

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

**Approved**  
September 27, 2021

**Development Review Board – Panel B  
Minutes– May 24, 2021 6:30 PM**

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**I. Call to Order**

Chair **Samy Nada** called the meeting to order at 6:30 p.m.

**II. Chair’s Remarks**

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

**III. Roll Call**

Present for roll call were: **Samy Nada, Nicole Hendrix, Michael Horn, and Jason Abernathy**

Staff present: **Daniel Pauly, Barbara Jacobson, Miranda Bateschell, Kimberly Rybold, Kerry Rappold, Khoi Le, Cindy Luxhoj, 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 22, 2021 DRB Panel B meeting

**Jason Abernathy moved to approve the March 22, 2021 DRB Panel B meeting minutes as presented. Michael Horn seconded the motion, which passed unanimously.**

**VI. Public Hearings:**

A. **Resolution No. 391. Wilsonville High School Auditorium Addition and Site Improvements: West Linn-Wilsonville School District – Owner/Applicant.** The Applicant is requesting approval of a Stage II Final Plan Modification and Height Waiver, Site Design Review, Type C Tree Removal Plan and Class III Sign Review and Waiver for construction of a 55-foot high, 29,300 square foot auditorium addition and associated site improvements, including parking lot modifications, synthetic turf installation, and LED lighting installation, at Wilsonville High School. The subject property is located at 6800 SW Wilsonville Road and is legally described as Tax Lot 100 of Section 13, Township 3 South, Range 1 West, Willamette Meridian, City of Wilsonville, Clackamas County, Oregon. Staff: **Kimberly Rybold**

Case Files:	DB21-0001	Stage II Final Plan Modification and Height Waiver
	DB21-0002	Site Design Review
	DB21-0003	Type C Tree Removal Plan
	DB21-0004	Class III Sign Review and Waiver

**Chair Nada** called the public hearing to order at 6:36 p.m. and read the conduct of hearing format into the record. All Board members declared for the record that they had visited the site. No board member, however, declared a conflict of interest, bias, or conclusion from a site visit. No board member participation was challenged by any member of the audience.

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

**Ms. Rybold** presented the Staff report via PowerPoint, briefly reviewing the site's location and features, as well as the surrounding land uses, with the following additional comments:

- The high school auditorium expansion consisted of a 29,300 sq ft performing arts auditorium addition and related support spaces within that space. The addition would be on the west side of the existing performing arts facility which would require the reconfiguration of the adjacent parking lot and circulation areas, ~~and~~ some modified storm water management facilities, new landscaping adjacent to the building and parking area, as well as associated lighting fixtures on the building and in the new parking areas. Some temporary and permanent signage was also proposed for the performing arts center. The auditorium expansion was outlined in red on Slide 3.
- The Applicant was also seeking approval for several development alternates, additional projects that would be constructed as funding allowed. The alternates were numbered 1 through 5 on Slides 3, along with a future phase. (Slide 3)
  - Alternate 1 was adjacent to the proposed new parking lot and consisted of 14 additional parking spaces, replacement of the existing walkway, and the addition of new lighting to the softball fields.
  - Alternate 2 was the replacement of the current grass on the softball field with synthetic turf and added field lighting.
  - Alternate 3 was the installation of LED pedestrian lighting on the south sidewalk that connected Wilsonville Rd to the Boeckman Creek Primary School entrance.
  - Alternate 4 was the replacement of the existing lighting optics in the southwestern and southern parking lots.
  - Alternate 5 was the installation of LED lighting optics in existing pedestrian light fixtures that surrounded the existing track and in an area on the east side of the building.
  - A future phase of development would provide 23 additional parking spaces to the west of the new proposed parking lot.
- Typical noticing protocol had been followed, notifying property owners within 250 ft of the subject site. The notice also included background information about the proposed project and outlined the Covid-19 adaptations that were taken for the hearing process. To date, no public comments had been received for the applications.
- Stage II Final Plan and Height Waiver. The proposed 29,300 sq ft auditorium addition maintained consistency with the previously-approved Stage I Master Plan for Wilsonville High School. The proposed modification was required because in addition to the building

addition, changes were proposed to the parking area, the configuration of circulation on the site, and landscaping that would help accommodate the addition. The modifications would continue to meet or exceed City standards for minimum parking, pedestrian circulation, and landscaping.

