

**I. Call to Order**

Chair Richard Martens 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.

**III. Roll Call**

Present for roll call were: Richard Martens and Tracy Meyer. Samy Nada, Aaron Woods, and Shawn O'Neil were absent.

DRB-Panel A Member: Fred Ruby

Staff present: Daniel Pauly, Amanda Guile-Hinman, Nancy Kraushaar, and Kimberly Rybold

**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 May 31, 2018 DRB Panel B meeting

Approval of the May 31, 2017 DRB Panel B meeting minutes were postponed due to the lack of a quorum.

**VI. Public Hearing:**

**A. Resolution No. 355. Aspen Meadows Phase II: Scott Miller, Samm-Miller, LLC– Applicant for David Kersten – 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), along with a Stage I Master Plan, Stage II Final Plan, Tentative Subdivision Plat, Type C Tree Plan and Tentative Partition Plat for a 2-lot Partition and subsequent 5-lot single-family subdivision located at 28600 SW Canyon Creek Road South. The subject site is located on Tax Lot 06200 of Section 13BD, Township 3 South, Range 1 West, Willamette Meridian, City of Wilsonville, Clackamas County, Oregon. Staff: Kimberly Rybold

Case Files: DB18-0027 Comprehensive Plan Map Amendment  
DB18-0028 Zone Map Amendment  
DB18-0029 Stage I Master Plan

DB18-0030 Stage II Final Plan  
DB18-0031 Tentative Subdivision Plat  
DB18-0032 Type C Tree Plan  
DB18-0033 Tentative Partition Plat

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

The following exhibit was distributed to the Board electronically and at the dais and entered into the record:

- Exhibit A3: Memorandum from Kimberly Rybold dated June 21, 2018 amending the Staff report by adding Condition of Approval PDG 4.

**Chair Martens** called the public hearing to order at 6:35 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.

**Kimberly Rybold, Associate Planner**, announced that the criteria applicable to the application were stated on pages 2 and 3 of the Staff report, which was entered into the record. Copies of the report were made available to the side of the room.

**Ms. Rybold** presented the Staff report via PowerPoint, briefly reviewing the site's location and surrounding features, the project's background, requested applications, and the unique features of the proposed subdivision design with these key comments:

- Background. The subject property was part of the Bridle Trail Ranchettes subdivision originally created in 1964 and developed prior to Wilsonville's incorporation as a city. At that time, each lot was approximately 2 acres in size. When the current Comprehensive Plan Map was adopted, the density assigned to the area reflected the existing subdivision.
  - In the mid-2000s, some of the lots were redeveloped from the Comprehensive Plan density of 0 to 1 dwelling units per acre to 4 to 5 dwelling units per acre. Areas to the west and north had been approved at that greater density. Of the original 19 lots, 14 had all or a portion of the lot approved for the increased density.
  - She displayed a map showing which parcels had been replanned with the density range increases (Slide 6) noting the first and biggest change was in 2004 with the adoption of Renaissance at Canyon Creek located between Canyon Creek Rd South and Canyon Creek Rd. At that time, findings were made that supported the change, including an identified need for additional single-family homes in Wilsonville due to the limited amount of residential land available for development. The findings also noted that areas both to the south and east had higher residential density, so allocating a higher density range to the area would satisfy the city's needs.
  - She reviewed the other subsequent density changes approved in the area, noting that Aspen Meadows Phase I had been replanned for a density of 4 to 5 units per acre. Tonight's proposed subdivision had a similar pattern to the existing subdivision's

property in that the eastern half of the property was mostly Significant Resource Overlay Zone (SROZ) with some steep slopes that led down to Boeckman Creek. The subject property was proposed as an extension of the Aspen Meadows Subdivision.

