

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

**Development Review Board – Panel B  
Minutes–April 25, 2016 6:30 PM**

**APPROVED**  
July 25, 2016

**I. Call to Order**

Chair Shawn O’Neil called the meeting to order at 6:30 p.m.

**II. Chair’s Remarks**

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

**III. Roll Call**

Present for roll call were: Shawn O’Neil, Richard Martens, Aaron Woods, Samy Nada, Samuel Scull, and Council Liaison Julie Fitzgerald

Staff present: Chris Neamtzu, Barbara Jacobson, Daniel Pauly, and Steve Adams

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

**V. City Council Liaison Report**

**Councilor Fitzgerald** highlighted the following City Council activities with these comments:

- The second Budget Committee meeting would be held later this month.
- At its last meeting, City Council approved the Tourism Development Strategy Plan that was developed by a citizens committee. She believed the committee had great input and the plan provided a good path forward. More details could be found in the City Council minutes.
- Also currently underway was the Transit Master Plan Update, which looked at all transit throughout the community. She suggested that the Board members review the updates to the Transit Master Plan on the City website and provide input.
- Tonight, an open house was being held on the Basalt Creek Master Plan to gather more citizen input on how the area between Wilsonville and Tualatin was being planned.

**VI. Consent Agenda:**

A. Approval of minutes of March 28, 2016 meeting

**Aaron Woods moved to approve the March 28, 2016 DRB Panel B meeting minutes as presented. Samy Nada seconded the motion, which passed unanimously.**

**VII. Public Hearing:**

**A. Resolution No. 324. 14-Lot Single-Family Subdivision: Beth Ann Boeckman and Karen and Marvin Lewallen – 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), a Stage I Master Plan, Stage II Final Plan, Site Design Review, Type C Tree Plan, Waiver and Tentative Subdivision Plat for a 14-lot single-family subdivision located at 28500 and 28530 SW Canyon Creek Road South. The subject site is located on Tax Lots 900 and 1000 of Section 13B, Township 3 South, Range 1 West, Willamette Meridian, City of Wilsonville, Clackamas County, Oregon. Staff: Daniel Pauly

Case Files: DB15-0108 – Comprehensive Plan Map Amendment  
DB15-0109 – Zone Map Amendment  
DB15-0110 – Stage I Master Plan  
DB15-0111 – Stage II Final Plan  
DB15-0112 – Site Design Review  
DB15-0113 – Type C Tree Plan  
DB15-0114 – Waiver  
DB15-0115 – Tentative Subdivision Plat

*This item was continued to this date and time certain at the March 28, 2016 DRB Panel B meeting.*

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

**Chair O’Neil** called the public hearing to order at 6:37 p.m. and read the conduct of hearing format into the record. All Board members declared for the record that they had visited the site. No board member, however, declared a conflict of interest, bias, or conclusion from a site visit. No board member participation was challenged by any member of the audience.

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

The following additional exhibits were entered into the record:

- Exhibit C6: Email dated April 20, 2016 from Frank Lonergan of Republic Service regarding garbage service for the Canyon Creek Road Subdivision.
- Exhibit C7: Memorandum from DKS Associates dated April 20, 2016 documenting typographical error.
- Exhibit D10: Email dated April 19, 2016 from Laurie Barr.

**Mr. Pauly** presented the Staff report displaying and reviewing several exhibits and the materials received since the March 12, 2016 DRB meeting via PowerPoint with these key comments:

- The primary revision to the Revised Site Plan was establishing the zone standard 7-ft setback for the two-story homes for all lots and doing away with the previously requested setback waiver.
  - Additionally, Lots 3 and 4 were adjusted to increase the width to accommodate the larger setbacks but still maintain the width of home buyers would prefer.
  - The waiver of average lot size was still being requested. As explained last month, Staff recommended support of the waiver as it would enable the necessary flexibility in a relatively small development to meet other Code standards, including density and open space requirements.
- All lots met the minimum lot size. The average lot size was now 5,433.9 sq ft, a small increase from the previous proposal, which was 5,389.2 square feet. He noted Finding G1 on Page 92 of the Staff report dated April 18, 2016 needed to be corrected to reflect that change.
- At the last meeting, concerns were expressed about the layout. A letter from Land Use Attorney Kelly Hosseini (Exhibit B5), who was retained by the Applicant, provided additional explanation of the site layout. As stated, the Applicant's aim was to respect the environment, be compatible with existing development and site constraints, and still meet Code requirements.
  - The letter also addressed other specific concerns raised during the hearing process and previous testimony, including the proximity to new homes to each other and the property lines, appearance of the new homes, preservation of trees, loss of open space and wildlife habitat, transportation

issues, concern about the changing neighborhood, privacy issues regarding the Kochanowski property, the impact of trees on the Kochanowski property. He deferred to the Applicant to go further into details and respond to those issues.

- An April 14, 2016 letter from the property owners (Exhibit B6) of the subject property, Karen and Marvin Lewellen and Beth Beckman outlined their time in the neighborhood and their perception of the redevelopment of 12 of the 19 Bridal Trail Ranchettes. They believed that denying the development would be changing the rules from what had previously been applied nearby without giving them their due process.