- The application included a waiver request to increase the maximum building height for the new addition from 35 ft to 55.5 ft.
  - The Applicant noted site constraints in this portion of the property, including the existing building footprint, the nearby Significant Resource Overlay Zone (SROZ) area on the western portion of the property, and a heritage Oregon White Oak tree, resulted in a limited footprint to accommodate the auditorium expansion. Additionally, the shape and height of an auditorium was a bit prescriptive due to the function of the space, which accounted for items like the number of seats, the sightlines in the auditorium, and acoustic considerations. Therefore, a portion of the building necessitated the higher 55.5 ft height than would typically be allowed in this zone.
  - She noted some prior approvals for the high school had granted variances and waivers to the maximum building height to allow certain portions of the high school to be up to 45-ft tall.
  - The Applicant's narrative provided findings that demonstrated the requested building height waiver would allow for development to occur in a manner that continued to implement the purposes and objectives of the City's Planned Development Regulations.
- Stage II Traffic and Parking. As an essential government service as defined in the Development Code, schools were exempt from meeting the City's Level of Service (LOS) D PM Peak requirements for traffic impacts. Even so, Staff prepared a Transportation Memorandum for this proposal which showed a minimal increase of 12 PM Peak Hour trips that resulted from the proposed additional onsite parking. The memorandum determined that the impacts of that increase on the site and surrounding area were negligible.
  - Parking requirements for schools were based on the number of students and staff as specified in the Development Code. Given that there was no change to the school enrollment capacity or number of staff as a result of the proposed addition, no changes were required for the minimum number of parking spaces. While 77 spaces would be removed to accommodate the addition, 103 new spaces would be constructed in the new parking lot, both as a part of the initial phase of development and Alternate 1. Additionally, the future phase of development would add 23 spaces for an overall increase from 520 spaces to 569 spaces; and with that, the parking requirements for the property would continue to be met.
- The Site Design Review request applied to all components of the project, including all of the alternates and the future phase. The Applicant used appropriate professional services to design the auditorium addition and the associated site improvements, paying special attention to complement the existing school building, while creating a distinct design for the auditorium itself.
  - The proposed materials were consistent with the existing building and utilized similar brick with metal panel canopy fascia and trim. A canopy was proposed for the south-facing lobby to serve as a shelter to both students and community members before and

after functions with the building surface adjacent to that area available for temporary banners to announce current and upcoming programming. The brick cladding of the building was designed in a manner to invoke a draped theatrical curtain. Materials used throughout the project would complement the existing school while continuing to be functional and attractive. Proposed landscaping materials adjacent to the addition and the parking area met or exceeded City standards.

- A number of the alternates included lighting upgrades to transition to LED lighting, so the Site Design Review was looking at the new building lighting for the auditorium addition, as well as lighting for the new parking areas. New lighting was also proposed for the softball field and for the Wilsonville Rd entry to the Boeckman Creek Primary School.
- The Applicant had elected to comply with the City's Prescriptive Option for meeting outdoor lighting standards. The proposed lighting was designed to be compliant with those standards while providing appropriate and safe lighting for the site. It included a variety of fully-shielded fixtures that did not exceed the maximum wattage of 100 watts as outlined in the Code for Lighting Zone II. (Slide 11)
- Type C Tree Removal Plan. Some landscaping trees would be removed to accommodate the new addition. A total of 33 landscaping trees would be removed that required mitigation. Notably, some trees in the area would be preserved in the SROZ area to the west and particularly, the heritage Oregon White Oak. The Applicant had shown the proper tree protection fencing that would serve to protect the tree during construction. The Applicant had proposed planting 36 trees, exceeding the required one-to-one replacement ratio. A majority of those trees would be in and around the new parking area with others located in landscaping areas adjacent to the building addition entrance.
- The Applicant's request for a Class III Sign Permit and Waiver applied to the permanent performing arts center signage located both on the north and south auditorium addition entrance areas, as well as temporary rotating banner displays at the north and south entrances to the auditorium. The Sign Code did not have a provision for such temporary changeable signs, so the installation of such required a waiver to allow ongoing use of the rotating banners, as well as an increase to the allowed sign area on the southern elevation of the property of 33 sq ft over the current allowance.
  - The Applicant had submitted sign waiver findings that addressed the sign waiver criteria outlined in the Code, specifically noting the banners would result in an improved sign design as they were a creative way to add to the visual appeal of the auditorium in support of the performing arts center events.
  - Given the distance of the signs from the adjacent properties and from Wilsonville Rd, the visibility and offsite impacts would be minimal, allowing for the signs in the area to continue to be compatible and complementary to the overall design and surrounding area. Due to the distance, they would not adversely impact traffic or general public safety, and the content of the signs was not considered when evaluating waiver criteria. The image at the bottom of Slide 14 showed how the proposed banners would be oriented on the south entrance. Similarly, banners would be located in the window displays on the north entrance.

- Based on the information presented and the findings included in the Staff report, Staff recommended that the DRB approve, with conditions, the Applicant's requested applications.

**Nicole Hendrix** asked if the five alternates were listed in priority order or if the order would depend on the timing of the funding received. She also noted that four ADA parking spaces were going to be removed and asked if more ADA spaces would also be added.

**Ms. Rybold** deferred the priority question to the Applicant, who could better speak to the funding opportunities. She explained the required minimum number of ADA spaces was one per 50 parking spaces, which the Applicant already met. The location would be verified at the time of the Building Permit review to ensure all location and spacing requirements had been met. Because the application only increased parking spaces by 49 total, it did not trigger the need for additional ADA spaces.

**Chair Nada** called for the Applicant's presentation.

**Remo Douglas, Capital Construction Program Manager, West Linn-Wilsonville School District**, thanked the Board for hearing the application and City staff for taking the time to review the application and develop a Staff report. He oversaw all capital projects undertaken by the District and was joined by Keith Liden, Planning Consultant, and Chris Linn, principal architect with Bora Architects. They had read and understood all of the proposed conditions Staff had put together, and the District took no exception to them, and he believed they could comply fully.

