FENCE
	EXISTING CLEANOUT	---	EXISTING CHAIN LINK FENCE
	EXISTING WATER METER	---	PROPOSED STORM LINE
	EXISTING WATER VALVE	---	PROPOSED SANITARY LINE
	EXISTING FIRE HYDRANT	---	PROPOSED WATERLINE
	EXISTING MAIL BOX	---	PROPOSED STORM LATERAL
	EXISTING UTILITY POLE	---	PROPOSED SANITARY LATERAL
	EXISTING GUY WIRE	---	PROPOSED SINGLE WATER METER
	EXISTING LIGHT		PROPOSED STORM MANHOLE
	EXISTING COMMUNICATION PEDESTAL		PROPOSED CATCH BASIN/AREA DRAIN
	EXISTING ELECTRICAL METER		PROPOSED SANITARY MANHOLE
	EXISTING JUNCTION BOX		PROPOSED BLOWOFF
	EXISTING BOLLARD		PROPOSED WATER VALVE
	EXISTING DOWNSPOUT	---	PROPOSED 1' CONTOUR LINE
	EXISTING WETLAND FLAG	---	PROPOSED 5' CONTOUR LINE
	EXISTING STORM LINE	---	PROPOSED SEDIMENT FENCE

ENGINEER'S NOTE TO CONTRACTOR

THE EXISTENCE AND LOCATION OF ANY UNDERGROUND UTILITIES OR STRUCTURES SHOWN ON THESE PLANS ARE OBTAINED BY A SEARCH OF AVAILABLE RECORDS. TO THE BEST OF OUR KNOWLEDGE, THERE ARE NO EXISTING UTILITIES EXCEPT THOSE SHOWN ON THESE PLANS. THE CONTRACTOR IS REQUIRED TO TAKE DUE PRECAUTIONARY MEASURES TO PROTECT THE UTILITY LINES SHOWN ON THESE DRAWINGS. THE CONTRACTOR FURTHER ASSUMES ALL LIABILITY AND RESPONSIBILITY FOR THE UTILITY PIPES, CONDUITS OR STRUCTURES SHOWN OR NOT SHOWN ON THESE DRAWINGS.

THE CONTRACTOR AGREES THAT HE SHALL ASSUME SOLE AND COMPLETE RESPONSIBILITY FOR THE JOB SITE CONDITIONS DURING THE COURSE OF CONSTRUCTION OF THIS PROJECT, INCLUDING SAFETY OF ALL PERSONS AND PROPERTY; THAT THIS SHALL APPLY CONTINUOUSLY AND NOT BE LIMITED TO NORMAL WORKING HOURS; AND THAT THE CONTRACTOR SHALL DEFEND, INDEMNIFY AND HOLD THE OWNER AND THE ENGINEER HARMLESS FROM ANY AND ALL LIABILITY, REAL OR ALLEGED, IN CONNECTION WITH THE PERFORMANCE OF WORK ON THIS PROJECT, EXCEPT FOR LIABILITY ARISING FROM THE SOLE NEGLIGENCE OF THE OWNER OR THE ENGINEER.

CONTRACTOR SHALL VERIFY ALL CONDITIONS AND DIMENSIONS AND SHALL REPORT ANY DISCREPANCIES TO THE ENGINEER PRIOR TO THE COMMENCEMENT OF WORK.

THIS DESIGN COMPLIES WITH ORS 92.044 (7) IN THAT NO UTILITY INFRASTRUCTURE IS DESIGNED TO BE WITHIN ONE (1) FOOT OF A SURVEY MONUMENT LOCATION SHOWN ON A SUBDIVISION OR PARTITION PLAT. NO DESIGN EXCEPTIONS NOT FINAL FIELD LOCATION CHANGES SHALL BE PERMITTED IF THAT CHANGE WOULD CAUSE ANY UTILITY INFRASTRUCTURE TO BE PLACED WITHIN THE PROHIBITED AREA.

BENCHMARK INFORMATION

VERTICAL BENCHMARK IS BASED ON NAVD (GEOID 2012A) BASED ON (RTK) CORRECTIONS FROM THE OREGON STATE REFERENCE NETWORK.
DATUM = NAVD 88

NOTICE TO EXCAVATORS:
ATTENTION: OREGON LAW REQUIRES YOU TO FOLLOW RULES ADOPTED BY THE OREGON UTILITY NOTIFICATION CENTER. THOSE RULES ARE SET FORTH IN OAR 952-001-0010 THROUGH OAR 952-001-0090. YOU MAY OBTAIN COPIES OF THE RULES BY CALLING THE CENTER. (NOTE: THE TELEPHONE NUMBER FOR THE OREGON UTILITY NOTIFICATION CENTER IS (503)-232-1987).

Dig Safely.
Call the Oregon One-Call Center
DIAL 811 or 1-800-332-2344

POTENTIAL UNDERGROUND FACILITY OWNERS
EMERGENCY TELEPHONE NUMBERS

NW NATURAL GAS M-F 7am-6pm AFTER HOURS	503-226-4211 Ext.4313 503-226-4211
PGE	503-464-7777
CENTURY LINK	1-800-491-0118
FRONTIER	1-800-921-8101
COMCAST	1-800-934-6489
CITY OF WILSONVILLE M-F 7am-6pm AFTER HOURS	503-682-4092 1-866-252-3614

PROJECT CONTACTS

APPLICANT:
SAMM-MILLER LLC
10211 SW BARBER ST.
WILSONVILLE, OR 97070
(503) 819-3610

OWNERS:
WILLIAM Z. SPRING
28700 SW CANYON CREEK RD S
WILSONVILLE, OR 97070

LAND USE, CIVIL ENGINEER AND SURVEYOR:

EMERIO DESIGN, LLC
6445 SW FALLBROOK PLACE, SUITE 100
BEAVERTON, OR 97008
PLANNING: STEVE MILLER
ENGINEERING: ERIC EVANS, PE
SURVEYOR: KING PHELPS, PLS
(503) 746-8812 (P)
(503) 639-9592 (F)

