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

Approved as Corrected
May 10, 2021

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

I. Call to Order

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

II. Chair's Remarks

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

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

III. Roll Call

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

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

IV. Citizens' Input

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

V. Consent Agenda:

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

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

VI. Public Hearing

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

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

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

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

Chair McKay called the public hearing to order at 6:41 p.m. and read the conduct of hearing format into the record. All Board members declared for the record that they had visited the site. No board member, however, declared a conflict of interest, bias, or conclusion from a site visit. No board member participation was challenged by any member of the audience.

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

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

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

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

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

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

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

- Condition PDF 7. The Applicant shall appropriately clear any debris and invasive species within the SROZ area prior to planting any mitigation plantings.
- Condition PDF 8. The applicant shall submit a revised tree preservation and removal plan that shows the retention of Tree Nos. 6245, 6246, 6247, and 6248, and include proper tree protection fencing for those trees.
- Condition PDF 9. With the arborist report completed, Staff expected that future construction might impact the trees at the rear of Lots 4 through 8. If such issues arise, the project arborist shall provide City staff a written explanation of the measures considered to preserve the trees along with the line of reasoning that makes the preservation of the tree not feasible. Prior to further construction within the tree protection zone, the City would verify the validity of the report through review by an independent arborist to ensure that the tree could not be preserved. If it was ultimately decided that the tree cannot be preserved by both arborists, then the developer may remove the tree, and would be required to plant one tree of the same variety at another location within the project area.
- Condition PDH 1. Lot 8, a corner lot, shall have a 10-ft sideyard setback along the western lot line.

- Applicant Responses. Staff e-mailed the Applicant regarding several concerns that were uncovered while reviewing the application materials and/or that were raised by residents. The Applicant responded to those concerns on March 24, 2021, and those materials were contained in the staff report as Exhibit B5.
  - The Applicant revised their waiver request for a 5-ft sideyard setback to interior lots only, and requested 7 ft for Lot 8, which was the corner lot. As noted earlier, the revised waiver request was still conditioned as previously noted.
  - A service provider letter from Republic Services was provided that stated the approval of the proposed subdivision configuration for solid waste collection.
  - The Applicant provided an exhibit showing the current subdivision configuration could meet the turnaround radius for Tualatin Valley Fire & Rescue's (TVF&R) equipment.
  - The Applicant did not provide additional information on the feasibility of the tree removal plan, which was why numerous conditions were added by Staff to ensure the trees were preserved to the greatest extent possible.
  - Staff recommended approval to City Council of the requested Comprehensive Plan and Zone Map Amendments, as well as the requested applications with conditions as noted in the Staff report. He entered into the record the public testimony submitted after the deadline, including their relevant exhibit numbers.

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

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

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

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

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

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

Mr. Bradford responded that the subject property was bordered by PDR -4 to the south, PDR-3 and RA-HR to the west, and PDR-4 to the east. (Slide 9)
Ms. Svadlenka noted Findings A24 and A25 discussed the variety of housing types and encouraging variety, especially in housing balance. She asked if the proposed homes would be in the medium to high price range.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. Pauly added that met Code.

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

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

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

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

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

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

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

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

Mr. Le confirmed Mr. Pauly's comments.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- As previously stated in the traffic memo, he reminded that the application had been for 11 lots at one time. The Applicant had considered vacating the right-of-way to take advantage of using that space as open space to go along with Tract A. However, the request to vacate was not well-received by neighbors, so the Applicant moved on to an alternative option, which resulted the application proposed this evening.
- The original option had proposed removal of all trees. However, after relooking at the plan again, the Applicant figured a few tress could be retained and let their removal be determined with the development of the homes. Therefore, the Applicant's Protection and Removal Plan was based upon the grading it would take for the site to get developed with the new streets and the lots, but not for the future homes.
    - He reiterated the Applicant was not proposing tree removal and preservation for the homes, but only for the construction of the subdivision. Some trees could be preserved with the homes, but it would be determined when the homes came in. The Applicant believed the condition of approval was good the way it was written because it provided that flexibility, but two trees would need to be removed to accommodate the home on Lot 8.