**Steve Adams, Development Engineering Manager**, highlighted his memorandum (Exhibit C5), which provided some traffic information that the City collected and tracked, and the attached revised Trip Generation Memorandum with these comments:

- As requested by the DRB at the last meeting, another two evenings of data were gathered with the time extended to 7:00 PM to ensure the PM Peak Hour was encapsulated. The data showed that the peak hours were between 4:00 PM to 6:00 PM in that study.
  - The additional traffic study identified one small change. The PM Peak trips did increase slightly to about 92 to 95 PM Peak Hour trips. (Table 4, Page 7, Trip Generation Memorandum) He believed there were around 76 trips in the November study, which surmised was due to traffic accessing homes that were recently built.
- He explained that a residential street was considered to be performing best if it handled fewer than 1,500 vehicles per day.
  - The short segment between Canyon Creek Rd and Morningside Ave showed a PM Peak Hour of 92 to 95 trips. A basic rule of thumb for converting PM Peak Hour trips to 24-hour trips was roughly 10 to 1, which equaled approximately 950 daily trips for that short segment. Quite a few trips turned left or right on Morningside Ave, so the three homes farther up Daybreak St that front Daybreak, as well as the swimming pool, would see considerably fewer trips for the 24-hour period.
  - The 7-day data gathered June, 2015 also supported the 10 to 1 rule. The average for all 7 days was approximately 45 vehicles during the PM Peak Hour. The totals of those actual counts equaled 504 vehicles per day, which was very close to the 10 to 1, so he was confident the 10 to 1 rule worked here.
- He noted more specific traffic questions could be directed to Scott Mansur of DKS Associates was available.
- The report included various information and along with the June 2015 studies showing the volumes of traffic done then, he was not too concerned with the additional trips the revised Trip Generation Memorandum showed. Even though only one night of counts had been done, it was within the realm of what had been seen in June, 2015 and therefore, did not raise any red flags.
  - Typically when the initial studies came back with a red flag, either due to the number of trips or intersection performance, he contacted Mr. Mansur discuss the issues, and then possibly do more studies and/or gather more information from the applicant. The reports were not simply reviewed and forwarded on.
  - Last month, the other DRB Panel had another question about traffic studies and he had discussed an August 2014 traffic study never seen by either DRB, because Staff was not comfortable proceeding with an expansion of the Fred Meyer fueling station. There were already a lot of trips there, and the study had shown more anticipated trips. The Fred Meyer proposed expansion was still on hold as more information was being gathered by both the applicant and the City and further discussion was needed.
- He noted access from Canyon Creek Rd South at Boeckman Rd had been cut off by the City's engineer in 2005 because of access spacing, not site distance. Whenever an access onto a collector or an arterial road that had less than the City's desired spacing could be eliminated, it was made a part of the development application as a condition of approval when access would be gained via the proposed

development elsewhere. Cutting off the access would not create a problem because it provided for safer and more efficient travel on the city's collectors and arterials, which handled most of the traffic.

- On the other hand, the City was presently in negotiations with the Renaissance at Canyon Creek HOA Board about whether the access from Canyon Creek Rd South at Boeckman Rd could be reopened safely. Staff was considering whether a right-in/right-out only would work to give people an extra way in and out, though it might not be in the direction they would want to travel. Currently, the agreement was that the City would do design that in-house, after which funding and a contractor would be sought. The first plan set had been reviewed by the in house design team and the project could be sent out for bids next month to see whether a right-in/right-out access would be feasible at the north end of Canyon Creek Rd South.
- He added the recent Transportation Performance Modeling Report, which was attached to his memorandum, was also provided to the Planning Commission and City Council. The Planning Commission had a lot of questions about the report and Council had reviewed it.
  - As mentioned in his memorandum, Traffic Concern 3 utilized two tables to highlight how Wilsonville was keeping ahead of the traffic count, despite increased traffic, by way of added roadway connections and signalized intersections, including Wilsonville Rd, Boones Ferry Rd, and the south on/off ramp to I-5. No intersections in the city exceeded Level of Service (LOS) D, so the delay of traffic had actually improved over the last ten years.
- He addressed comments from a citizen about site distance and the safety of vehicles entering Canyon Creek Rd from Daybreak St, noting that issue had been considered a number of times over the last few years. Intersections were designed with the Oregon State Driver's Manual in mind. The manual specifically stated that a driver must stop at either the stop bar or behind the crosswalk, and if there was not a safe view of traffic on the roadway, drivers were to pull forward and stop again. Though people did not like stopping twice, it was legal to stop in the crosswalk for the purpose of getting a better view of cross traffic, which the City did not consider a problem as the intersection met state and national site distance guidelines.

**Samy Nada** said he was concerned that the traffic study showed a 20 percent increase in the number of trips over three months. He understood that when the study was done in November, it was projected that when construction ended that would be the projected density/number of trips. He asked if that was normal.

**Mr. Adams** responded there was no normal, every subdivision and every street was different as far as what the City studied and the results. Several homes were completed. He knew eight homes were covered in the Stage II, but a handful of homes had not been constructed. A scenario where one home was removed from a lot and subsequently replaced by three homes did not always wind up in the traffic scope because, per the Development Code, anything less than a 4-lot subdivision could be considered a partition, not a subdivision, and would receive a waiver of traffic study because going from one to three homes would generate two additional PM Peak hour trips. For the days on which the 92 to 95 trips were recorded in late March, he did not know if those were better travel days or not, but that section of street could comfortably handle up to 150 trips. There was not as much traffic for the homes facing the street as there was going north and south on Morningside Ave.

**Mr. Nada** clarified that he was mostly concerned about the fact that it had changed. He understood this study should concern all the future development already approved, so new houses, even those with a Traffic Study waiver, should be considered. Even though the street could handle much more, he was concerned with the 20 percent jump in traffic, adding that perhaps the traffic study could not make accurate traffic predictions after all.

**Chair O'Neil** asked what the original minimum lot size was in the very initial the application.

**Mr. Pauly** responded it was approximately 3,800 sq ft. He clarified the minimum lot size was changed before it went out for community as Staff knew that lot size would not work. Based on Staff's feedback, and subsequent citizen input, lot sizes were raised.

**Chair O'Neil** asked if the traffic study was the only objective standard the City and Board had to assess citizens' concerns. He clarified that, subjectively, neighborhood residents complained based upon their personal perceptions or opinions about traffic conditions, whereas objective standards involved traffic patterns being studied from an objective basis by someone independent of the neighborhood. He asked if there were any other ways to assess traffic studies other than how it was currently done by the City.