SITE DATA

SITE AREA:	2.25 ACRES
PROPOSED ZONING:	PDR-3
TAX MAP:	31W13BD
TAX LOTS:	6400
NO OF LOTS:	8

28700 CANYON CREEK RD S
TAX LOT 6400
TAX MAP 31W13BD
NW 1/4 OF SEC.13, T.3S R.1W W.M.
WILSONVILLE, OREGON

COVER SHEET

REVISIONS

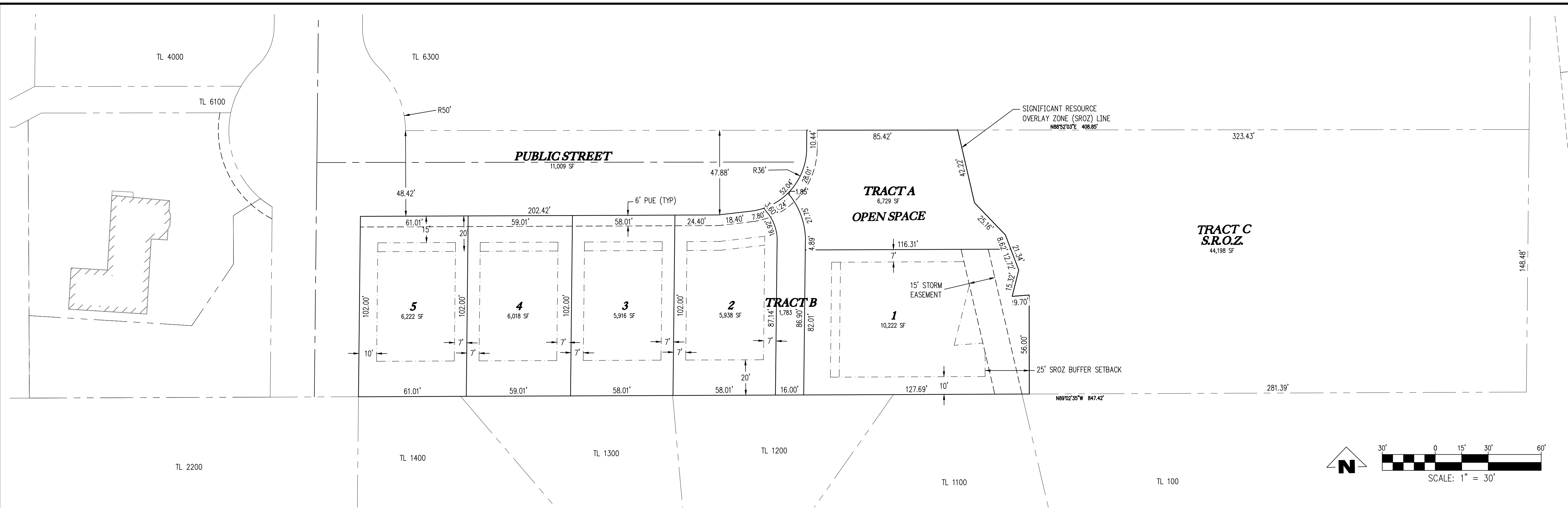
NO.	DATE	DESCRIPTION
0	08/25/20	PLANNING 1ST SUBMITTAL
1	11/16/20	1ST REVISION

EMERIO Design

6445 SW FALLBROOK PLACE, SUITE 100
BEAVERTON, OR 97008
TEL: (503) 746-8812
FAX: (503) 639-9592
www.emeriodesign.com

SHEET
01
OF
14

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PARCEL DATA	
AREA:	2.25 AC
PROPOSED ZONING:	PDR-3
TAX MAP:	31W13BD
TAX LOTS:	6400
NO. OF LOTS:	5

SITE DATA	
ZONE:	PDR-3
TOTAL SITE AREA:	2.25 ACRES (98,034 SQ. FT.)
NON-BUILDABLE AREA:	1.01 ACRES (44,198 SQ. FT.)
NET BUILDABLE AREA:	1.24 ACRES (53,836 SQ. FT.)
5 LOTS & 3 TRACTS	
MINIMUM LOT SIZE:	1,783 SQ. FT.
MAXIMUM LOT SIZE:	44,198 SQ. FT.
AVG. LOT SIZE:	10,893 SQ. FT.

TRACT 'A' DATA	
USABLE OPEN SPACE AREA:	0.15 ACRES (6,729 SQ. FT.)

MINIMUM SETBACKS	
FRONT:	15'
GARAGE:	20'
SIDE:	7' (5' SINGLE STORY)
REAR:	20'
MAX HEIGHT:	35'
MAX LOT COVERAGE:	
• 50% FOR LOTS CONTAINING LESS THAN 7,000 SQ. FT.	
• 45% FOR LOTS BETWEEN 7,000-8,000 SQ. FT.	
• 40% FOR LOTS EXCEEDING 8,000 SQ. FT.	
MIN LOT WIDTH:	40'

LEGEND	
	EXISTING SORZ LINE
	PROPERTY BOUNDARY
	PROPOSED LOT LINE
	PROPOSED RIGHT-OF-WAY LINE
	PROPOSED ROAD CENTERLINE
	PROPOSED PUE