- This project had been a community conversation for many years and had been a big topic in the leadup to several of the District's bond programs. The project had been approved by voters in November 2019 under the 2019 bond program and he and a group of others had met regularly since then to develop the proposed design. There was a large number of stakeholders, the largest routinely-meeting stakeholder group the District had ever had that included community arts partners, students, staff, and various designers and specialty consultants. They were excited about the opportunity to potentially bring a 600-seat auditorium and associated spaces to Wilsonville. It would benefit not only the school, but also all the great community arts partners, and they were happy to have an opportunity to reinforce those partnerships. In addition to housing the obvious performing arts events, a great deal of effort had gone into the design of the public spaces, such as the lobbies and adjacent corridors, to accommodate the display of visual arts as well and make this a community center.

**Ms. Hendrix** asked if the alternates were prioritized or if it depended on funds becoming available.

**Mr. Douglas** replied there was no specific order in which the alternates would be built. All project funds came from the 2019 Capital Bond Program, so there was a finite budget for the project. No other funds were expected to come available. As with all major public works

projects, it was out to bid and he expected they would select a contractor by the end of June. Depending on how the bids came in, the District would then have an opportunity to accept or deny alternates to ensure they had a project within budget. He hoped to afford all of the alternates, as they had typically been able to in the past, and move forward with a full scope. Every part of the project was important. He believed most would agree that increased onsite parking for students would be appreciated as opposed to them parking in the neighborhood. Upgrading the softball field with artificial turf and sports lighting would bring parity with the baseball field and energy savings from the new lighting. They hoped to enact all of that immediately and get it done under the current contract.

**Jason Abernathy** asked how the increase in LED lighting would impact light pollution in the adjacent neighborhood. Light pollution had been a general concern of residents in neighborhoods throughout Wilsonville as PGE replaced street lights in the city.

**Mr. Douglas** replied that last year, most of the sports field lighting had been replaced around the Wilsonville High School campus. Most people were concerned with sports field lighting fixtures, but the new lighting fixtures had tremendous controls with the goal of keeping the night skies dark. There were examples of the modern LED sports field lighting systems at both Wilsonville High School and Wood Middle School. The light cutoff for those lighting systems was remarkably good. He had seen the benefits of these specific systems at the District's other athletic fields in the city and he was confident it would keep light and glare on property and off adjacent properties.

**Ms. Hendrix** asked what materials would be used for the changeable banners.

**Mr. Douglas** responded that while he did not know what material the high school would use for each individual banner, the goal was for them to be useful and an attraction. The banners would not be visible from the street, so were deliberately placed to be seen upon student pickup and drop-off. The purpose of the banners was specific to events, so in the weeks leading up to new a production in the auditorium, a banner would be purchased and installed for that lead-up and then taken down after the production ended. Therefore, any UV exposure to the banner would be minimal.

**Mr. Abernathy** asked if the banners would be encased behind glass or free -hanging.

**Mr. Douglas** replied it was not the intent to have them encased. There would be mounting points on the brick exterior and the banners would be strung between them.

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

**Shelley White, Planning Administrative Assistant**, noted a Zoom attendee, who was present to testify during the other hearing, had stated via chat that they supported the application.

**Daniel Pauly, Planning Manager**, confirmed no one in Council Chambers was present to testify.

**Chair Nada** confirmed there were no further questions for Staff, the Applicant, or any member of the audience, and that there was no additional discussion from the Board. He closed the public hearing at 7:12 pm.

**Jason Abernathy moved to approve Resolution No. 391 as presented. The motion was seconded by Michael Horn. The motion was seconded by Michael Horn.**

**Ms. Hendrix** said she believed it was an exciting project. The building was beautiful and it would be great to have a new auditorium. She thanked Staff and everyone from the School District who worked on the project.

**Mr. Horn** also commended Ms. Luxhoj for her well done presentation and for the comprehensive package.

**Chair Nada** agreed, adding the auditorium would serve the school and the community as well. He appreciated the additional parking for the students to minimize parking on neighboring streets and the more efficient LED lighting.

**The motion passed unanimously.**

**Chair Nada** read the rules of appeal into the record.

**Chair Nada** called for a brief recess at 7:16 pm and reconvened the meeting at 7:21 pm.

**B. Resolution No. 392. 6585 SW Montgomery Way SRIR & SROZ Review: Nick and Taryn VanderPyl – Owner/Applicant.** The Applicant is requesting approval of an Abbreviated Significant Resource Impact Report (SRIR) and Significant Resource Overlay Zone (SROZ) Large Lot Exception for construction of a single-family home with an accessory dwelling unit (ADU) at 6585 SW Montgomery Way. The subject property is located on Tax Lot 1500 of Section 24A, Township 3 South, Range 1 West, Willamette Meridian, City of Wilsonville, Clackamas County, Oregon. Staff: Cindy Luxhoj

Case Files:        SI21-0002        Abbreviated SRIR & SROZ Large Lot Exception

**Chair Nada** called the public hearing to order at 7:21 p.m. and read the conduct of hearing format into the record. No 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.