- The DRB would be making a recommendation to the City Council on the first two of the seven component applications before the DRB tonight and making recommendations on whether to adopt the changes proposed with the remaining five applications.
- The Comprehensive Plan Map Amendment would change the property's designation from 0 to 1 units per acre to 4 to 5 units per acre, a request consistent with other approvals that had been granted for parcels in the Bridle Trail Ranchette Subdivision.
- The proposed corresponding Zone Map Amendment would implement the Comprehensive Plan Map recommendation. Contingent upon approval of the Comprehensive Plan Map Amendment, the Applicant proposed a corresponding Planned Development Residential 3 (PDR-3), which was generally consistent with Zone Map amendments that had occurred with the other redeveloped parcels in the area.
- The Stage I Master Plan generally established the location of houses, streets, and open space tracts on the parcel with further details being reviewed with the Stage II Final Plan. The Development Code listed the proposed single-family homes and open spaces as allowable within the PDR-3 Zone. She displayed a table that showed the correlation between the PDR-3 Zone and the Comprehensive Planned Density range of 4 to 5 dwelling units per acre. (Slide 12)
- The Stage II Final Plan provided further details about the utilities and street layout being provided. The Applicant proposed installing the necessary facilities and services concurrent with the development of the subdivision. The lot size, lot layout, block size, and access all demonstrated consistency with the Development Standards established in the Development Code for PDR zones.
- Tentative Partition Plat. The subdivision was the first of two land divisions proposed with the subject application. The Tentative Partition Plat request would split the subject property into two parcels: one for the existing single-family home already on the site, which would remain, and the second partitioned parcel would be for the proposed subdivision. The proposal was written as such to pull the existing house out of the Aspen Meadows Phase II Subdivision, so it would not be part of the subdivision and the associated CC&Rs.
  - Both of the proposed land divisions were contingent upon approval of the Zone Map Amendment because under the current zoning classification of Residential-Agricultural Holding (RA-H), the parcels would not meet the minimum lot frontage requirements.
  - Therefore, conditions of approval were included to ensure that the final partition plat was recorded before the subdivision plat and that no home construction occurred on Parcel 2 until the recording of a final subdivision plat. (Exhibit A3)
- The Tentative Subdivision Plat showed the five proposed lots and open space tract. It provided all of the necessary information consistent with the Stage II Final Plan to allow for the subdivision of the property in a manner that facilitated the proposed development, which would occur after the property was partitioned.
- The Type C Tree Plan looked at the site's existing trees and made plans for preserving trees that could be preserved or protected and removing trees if needed. Due to some grading and the location of proposed development, ten trees were proposed for removal, either

because they were not healthy or were located in a proposed road or area that would be graded. To mitigate for the removal of the trees, the Applicant proposed planting 16 trees, a combination of street trees that would go along with the development as well as some additional trees in the SROZ.

- Some unique features of the Subdivision Design included the single, existing house on the property that would remain on its own parcel plus five, new single-family lots. The buildable portion of the site would have the minimum density required for four dwelling units. Because the SROZ covered so much of the site, there was also the ability to transfer some density that would otherwise be able to be developed on that part of the site.
  - Using the density transfer provisions in the Development Code, the Applicant proposed an additional two units for a total of six lots. At 7,357 sq ft, the average lot size was within what was recommended for the PDR-3 District. Lots ranged in size from just over 5,000 sq ft to almost 12,000 sq ft, which was the lot with the existing house. Portions of Lots 3, 4, and 5 had some SROZ in the rear portion, so the SROZ portion would be fenced off and preserved in a conservation easement. That conservation easement would also extend over Tract B, which was proposed as an open space tract.
- Open Space. Because of Tract B's size, the property exceeded the minimum open space requirement of 25 percent, totaling 43 percent with the SROZ portion. Properties with a significant SROZ, such as the subject property, required a quarter acre of usable open space per 100 units. North of the site was a quarter acre proposed as open space to serve the 14 lots currently under construction in the Aspen Meadows subdivision to the north. Because the proposed subdivision was seen as an extension of the Aspen Meadows Phase I, the subject lots were proposed to be integrated into that homeowners' association (HOA), and residents of the subject subdivision would have access to that usable open space. The number of lots being added was so far below that 100-lot threshold for usable open space that Staff deemed the usable open space requirement met via the existing usable open space in Aspen Meadows Phase I.
- Access and Connectivity. The existing home was currently accessed from Canyon Creek Rd South. The orientation of the driveway would not change and would still take access from that road. There would be a new public street along the southern portion of the parcel, proposed as a three-quarter right-of-way section with a sidewalk on the north side only since there would be no lots taking access from the south side. If there was future development to the property to the south, the road could be extended.
  - A private Street, identified as Tract A, was proposed to connect to the private street in Aspen Meadows also labeled as Tract A. (Slide 20)
  - The Development Code limited residential private access drives to four lots taking access from that roadway. Lots 1, 2, and 5 would be required to take access from A St. Lots 3 and 4, as well as two lots to the north in Aspen Meadows, would take access from the private drive.
  - The connection would enable emergency vehicles accessing the subdivision to turnaround more easily, but no access points were provided beyond the immediate area. As the trash provider noted, trash collection would only occur on public streets.