28700 CANYON CREEK RD S
 TAX LOT 6400
 TAX MAP 31W13BD
 NW 1/4 OF SEC.13, T.3S R.1W W.M.
 WILSONVILLE, OREGON

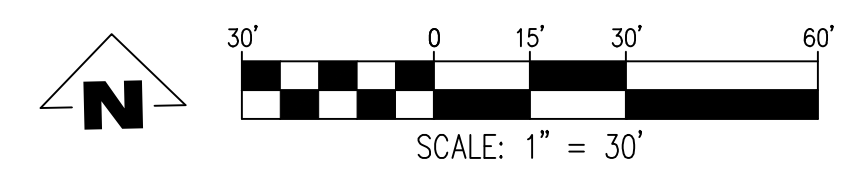
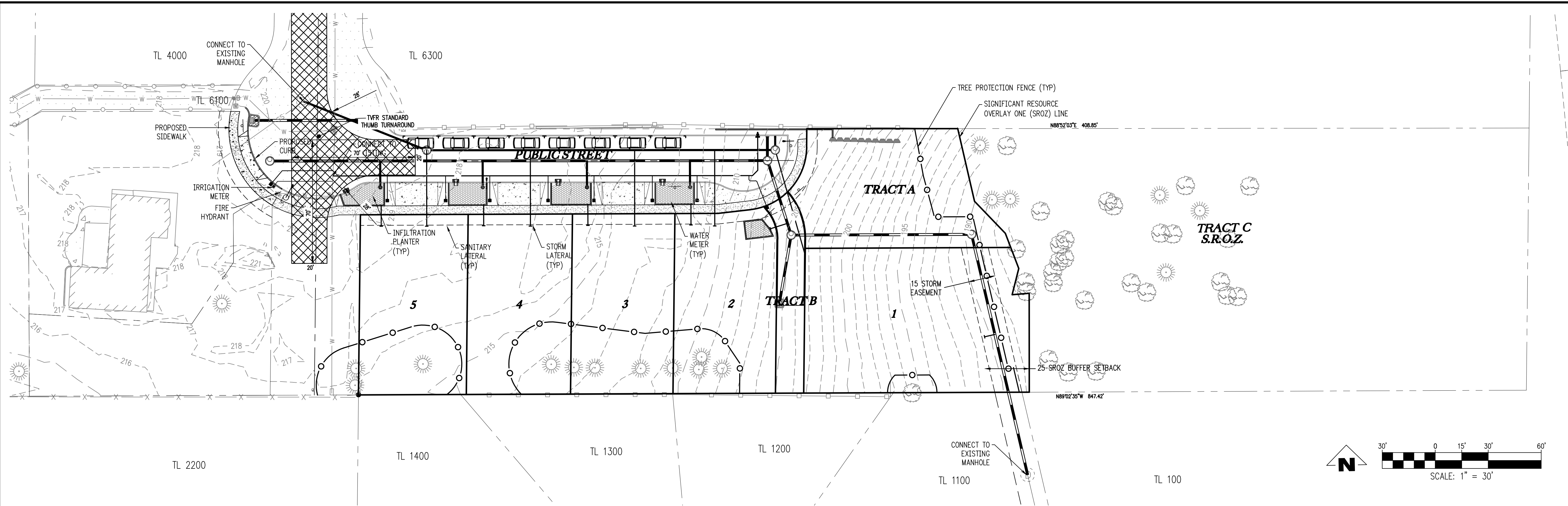
PRELIMINARY PLAT

REVISIONS		
NO.	DATE	DESCRIPTION
0	08/25/20	PLANNING 1ST SUBMITTAL
1	11/16/20	1ST REVISION

EMERIO
Design

6445 SW FALLBROOK PLACE, SUITE 100
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 FAX: (503) 639-9592
 www.emeriodesign.com

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LOT DRAINAGE NOTE:

1. EACH LOT SHALL HAVE AN ON SITE LIDA PLANTER TO TREAT ON SITE STORM DRAINAGE.

LEGEND:

- PROPOSED STORM LINE
- PROPOSED SANITARY LINE
- PROPOSED WATERLINE
- PROPOSED STORM LATERAL
- PROPOSED SANITARY LATERAL
- PROPOSED SINGLE WATER METER
- PROPOSED STORM MANHOLE
- PROPOSED CATCH BASIN/AREA DRAIN
- PROPOSED SANITARY MANHOLE
- PROPOSED BLOWOFF
- PROPOSED WATER VALVE
- PROPOSED LIDA PLANTER

