



**DEVELOPMENT REVIEW BOARD PANEL B
MEETING MINUTES**

Approved
January 22, 2024

September 25, 2023 at 6:30 PM

City Hall Council Chambers & Remote Video Conferencing

CALL TO ORDER

A regular meeting of the Development Review Board Panel B was held at City Hall beginning at 6:30 p.m. on Monday, September 25, 2023. Vice Chair Andrews called the meeting to order at 6:30 p.m., followed by roll call.

CHAIR'S REMARKS

ROLL CALL

Present for roll call were: John Andrews, Justin Brown, Megan Chuinard and Alice Galloway. Rachelle Barrett was absent.

Staff present: Daniel Pauly, Amanda Guile-Hinman, Kerry Rappold, Kimberly Rybold, Cindy Luxhoj, Sarah Pearlman, and Shelley White

CITIZEN INPUT

This is an opportunity for visitors to address the Development Review Board (DRB) on items not on the agenda. There were no comments.

CONSENT AGENDA

1. Approval of minutes of July 24, 2023 DRB Panel B meeting

Alice Galloway made a motion to approve the July 24, 2023 DRB Panel B meeting minutes as presented. Megan Chuinard seconded the motion, which passed unanimously.

PUBLIC HEARINGS

2. **Resolution No. 420. Charbonneau Country Club Tennis Building.** The Applicant is requesting approval of a Stage 2 Final Plan and Site Design Review for the addition of a steel frame building over the existing outdoor tennis courts at Charbonneau Country Club.

Case Files:

DB23-0005 Charbonneau Country Club Tennis Building

-Stage 2 Final Plan (STG223-0004)

-Site Design Review (SDR23-0004)

Vice Chair Andrews called the public hearing to order at 6:38 p.m. and read the conduct of hearing format into the record. Vice Chair Andrews and Alice Galloway 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.

Sarah Pearlman, Assistant Planner, announced that the criteria applicable to the application were stated starting on page 2 of the Staff report, which was entered into the record. Copies of the report were made available to the side of the room and on the City's website.

Ms. Pearlman presented the Staff report via PowerPoint, briefly noting the site's location and background and reviewing the requested applications with these comments:

- The subject site was zoned Planned Development Commercial (PDC) and surrounding uses included other Commercial uses in the Charbonneau Village Center, the golf course, and residential condominiums.
 - The existing tennis building was approved in 1984 to cover two of the four tennis courts and the Applicant proposed covering the remaining tennis courts with a 14,440 sq ft building to increase usability. The proposed building was designed to look very similar to the existing building.
- Proper noticing was followed for this application. Notice of Public Hearing was mailed to all property owners within 250 ft of the subject property and published in the newspaper. Additional posting was placed on the site and on the City's website.
 - One public comment was received during the comment period from a nearby property owner concerned with the design of the building being akin to a big box store. Staff shared additional clarifying information and photos about the building's design that showed it was designed to look like the existing tennis building. The comment was included as Exhibit D1 of the Staff report.
- The Stage 2 Plan Modification reviewed the function and design of the proposed tennis court building and ensured that the proposal met commercial development standards. The proposed project was consistent with the Commercial designation in the Comprehensive Plan as well as the site's PDC zoning.
- The Site Design Review focused on the design and placement of the proposed tennis building. Appropriate professional services and quality materials were used to design the building. No trees were proposed for removal and no changes to landscaping were proposed.
 - The proposed building was designed to complement the existing tennis building. Key differences included orientation of siding, a slightly darker color for the roof and trim, and steel rather than wood to construct the building.
 - Based on the findings of fact, information included in the Staff report, and information received from a duly-advertised public hearing, Staff recommended the DRB approve with conditions the request for the Charbonneau tennis building addition.

Vice Chair Andrews asked if the two buildings would share a common wall or be independent buildings with separate walls.

Ms. Pearlman replied there would be two independent buildings with separate walls, adding she believed a fire wall was planned potentially between the two buildings.

Daniel Pauly, Planning Manager, noted the Building Code would address whether a firewall was required. If there is not a certain setback, an upgrade would be required.

Vice Chair Andrews confirmed there were no further questions from the Board and called for the Applicant's presentation.

Ben Altman, Pioneer Design Group, 9020 SW Washington Square Drive, Portland, OR, 97223 stated Staff had given a very good description of the project, and the Applicant agreed with Staff's findings and the conditions of approval.