**Mr. Adams** deferred the question to Mr. Mansur, who performed the traffic studies. He noted the City had always done objective studies of what was actually happening, but the data regarding the traffic and speed counts, much more often than not, did not support the concerns raised in the city. He was not saying that citizens did not have legitimate concerns. However, traffic studies consistently showed that while an occasional car might be speeding down a given street, the majority were not.

**Chair O'Neil** confirmed that the person conducting the study did not live in the neighborhood, so a traffic study was an objective standard based on statistics and the observations and opinions of the particular person conducting the study.

**Mr. Adams** noted a traffic study was a professional opinion based on that person's education and knowledge. He confirmed that the City relied on all consultants' expertise in designing projects.

**Chair O'Neil** emphasized the importance of accuracy in those reports, including accurate dates and times regarding when traffic studies were conducted.

**Mr. Adams** responded any question brought up with sufficient time to respond with an answer or any knowledge gaps would be addressed. The existing and projected counts were the most important aspect of the traffic reports, which was what he looked at the closest. He then added those counts together and made sure they made sense and that there were no addition errors. In 10.5 years of doing this job, he had never checked to make sure the date matched the day of the week. In his opinion, it was not a red flag.

**Chair O'Neil** clarified he was not concerned with whether Mr. Adams looked at dates or whether he was responsible. Rather, he was concerned about whether the traffic study was being conducted during a time period that would address the traffic concerns of the citizens. If it was not accurate, he would side with citizen testimony because, in his opinion, the only objective evidence Staff had was not credible.

**Mr. Adams** noted that this was not a court and scrivener's errors occurred. As mentioned last month, traffic studies were done on Tuesdays, Wednesdays, Thursdays, or during a seven-day period. To his knowledge, from his professional experience and from speaking with Mr. Mansur that was the way it was set up. The date was a Tuesday and it was the 17<sup>th</sup>, so someone had dropped a 1 from the 17 and he had mistakenly written "Wednesday". Despite reading through the report numerous times, he did not catch the error. However, the importance was that the study was done midweek, not during a holiday or school break period, so an accurate representation could be determined. When these studies were set up for all development in the City, he worked with Mr. Mansur and his staff and often discussed what days the study would be conducted to make sure they chose the correct week, and they were not out of sequence or picking up something unusual.

**Chair O'Neil** reminded that as a quasi-judicial body, the Board had to rely on the evidence being presented being accurate.

**Scott Mansur, DKS Associates**, responded to the concern about the 20 percent trip increase, stating that when counting on lower volume local streets, it was very common to have a larger 10 to 20 percent variation in traffic, just for the number of residential subdivisions and homes, because traffic volumes were already pretty low. Collectors and arterials had much higher volumes, so when doing a count, the variation would typically fall between a 1 and 3 percent change.

- He apologized for the error on the traffic study referenced by Chair O’Neil, and the confusion it created. However, they had looked at the volumes and analysis, and had even conducted some additional counts, all of which had verified the original assumptions of the analysis.

**Chair O’Neil** asked if Mr. Mansur, based on how DKS did the reports, believed he was using the standard established within his expertise and his community to give an assessment on traffic within the City of Wilsonville.

**Mr. Mansur** responded that was correct.

**Chair O’Neil** asked if Mr. Mansur understood the importance of the report being accurate for the person who was reviewing and evaluating it.

**Mr. Mansur** responded absolutely. He added the most important things were safety and operations and that the reports were accurate and gave a clear understanding of whether Code standards were met from a safety and operational mobility standpoint.

**Mr. Pauly** continued his presentation, noting the additional exhibits received since the March 12, 2016 hearing with additional comments:

- A memorandum from DKS Associates dated April 20, 2016 correcting the typographical error to Tuesday, November 17<sup>th</sup>. (New Exhibit C7)
- A letter with accompanying pictures from George Johnston regarding concerns about site distance and access to the neighborhood, which was included in the meeting packet. (Exhibit D8) He noted Mr. Adams had addressed those concerns in his presentation.
- An email received April 20, 2016 from Republic Services discussing how trash and recycling could be collected in the neighborhood. (New Exhibit C6) Though this had been discussed with Republic Services previously, nothing was formally in the record. Republic Services had also discussed delivery trucks, like UPS and FedEx, but the primary focus was on trash collection.
  - He had spoken with the local operations manager, who spoke with the supervisor and route drivers, who described how they would service the area and confirmed they were comfortable serving the development.
  - Extending McGraw Ave would eliminate some of these issues, but the timing of the extension, if it even occurred, was uncertain, and would be up to the property owners there.
- An email from the property owner to the north discussing concerns about density and, specifically, about having a home next to them, having a buffer, and a preference to eliminate Lot 1. There was also discussion about another nearby development Mr. Miller was involved in, comments on the real estate information provided in the last hearing, and comments on Villebois. (New Exhibit D10)

**Chair O’Neil** called for the Applicant’s presentation.

**Kelly Hossaini, Land Use Attorney, Miller Nash, 111 SW 5<sup>th</sup> Ave, Suite 3400, Portland, OR 97204**, introduced herself and her colleagues, noting that she was available to answer questions or offer rebuttal, if necessary.