28700 CANYON CREEK RD S
 TAX LOT 6400
 TAX MAP 31W13BD
 NW 1/4 OF SEC.13, T.3S R.1W W.M.
 WILSONVILLE, OREGON

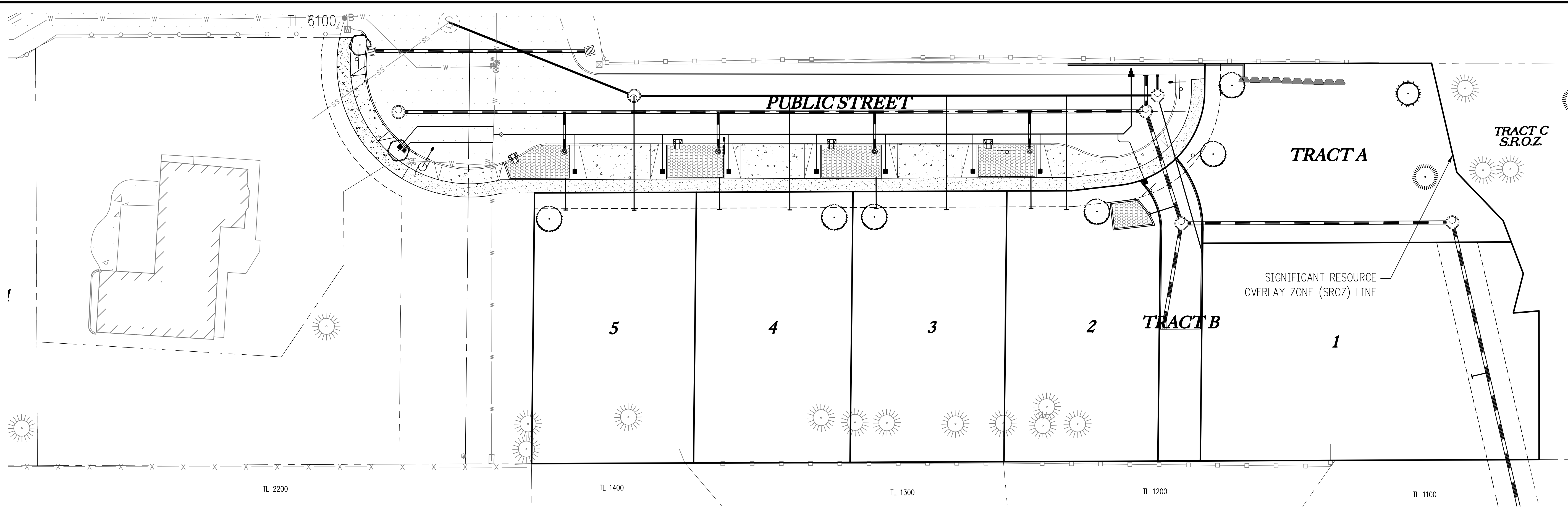
PRELIMINARY SITE & UTILITY PLAN

REVISIONS	
NO.	DATE
0	08/25/20
1	11/16/20

EMERIO Design

6445 SW FALLBROOK PLACE, SUITE 100
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FILE:P:\0463-005 Canyon Creek So Phase 3\dwg\plan\0463-005_07.dwg, Layout: 07 PRELIMINARY SITE & UTILITY PLAN, Plot Date: 4/29/2021 12:37 PM, By: Kyung Han

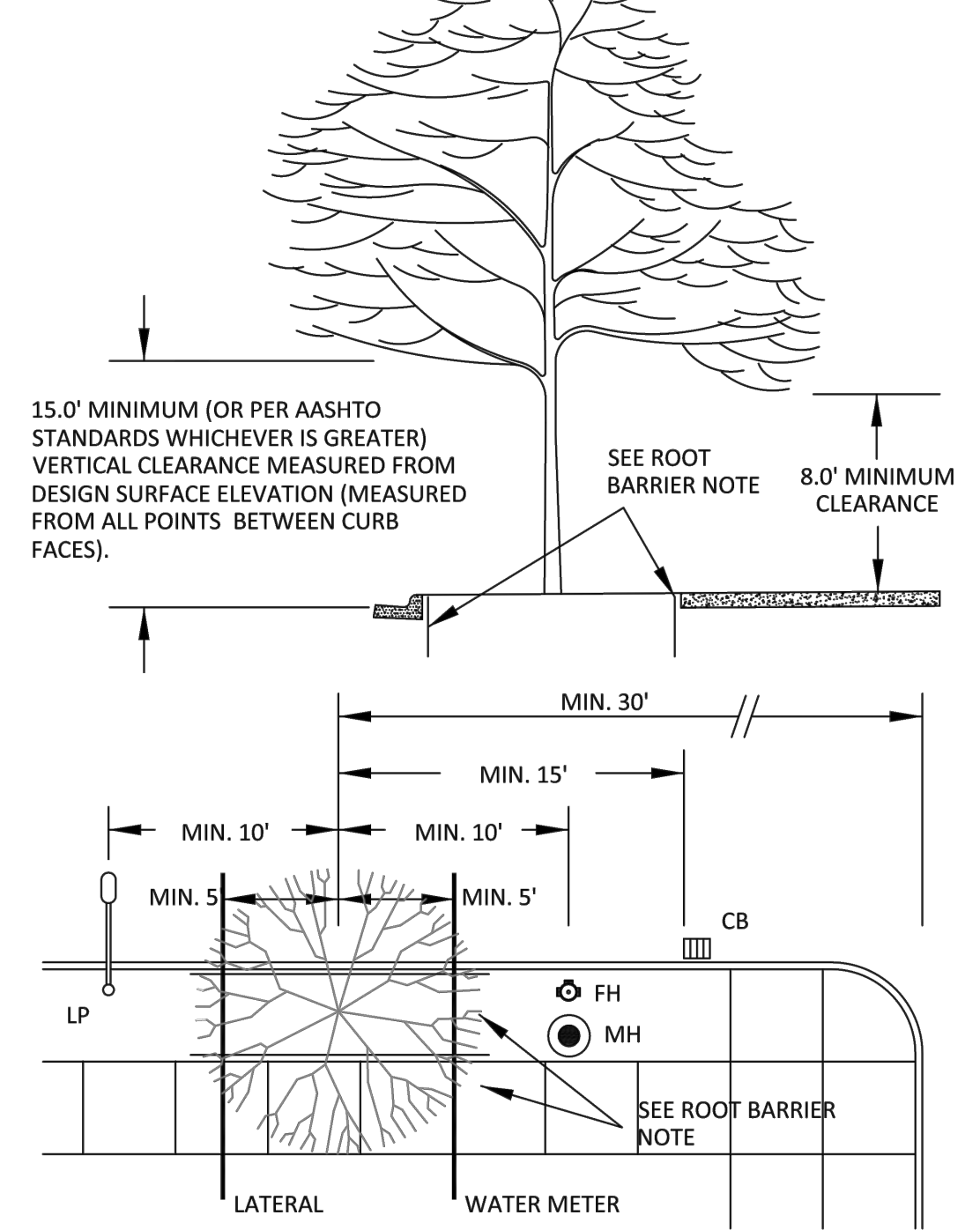


28700 CANYON CREEK RD S
 TAX LOT 6400
 TAX MAP 31W13BD
 NW 1/4 OF SEC.13, T.3S R.1W W.M.
 WILSONVILLE, OREGON

**PRELIMINARY STREET
 TREE PLAN**

REVISIONS	
NO.	DESCRIPTION
0	PLANNING 1ST SUBMITTAL
1	11/16/20 1ST REVISION

This Detail Drawing may not be altered or changed in any manner except by the City Engineer. It is the responsibility of the user to acquire the most current version.