- He emphasized that the proposed building was the same size and shape as the existing building. The only real difference was the proposed building had metal siding rather than wood, a choice that was primarily

economic as metal was the most economical method given the current supply issues. Given the color choices available through the building supplier, they had matched the colors as closely as possible to the existing building.

Alice Galloway asked how the Applicant had addressed the comment that the proposed building would resemble a big box store and if the building would be heated and air-conditioned.

Mr. Altman responded it was fully conditioned, just like the existing building. He noted it was the same size as the existing building, so it was a big box to that extent, but that was what was necessary to have a tennis building; not a lot of detail was provided to change it otherwise. He confirmed the building would have skylights to let in natural light.

Vice Chair Andrews asked if there was a construction schedule.

Mr. Altman replied the Applicant would move as fast as possible. Regarding the storm drainage, the Applicant understood that no impervious cover was being added, the Staff report concluded otherwise so that would be sorted out with Engineering. Otherwise, the building was pretty much designed, the storm drainage just needed to be worked out with City Engineering and then the Applicant would apply for permits.

Vice Chair Andrews called for public testimony regarding the application and confirmed with Staff that no one was present at City Hall to testify and no one on Zoom indicated they wanted to testify.

Ms. Galloway asked if the noise factor related to pickle ball being played in an aluminum building had been considered.

Donna Roisom, 7470 SW Downs Post Road, Wilsonville, OR, 97070 replied that in metal buildings, the noise stayed within the building itself. Additionally, ball and paddle technology was always changing. She had played inside numerous metal buildings, as tennis courts were often housed in metal buildings, and pickleball courts often shared those facilities, but noise had not been an issue.

Vice Chair Andrews confirmed there were no additional questions or discussion and closed the public hearing at 6:54 pm.

Alice Galloway moved to adopt the Staff report as presented. Justin Brown seconded the motion, which passed unanimously.

Alice Galloway moved to adopt Resolution No. 420. The motion was seconded by Megan Chuinard and passed unanimously.

Vice Chair Andrews read the rules of appeal into the record.

- 3. Resolution No. 421. 6753 SW Montgomery Way SRIR and SROZ.** The Applicant is requesting approval of an Abbreviated Significant Resource Impact Report (SRIR) and Significant Resource Overlay Zone (SROZ) large lot exception for construction of a residence at 6753 SW Montgomery Way.

Case Files:

DB23-0006 6753 SW Montgomery Way
-Abbreviated SRIR (SRIR23-0001)
-SROZ Large Lot Exception (SROZ23-0001)

Vice Chair Andrews called the public hearing to order at 6:59 p.m. and read the conduct of hearing format into the record. Vice Chair Andrews 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.

Cindy Luxhoj, AICP, Associate Planner, announced that the criteria applicable to the application were stated starting on page 2 of the Staff report, which was entered into the record. Copies of the report were made available to the side of the room and on the City's website.

Ms. Luxhoj presented the Staff report via PowerPoint, briefly noting the site's location and background and reviewing the requested applications with these comments:

- The subject property was the last undeveloped property in the River Estates II Subdivision (Lot 12). The 2.98-acre site was entirely within the Significant Resource Overlay Zone (SROZ) and the southern part of the property was within the 100-year floodplain. The property was designated 0-1 dwelling unit/acre in the Comprehensive Plan and was in the Future Development Agricultural Holding Zone. Surrounding land uses include residential on all sides.
 - The Applicant proposed building a residence on the property, roughly in the center of the site within the 100-year floodplain. The building site was chosen by the Applicant in consultation with the City to minimize impacts to the SROZ, including tree removal. The approximate area of disturbance within the SROZ needed to build the residence and other site improvements was 12,636 sq ft, or approximately 9.73 percent of the property.
- Proper noticing was followed for the application with notice mailed to all property owners within 250 ft of the subject property and published in the newspaper. Additional postings were placed on the site and on the City's website.
 - Two public comments were received during the comment period. The first was from a nearby property owner who wanted to inform the Applicant of the location of their well in relation to the Applicant's property so it was not impacted during construction, and the second was from another nearby property owner who had expressed concerns regarding construction activities, their potential impact on properties in the area, and access to the property in the event of fire. Both comments were included as Exhibits D1 and D2 of the Staff report.
- The application before the DRB included an abbreviated Significant Resource Impact Report (SRIR) and a Significant Resource Overlay Zone (SROZ) Large Lot Exception to construct a residence on a parcel located entirely within the SROZ.
 - Per City Code, construction of a new dwelling was exempt from SROZ ordinance regulations unless the building encroached in the SROZ and its associated impact areas, and impacts to the SROZ were necessary for construction of the proposed residence.
 - Generally, a request to construct a new dwelling on a lot with limited buildable land would be processed as a Class 2 Administrative Review, but because the Applicant had requested a Large Lot Exception and the subject property was eligible due to its size, DRB review was required. However, the DRB's review request was limited to the Abbreviated SRIR and SROZ Large Lot Exception. No other aspects of the application were subject to DRB review. (Slide 5)
- Discussion points related to utilities, services, and tree removal and preservation. The subject property was over 300 linear ft from public sewer and water in SW Rose Lane and was therefore not required to connect to City utilities.
 - The Applicant had proposed to install a well northwest of the residence for water, outlined in red. Also proposed was a private septic drain field with an alternative design to minimize impacts to the SROZ located to the east of the residence, outlined in green. (Slide 6)