**Annemarie Skinner, Director of Planning, Emerio Deign, 8285 SW Nimbus Avenue, Suite 180, Beaverton, OR 97008**, gave the Applicant’s presentation with the following comments:

- At the last hearing, two specific mandates were given as part of the continuance. One mandate was from Chair O'Neil regarding the traffic study. Additional counts were taken by DKS, and Mr. Adams and DKS just gave a thorough presentation, which she believed addressed all those questions.
- The second mandate related to the side setback waiver request and came from Commissioners Scull and Nada. In response, the Applicant completely eliminated the side setback waiver; therefore, all setback requirements, all minimum lot size requirements, and all minimum lot frontage width requirements had been met.
- No specific mandate was given regarding the layout, but Commissioner Woods had expressed some concern about the layout. She explained that from the very beginning of the project, the first thing that was done when putting together the layout was putting the park immediately adjacent to the Significant Resource Overlay Zone (SROZ) and aligning the street with that park. This was done specifically to create a feel and look that would preserve the natural beauty of the SROZ with an expansion of the park. The park would remain as a forested, natural area and would not be graded and landscaped with a standard lawn, which was done on purpose, in order to extend the feel of the SROZ area.
  - A further extension of that area was the natural manmade pathway that would be constructed out of bark and extend through the park and SROZ, and become part of the City's planned pathway along that area.
  - The lot layout stemmed from the park and resource area. To get the number of lots to meet the City's minimum density requirement, which could not be waived, it was by necessity that three of the lots had to run east to west rather than north to south, which had caused some concern.
    - She noted the lots on the west side of Canyon Creek Rd all ran east to west and took direct access from Canyon Creek Rd. There were also three Bridle Trail Ranchettes lots to the south of the subject property that ran east to west that took direct access off of Canyon Creek Rd, as did two lots immediately north of the subject property.
    - The three lots that were part of this development that ran east to west, and specifically, the one that took access from Canyon Creek Rd, was no different from the original development of the Bridle Trail Ranchettes. Therefore, nothing different was being proposed than what was already there. The existing lot took access from Canyon Creek Rd.
  - The layout as presented now, and as had been addressed in the findings and supplement responses that were submitted, met all of the Code's development standards. No waivers were being requested with the exception of the average lot size. That average lot size waiver was necessary because of the significant amount of SROZ that had to be retained and a waiver of minimum density could not be requested.

**Mr. Nada** asked if there would still be parking on the Public Street A after the modification.

**Ms. Skinner** confirmed there would be parking on one side of the street, but she did not know how many spaces there would be and offered to get back to Mr. Nada with that information. The Applicant had not determined which side of the street parking would be allowed, but she did not believe there was any significance either way.

**Richard Martens** asked if the houses had to be redesigned in order to meet the side setback of 7-ft versus the initial request of a waiver of 5-ft, and if so, how many had to be redesigned.

**Ms. Skinner** replied the Applicant had not decided on a specific house design yet, so no redesigning was necessary. The houses on the narrower lots would simply need to be designed to be narrower.

**Samuel Scull** asked if the private street would have open parking or if there would be restrictions.

**Ms. Skinner** replied she was not aware of any parking restrictions. The fire department would determine whether they had enough room to get through if parking were allowed, but Jason Arn of the fire department had not provided any feedback one way or the other regarding parking.

**Scott Miller, 10211 SW Barber St, Wilsonville, OR** clarified that Ms. Skinner had stated Canyon Creek Rd but Lot 1 would actually take access Canyon Creek Rd South, as did the existing other lots. Any new development from Renaissance would take access directly onto Canyon Creek Rd South as well. Therefore, the Applicant was not setting precedence by having Lot 1 take access off of Canyon Creek Rd South. It was already being done and would continue to be done with the new development occurring across the street and most likely as other lots eventually developed over time in the area.

- The layout was driven strictly from the fact that the Applicant had to meet all of the different requirements, namely the requirement to have a quarter-acre park as part of the development, which was the only time in the recent development of the area where a developer had been taxed with having to provide that park and still try to meet all of the other Development Code items. The Applicant was able to achieve that, and based on where they had located the park and how it would interact and interplay with the SROZ area, their planners had done a marvelous job laying that out. This amenity would be directly accessible to all the homes the Applicant was developing and to all the homes in the existing neighborhood. It would be a great amenity for the city over time.
- He noted the letter sent by Mrs. Barr (Exhibit D10) had some incorrect information. He clarified that he did not develop Oak Patch Court or have anything to do with the design. That was Doris Wehler. He simply bought a lot and built a home, adding that he had lived there for 15 years quite happily with great neighbors. It was a great private community that was well done. There were shortcomings, but he believed that overall they had done a pretty good job with the layout, especially having had to deal with an SROZ area.

**Chair O'Neil** called for public testimony in favor of, opposed, and neutral to the application.

**George Johnston, 7897 SW Daybreak St., Wilsonville, OR, 97070** verified that everyone had received his pictures of the site. He noted an incident that occurred in the city of Newberg where a motorcyclist was hit and seriously injured by a vehicle whose sight was blocked by a power pole. The vehicle owner's insurance company sued PGE, the property owner, and the city of Newberg and everyone settled out of court.

- There was enough sight distance at the intersection of Daybreak St and SW Canyon Creek Rd. A vehicle would need to enter the crosswalk in order to attain sufficient sight distance; however, if someone stepped into the crosswalk, the driver would be cited because it is illegal for a vehicle to be in the crosswalk when a pedestrian was there.
- He noted the first traffic study stated each single-family home would only generate one trip and asked if that was correct.
- He also wanted to know when the 9<sup>th</sup> Manual the traffic engineer referenced was published because he had a neighbor who had three generations of people living in his house and seven cars that parked mostly on the street. He questioned how one trip per single-family home had been predicted.
- He believed there was some misunderstanding regarding what the traffic engineer called a trip. In his opinion, one trip was going somewhere and coming back; however, the traffic engineer defined a trip as one way. Did 90 trips mean in and out or one trip times ten, which would be 900 trips.
- He reiterated that the intersection of Daybreak St and SW Canyon Creek Rd was very unsafe.

**Michelle Zalec, 7901 SW Cinnabar St, Wilsonville, OR, 97070**, believed development was important for any part of the area; however, adding more homes to this area would make it unsafe. Since Canyon Creek Rd had opened, traffic had become incredible. There were a lot of people who crossed that road, and although there were crosswalks, vehicles were not slowing down; 35 mph was not safe for that area,



and vehicles were traveling much faster than that. She lived at the corner of Canyon Creek Rd and Boeckman Rd and vehicles drove by at all kinds of speeds.