- Connecting the roadways would provide a more orderly pattern of development for the area. Staff believed this met the intent of the Development Code standards for residential private access drives, but because the roads were not intended to provide through access, a condition of approval required signage stating “no through access”, or similar language approved by the City Engineer, to be installed where the private drive accessed the public road.
- Aspen Meadows Reserve Strip. When the City had approved the first phase of Aspen Meadows, a condition of approval required a reserve strip across the private street to prevent access to the current subject property. At that time, it was not anticipated that this property would develop as a part of Aspen Meadows because the Applicant had not secured a right to purchase the subject property and because of the location of the SROZ relative to the property.
  - With the change in circumstances, the Applicant now requested that the reserve strip be removed to facilitate the connection and allow access to those lots. It would not allow for any future connection anywhere else, but only limited to that small segment, being a private street.
  - Because the Development Code stated that reserve strips were under the jurisdiction of City Council, Council would have to pass a resolution to remove the strip to facilitate that connection. If that did not happen, a condition of approval would require the construction of a barrier to prevent vehicular access across that reserve strip. While a technically a feasible approach, emergency vehicle access would be tricky as a gate would have to be installed to allow the vehicles through. Staff believed this was a less coordinated development pattern and that removing the reserve strip was the preferred approach.
- Street Trees and Stormwater Management. Newer subdivisions typically wanted to use the planting strip between the sidewalk and street for stormwater management facilities, but particularly with narrower lots like these, many things competed for that space; most notably street trees and street lights where required and minimizing conflicts between water meters and trees. As such, Staff had worked with the Applicant to ensure street tree placement met the requirements while balancing the need for stormwater management. Some planter tracts were within the planting strip, but there was also a secondary area of stormwater management in Tract A to meet the requirements needed for the subdivision.
- Staff recommended that the DRB recommend approval of the Comprehensive Plan Map Amendment and Zone Map Amendment to City Council, as noted in the Staff report, as well as approve with conditions the other component applications contingent upon City Council approval of the first two requests.

**Tracy Meyer** asked why removal of the reserve strip was such a big deal, and what the downside was to its removal.

**Ms. Rybold** responded that the plat note recorded with the County stated that no vehicular access could be permitted across that strip. (Slide 21) If those private drives were connected, then theoretically, there could be vehicular access across them if no mechanism existed to

prevent that. Some things on the plat would need to be revised when the CC&Rs were changed and being able to remove the reserve strip would make it a lot cleaner.

**Ms. Meyer** asked who would pay for the upkeep of the private street.

**Ms. Rybold** responded the private drives would be maintained by the HOA.

**Ms. Meyer** asked where Lots 3, 4, and 5 ended relative to the SROZ.

**Ms. Rybold** displayed the Tentative Subdivision Plat diagram (Slide 15) on which the boundaries of Lots 3, 4, and 5 were indicated with a dashed line. She noted that a fence would be built along the SROZ boundary, which was indicated with a line of x's.

**Ms. Meyer** asked if Staff knew where the houses would be located.

**Ms. Rybold** replied the light dashed lines on Slide 15 indicated the buildable areas of the lots, and that there was a 25-ft setback from the SROZ line known as the Impact Area.

**Ms. Meyer** understood the conservation easement was for the new owners.

**Ms. Rybold** clarified the easement would be recorded as a part of the other easements recorded with the final plat. The conservation easement would be one easement that would apply to a defined portion of the owner's lot.

**Ms. Meyer** confirmed that homeowners could never build, for example, a tennis court in that area.

**Ms. Rybold** explained the conservation easement was requested because SROZ regulations prevent the removal of native vegetation in SROZ areas. The conservation easement was one more piece to establish that those areas were to be protected.

**Ms. Meyer** noted how close the development was to the SROZ and asked how that would be enforced, adding the HOA would probably track it.

**Ms. Rybold** stated that if reported, it would be a violation of the City's Development Code.

**Fred Ruby** confirmed the heavily wooded area east of the property was the Boeckman Creek Canyon.

**Ms. Rybold** noted the significant slope to the creek and that the proposed grading plan showed that the homes on Lots 3, 4, and 5 were likely to be constructed with the front of the home at one elevation with some daylighting of the back, whether that was a basement or a lower story.

**Mr. Ruby** confirmed that the heavily wooded area extending north and south for quite a distance was the Boeckman Creek Canyon that ran throughout the city and was in the SROZ.

**Ms. Rybold** confirmed the SROZ was a zoning designation that protected special natural features and also tied into regional protected lands. SROZ was the City's term for how the City applied the overlay zone to that protected area.

**Mr. Ruby** inquired how two parallel streets were both named Canyon Creek Rd. The main Canyon Creek Rd skirted the Mentor Graphics Fitness Trail to the west was a distance away and Canyon Creek South seemed to actually be due east of the main Canyon Creek Rd.