- NOTES:**
- 5' MINIMUM CLEARANCE FROM UNDERGROUND UTILITIES AND LATERALS. LANDSCAPE DESIGN OF TREES AND ENGINEERING DESIGN OF UNDERGROUND SERVICES SHALL BE COORDINATED.
 - TREES SHALL BE CENTERED BETWEEN CURB AND SIDEWALK.
 - CITY APPROVED ROOT BARRIER METHOD TO BE USED FOR ALL STREET TREES LOCATED WITHIN 8 FEET OF ALL CURBS AND SIDEWALKS. ROOT BARRIER SHALL EXTEND TO A DISTANCE OF 20' CENTERED WITH THE TREE BASE. BARRIER SHALL BE 2"-4" FROM CURB OR SIDEWALK AND EXTEND A MINIMUM OF 24" IN DEPTH.
 - WHEN TREES ARE WITHIN TREE WELLS, ROOT BARRIER SHALL BE PLACED ON ALL SIDES.
 - PARALLEL PARKING: LOCATE TREE BETWEEN ON-STREET PARKING SPACES. THIS LOCATION PRECLUDES DOORS OPENING ONTO TREES AND PASSENGERS EXITING IN CONFLICT WITH TREE PLACEMENT.
 - DIAGONAL PARKING: LOCATE TREE MINIMUM 3' AWAY FROM LEFT STALL LINE TOWARD THE CENTER OF THE PARKING SPACE. THIS LOCATION ATTEMPTS TO AVOID THE FRONT END OF THE PARKED CAR OVERHANGING THE CURB.

	(QUANTITY) SIZE	SCIENTIFIC NAME COMMON NAME
TREES		
	(1) 2" Caliper	<i>Acer rubrum</i> 'October Glory' 'O.G.' Red Maple
	(6) 2" Caliper	<i>Nyssa sylvatica</i> Tupelo

NOTE:
 ALL STREET TREE PLACEMENT SHALL MEET THE STANDARDS OF PUBLIC WORKS STANDARDS.

LEGEND:

- PROPOSED STORM LINE
- PROPOSED SANITARY LINE
- PROPOSED WATERLINE
- PROPOSED STORM LATERAL
- PROPOSED SANITARY LATERAL
- PROPOSED SINGLE WATER METER
- PROPOSED STORM MANHOLE
- PROPOSED CATCH BASIN/AREA DRAIN
- PROPOSED SANITARY MANHOLE
- PROPOSED BLOWOFF
- PROPOSED WATER VALVE
- PROPOSED LIDA PLANTER

Street Tree Location and Clearances			 CITY OF WILSONVILLE PUBLIC WORKS STANDARDS
DRAWING NUMBER: RD-1240	DRAWN BY: SR	SCALE: N.T.S.	
FILE NAME: RD-1240.DWG	APPROVED BY: NK	DATE: 12/31/14	

EMERIO
Design

6445 SW FALLBROOK PLACE, SUITE 100
 BEASLEY, OREGON 97105
 TEL: (503) 746-8812
 FAX: (503) 639-9592
 www.emeriodesign.com

From: Steve Miller <stevem@emeriodesign.com>
Sent: Monday, May 3, 2021 10:33 AM
To: Bradford, Philip; Pauly, Daniel; Bateschell, Miranda
Subject: RE: Canyon Creek Subdivision Zoom Meeting

[This email originated outside of the City of Wilsonville]

Philip,

Thanks for reminding me what you need. Below is the updated information. Regarding Section 4.113(.01)(2), I noted what could potentially go in the open space area but, as we agreed, a detailed open space plan will be submitted to the City as a condition of approval prior to final plat approval. Let me know if you have any questions or need additional responses.

REQUEST: The applicant requests approval for a zone change and comprehensive map amendment to PDR-3, along with Stage I and II Site Development Review and Planned Development approval for a five (5) lot residential subdivision. The subject property is made up of one (1) tax lot (31W13BD; Tax Lot 6400 / 28700 SW Canyon Creek Road S) with an existing house and detached garage. The existing house and detached garage will be removed from the property as part of this project.

Since we are no longer requesting any waiver's, is it possible to get a refund for the waiver request we paid for?

Section 4.113. Standards Applying To Residential Developments In Any Zone.

(.01) Open space

A. Purpose. The purposes of the following standards for open space are to provide adequate light, air, open space and usable recreational facilities to occupants of each residential development.

B. Area Required. The minimum open space area required in a development is an area equal to 25% of the size of the Gross Development Area.

C. Required Open Space Characteristics:

- 1. Size of Individual Open Spaces. For developments with 10 or more units (excluding ADU's) an open space area must be at least 2,000 square feet to be counted towards the 25% open space requirement. For developments with less than 10 units (excluding ADU's) an open space area must be at least 1,000 square feet to be counted towards the 25% open space requirement.**



RESPONSE: The Applicant is proposing a five (5) lot residential subdivision. The subject property is 2.25 acres or 98,034 square feet in size. After subtracting out the SROZ area (i.e. 44,198 square feet), the Gross Development Area of the site is 53,836 square feet. 25% of the Gross Development Area is 13,459 square feet. Per subsection 3 below, half of the minimum open space area, an area equal to 12.5% of the size of the Gross Development Area, shall be located outside the SROZ and be usable open space. 12.5% of the sites GDA is 6,729 square feet. To meet this requirement the Applicant has proposed Tract A to be the usable open space located outside of the SROZ. Tract A is 6,729 square feet; therefore, the Applicant's proposal satisfies the open space requirements.

- 2. Types of Open Space and Ownership. The following types of areas count towards the minimum open space requirement if they are or will be owned by the City, a homeowners' association or similar joint ownership entity, or the property owner for Multi-family Development.**
 - a. Preserved wetlands and their buffers, natural and/or treed areas, including those within the SROZ**
 - b. New natural/wildlife habitat areas**
 - c. Non-fenced vegetated stormwater features**
 - d. Play areas and play structures**
 - e. Open grass area for recreational play**
 - f. Swimming and wading areas**
 - g. Other areas similar to a. through f. that are publically accessible**
 - h. Walking paths besides required sidewalks in the public right-of-way or along a private drive.**

RESPONSE: The Applicant's proposed open space will be owned by an HOA. The new proposed open space area may consist of a non-fenced vegetated stormwater feature, pedestrian pathway, open grass area for play, community garden, and a sitting area for neighbors to visit and relax. Thus, the Applicant respectfully requests, as a condition of any final approval, that a detailed open space plan identifying the types of landscaping and amenities within the open space area be submitted to the City prior to any final plat approval.