- The Applicant had chosen a 7 ft setback on Lot 8 because of the unimproved right-of-way that the City was agreeable to vacating. Everyone realized the street would not be utilized as part of the overall transportation system. It had been dedicated as a right-of-way in anticipation that it might be necessary, but with the construction of the nearby apartment complex, it was no longer necessary for the right-of-way to be punched through. The emergency access gate would be preserved, and the Applicant would add a curb cut, so the gate could be used and to facilitate the turning of emergency vehicles.
    - Lot 8 was not a typical corner lot because of that reason, so the Applicant really preferred a 7-ft setback. As seen with the narrower lots approved in the recent Code revisions for the PDR-3 Zone, as the setbacks were pinched down, the Applicant's ability to get comparable homes in the neighborhoods to the south, north, and west was limited. Ten feet did not seem practical for the same reason removing some trees at this point was not practical. As such, the Applicant asked that the 7-ft setback on Lot 8 be allowed.
    - Displaying an aerial slide, he indicated approximately where Lot 1 would be on the plan and its relation to an existing home to the north. He understood the homeowner's concern and clarified the homes would not be close to each other. Similarly, if the property to the north were ever developed and the street was extended to the north, the homes would feature adjacent side yards, providing space between the homes. Therefore, the Applicant was requesting a 7-ft setback for Lot 1, which was consistent with the PDR-3 zoning. The Applicant was confused as to why they were being held to an old standard when they were doing a zone change. The Applicant was agreeable to the 7-ft setback for the lot in question, but 10 ft did not make sense.
        - Similarly, a 7-ft setback was necessary for Lot 3 as well because of a 7½-ft easement to the north for the sewer line to enter a nearby manhole. If the lot was cut off by another 10 ft, the resulting home would only be about 25-ft wide, which nobody

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

- He asked the DRB to strongly consider the setback request. The Applicant had put a lot of thought into getting like-sized homes on the lots with setbacks that helped mitigate some of the impacts and without ruining the opportunity to get reasonable-sized homes on them.
- The easement for the storm sewer was 7½ ft on each side of the lot, in addition to another 7 ft elsewhere on the lot, for a total of 14½-ft lost on the width of Lot 3. When the Applicant first presented their proposal, Staff was concerned about what size homes would fit on the lots, which prompted the Applicant to provide sample homes for Lots 1 and 2 in the plan set to demonstrate that a nice-sized home could be built on those lots and be compatible with the surrounding neighborhood. He asked the DRB to look at that in context with what the Applicant was requesting and why, and look at where the existing residents were located and see that the Applicant had tried to come up with something that was compatible. There could be other ways to achieve that besides increasing the setback, such as additional glazing, screening, or other architectural features on the sides of those homes that would mitigate that.
- Because Lot 8 did not function as a normal corner lot, a 7-ft setback was also desired because a total of 12 ft would be removed from that lot.
- He hoped the DRB would recognize that and understand it was important to the project. The setbacks being requested would ensure compatibility with the surrounding neighborhood.

- A lot of discussion had taken place around needed housing and growth. He was confident the DRB had been paying attention to the happenings at the State level around needed housing of all types in every jurisdiction in Oregon due to a statewide housing crisis. Although that had also led to the adoption of House Bill 2001, which allowed for middle housing to be brought into residential neighborhoods, the Applicant did not want that for this neighborhood and believed their proposed single-family, detached housing fit very well in the neighborhood and helped complement the existing developments around the area. He hoped the DRB understood that in the future, there would be residential projects with duplexes, triplexes, and four-plexes mixed in with single-family residential. Those types of middle housing units would also be allowed outright, not conditionally, in the future in redeveloped existing neighborhoods. The Applicant believed they offered a better product than that for this neighborhood, and as such had come forward with their proposal.
- He reiterated that the Applicant's proposal met the Comprehensive Plan, satisfied the PDR-3 zoning requirements, and was at the lowest level of density for the zone and acreage. The Applicant had put in a lot of effort to include open space with grass play area and a

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

  - A page in the Annual Community Report stated, "Growing, protecting the City's urban forest." She reiterated that Wilsonville was a city of trees. For many years, Wilsonville had been named a Sterling Tree City, USA. Wilsonville had recently revitalized its Heritage Tree Program to celebrate Wilsonville's trees. She read the following excerpt from the Annual Community Report, "Nearly 50 street and yard trees were planted in residential neighborhoods in 2020, supporting the Council's goal to implement a tree replacement program." That accomplishment was commendable, but dwarfed by a single development plan to cut down most of a grove of 26 Douglas firs, the Oregon State Tree, Spruce, and Ponderosa Pine trees. The cutting down of the grove benefited and enriched a single person, the developer.