**Ms. Rybold** explained that the current Canyon Creek Rd alignment was actually fairly new, probably within the last five years. As the Ranchettes development occurred, the City's Transportation System Plan (TSP) included connecting the northern piece of Canyon Creek Rd, which was originally aligned north/south, but things shifted over here and it was constructed as a newer road. Staff believed "south" referenced the fact that Canyon Creek Rd S was south of Boeckman Rd, and the portion north of that was north.

**Chair Martens** said he understood the motivation for the Parcel 1 partition, but inquired if the public, and particularly, the homeowners in the area, had an interest in that decision one way or the other.

**Ms. Rybold** replied Staff had not received any comments or feedback regarding the subject applications. She would let the Applicant speak to the reasoning for the partition specifically, but the historic pattern had been that existing homes that were not a part of an HOA were exempted if a new development with an HOA came in, so there was a bit of a patchwork of HOAs.

**Daniel Pauly, Senior Planner**, added this was unique; most other properties that had developed had demolished existing homes. This was one of one or two that were being kept. The lots directly to the north were not constructed yet and the homes directly across Canyon Creek Rd South were fairly new, built within the last year or so, and the home to the south had been built within the last five years. It was a rapidly changing area.

**Chair Martens** said he understood if someone owned property and a development was built around them, there was no basis to include that property in the HOA; but in the subject application that piece was being specifically carved out. He presumed there would be homeowners' dues for maintenance of the private streets and landscaping.

**Ms. Rybold** confirmed the CC&Rs for Aspen Meadows, which was currently under construction, would be amended to include the subject five lots as a part of that HOA. The HOA amenities would include the open space tracts, the stormwater planter on Tract A, and the private street.

**Chair Martens** did not believe there would be a significant cost component for the HOA.

**Mr. Pauly** added there was also long-term maintenance of the natural areas on both properties, which involved keeping the invasives under control.

**Chair Martens** called for the Applicant's testimony.

**Steve Miller, Planning Director, Emerio Design, LLC, 6445 SW Fallbrook Place, Suite 100, Beaverton, OR, 97008** thanked Staff for a detailed Staff report and the work they had done on the project to ensure the Applicant's project met all the applicable criteria. Given the detailed and thorough Staff's report, he did not have a lot to add that would not be redundant. He offered to answer any questions, especially if more clarification was needed regarding the partition, maintenance of the private road, the significance of the reserve strip, etc.

**Chair Martens** asked if the Applicant anticipated further partitioning or subdividing Parcel 1 in the future.

**Mr. Miller** clarified it could not be subdivided as it was not large enough for that to occur as a subdivision in the State of Oregon had to be four or more lots. A partition was three lots or fewer, so a partition would be the only option if the home were removed. The home itself was fairly nice and in good shape with nice amenities, so the Applicant chose to save it. The home would have to be demolished, and the land partitioned to get an additional lot.

**Chair Martens** understood and pointed out that the gross area was another 12,000 sq ft.

**Mr. Miller** clarified that there was gross area and then average lot sizes as part of the City's Code, so his instincts told him that two lots was all one could get from the 12,000 sq ft, potentially three, but he did not expect that.

**Chair Martens** called for public testimony in favor of, opposed, and neutral to the application. Seeing none, he confirmed the Board had no further questions and closed the public hearing at 7:13 pm.

**Tracy Meyer moved to approve Resolution No. 355, including the Staff report with the addition of Exhibit A3. Fred Ruby seconded the motion, which passed unanimously.**

[Rules of appeal into the record not read]

## **VII. Board Member Communications:**

### **A. Results of the June 11, 2018 DRB Panel A meeting**

**Fred Ruby** reported that the public hearing regarding the proposed optometry building involved some spirited discussion about adding an electric car charging station, but it was a good hearing and a lot of good ideas were exchanged. Both proposals were approved by DRB-Panel A



B. Recent City Council Action Minutes  
There were no comments.

**VIII. Staff Communications**

Daniel Pauly, Senior Planner, thanked Fred Ruby for filling it tonight.

**IX. Adjournment**

The meeting adjourned at 7:18 p.m.

Respectfully submitted,




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

**DRB Panel B Board Members in Attendance:**

Richard Martens (Please circle one)  Approve  Deny

Signature:  Date: 8-8-18

Tracy Meyer (Please circle one)  Approve  Deny

Signature:  Date: 8-8-18

**DRB Panel A Board Members in Attendance:**

Fred Ruby (Please circle one)  Approve  Deny

Signature:  Date: 8-13-18