- The realignment at Morningside Ave in Canyon Creek had not done much to help the situation as vehicles were still going out using that left turn only area. As far as having two separate entrances and exits to that area, Renaissance had not done its due diligence. She was told that they had looked at a map to determine if there was enough room for vehicles to see before coming out of the area, but there was not due to the presence of a fence.
- If this developer was allowed to put in 14 more homes, possibly resulting in 28 additional vehicles, more development would follow that would keep adding to the issue. There was already not enough room for vehicles going in and out, and there was no outlet for traffic.
- Currently, there was only one outlet for traffic, and it was based on another 11 homes by Renaissance that just went in, plus the five homes that would be going in on Canyon Creek Rd South. These additional 14 new homes would cause a traffic and safety issue as far as trying to keep it a nice neighborhood.
- In her opinion, everyone would like to see the area developed, but with a smaller number of homes because 14 homes was a bit ridiculous and would look too crowded. She and her neighbors had moved there for the premium value of their homes. As these large areas were being developed, the values of their homes were going down, which she understood was their problem. But Wilsonville was a beautiful area and attracting huge developments. If this developer was able to do this, what would stop someone else from doing it?

**Kristen Colyer** noted here address was on record. She appreciated that the increase in traffic had been noted. She also had believed the 11 homes that were built were included in the traffic study and was shocked to see the 20 percent increase. She wondered if Renaissance's five to six new homes that would be built across from Mr. Miller's proposed development were taken into account in the traffic study.

- She pointed out that the simple traffic just coming in and out was not covered in the study during that time. Her home was on the corner of Canyon Creek S and Summerton St, and it was a speed zone with cars flying in and out. As a Wilsonville citizen, she did not believe the citizens of Wilsonville had representation from Mr. Pauly or Mr. Adams from that respect.
- There was a time and place when citizens needed to be listened to and given the number of citizens present and arguing, they were done with the traffic and did want anymore. She understood development, but what was proposed was too much for the neighborhood. Even an additional exit and/or entrance would not change the number of vehicles coming in and out of the area.

**Pompy Goswami, 28592 SW Morningside Ave, Wilsonville, OR** said she had been a resident of Wilsonville since 2006 having moved into one of the new Renaissance homes. She had been extremely happy in her home up until about one year ago when many changes started to happen. For instance, the entrances and exits to the community had been very difficult, at one point it was blocked off and then having had to be extra careful. Currently, drivers had to inch forward to ensure there were no pedestrians and see if the road was clear in order to proceed, which created traffic backups.

- She noted that when the road opened up, crime in the area had increased slightly. Suspicious-looking people were seen driving around, and some homes had been broken into. The new development had brought a lot of new anxiety and stress to the community about the future.
- She had walked through the back of the neighborhood and was surprised that so many homes would be built in such a small place. She wondered what the impact would be to the overall neighborhood.
- Residents in the neighborhood were at different stages of life, but everyone wanted children to be safe, to be able to walk to the bus stop without worrying about the cars speeding by on Daybreak St. The kids were trained, but as a community, they should be able to go as they wanted. There were so many cars and it had been a problem.
- From her point of view, too many new people coming in would cause disparity and emotional distress. Wilsonville was a nice community, but there would be a lot of tension in a situation where

there were too many homes cramped together in one small area versus other homes in a nicer location and situation. This stress was not something that citizens wanted in a neighborhood that had been so peaceful, had grown together, and that had lived in harmony and were doing well.

- Development was important, but it should also be for people to enjoy, not for people to just move in and have a certain intention, rather than looking at the beauty of the neighborhood and the neighbors were proud of that. Wilsonville had a lot of spaces where there was more road access and easier traffic, and this place did not have that.
- She was concerned that the neighborhood's small community feel would go away if this development happened.

**Mark Kochanowski, 28450 SW Canyon Creek Rd South, Wilsonville, OR 97070**, noted the SROZ and that five homes would get folded back into the development and create a new magical number of 14 homes. He asked the Board to forget about waivers, variances, or whatever else they wanted to call it, if the minimum lot size was not met; he asked that the Board not approve it, if that was his only means.

- He said he would not cuss about livability and noise. He did not think the seven two-acre parcels deserved to be cookie-cuttered up into 14 home parcels for every four acres available.
- He would not go back to his photos showing the three houses that ran along the property line. It did not fit.
- Of the other 12 developments Ms. Boeckman pointed out in her letter, he wanted to see the SROZ that was impacted. There were none, as far as he knew, of this significance. The City was playing a game with the SROZ. The Applicant did not meet the minimum lot size. He did not know if it was 7,000, 5,000, or 3,800 sq ft; he got a different story each time he had called Mr. Pauly every week or two, so the lot size was a moving target.
- He noted his dissatisfaction with the Board. At the last meeting one Board member had stated, "It is not our job to stop development," and he wanted to know why not. If it did not fit, it should not be let through. He was not in favor of hearing that comment. It was just another dart on the board that gave him a bias about this whole process. He hoped the five citizens of the Board could make a good judgment on this proposal. The way he had heard Richard Martens' comment was that it was not the job of the Board to stop development. Ultra high density greed, whatever it was called, he did not think it fit into one of seven lots.
- He concluded that this process had been an ugly one for Mr. Kochanowski.

**Chair O'Neil** confirmed there was no additional public testimony and called for the Applicant's rebuttal.

**Ms. Hossaini** stated that with respect to traffic, the new homes would be part of the neighborhood. The people living in them would be part of the neighborhood and would use the streets in the same manner as everyone else in the neighborhood, to get to and from their houses, the grocery store, work, or wherever they needed to go. There was no reason to expect that they would drive recklessly or be problematic as she was sure many would have children just as the existing residents had children. They would not be cut through traffic like folks running through the neighborhood trying to get from Point A to Point B.