- 3. Usable open space requirements. Half of the minimum open space area, an area equal to 12.5% of the size of the Gross Development Area, shall be located outside the SROZ and be usable open space programmed for active recreational use. Any open space considered usable open space programmed for active recreation use shall meet the following requirements.**

- a. **Be designed by a registered professional landscape architect with experience designing residential park areas. An affidavit of such professional's credentials shall be included in the development application material.**
- b. **Be designed and programmed for a variety of age groups or other user groups.**

RESPONSE: As noted above, the proposed usable open space area, Tract A, is 6,729 square feet in size. The Gross Development Area of the site is 53,836 square feet. 25% of the Gross Development Area is 13,459 square feet and 12.5% of the site's GDA is 6,729 square feet. As proposed, the Applicant's proposed usable open space area meets the 12.5% usable open space requirement.

(.05) Appropriate PDR Zoning Designation and Maximum and Minimum Density based on Comprehensive Plan Density Range District:

Table 1: PDR Zoning Designation and Maximum and Minimum Density based on Comprehensive Plan Density Range District

Zoning Designation	Comprehensive Plan Map Density Range District*	Max. Density per Acre	Min. Density per Acre
PDR-1	0-1	1	.8
PDR-2	2-3	3	2.4
PDR-3	4-5	5	4
PDR-4	6-7	7.5	6
PDR-5	10-12	12	9.6
PDR-5	16-20	20	16
PDR-6	Over 20	As approved by Zoning Order/Stage I Master Plan, at least 25	80% of Max Density

***All dwelling unit types, except accessory dwelling units, are included for calculating density**

(.06) Unit Count Limitations. Unit count limitations are calculated as follows:

A. Maximum Unit Count. Maximum unit count at build out of Stage I Master Plan area: is calculated by taking the Gross Development Area multiplied by Maximum Density per Acre stated in Table 1 of this Code section, plus any density transferred from SROZ areas pursuant to Subsection 4.139.11 (.02). For example, any number greater than 4 and less than 5 shall be rounded down to 4.

B. Minimum Unit Count. Minimum unit count at build out of Stage I Master Plan area: 80% of maximum unit count described in A. above.

C. If the Stage I Master Plan area is subject to more than one Comprehensive Plan Map Density Range District and Zoning Designation, calculations for areas of differing densities shall be done separately and then summed Updated June 2020 together, and the final summed number rounded down to the nearest whole number

RESPONSE: This application includes a request for a zone change for Tax Lot 6400 to PDR-3 and a comprehensive plan density of 4-5 units per acre as per Table 1 in this subsection of the Code. The minimum and maximum densities for this project are as follows:

Total Gross Acreage: 2.25 acres
Total SROZ: 1.01 acres
Total Usable Acreage: 1.24 acres (gross – SROZ)

2

SROZ acres 1.01 x 4 du/ac = 4.04 x .50 (50% SROZ transfer credit) = 2.02 or

SROZ acres 1.01 x 5 du/ac = 5.05 x .50 (50% SROZ transfer credit) = 2.5 or **3**

Usable acres 1.24 x 4 du/ac = 4.96 or **5 minimum lots**

Usable acres 1.24 x 5 du/ac = 6.2 or **6 maximum lots**

2 transfer credit lots + 5 = 7 minimum lots

3 transfer credit lots + 6 = 9 maximum lots

The project proposes five (5) lots, which equals the minimum lots allowed without using the transfer credits, thus meeting the standard.



Steve Miller | Director of Planning Services/Project Manager

6445 SW Fallbrook Place, Suite 100, Beaverton, OR 97008
Ofc: 503.746.8812 Cell: 541.318.7487 | www.emeriodesign.com

From: Bradford, Philip <pbradford@ci.wilsonville.or.us>

Sent: Monday, May 3, 2021 9:57 AM

To: Steve Miller <stevem@emeriodesign.com>; Pauly, Daniel <pauly@ci.wilsonville.or.us>; Bateschell, Miranda <bateschell@ci.wilsonville.or.us>

Subject: RE: Canyon Creek Subdivision Zoom Meeting

[External Sender]

Hi Steve,

As I stated in the meeting when we last spoke, all I need is you to copy the two or three findings into an e-mail on the density and open space and revise the numbers to reflect the changes in the proposal.

Thanks,

Philip Bradford
Associate Planner
City of Wilsonville

503.570.1623
pbradford@ci.wilsonville.or.us
www.ci.wilsonville.or.us
[Facebook.com/CityofWilsonville](https://www.facebook.com/CityofWilsonville)



29799 SW Town Center Loop East, Wilsonville, OR 97070

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City Hall is now open, with physical distancing controls in place. During COVID-19, we wish to remain responsive while prioritizing the health and safety of the Wilsonville community. We are happy to meet by call or teleconference as an alternative to face-to-face meetings.

From: Steve Miller <stevem@emeriodesign.com>
Sent: Monday, May 3, 2021 8:49 AM
To: Bradford, Philip <pbradford@ci.wilsonville.or.us>; Pauly, Daniel <pauely@ci.wilsonville.or.us>;
Bateschell, Miranda <bateschell@ci.wilsonville.or.us>
Subject: RE: Canyon Creek Subdivision Zoom Meeting

[This email originated outside of the City of Wilsonville]

Philip,

Yes, I'm working on it now. At this time do you just need the updated calculations of the density and opens space area, or do you need a completely updated narrative? If it's the later, I'm not sure I can get that to you by the end of the day today. I can have that ready, though, by May 7th with the new plan set.

Thanks,

Steve



Steve Miller | Director of Planning Services/Project Manager

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From: Bradford, Philip <pbradford@ci.wilsonville.or.us>
Sent: Monday, May 3, 2021 8:40 AM
To: Steve Miller <stevem@emeriodesign.com>; Pauly, Daniel <paul@ci.wilsonville.or.us>; Bateschell, Miranda <bateschell@ci.wilsonville.or.us>
Subject: RE: Canyon Creek Subdivision Zoom Meeting
Importance: High

[External Sender]

Good morning Steve,

Packets go out today so please remember to get the written information to me as soon as possible.

