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Development Review Board Members:

The action before you today has been characterized in the staff report as a “refinement” to the *2013 Villebois Village Master Plan*. It is my understanding that a refinement is limited to changes that are not significant or additions to the Master Plan. However, I am here to share with you that this proposal is significant in both quantifiable and qualitative measures. The City has previously described “Quantifiable Significance” before a DRB A meeting on September 11, 2017 in four bullet points:

- Number of each park type
- Location of each park
- Number of major amenities
- Specific dimensions of major amenities

Relocating the Villebois Greenway (Regional Park 6) from its current planned, documented and approved location, and reducing its amenities, (from two tennis courts to one) clearly meets the standard of “significant” and therefore is an amendment and not a refinement.

Relocation of Villebois Greenway (Regional Park 6)

The Villebois Greenway has been a consistent fundamental element of Villebois from the very beginning. It has been described and depicted consistently in every plan and map that I can find including the *2003 Villebois Concept Plan*, the *2007 City Parks and Recreation Plan*, and the *2013 Villebois Village Master*. All of these plans have followed Goal 1, under our land use laws that require public involvement and participation. They have also been adopted with votes of governing bodies and reaffirmed over and over again. I have included eight different maps that depict Regional Park 6, in the exact same location spanning a 15 year period. Also in many of these maps the important trees were noted. These trees were confirmed as important in the recent arborist’s report.

The removal of the park from along Berlin Ave and the removal of the grove of healthy trees that have been specifically depicted in at least three different plans and in its place building unanticipated homes, widening an existing street is a significant adverse action to both the connectivity of the Greenway and to the neighborhood who have relied on the Master Plan. This for sure meets the definition of qualitative significance which “negatively affects an important, qualitative feature of the subject.”



Reduction of Amenities

The relocation of the tennis court from RP6 to RP5 is also quantifiable significant reduction in two ways. First, the lawn play area that is enjoyed and used by many will be reduced at RP5. Flat lawn area that drains properly is at a premium and RP5 is commonly used for this purpose. Removing or reducing that by more than 10 percent is by definition a significant refinement. In response to the neighbors who have voiced concerns about the addition of tennis courts into this existing lawn area, the developers have responded by reducing the tennis court from two courts to one court. This is a 50 percent reduction and also by definition is a quantifiable and significant refinement.

The Process

Thank you for sending me a notice regarding this meeting tonight. I did not know that an application to amend SAP North had been submitted this summer and that our City government was working with the developer to collaborate on a design. Notification would have been appropriate at that time so that we are not here now: reacting with little notice to volumes of information on a prescribed timeline that you now are required to meet. This could have been more collaborative. I called the city this summer when I saw the blackberries on the property being taken down. Nothing was shared with me over the phone. I am not willing to give up my rights in order for the developer to make its schedule. I have done everything the government wants of a citizen: I did my due diligence before I bought, I believed that the plans meant something, and I placed value in the planned community concept for all of the reasons Wilsonville does (density, shared resources, quality of life). But I also believed that you would not pull the rug out from under me. That during Thanksgiving I would not have to be going door to door to save the park that was planned to be built in our neighborhood. That I would not have to ask my city government to follow its Master Plan or at least follow the process to amend in properly.

Conclusion

Because the request before you today are not a "refinement" but a request to amend the Master Plan, I ask that follow the Wilsonville Development Code which states: "Amendments to the Master Plan must follow the same procedures applicable to adoption of the Master Plan itself." We have relied on the information in these plans to make important life decisions. To change course, you must stop, and engage the full public process that a traditional Master Plan amendment process requires.

Thank you for your service.

Respectfully,

Betsy Imholt

Legal Standing of Parks Programming in Villebois Village Master Plan and Other Previous Approvals

The design and programming of the park is driven by the Villebois Village Master Plan. The Master Plan is a component of the City's Comprehensive Plan and as such has as strong of a legal status as any adopted policy or code in the City. The Master Plan is the primary policy or law on which the City is required to weigh approval of the park design. This makes significant variation from the Master Plan difficult. Any changes to the Master Plan would be a large undertaking. In addition, even if the Master Plan were changed the current park application would still be subject to the Master Plan in place at the time the application was submitted due to state law referred to as the "goal post rule" that says land use applications are subject to the regulations (including Master Plans, policies, etc.) in place at the time of the application. Any changes to the plan are limited to "Refinements" as specifically defined in Wilsonville Code. (Planning Division Memorandum from Dan Pauly to File, September 18, 2017)

Refinements in General, Additions versus Reductions

The refinement code language for parks measures reductions not additions. The specific language reads, "Changes to the nature or location of park type, trails, or open space that do not significantly reduce function, usability, connectivity, or overall distribution or availability of these uses in the PDP." As has been historically interpreted, including with this project, this code language liberally allows additions to the park, as long as it doesn't significantly affect another approved function, etc. Increasing lawn play area, adding a restroom, maintenance facility, creative play, habitat amenity, etc. doesn't reduce anything, thus being allowed changes under a refinement. In reviewing refinements, the main focus is any proposals to reduce amenities listed in the Master Plan, Specific Area Plan, and Preliminary Development Plan. (Planning Division Memorandum from Dan Pauly to File, September 18, 2017)