- The traffic study found that the transportation system was more than adequate to accommodate the development and that it was safe. She understood that people living on a street would have a different perception as to how many cars were driving by and at what speed they were traveling; however, the traffic study done for this neighborhood, like other larger studies in Wilsonville, did not bear out that tons of traffic were speeding by and using these streets.
- To Mr. Kochanowski's concern, the minimum lot size had been met, so the Applicant was not asking for a waiver. As stated in the letter, if Mr. Pauly wanted to add another condition of approval to the application to add some additional screening, fencing, trees, and shrubs to provide enhanced privacy between the Kochanowski property and the proposed new properties, the Applicant was happy to provide that.

- She noted Cross Creek also had to work with the existing SROZ area, as would most all of the lots on that side of Canyon Creek South.

**Ms. Skinner** reiterated that the Cross Creek Subdivision did have the SROZ and had 13 lots. The Applicant's proposed development had 14 lots. She confirmed with Mr. Pauly that Cross Creek also had to have some type of average minimum density requirement waiver and noted that the proposed development was almost identical to Cross Creek. A lot had been said about the number of homes being put into a small area, but when looking at the tax map for this section, all of the people living in those developments were in the same squozen in area being proposed here, so the Applicant was not breaking any new ground.

**Mr. Miller** added there had been a lot of comments suggesting the proposed development would be a subquality insertion of homes in what was currently a Canyon Creek, Renaissance, and Cross Creek development; however, the truth was that these homes would be the same distance apart, the same height, and the same size as existing homes in the area. And, they would sell at the same price point. These were not Villebois homes, nor would it be like Villebois from a density standpoint. That was not the Applicant's intent. The intent was to blend in with the existing community and what had already been approved and was being constructed, which was why the Applicant laid it out in a way to provide an amenity, such as a park for kids to play in.

- The quality, the size, and the colors would be no different than any Renaissance home an existing resident would see to the right or the left. He did not want to do anything that did not blend in with the community. He was not that type of developer.
- As stated previously, his hope was to buy a home for himself and his family and as such, he wanted the proposed new development to be just as good as everything else already present, which he believed they had achieved that with their site layout, home design and quality, and everything else.
- He noted that of the existing Renaissance and Cross Creek homes, a majority had a 5-ft setback because they had a waiver and the new homes had a 7-ft setback. The Applicant's current proposal was also a 7-ft setback, providing a total of 14 ft in between homes. Mr. Kochanowski's home was 10 ft from his property line. The Applicant's new proposed home would be 7 ft from the property line, resulting in a total of 17 ft, giving him more space between his home and the home being developed south of his property than any other home currently in that neighborhood that had been built since 2004.

**Chair O'Neil** confirmed there were no questions for the Applicant and asked Staff to address some questions that had been raised.

**Mr. Pauly** noted the questions about the standardization of calculating trips for single-family homes and the ITE Manual.

**Mr. Mansur** clarified that the one trip generated for each dwelling unit was only in the PM Peak Hour from 4:00 pm to 6:00 pm. Each dwelling unit would generate about 10 trips per day on average; average meaning that in one home, the main owner might ride their bike or use transit, whereas another home might generate three trips; however, it averaged out to about 10 trips per day, per single-family home. He also clarified that a trip was defined as one way, either coming or going, but not both. He noted the 9<sup>th</sup> Edition Institute of Transportation Engineers Manual (ITE) that was referenced was documented in 2012.

**Aaron Woods** confirmed that leaving home would be one trip and returning home would be trip two.

**Mr. Nada** asked what parameters the City used to determine if a speed limit should be changed and what could lead to a speed limit being changed.

**Mr. Adams** replied speed limits were an interesting topic and that most citizens did not understand how they were developed. The State Highway Engineer set two speed limits for cities to consider: 25 mph or 55 mph, which was the default. Anything between 25 mph and 55 mph required a speed study, with photographs and a detailed report, to be submitted to the State Highway Engineer. His staff would look over the data, photographs, average speed, and the speed limit being requested, and then a letter was sent to the City stating what the speed limit would be set at.

- The City had asked for particular speeds on certain streets, but had been told the speed had to be higher or lower than requested. The City did not always get what it asked for from the State.
- He and Community Development Director Nancy Kraushaar would love to see slower speeds on many city streets. They received complaints on Boeckman Rd and Graham's Ferry Rd by Villebois. Canyon Creek Rd was 30 mph between Vlahos and Boeckman Rd, and 35 mph between Boeckman Rd and Elligsen Rd; however, the City did not control the speeds.
- If a speed limit was arbitrarily set by the City and not mandated by the State Highway Engineer, the police department could not legally enforce speeding. The only way the police could issue a speeding citation was if the speed limit on a given street matched what was determined by the State Highway Engineer and provided to the City.

**Chair O'Neil** stated it was imperative to him to treat every person fairly. He took his quasi-judicial role seriously. When he made his personal decision, he wanted to be sure he was making a decision that could be considered fair as another developer who had come earlier that had a similar traffic study and was approved, as opposed to one that might have an anomaly. He asked if the traffic study, and the impact it might have on this size of a community, was fairly consistent with other neighborhoods of a similar size.

**Mr. Adams** responded the traffic studies had been consistent throughout his 10½ years in his current role with the City. Mr. Mansur had been the main person at DKS for that entire time. He and Mr. Mansur had developed a good rapport with each other. It was not uncommon to have concerned citizens when new development occurred, but they did traffic studies, looked at the intersections, and DKS made recommendations based on trying to make the city as safe as possible within the existing Code and laws.

**Mr. Nada** asked if part of the process included conducting a follow up traffic study after construction had been done to see if the projections had been met or not.

**Mr. Mansur** replied on the subdivision side, a lot of follow up was done. As an example, a full traffic study was done for Villebois and numerous different subdivisions in Wilsonville were counted to determine whether the ITE Manual was consistent with subdivisions within Wilsonville. When DKS had gone back after those subdivisions were built and compared the counts to the ITE data, it was very close.