Thanks,

Philip Bradford
Associate Planner
City of Wilsonville

503.570.1623
pbradford@ci.wilsonville.or.us
www.ci.wilsonville.or.us
[Facebook.com/CityofWilsonville](https://www.facebook.com/CityofWilsonville)



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From: Steve Miller <stevem@emeriodesign.com>
Sent: Friday, April 30, 2021 11:49 AM

To: Bradford, Philip <pbradford@ci.wilsonville.or.us>; Pauly, Daniel <paul@ci.wilsonville.or.us>;
Bateschell, Miranda <bateschell@ci.wilsonville.or.us>
Subject: RE: Canyon Creek Subdivision Zoom Meeting

[This email originated outside of the City of Wilsonville]

Hi Philip,

Can you please confirm that the sheets I sent you yesterday are what you need for now. I need to leave early today, but will have the brief write up on the density and open space calculations for you Monday morning. We will also present the new information into the record at the continued hearing on May 10th.

Thanks for your help,

Steve



Steve Miller | Director of Planning Services/Project Manager

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From: Steve Miller

Sent: Thursday, April 29, 2021 4:26 PM

To: Bradford, Philip <pbradford@ci.wilsonville.or.us>; Pauly, Daniel <paul@ci.wilsonville.or.us>;
Bateschell, Miranda <bateschell@ci.wilsonville.or.us>

Cc: Neil Fernando <neil@emeriodesign.com>; Scott Miller <smiller@marquiscompanies.com>

Subject: RE: Canyon Creek Subdivision Zoom Meeting

Hi Philip,

Attached are revised sheets 1, 5, 7, and 11. Sheet 5 shows the site data breakdown, but I will get you additional information tomorrow. Also, Sheet 7 shows the on street parking. We will update the rest of the sheets and have them ready by May 7th. Besides a brief write up on the density and open space calculations, do you need anything else at this time?

Thanks,

Steve



Steve Miller | Director of Planning Services/Project Manager

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From: Bradford, Philip <pbradford@ci.wilsonville.or.us>
Sent: Monday, April 19, 2021 4:01 PM
To: Steve Miller <stevem@emeriodesign.com>; Pauly, Daniel <paul@ci.wilsonville.or.us>; Bateschell, Miranda <bateschell@ci.wilsonville.or.us>
Cc: Neil Fernando <neil@emeriodesign.com>; Scott Miller <smiller@marquiscompanies.com>
Subject: RE: Canyon Creek Subdivision Zoom Meeting

[External Sender]

Hi Steve,

When we last spoke you mentioned Scott's attorney may be attending. Are they still going to be part of the meeting? If so please send me their contact info so I can incorporate them into the meeting invitation.

Thanks,

Philip Bradford
Associate Planner
City of Wilsonville

503.570.1623
pbradford@ci.wilsonville.or.us
www.ci.wilsonville.or.us
[Facebook.com/CityofWilsonville](https://www.facebook.com/CityofWilsonville)



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City Hall is now open, with physical distancing controls in place. During COVID-19, we wish to remain responsive while prioritizing the health and safety of the Wilsonville community. We are happy to meet by call or teleconference as an alternative to face-to-face meetings.

From: Steve Miller <stevem@emeriodesign.com>
Sent: Monday, April 19, 2021 3:57 PM
To: Bradford, Philip <pbradford@ci.wilsonville.or.us>; Pauly, Daniel <paul@ci.wilsonville.or.us>; Bateschell, Miranda <bateschell@ci.wilsonville.or.us>
Cc: Neil Fernando <neil@emeriodesign.com>; Scott Miller <smiller@marquiscompanies.com>
Subject: RE: Canyon Creek Subdivision Zoom Meeting

[This email originated outside of the City of Wilsonville]

Hi Philip,

I just received confirmation that Thursday between 3 – 4 works for our team. It will be Scott Miller, Neil Fernando, and myself attending the meeting. Thanks for your help!

Steve



Steve Miller | Director of Planning Services/Project Manager

6445 SW Fallbrook Place, Suite 100, Beaverton, OR 97008
Ofc: 503.746.8812 Cell: 541.318.7487 | www.emeriodesign.com

From: Steve Miller

Sent: Monday, April 19, 2021 3:35 PM

To: Bradford, Philip <pbradford@ci.wilsonville.or.us>; Pauly, Daniel <pauly@ci.wilsonville.or.us>;
Bateschell, Miranda <bateschell@ci.wilsonville.or.us>

Cc: Neil Fernando <neil@emeriodesign.com>; Scott Miller <smiller@marquiscompanies.com>

Subject: Canyon Creek Subdivision Zoom Meeting

Hi Philip,

Let's tentatively schedule the virtual meeting for Thursday between 3 – 4. Once I have confirmation from all team members, I will confirm the time with you.

Thanks for your help and I will confirm the time with you ASAP.

Steve



Steve Miller | Director of Planning Services/Project Manager

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DEVELOPMENT REVIEW BOARD MEETING
MAY 10, 2021
6:30 PM

- VII. Board Member Communications:
 - A. Recent City Council Action Minutes

City Council Meeting Action Minutes
April 5, 2021

City Council members present included:

Mayor Fitzgerald
Council President Akervall
Councilor Lehan
Councilor West
Councilor Linville

Jeanna Troha, Assistant City Manager
Beth Wolf, Senior Systems Analyst
Philip Bradford, Associate Planner
Kim Rybold, Senior Planner
Miranda Bateschell, Planning Director
Dan Pauly, Planning Manager
Cindy Luxhoj, Associate Planner
Andy Stone, IT Director
Zoe Monahan, Assistant to the City Manager
Chris Neamtzu, Community Development Director
Mike Nacrelli, Civil Engineer

Staff present included:

Bryan Cosgrove, City Manager
Barbara Jacobson, City Attorney
Kimberly Veliz, City Recorder