- Although DRB review of tree removal was not required for the proposed residence, the arborist's report was included as an exhibit to the Staff report because it was one component of the Abbreviated SRIR.
 - Trees proposed for removal, indicated in red, were limited to the residence, driveway, and septic system development area. Impacts were minimized to the maximum extent possible. Trees highlighted in green were considered high value trees due to their size, species, condition, and position within the tree canopy. As stated in the arborist's report, given the trees' location, it may be possible the project could be designed around preserving those trees.
- A Type B Tree Removal Permit and Mitigation Plan was required and is being reviewed concurrently by Staff. A decision on the Type B Permit would not be issued until after the DRB had reviewed the SRIR and SROZ requests and rendered a decision. (Slide 7)

Kerry Rappold, Natural Resources Manager, provided background on the SROZ, which was adopted in June of 2001 as a way for the City to comply with Goal 5. As a part of that process, a number of resource categories were identified throughout the city, including streams, riparian corridors, wetlands, and wildlife habitats.

- The subject site fell under wildlife habitat. There was a wetland identified adjacent or close to Montgomery Way, but it did not qualify as locally significant wetland, which were protected within the SROZ. It was still considered a jurisdictional wetland and would be regulated by the Oregon Department of State Lands, so if it met the State's permitting threshold, the Applicant would have to get a permit for that driveway access.
- When the SROZ was adopted in 2001, normal provisions were included. There was also an understanding that exemptions might be needed, in terms of existing uses, activities, but also situations such as the subject lot, which was completely encumbered by the SROZ, making it almost unbuildable. It was likely the Large Lot Exception had been created for these lots along Montgomery Way as there was no comparable situation in any other part of the city, so this was the City's second Large Lot Exception, and as mentioned, this was the last lot within the River Estates to be developed.
- Within the SROZ requirements, the two optional steps that had to be followed were the Abbreviated Significant Resource Impact Report and the standard impact report.
 - The standard report was more applicable to larger development projects that required mitigation, more analytical details, and had larger impacts to resources.
 - The Abbreviated was a shortened version of the standard impact report. The process was user-friendly, mostly applicable to single-family dwellings, and Staff shared information with and helped the Applicant through the process, which involved a site development permit application and basic information that had to be identified on the site plan. The Applicant did have the wetlands delineated by Pacific Habitat Services, so there was a boundary for that wetland. The floodplain had also been identified within the property and the tree inventory was also completed.
 - There were a number of exceptions within the City's SROZ requirements and most applicable when developing a lot like the Applicant's was the Large Lot Exception. He stated the subject lot met all the applicable requirements (Slide 10), noting the lot was 100 percent encumbered by the SROZ and the Applicant's site plan showed that all the development on the site, including the driveway, house, septic field, and any area that would create a disturbance on the site was within the 10 percent threshold. The Applicant attempted to reduce their impacts by choosing the subject area for development. He added had walked the building site, and the chosen site had more opening than elsewhere on the site.
 - He noted the lot had been legally created as part of the subdivision process.

Ms. Luxhoj concluded Staff's presentation, stating that based on the findings of fact, information included in the Staff report, and information received from a duly-advertised public hearing, Staff recommended that the DRB Panel B approve with conditions the subject Abbreviated SRIR and SROZ Large Lot Exception for 6753 SW Montgomery Way.