**Mr. Adams** added the City tried to look at a lot of the intersections and streets within the city and make sure the data was accurate within the last two to three years, which had been a more recent push by the Ms. Kraushaar to ensure the City could stay on top of it.

- The Transportation Performance Modeling Report that was completed in January 2016 was instituted namely to see how well the City's intersections were performing. Were all the trips being captured? Were the intersections handling the traffic coming through the city? Were there any unforeseen trip increases in certain intersections that were not captured? After building on Day Rd, the traffic trips were much, much higher than was anticipated in the initial studies. The general belief was that a lot of drivers did not want to deal with Tualatin Sherwood Highway and were Day Rd as a back way in and out, although he did not know if that had actually been determined. He explained the modeling report enabled Staff to do a better job of tracking where they were at [LOS] on the intersections throughout the city.

**Mr. Nada** asked with regard to consistency with the projection, what range did the follow up show.

**Mr. Mansur** responded about 3 percent to 5 percent.

**Chair O'Neil** noted there had been some testimony tonight about stopping development because of density issues or traffic concerns, which, as a citizen of the community, he understood. He understood that the DRB was charged with evaluating the Applicant and the evidence that was properly before the Board, and that any broader discussions of traffic concerns or stopping development in a larger scale were specifically reserved by the Planning Commission and City Council.

**Barbara Jacobson, City Attorney**, explained that the Board would be deciding tonight whether or not to recommend the zone change to allow the 14 lots. The Board's decision was not final; it would forward a recommendation either for or against. The Board made final decisions on peripheral items such as the layout, park plan, etc., but the decision regarding density fell to the City Council, so there would be another hearing on that issue.

**Chair O'Neil** did not believe some of the issues were within the purview of the DRB. He was sympathetic to some testimony regarding citizens' concerns about the way the city had grown and traffic issues, but that did not necessarily address the specific Applicant's area but, rather, a broader scheme of policy judgments that were reserved either by the Planning Commission or City Council, and were not a part of the DRB's deliberations tonight.

**Ms. Jacobson** confirmed that was correct, adding the Board was concentrating on one unique development. Any density or traffic issues were broader issues than this specific development alone and should be addressed by the City Council. She believed Staff heard the citizens' comments and any comments about a certain intersection was a good indicator for Staff to take a look at that intersection and note those comments.

**Chair O'Neil** confirmed the Board had sufficient information in front of them from the Applicant, citizens' viewpoints, and Staff to formulate an opinion. He closed the public hearing at 7:54 pm.

**Richard Martens moved to approve Resolution No. 324. Aaron Woods seconded the motion.**

**Chair O'Neil** believed it was important that the DRB make consistent decisions; however, over the years in his personal observations, both as a lawyer and a citizen, he had seen that traffic studies and the use of traffic engineers sometimes have inadvertent problems.

- Historically, there were assessments done years ago that the studies were at one point utilized to further the desires of developers and the desires of public entities to gain more tax revenue. He had concerns personally when listening to citizens who work fulltime and took the time to come in and testify about traffic concerns and when the traffic study was not accurate –and he believed a date was important. He understood a typographical error on other matters, but when the Board was evaluating when the study was actually taken in a neighborhood, and it was only done once and there were a bunch of citizens coming forward to present evidence that suggested otherwise, it raised concerns.
- As a citizen, he would also be concerned if someone was building in his neighborhood and probably would not want the development either. He would be concerned about traffic and everything else. He also understood the City's position of having DKS operate in an independent way to give an objective assessment outside the neighborhood, and it could not always be perfect of what the concerns were.
- The need to have consistency in DRB decisions, that the developer and owner of the property were treated equally as well as any other developer, was important as well.
- His had received some chagrin and tension in his exchange with the City, typographical errors on a traffic study when everyone in the community and city knew there was a problem with traffic was unacceptable to himself as an individual Board member. It was not the City's fault. It was the traffic

engineer they had relied on. He believed it was very helpful to hold this application over and he appreciated DKS coming forward and that Staff took another look at the traffic. It was helpful.

**Mr. Martens** thanked Chair O'Neil for his comments and his earlier clarification regarding the role of the DRB. He was also sensitive to the concerns of citizens and also shared many of the concerns about development, density, traffic, etc. He took his role on the Board very seriously when considering what the Board could and should appropriately be asked to do. Last month, a representative of the Planning Commission seemed to be asking the Board to perform a role that was properly that of the Planning Commission and City Council. With regard to this application, he was sympathetic to the various concerns; however, he also saw that it was consistent with the surrounding development and met the very rigid and exact criteria of the City Planning Department; therefore, he believed it was incumbent upon the Board to move forward and approve the application.

**Chair O'Neil** added he had served on the Board with Mr. Martens for more than a year and a half and had always believed that he and everyone else on the Board took the time to evaluate the evidence that was presented. Although it was not a courtroom, it was in a sense an evidentiary presentation that was important and as such, the Board took the time to review it. He appreciated Mr. Martens' service and believed that Mr. Martens had always made decisions based on what he thought was right.

**Mr. Pauly** noted Line 7 of the resolution title needed to be corrected, changing "WAIVERS" to "WAIVER".

**Chair O'Neil moved to amend the Staff report to include Exhibits C6, C7, and D10 and correct Finding G1 to reflect the average lot size as follows, "5389.2 5433.9 square feet." Samy Nada seconded the motion, which passed unanimously.**

**Chair O'Neil** restated the main motion and read the full title of Resolution No 324 into the record, correcting Line 7 to state, "**TYPE C TREE PLAN, WAIVERS AND TENTATIVE SUBDIVISION PLAT ...**"

**Motion to approve Resolution No. 324 as corrected was unanimously approved.**

**Chair O'Neil** read the rules of appeal into the record.

**Chair O'Neil** called for a brief recess and reconvened the DRB Panel B meeting at 8:14 pm.

#### **VIII. Board Member Communications**

A. Results of the April 11, 2016 DRB Panel A meeting  
There were none.

#### **IX. Staff Communications**

**Daniel Pauly, Associate Planner**, commended the Board on a great job communicating to the audience that was present this evening and how they handled a tough situation.