**Cindy Luxhoj, 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 and on the City's website.

**Ms. Luxhoj** presented the Staff report via PowerPoint, briefly reviewing the site's history and noting the project's location and surrounding land uses, with these additional comments:

- The subject 2.79 acre property was Lot 15 in River Estates II and located entirely within the Significant Resource Overlay Zone (SROZ) with the southern half of the property also within the floodplain. The site was designated 0-1 dwelling unit per acre in the Comprehensive Plan and was in the Residential Agricultural Holding Zone. Although 13 of the 15 lots in the subdivision had been developed with single-family residences, Lots 12 and 15 were undeveloped vacant land.
  - The Applicant proposed a single-family residence with an accessory dwelling unit (ADU) on the property. The proposed residence was located roughly in the center of the site, outside of the floodplain. The Applicant chose the location in consultation with the City to minimize impacts to the SROZ, including tree removal. The approximately area of disturbance within the SROZ necessary to build the single-family residence, the ADU, and other site improvements was approximately 8,900 sq ft. (Slide 3)
- Proper noticing was followed for the application, including noticing to property owners within 250 ft of the subject property boundary, publication in the newspaper, and postings on the project site, as well as to the City's website. The public hearing notice included clarifying background information about the project and outlined adaptations for the hearing process and providing testimony that were adopted by the City in response to the Covid-19 pandemic.
- One public comment had been received to date from John Hermann. His email was provided to the DRB this afternoon. She entered Mr. Hermann's email into the record as Exhibit D1.
- The Applicant's request included an abbreviated Significant Resource Impact Report (SRIR) and a Significant Resource Overlay Zone large lot exception to construct a single-family residence with an ADU on a parcel located entirely within the SROZ. Per Section 4.139 of the Wilsonville Code, construction of a new single-family dwelling was exempt from SROZ ordinance regulations unless the building encroached in the SROZ and its associated impact areas. Impacts to the SROZ were necessary for construction of the proposed residence with ADU. In general practice, a request to construct a new dwelling on a lot with limited buildable land would be processed as a Class II administrative review. However, because the Applicant had requested a large lot exception, and the subject property was eligible due to its size of 2.79 acres, DRB review through a quasi-judicial hearing process was required. DRB review of the request was limited to the abbreviated SRIR and SROZ large lot exception and no other aspects of the application, such as design of the proposed residence and ADU, location on the property, well siting, and septic system placement, tree removal, and other site improvements, were subject to DRB review.
  - **Daniel Pauly, Planning Manager**, added that whether or not a house was allowed on the site was also not within the scope of DRB review tonight.



- Discussion points were related to utilities, access, ADU standards, and tree removal. The subject property was more than 300 linear ft from public sewer and water, which was available on SW Rose Lane, and therefore not required to connect to City utilities. The Applicant was in the process of obtaining required County and City approvals to use a private septic drain field with an alternative design to minimize impacts to the SROZ. The drain field would be located south of the residence and cover approximately 3,500 sq ft. The Applicant obtained approval for a proposed new well for domestic water supply which would be located north of the proposed residence.
  - An existing driveway ran in an easement along the western boundary of the property to provide access to the residence at 6549 SW Montgomery Way, located north of the subject property and indicated with an orange star. The Applicant proposed to share the driveway, adding a new extension that would branch from the existing surface to the new residence in the center of the subject site. (Slide 6)
  - The proposed ADU did not require DRB review and was not a part of the DRB request before the Board tonight. The ADU was required to meet the standards of Section 4.113 of the Wilsonville Code and would be reviewed by the Planning Division when building plans were submitted.
  - DRB review of tree removal was also not required for the proposed residence; however, the arborist's report was included as an exhibit to the Staff report because it was one component of the abbreviated SRIR review. (Slide 7)
    - Trees proposed for removal were shown in red and were limited to the house and septic system development area and minimized to the maximum extent possible. A Type B Class II Tree Removal Permit and Mitigation Plan was required and was being reviewed concurrently by Staff. A decision on the Type B Permit would not be issued until after the DRB had reviewed the current request for an abbreviated SRIR and SROZ large lot exception and rendered a decision.

**Kerry Rappold, Natural Resources Manager**, continued the PowerPoint presentation, noting he was responsible for administering the section of the Code regarding the SROZ. His comments were as follows:

- Three types of resources were protected within the SROZ throughout Wilsonville: streams, wetlands, and wildlife habitat, which were basically forested areas. Slide 8 showed the areas protected within the SROZ. The subject property contained two of those categories, some wildlife habitat and a tributary of Meridian Creek that was adjacent to the property and ran along the eastern edge. The darker gray color to the west down Montgomery Way was a large wetland area with another tributary of Meridian Creek that was south of Montgomery Way.
  - Many of the lots within the area and along Montgomery Way had significant portions of their property within the SROZ. Prior to the adoption of the SROZ in June 2001, Wilsonville had another type of Gold 5 Program that had been implemented from the early 80s called Primary and Secondary Open Space, which the SROZ replaced. The SROZ protected many of the same areas, but also expanded the coverage of resource areas somewhat.