AGENDA ITEM	ACTIONS
WORK SESSION	START: 5:04 p.m.
A. Diversity, Equity and Inclusion Committee Bylaws	Council reviewed draft bylaws to establish the DEI Committee.
B. Town Center Streetscape Plan	Staff sought Council’s input on the Town Center Streetscape concept.
C. Frog Pond East and South Update	This item was presented on during the regular meeting.
REGULAR MEETING	
<u>Mayor’s Business</u>	
A. Upcoming Meetings	Upcoming meetings were announced by the Mayor as well as the regional meetings she attended on behalf of the City.
B. Volunteer Appreciation Month Proclamation	The Mayor read a proclamation declaring the month of April as Volunteer Appreciation Month.
C. 23 rd Consecutive Tree City USA Designation and Arbor Day Proclamation	Staff presented the Tree City USA designation staff report. The Mayor then read the 2021 Arbor Day proclamation.
<u>Communications</u>	
A. 2021 Oregon Urban & Community Forestry Award	Councilor Lehan received the 2021 Oregon Urban & Community Forestry Individual Award.
B. TVF&R State of the District	Tualatin Valley Fire & Rescue (TVF&R) Chief Weiss provided a PowerPoint on the state of the district.

<p><u>Consent Agenda</u></p> <p>A. <u>Resolution No. 2887</u> A Resolution Of The City Of Wilsonville Authorizing The City Manager To Execute A Construction Contract With Braun Construction For The Old Farm Road Phase I Project (Capital Improvement Project #1500/2500/4500/7500).</p> <p>B. Minutes of the March 15, 2021 City Council meeting.</p>	<p>The Consent Agenda was approved 5-0.</p>
<p><u>New Business</u></p> <p>A. <u>Resolution No. 2888</u> A Resolution Of The City Of Wilsonville Authorizing The City Manager To Execute A Professional Services Contract With Angelo Planning Group, Inc. For Frog Pond East And South Master Planning.</p>	<p>Resolution No. 2888 was adopted 5-0.</p>
<p><u>Continuing Business</u></p> <p>A. None.</p>	
<p><u>Public Hearing</u></p> <p>A. <u>Ordinance Nos. 847 & 848</u> Comprehensive Plan Amendment and Zone Map Amendment for Canyon Creek Subdivision</p>	<p>Council moved to continue Ordinance Nos. 847 and 848 to a date certain of April 19, 2021. Passed 5-0.</p>
<p><u>City Manager's Business</u></p>	<p>Councilors confirmed their availability for the May 14 and 15 Council Goal Setting.</p> <p>Informed Council of meetings staff had regarding the ice storm event.</p> <p>Shared staff would bring Council ideas and recommendations for uses of American Rescue Plan Act (ARPA) funds.</p>
<p><u>Legal Business</u></p>	<p>No report.</p>
<p>ADJOURN</p>	<p>9:22 p.m.</p>

City Council Meeting Action Minutes
April 19, 2021

City Council members present included:

Mayor Fitzgerald
Council President Akervall
Councilor Lehan - Excused
Councilor West
Councilor Linville

Kimberly Veliz, City Recorder
Beth Wolf, Senior Systems Analyst
Andy Stone, IT Director
Zoe Monahan, Assistant to the City Manager
Dan Pauly, Planning Manager
Dan Carlson, Building Official
Nancy Kraushaar, PE, Civil Engineer
Kerry Rappold, Natural Resources Manager
Dominique Huffman, Civil Engineer

Staff present included:

Bryan Cosgrove, City Manager
Barbara Jacobson, City Attorney

AGENDA ITEM	ACTIONS
WORK SESSION	
START: 5:01 p.m.	
A. Boeckman Dip Recommendation	Council was informed of Resolution No. 2890, which authorizes staff to proceed with the recommended design for the Boeckman Dip Project.
B. Middle Housing in Wilsonville Project	Staff shared progress on the City's Middle Housing Project.
C. Diversity, Equity and Inclusion Committee Bylaws	Council provided additional direction on bylaws drafted for the City's DEI Committee.
REGULAR MEETING	
<u>Mayor's Business</u>	
A. Upcoming Meetings	Upcoming meetings were announced by the Mayor as well as the regional meetings she attended on behalf of the City.
B. Earth Day Proclamation	The Mayor read a proclamation declaring the 22 day of April as Earth Day.
C. Bike Month Proclamation	The Mayor read a proclamation declaring the month of May as Bike Month in Wilsonville.
D. Building Safety Month Proclamation	The Mayor read a proclamation declaring the month of May as Building Safety Month in Wilsonville.
<u>Communications</u>	
A. Clackamas County Sheriff's Public Safety Levy	Clackamas County Sheriff's office presented on the public safety levy scheduled for a vote during the May 2021 election.

<p>B. Metro Update</p>	<p>Metro Council President Peterson presented a summary of Metro’s priorities to support metro area residents.</p>
<p><u>Consent Agenda</u> A. <u>Resolution No. 2891</u> A Resolution Of The City Of Wilsonville Authorizing The City Manager To Extend The Professional Services Agreement With JayRay Ads & PR, Inc., For ‘Explore Wilsonville’ Tourism Promotion And Development And Destination Marketing Program. B. Minutes of the April 5, 2021 City Council Meeting.</p>	<p>The Consent Agenda was approved 4-0.</p>
<p><u>New Business</u> A. <u>Resolution No. 2890</u> A Resolution Of The City Of Wilsonville Authorizing Staff To Proceed With The Recommended Design For The Boeckman Dip Project.</p>	<p>Resolution No. 2890 was adopted 4-0.</p>
<p><u>Continuing Business</u> A. None.</p>	
<p><u>Public Hearing</u> A. <u>Ordinance Nos. 847 & 848</u> Comprehensive Plan Amendment And Zone Map Amendment For Canyon Creek Subdivision.</p>	<p>Council moved to continue Ordinance Nos. 847 and 848 to a date certain of May 26, 2021 for a Special City Council meeting and first reading and a second reading on June 7, 2021. Passed 4-0.</p>
<p><u>City Manager’s Business</u></p>	<p>No report.</p>
<p><u>Legal Business</u></p>	<p>No report.</p>
<p>ADJOURN</p>	<p>9:44 p.m.</p>