**Chair O'Neil** asked if the Board had any comments regarding the DRB training session that was to follow the meeting.

**Chair Woods** asked if the training session was really needed. He had reviewed the traffic analysis in depth and had heard a lot of what was stated, so he was unsure what else would be in the training piece.

**Chair O'Neil** said he felt personally responsible for the training based on the concern regarding the evaluation of evidence that was before the Board. He did not want other Board members to feel training was warranted because of his individual assessment of what he believed was sufficient evidence presented before the Board in the first meeting. He was personally very familiar with traffic studies, as he had used them in litigation. He admitted he did need motion practice. He meant no disrespect toward DKS. He understood and appreciated what DKS did, but did not see why they needed to be present for the training.

**Mr. Pauly** added there had been some discussion about training after the last meeting that was further reinforced after DRB-Panel A. There had been a warehouse expansion that added essentially no additional trips, maybe six trips, so a traffic waiver was issued, yet there was still a lot of discussion about traffic, and there would continue to be regarding future projects. He noted the traffic training could be adapted to whoever elected to stay, which was why Staff recommended having the motion making training first.

**Chair O'Neil** confirmed DRB Panel A was scheduled to do the traffic training on May 9, 2016. His concern was that there would be future testimony regarding traffic and parking on a recurring basis. He reiterated the need for accuracy in the testimony presented from all sources, including the City, so that when the Board needed to address citizens' concerns they had some comfort zone.

**Mr. Martens** asked how the Board should use a traffic study. Assuming everything presented was accurate, it seemed to be background and in most cases would not be a red light/green light kind of situation for the Board.

**Mr. Mansur** explained the two most important items in the traffic study would be related to the criteria, as well as safety and concurrency, which was whether the project met the mobility standards of the City. The 14-lot subdivision had been a very small traffic study. Larger impact studies, such as for Fred Meyer or Argyle Square that analyzed huge traffic generators, involved more complexity. The number one item was safety. From a sight distance and circulation standpoint: were pedestrians coming to/from the site; were there conflict areas between motor vehicles, pedestrians, and bikes. Number two was concurrency. Did the study intersections meet the City's standards or not. He confirmed all of that would typically be vetted at the Staff level before it reached the Board. He was sympathetic to citizen concerns, noting everyone had perceptions about what was an impact to their neighborhood. Having 140 additional cars added to a neighborhood with kids playing in the street was a concern, but the issue was meeting the safety and concurrency standards.

**Chair O'Neil** added that even though City Staff reviewed the traffic study, ultimately, as the quasi-judicial reviewing body, the Board had to evaluate what was presented. As an individual member, he had to make a decision about the evidence presented in the hearing to make that decision. He did not believe the Board could rubber stamp a traffic study just because Staff reviewed it. The Board's obligation was to stand back and look at it, and 99 percent of the time, Staff's review would likely be fine, but when there were disparities, the Board had to make a judgment on the evidence.

**Mr. Woods** commented that the Board had heard a lot of testimony this evening from residents who said there was a lot of traffic. While that was subjective, the Staff's information was based upon a study where DKS had seen cars. As a quasi-judicial body, the Board also had to consider what the residents were saying, even though in that context, it was somewhat subjective because emotions were involved. Mr. Martens had raised a good point with regard to how the Board should use the traffic study information. As an analytical person, he clearly understood the information; however, the testimony from residents did weigh in, even though some of it might be subjective.

**Mr. Mansur** noted that in most other jurisdictions in Oregon, the developer hired the traffic engineer who then did a traffic study on their behalf which was then reviewed by the city. Due to prior experience,

Wilsonville found it was better to hire one consultant that reviewed traffic on behalf of the City. The developer submitted their plan and discussed their desire, and then DKS provided the traffic study on behalf of the City, so it was a third party evaluation.

**Chair O'Neil** appreciated that the City had that, although it was not a perfect system because there would be citizens that would come before the Board and testify that the City itself had a desire to develop to gain tax revenue and therefore, the City was also paying DKS' bill to make those assessments. So, there could be a question about the objectivity of the traffic reports, which was another reason for the reports to be accurate and thoughtful, and when there was testimony from the City that the reports were not rubber-stamped, but discussed. Without that, citizens would not trust the Board or the City. He did not want that to happen as he was very proud of the City of Wilsonville and its employees.

- He cited a memorandum dated April 2008 from former Assistant City Attorney Paul Lee that the Board had been given regarding training for land use decision making. He read, "When evidence is evaluated it does not matter how many people testify or how much paper is submitted. The decision maker," which was the entire Board, "should look at the type and quality of the evidence submitted, not the quantity. If there is a competing expert testimony, it is sufficient if a reasonable person would accept the testimony the Board chooses to credit."
- A comment had been made that this was not a court room, but the Board still evaluated and weighed evidence, and that was consistent with a statute that governed the Board, which he took very seriously. Therefore, when he saw a mistake that he believed was critical to an expert's position on things, he would bring it up.
- He reiterated that he appreciated DKS being present for the training, but if he was responsible, he believed that was unfair to the rest of the Board members.

**Ms. Jacobson** suggested adjourning the meeting, and, rather than have a traffic study training, the Board could have a roundtable discussion with Staff to brainstorm some ideas that would be helpful.

## **X. Adjournment**

The meeting adjourned at 8:27 p.m.

### **➤ Development Review Board Training Session**

- Traffic Study Analysis by Steve Adams
- Motion Making training by Barbara Jacobson

Respectfully submitted,

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