- There were two types of Significant Resource Impact Reports, Abbreviated and Standard. For this type of development, only the Abbreviated was considered. Generally, the SRIR was a user-friendly process in which Staff provided the information, looking at the mapping and existing resources in the area, while the Applicant provided their proposal for development. For the subject proposal, the Applicant also provided their tree inventory. Technically, there was not a report that brought all of the information together because Staff did not want to create a process that was not too onerous, but rather more collaborative where the Applicant worked with Staff. It was envisioned for these types of small-scale developments that involved single-family dwellings or other types of structures that had less of an impact. (Slides 9)
- There were not many avenues for a proposal like this to move forward as far as Section 4.139. The SROZ was pretty restrictive in terms of what was allowed for development within the community. The Large Lot Exception was likely written with Montgomery Way in mind when it was created in 2001 because of the size of the lots and the extent of the SROZ, so it was one of the only viable options the Applicant had for development there. Another section under the same DRB requirements entitled An Unbuildable Lot did not fit the subject proposal as well as Large Lot Exception. The Applicant simply had to demonstrate they could meet all five criteria. (Slide 10) The lot was greater than one acre in size, 100 percent of the lot was within the SROZ, the area including the house, septic field, and ADU was less than the 10 percent threshold.
  - The original adoption of the SROZ was based on an inventory, which included different habitat units Staff had identified. Two of those habitat units were referenced in the Staff report, the forested area and the tributary of Meridian Creek. Nothing that was proposed with the development would diminish those categories to the extent that those ratings would need to be changed. The area of impact was located on the best part of the lot in terms of minimizing the impact. It was as close as possible to the driveway that allowed access to the property to the north, and it was located within an area that was more of an opening within the property, and the trees within that area were primarily small diameter trees. The Applicant had worked around the more significant trees. It was also as far as possible from the tributary of Meridian Creek and outside the floodplain. Farther north, the lot became quite steep, had larger trees, and was not buildable.
  - Finally, the lot was created legally as a part of the subdivision that was adopted in 1971. The Applicant had satisfied all criteria to receive the Large Lot Exception. As mentioned, the DRB could not prohibit the development of some type of home on these properties and the exception was envisioned for this type of property.
- He noted the homes on the two properties west of the subject property existed prior to the adoption of the SROZ, but were likely built within the time period the City had Primary and Secondary Open Space, the previous Gold 5 Program. (Slide 8) Those building sites were created as openings or donut holes in the SROZ to accommodate that existing development. All of the properties except two had been developed. Overall, the conditions in terms of habitat quality had remained fairly high.

**Ms. Luxhoj** concluded the Staff report, stating that based on the findings of fact, the information included in the Staff report and received from a duly-advertised public hearing, Staff recommended approval of the application with conditions.

**Michael Horn** asked if the properties with donut holes were set asides prior to 2001. (Slide 8)

**Mr. Rappold** replied they were incorporated into the new mapping that was part of the SROZ because those homes already existed when the SROZ was adopted. He clarified the dark gray indicated a large wetland within the forested area. He reiterated that streams, wetlands, and wildlife habitat were the three categories protected within the SROZ. He confirmed the Applicant was building outside of the floodplain and the 50-ft stream buffer just before where the lot dropped off and got steep.

**Mr. Horn** asked if there would be tree mitigation.

**Mr. Rappold** replied that he and Ms. Luxhoj were working on the tree removal mitigation and the SROZ mitigation in concert with each other, so there would be one proposal that had both trees and shrubs to include in the area to provide enhancement. Some of the shrubs might end up where the septic field was installed. He was working with the Applicant on a variety of species, both overstory and understory, that would be part of the mitigation for the SROZ and also partially fulfill the tree removal requirements. He clarified that the 10-acre property to the east of the subject property, the Willamette Meridian Property, was owned by the State of Oregon and a part of the Willamette Greenway Program. He understood it would be preserved in perpetuity.

**Mr. Abernathy** asked if any other lots within this subdivision had needed to utilize the Large Lot Exemption.

**Mr. Rappold** replied this was the first time the exception had been used specifically for any of the lots along Montgomery Way. He could not think of another area of Wilsonville where the exception would apply, so he was fairly certain the exception was written with this area in mind. He confirmed that the proposed application met or exceeded all the exemptions.

**Chair Nada** asked if all Large Lot SROZ Exceptions had to go through the DRB.

**Mr. Rappold** explained the Code had two types of SROZ exceptions, the Large Lot and the Unbuildable Lot. For the subject application, the Large Lot Exception worked better and had to go through the DRB. Other types of development, such as home additions, did not require DRB review. He confirmed that all Large Lot SROZ Exceptions had to go through the DRB.

**Chair Nada** asked for clarification on Mr. Pauly's statement that the DRB should not factor in the building type when making a decision.

**Mr. Pauly** replied that the lot was permitted to have a single-family home, so that was not a point of discussion or decision. The scope of the decision was limited to whether or not the application met the criteria for the Large Lot Exception. DRB could determine where on the property the home could be built, and if that location met the SROZ exception criteria, but not whether or not the home could be built at all.