Alice Galloway asked about the responses to the emails received during the public comment period, particularly the response to Danton Mendell who had asked why the property was allowed to be developed after all these years.

Ms. Luxhoj clarified that development was always allowed, but there had not been an applicant able or willing to go through the lengthy process required. She confirmed nothing had changed in terms of climate change or water.

Ms. Galloway noted the other public comment had expressed concern about constructions impacts to their property and emergency vehicle access to the subject property due to the narrow road.

Ms. Luxhoj replied the Applicant would have to comply with normal construction practices, such as timing of construction as far as the times of day, hours, etc. Additionally, the Applicant did receive a review and approval by Tualatin Valley Fire & Rescue. She noted a Y-shaped turnaround for emergency vehicle access on the Site Plan (Slide 3), adding all emergency vehicles would be in that driveway, not sitting on narrow Montgomery Way. The Applicant had chosen this option as opposed to sprinkling the house.

Vice Chair Andrews asked where construction equipment would be situated since the site was not cleared and was full of trees.

Ms. Luxhoj noted the Applicant was limited in how much disturbance they could have to the site overall and deferred to Mr. Rappold for further clarification with regard to construction.

Mr. Rappold replied the City expected to see tree protection fencing on the site, as well as protection for other vegetation and existing conditions, and that would significantly limit the area of disturbance that they would have in terms of traffic, and what they were hauling in and out of the site.

Vice Chair Andrews asked if there would be any oversight to ensure the road was not blocked for long periods of time to ensure other neighbors would be able to access their properties.

Mr. Pauly confirmed there would be an inspector, adding many Public Works Standards would ensure compliance. Construction is temporary and the Applicant had flagging coordinated; otherwise, the road could not be closed.

Ms. Galloway understood the DRB had no control over tree removal but asked who would monitor tree removal.

Ms. Luxhoj responded the Applicant would have to do a Concurrent Type B Tree Removal, which was a Class 2 Administrative Review tree removal permit.

Mr. Pauly added the DRB would get notice of it; however, he had never heard of a Type B Tree Removal permit being denied.

Ms. Luxhoj explained a pending notice would be issued with a 10-day comment period, an administrative decision would be rendered, and then it would go out for a 14-day appeal. She confirmed DRB had the purview to call it up.

Mr. Pauly added protective fencing would be erected, noting Ms. Luxhoj had monitored a similar site to this a few doors down for a similar approval a few years ago, which went fairly smoothly, so Staff had some experience with similar projects.

Vice Chair Andrews asked where the 100-year and 500-year floodplains were located on the site.

Ms. Luxhoj indicated the location of the floodplains on the Site Plan (Slide 3), noting that everything to the south or left of the diagonal line was within the 100-year floodplain, and the 500-year floodplain was to the other side, or everything to the right. She noted the Applicant stated in their materials that the house was sited in the driest part of the property, which was still within the 100-year floodplain, so the City's Building Standards required the Applicant to follow construction practices and the house to be designed to allow water to flow for the 100-year flood should it ever happened. Additionally, the septic system was located in the only location on the site that the County would approve.

Vice Chair Andrews confirmed there were no further questions from the Board and called for the Applicant's presentation.

Joseph Oreste, Applicant, stated Staff's presentation was fantastic and thanked them for all of their time and effort throughout the process. He noted that he would pass the public comments received on to his general contractor and hoped they would be conscientious as to the concerns expressed about disturbance on Montgomery Way and keep the contractors on the property to the best of their ability.

Vice Chair Andrews confirmed there were no questions of the Applicant and no public testimony regarding the application from people present at City Hall and that no one on Zoom indicated they wanted to testify.

Vice Chair Andrews confirmed there were no additional questions or discussion and closed the public hearing at 7:28 pm.

Alice Galloway moved to adopt the Staff report as presented. Megan Chuinard seconded the motion, which passed unanimously.

Alice Galloway moved to adopt Resolution No. 421. The motion was seconded by Justin Brown and passed unanimously.

Vice Chair Andrews read the rules of appeal into the record.

BOARD MEMBER COMMUNICATIONS

4. Results of the August 14, 2023 DRB Panel A meeting

Vice Chair Andrews noted the Bocce ball courts were almost finished at Charbonneau Park.

5. Recent City Council Action Minutes

There were no comments.

STAFF COMMUNICATIONS – None

ADJOURNMENT

The meeting adjourned at 7:32 p.m.