- The City had already responded to the developer, and had noted Page 63 of the DRB report that four of the trees slated for removal were actually on City property. The City had said no, and she thanked the City for doing a good thing. However, just tonight, the Applicant had asked again to cut down those trees.
  - The burden fell on the loss of those large, mature, native, healthy trees that measured from 16 in to 24 in in diameter and had survived the recent ice storm. The developer wanted to cut down those majestic beauties. She asked why a Tree City would allow a developer to do that. It would not be difficult to develop the property with slightly less density and save some trees; let's save all the trees. It was not worth squeezing in an extra home or two and losing a grove of 50-year-old trees. The developer himself had called the lots skinny. The developer was asking for a zoning change to build eight homes on the property. The trees would not survive. They would be cut down to make room for very large homes on very small lots. The Applicant's plan had Xs on a lot of the trees, but everyone knew all the trees along the southern edge would be taken out.
- She displayed an aerial photo of the subject site that showed the neighborhood homes on the left and the $1.8 million home on the right. The developer wanted to cram eight homes on skinny lots onto the subject site in the center. The steep grade running to the south was not visible in the photo.
- The SROZ had been a dumping site for the property owner for years. The lack of healthy and mature Conifer trees attested to this unhealth. Currently, the SROZ behind the subject property was full of invasive blackberry bushes and dead trees. Page 63 of the DRB report stated, "Based on Staff visits to the site, there was significant debris located within the mitigation area and there were Staff concerns about the viability of replanting." She pointed out that everything there was dying except the blackberries.
  - Condition of Approval PDF7 required the Applicant to appropriately clear the debris. There were piles of concrete. She said she had photos and videos of the homeowner dumping over the edge, adding she had a video from today. She displayed photos showing the dump site and some of the debris, noting that the homeowner had been covering up his garbage with branches.
- The March 2021 and April 2021 editions of the Boones Ferry Messenger were widely read by community members because they were all about trees. Wilsonville was a Tree City. She asked that the DRB please keep it a Tree City.

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

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

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

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

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

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

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

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

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

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

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

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

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

and an arborist would be on site. That did not happen. The excavator had come in a foot or so from his property line, digging the first house's foundation and ready to start the next. When he saw this, he called Mr. Pauly to his property and he with an associate, and they talked to the excavator at the property line for about 45 minutes, and then Mr. Pauly came to his front door. He asked Mr. Pauly what he was going to do, and Mr. Pauly replied that the fence would go up the next day. Excavating continued and three to four days later, he called Mr. Pauly to say there was still no fence. Staff had talked about protection but that was just smoke. He wished Ms. Carlson luck in her plea for tree protection, especially on an adjacent property.
    - He received no follow-up about his concerns and had no idea whether or not his issues had been elevated to a supervisor, the City Attorney, or anyone. The developer, contractor, and the City of Wilsonville had offered zero justice.
- He displayed a photo of a home being built with a 7-ft setback that had a ladder on it that was oftentimes 11 ft to 12 ft from his house and on his property. He had gone over multiple times to kick various workers off his property and told them if they had a problem with that to go talk to Dan Pauly, who created the trespassing mess. He noted he had liability if he allowed them to continue.
- The next photo showed scaffolding being used at Frog Pond. The siding people were using something similar. Painters did not go around with scaffolding. He thanked the City for allowing the encroachment and trespassing onto his property, which he now had to defend. He was even kicking off his neighbors' painters and their ladders; 7 ft setbacks were not enough and 5 ft setbacks would be even worse.
- He had a well next to his house on the Boeckman [inaudible] property that sold, and after grading and the installation of utilities, the well was still there, approximately 40 ft from his property. He got nervous when they were about to pour foundations, so he called the State Water Department to file a complaint because they were getting too close to the well and he wanted it capped off and his water protected. Eight football fields up the road by Mentor Graphics was a City well site that was emergency supply. He asked if there were inspections or permits for any of this.

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

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

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

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

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

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

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

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

was learning about habitats, conservation, and how to protect the environment. When she heard the conversations at home, she wondered why trees were being cut down.
- It was in the Board's hands. Adults needed to do more than just talk about what they could do for the environment. Action needed to be taken and decisions that mattered and counted needed to be made. She understood this was a small section, but every choice mattered.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. Pauly entered the following exhibits into the record:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. Pauly said he understood it was a builder.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. Miller stated the Applicant sought confirmation from the City to cut those trees down. He noted the waivers were as originally requested; there were no new waivers.
In terms of the street, if the DRB wanted to make a condition that the paved surface be widened enough to allow street parking on one side, the Applicant was confident in looking at the plans that they could get to 26-ft to allow for street parking.

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

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

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

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

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

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

Mr. Pauly responded it could be possible.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

VII. Board Member Communications

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

Packet materials were not discussed.

VIII. Staff Communications

There were none.

IX. Adjournment

The meeting adjourned at 12:23 ~~p.m.~~ **a.m.**

Respectfully submitted,

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