**Chair Nada** called for the Applicant's presentation.

**Taryn VanderPyl**, introduced herself and her husband, Nick, noting she was a professor at Western Oregon University. She explained that they would like to build a single-family home on less than 10 percent of the 2.79 acre lot set in the northern half of the acreage and out of the flood zone. There would also be an attached ADU for their adult children to use when visiting. They loved Wilsonville, and the neighborhood in particular, and looked forward to calling it home. She thanked City Staff for their help in navigating the process and offered to answer any questions.

**Ms. Hendrix** stated that she appreciated City Staff and the Applicant working to minimize impacts on trees and the SROZ. She asked what the timeline was for the approval and construction of the private septic field.

**Ms. VanderPyl** replied that they were working with Clackamas County on the septic system. Testing had been done, and the Applicant was awaiting the final letter from the County. She expected they would need to build an alternative system, which was their plan regardless, to minimize impact on the land.

**Mr. Abernathy** thanked the Applicant for their involvement in the process. He asked ~~the~~ when the Applicant had obtained the property, and if they were aware of all the exceptions they would need at the time of purchase.

**Ms. VanderPyl** replied they did not know about all of the exceptions, but knew that other potential buyers had done due diligence on the building requirements. While those potential buyers had then declined to purchase because the requirements were too difficult, the Applicant found it to be worth it. She clarified they had put in their offer in March and were currently under contract because the seller had passed away three days prior to close and the estate was now in probate. She expected it would close this week.

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

**Chair Nada** called for a brief recess at 7:54 pm and reconvened the meeting at 8:00 pm.

**John Herrmann, 6850 SW Montgomery Way, Wilsonville, OR** stated he was not opposed to people building property but was deeply concerned about this particular property because it was a keystone property on the street. There was a ton of wildlife that trafficked through the area, including a herd of 30 deer that slept where the Applicant planned to build their house. It

was a vibrant area. Having lived in three homes with septic tanks, he was very uncomfortable with the septic tank only being 50-ft away from the water due to possible failure. He was only concerned about the change to the environment. He asked if Mr. Rappold had been involved in developing the criteria for the SROZ for the City.

**Mr. Rappold** replied he started his job the same year it was adopted; he had started in October and the SROZ had been adopted in June.

**Mr. Herrmann** noted Mr. Rappold had said this particular neighborhood was likely the reason for the Large Lot Exceptions and asked if that was fact or Mr. Rappold's opinion.

**Mr. Rappold** replied that it was his opinion.

**Mr. Herrmann** appreciated Staff helping people who wanted to build homes, but he believed the sensitive nature was already previously identified. He understood there was no prohibition to building, but this was not an average lot, which was why it was designated in the first place. He was not concerned with traffic as it was one family, but he had deep concerns about the effect it would have on wildlife. It was a super sensitive area. They were currently struggling with the greenway, and the property abutted the greenway, but there was a resurgence of creatures in the last five years that included two species of owl, three species of eagles, and osprey. The owls lived in the forest as did the osprey. He appreciated that the Applicant wanted to build a house in a cool place, but he was not sure this was the right place to do it. He was generally opposed to the application. He wished the Applicant the best and advised them that if they did end up building a home on the lot, he would love to have a beer and a barbecue with them.

**Chair Nada** asked Mr. Herrmann how far he lived from the subject property.

**Mr. Herrmann** replied that he lived to the west, on the river side. He had gone to high school with the son of the man who developed Montgomery Way, and his wife had grown up in their current home on Montgomery Way, so they knew the history. He understood that back then, a developer would have just bulldozed the entire area and built what they wanted with no recognition of the sensitive nature of the area. The fact that there were islands there was meaningless, if they got designated as something later because houses were already there.

**Mark Kresge, 6625 Montgomery Way, Wilsonville, OR** introduced himself and his wife Cindy noting that they lived in one of the donut holes west of the subject property. His primary concern was that the removal of trees on the subject lot could change the effect of other trees in the area, particularly from wind impact. Some of the strongest storms came from the northeast and east, and removing some of those trees could change the dynamic of trees on his property, pushing more toward his house, so he wanted to mention that potential impact.

- He was also concerned with the possible impact a new well could have on existing wells in the area like his, in terms of the aquifer. He was not knowledgeable on how aquifers worked, but wanted to mention the potential impact. He was aware that other neighbors

had concerns about their well systems possibly being lighter than they used to be due to other development on the street.

- He was curious how many stories the home and garage would be, and if the garage would be built high enough for RV parking. He was concerned with light impacts, in terms of more traffic coming and going and outdoor lights. He asked if outdoor lights would have covers or be sensitive to keeping it a wilderness area versus installing bright orange security lights.
- He shared his neighbor's concern for wildlife. The deer and owls also visited his property, and he enjoyed that and hoped that would not be displaced.
- He wanted DRB to be aware that he did not believe the proper orientation of the house was shown on Exhibit A2 because it differed from other pictures in terms of how the house was situated from north to south. He asked for an assurance that the ADU would be for use by the Applicant's children and not used as a rental. He welcomed Mr. and Mrs. VanderPyl to the neighborhood and looked forward to spending time with them.

**Alison Fiamengo, 7305 SW Montgomery Way, Wilsonville, OR** stated she welcomed the Applicant building a home in and joining the neighborhood, but was concerned because in the last year, five ADUs had been built in the neighborhood. There was no fire hydrant on the end of the street where the subject property was located and she asked if the addition of a fire hydrant was being considered because the proposed new house and ADU would be the 6th and 7th new dwellings added to the neighborhood in the last year. She had heard from the local meteorologist that this would be a drought year, and they had been close to the fire zone last summer, so it was a considerable concern. The area was heavily wooded. The canopy would go up very fast and travel quite far very quickly. She was mainly worried about more development without addressing those utilities.

**Molly Herrmann** extended a welcome to the Applicant and stated that her concerns were directed more to the City, and not the Applicant. She asked if the City would compel further infrastructure on the street given the five ADUs built in the last year and the proposed new home with ADU. She had lived in her home on Montgomery Way since childhood in the 1970s, and since then, a concern of the residents on the street was whether the City would make the homeowners join City water and pay for the resulting infrastructure. She was trying to think ahead of the impacts that lead the City to have to think about utilities and infrastructure that would then fall on existing homeowners. In her case, that would be an unexpected financial expense.

**Shelley White, Planning Administrative Assistant**, confirmed that Tim Warren, Nicholas Hilweh, Helen Hamilton, and George and Janet Boldt did not want to testify. There was no further citizen testimony.

**Chair Nada** called for the Applicant's rebuttal.

**Ms. VanderPyl** stated she looked forward to meeting neighbors they had not yet met and a beer and barbecue sounded really good. She hoped any issues could be resolved first so that any barbecue was not awkward. She and her husband were also concerned with the wildlife and

had worked with Mr. Rappold and Staff to ensure they did everything possible to mitigate and limit their impact on wildlife and would continue to do so. The entire home and garage were single level. The garage was not an RV garage. Lighting would not impact any of the homes around them or their views. They had no intention of renting out the ADU. She welcomed any neighbors to speak with them directly about any concerns they had and she was happy to continue the conversation.

**Ms. Hendrix** asked Staff about the accuracy of Exhibit A2 and if that needed to be included in the passage of any resolution and how Staff would follow up with the infrastructure questions regarding well water and fire hydrants.

**Daniel Pauly, Planning Manager**, stated there were no current plans to address the infrastructure. Development was limited to its ability to provide infrastructure. That was not a concern for the proposed project because it was not connecting to existing infrastructure. He did not know all the details of the Fire and Building Codes, but he assured the Board any development would have to meet all current standards, and the Fire District would review the Building Permit administratively, along with the Building Division, to ensure all fire and life safety requirements were met.

**Chair Nada** asked who was responsible to study well water impacts.

**Mr. Pauly** replied that the Applicant would obtain a well permit from the proper state or county permitting agency and those agencies looked at and reviewed a variety of impacts. In addition to the well, the septic would also require a permit from the appropriate agency.

**Mr. Rappold** clarified that the septic system was approved by the County Sanitarian and the well was approved by Oregon Water Resources through the Water Master.

**Chair Nada** asked if any kind of studies were normally conducted by the City or another entity to determine impact of a proposed development on wildlife.

**Mr. Rappold** responded that the City did not have the resources to conduct such studies. Determining those types of impacts would require an ongoing study of a particular area for at least a year. He pointed out that most all of the wildlife in Wilsonville was highly adapted to living in an urban situation. While it was unfortunate that there were some disruptions to wildlife habitat, it was a part of having areas within the urban growth boundary. The development could not be avoided, but he believed the City had done a great job in regard to the SROZ and what it protected, particularly travel corridors. Meridian Creek was one of those travel corridors, and the wildlife had adapted to other developments that had taken place over time along Montgomery Way, as well as other places in the city. There was a wealth of wildlife still within Wilsonville, including a bear and bobcats. The presence of those species indicated there was viable habitat that they relied on. Ideally, there would not be development that impacted habitat areas but it was a part of existing within an urban growth boundary and allowing projects to move forward. These species were extremely adaptable, resilient, and

would find other places such as the 10-acre area within Willamette River Greenway or the portion of the subject property that was not being developed.

**Chair Nada** asked if any kind of building at all was permitted within the SROZ.

**Mr. Rappold** responded that for typical larger developments, such as industrial, commercial, or single-family subdivisions, Staff had proposed impacts that held developers to a 5 percent limit, which would not have worked for the subject site. The Code was written in a complex manner, and the Large Lot Exception was the only item within the Code that would allow for the type of development the Applicant was proposing on a lot such as theirs. That said, there were other approved impacts that occurred within the city; fortunately, those had been pretty limited over the last 20 years. The City had been able to preserve most of what existed when the SROZ was adopted.

**Ms. Luxhoj** responded to Ms. Hendrix's question about Exhibit A2 and explained that although there was some discrepancy between the home's floor plan in the arborist's report versus the generalized site plans, those were provided for illustrative purposes only because the layout and architecture was not reviewed; therefore, no correction was needed in the form of a motion or resolution.

**Mr. Horn** asked for clarification on the SROZ, noting he understood from Mr. Pauly's explanation earlier in the meeting that the Applicant had the right to build a single-family home on the lot, so the question before the DRB was whether or not everything possible was being done to mitigate any of the issues raised by the public. He understood some of those issues were not within the scope of the DRB.

**Mr. Pauly** replied that was correct.

**Mr. Rappold** agreed. Staff was in a similar situation and simply determined if the application met the criteria for the Large Lot Exception. He had been to the subject site twice and had worked with the Applicants to determine the best location on the site to build a house and minimize impacts. From his perspective, the chosen location was the only spot on the property to accomplish those goals.

**Chair Nada** asked if the project would have come before the DRB if the Applicant had chosen to only build on 5 percent or less of the SROZ.

**Mr. Rappold** replied yes, as that was a DRB process also; however, a Class II approval would not come before the Board but this project was not a Class II.

**Chair Nada** stated because the entire lot was SROZ, the Applicant was in a tight spot. He thanked Staff for explaining the issues and the process so well.



**Mr. Horn** stated that based on testimony from the Staff, Applicant, and the public, it seemed that everyone was on the same page as far as mitigating impacts of the proposed home, which was good.

**Chair Nada** confirmed there was no additional discussion and closed the public hearing at 8:31 pm.

**Nicole Hendrix moved to approve Resolution No. 392 with the addition of Exhibit D1. Jason Abernathy seconded the motion.**

**Mr. Horn** encouraged Staff, the Applicant, and neighbors to continue working together because he was sure things would go well if they did.

**Chair Nada** agreed with Mr. Horn. Most of the Board's questions were about trying to understand the SROZ, as the subject property was in a unique spot. Only building on up to 10 percent of the lot seemed reasonable as did the Large Lot Exceptions. He understood any building would have an impact, but believed in this instance the impact would be minimal.

**Mr. Abernathy** stated that Mr. Rappold and Staff had done a fantastic job going through the guidelines and exceptions, which was why he had asked Mr. Rappold earlier to reiterate that the application met or exceeded what the future impact would be with the SROZ. He believed this was a fair and legal way of ensuring the process worked. Having met all the criteria as much as the application had, it was hard to disapprove it. He hoped everything went smooth for the Applicant from here on out because he believed it was a great start to being in a great neighborhood and a great opportunity to add a neighbor. He thanked the Applicant for appearing before the Board this evening.

**Chair Nada** thanked Staff, the Applicant, and the members of the community who had testified or listened in.

**The motion passed unanimously.**

**Chair Nada** read the rules of appeal into the record.

**VII. Board Member Communications:**

- A. Results of the April 12, 2021 DRB Panel A meeting
- B. Results of the May 10, 2021 DRB Panel A meeting
- C. Recent City Council Action Minutes

**Nicole Hendrix** asked how much notice Board members would get when in-person meetings resumed.

**Mr. Pauly** responded he was open to feedback on the issue, but Staff would give as much notice as possible.

- He confirmed that Board members could have attended in person tonight. He expected there would be a transition in the coming months, but he did not know the details. He believed Staff would follow the lead of City Council and would keep Board members posted on any developments.

**Chair Nada** asked if participants on Zoom were able to unmute themselves at any time. He had not known who was talking and it took a long time to figure it out.

**Shelley White** explained that once she allowed people into the meeting and unmuted them once on her end, they then had the ability to unmute themselves on their end. Because the boxes of participants on Zoom moved around the screen, there was a delay in her ability to locate who was unmuted.

**Mr. Pauly** stated if the meeting was set up as a webinar, participants could be put back into the audience without the ability to unmute. He suggested that if participants unmuting themselves became a problem, setting up meetings as webinars was a possible solution. The next meeting would likely be in July, and at that point, there was a good chance the Board would be doing something different for meetings; but if not, he and Ms. White would consider setting the meeting up as a webinar.

**Chair Nada** said he would love an opportunity to Chair at least one meeting in person before his term was up, as he had spent the last year-and-a-half on Zoom.

**Michael Horn** suggested that citizens who wished to speak at a meeting be alerted ahead of time of the time limit for speaking so they could prepare their remarks accordingly.

**Chair Nada** replied he was not aware of how up front that information was, but the script that he read at meetings stated speakers had a time limit.

**Mr. Pauly** responded there was some flexibility in setting time limits for public testimony. There had been meetings for which a large number of speakers signed up ahead of time and Staff alerted them ahead of the meeting regarding any time limit for speaking. Tonight, a large number of people logged into the meeting at the last minute that Staff was not expecting, so Staff did not know what they were going to say or how long they would speak. For a recent Panel A meeting with a large number of speakers, Staff had communicated ahead of time the amount of time each speaker would have.

**Chair Nada** noted that Panel A meeting had lasted more than six hours.

## **VIII. Staff Communications**

## **IX. Adjournment**

The meeting adjourned at 8:45 p.m.

Respectfully submitted,

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