



**DEVELOPMENT REVIEW BOARD PANEL B – SPECIAL MEETING
 VERBATIM MINUTES EXCERPT
 Appeal of Administrative Decision ADMN23-0029
 March 14, 2024 at 4:30 PM
 City Hall Council Chambers & Remote Video Conferencing**

CALL TO ORDER

A special meeting of the Development Review Board Panel B was held at City Hall beginning at 4:30 p.m. on Thursday March 14, 2024. Chair Rachelle Barrett called the meeting to order at 4:31 p.m.

ROLL CALL

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

Staff present: Daniel Pauly, Stephanie Davidson, Kimberly Rybold, Amanda Guile-Hinman, Miranda Bateschell, and Mandi Simmons

CONTINUING BUSINESS

Resolution No. 429. Appeal of Administrative Decision. The applicant is appealing the Planning Director's determination of non-conformance in Case File ADMN23-0029.

Case File:
 DB24-0002 Appeal of Administrative Decision

On February 26, 2024, the Development Review Board closed the public hearing and moved to keep the record open until March 4, 2024. This item will be for deliberation and decision only based on the evidence in the record. No further testimony or written comments will be accepted.

[Verbatim transcript begins 0:19]

Chair Barrett: With the public hearing and record closed, it is time for the Board to entertain a motion to deliberate and make a decision on the application before us. As part of these proceedings, the Board will also need to establish the record. I will begin by calling for a motion regarding the record, then the Staff report, and finally the Resolution.

So that paper we have is the Resolution, just so everyone's clear.

Roll Call was taken at this time.

Chair Barrett: Okay. So, I'm starting with the record. If there's been evidence provided that is outside of the scope of the appeal before the Board, a Board member can make a motion to reject such evidence from the record. If no motion or action is taken on the record, all information, exhibits, materials, and

testimony by all parties placed before the Board during the public hearing will become part of the record.

Do I have a motion regarding any of the evidence submitted on this appeal?

Alice Galloway: Madam Chair, I would like to make the following additional finding. The following evidence submitted is not relevant to the DRB appeal of ADMN23-0029:

Any oral testimony or written material regarding the 1991 Planning Department approvals, including Slides Nos. 3 and 5 of Applicant's PowerPoint presentation, because this information is not relevant to a determination of the actual use of the subject property at the time the more restrictive land use regulation was enacted in July 2019.

B. Any oral testimony or written material regarding "The Home Depot" or any potential future user or continuation of use or a change of use for the subject property because this information is not relevant to a determination of the actual use of the subject property at the time the more restrictive land use regulation was enacted in July 2019.

I move to reject from the record the following evidence, anywhere in the record it appears:

1. Oral testimony or written evidence that refers to "The Home Depot" or any potential future user or continuation of use or a change of use for the subject property, including the image of Home Depot on Slide No. 1 of Applicant's PowerPoint presentation and Slide Nos. 9 through 17 of the Applicant's PowerPoint presentation and including the materials attached as Exhibits A and B to Applicant's written materials submitted on March 4th, 2024.
2. The documents and the testimony submitted by the Applicant that pertain to the Class 2 application under review as outlined in Pages 13 and 14 of the Staff report, anywhere in the record that they appear.
3. Any material from the 1991 Planning Department approvals related to calculation of parking requirements, including Slide No. 4 of the Applicant's PowerPoint presentation.

Chair Barrett: Do I have a second?

John Andrews: I'll second that.

Chair Barrett: Do we need to have some discussion on that motion?

Alice Galloway: No discussion.

Chair Barrett: I would like to clarify that we are not removing the original 1991 application, just the parking from the record.

Stephanie Davidson: Okay, that's correct.

Chair Barrett: All right. Any other discussion that we need to have?

All right. I will call to vote. All in favor of this motion, say 'Aye'.

Voices Heard: Aye. Aye. Aye. Aye.

Chair Barrett: The motion carries 4 to 0.

Okay, next I will call for a motion to adopt the Staff report, including all findings and exhibits, except those listed before, and enter it into the record. If a Board member wishes to amend the Staff report in any way, including adding a new condition, removing a condition, or modifying a condition, it should be included in the motion.

Do I have a motion on the Staff report?

Alice Galloway: I move to adopt the Staff report as presented.

Kamran Mesbah: Second.

Chair Barrett: Did you hear the second? Okay. Is there discussion that needs to happen on the Staff report?

Alice Galloway: No.

John Andrews: No

Kamran Mesbah: No.

Chair Barrett: No. Okay. I'm going to call the vote for adopting the Staff report into the record. All in favor?

Voices Heard: Aye. Aye. Aye.

Chair Barrett: Aye. The motion carries 4 to 0.

It is moved and seconded that the Staff report was entered into the record. Do we need to have any further discussion on making a different motion to adopt the Resolution before us?

Okay. Do I hear a motion on the Resolution before us today? On Resolution No. 429.

Kamran Mesbah: I move that we adopt Resolution No. 429.

John Andrews: I'll second it.

Chair Barrett: Okay. It has been moved and seconded that we adopt Resolution 429. Any discussion now?

Alice Galloway: No.

John Andrews: No.

Kamran Mesbah: None.

Chair Barrett: Can I have that?

Kamran Mesbah: Absolutely.

Chair Barrett: I want to specifically call out that on No. 1 of this Resolution, down at the bottom, the second page, last paragraph, it says, "Now, therefore, it be resolved that the Development Review Board of the City of Wilsonville does hereby affirm the Planning Director's determination of nonconformance dated December 28th, 2023, attached hereto with findings and recommendations contained therein, determining that there is a legally established non-conforming use at the location, specifically that the protected use is a 159,400 square foot electronics related retail store."

I just wanted to clarify that it says that and not Fry's, so that we have that clear in our record. So are we—that's all the discussion I wanted to have. Any further discussion?

Alice Galloway: No.

Kamran Mesbah: No.

Chair Barrett: Okay. Hearing no further discussion, I will call it to a vote. All in favor of adopting the Resolution and the Staff report on Resolution 429?

Alice Galloway: Aye.

John Andrews: Aye.

Chair Barrett: Aye.

Kamran Mesbah: Aye.

Chair Barrett: The motion carries 4 to 0.

If you desire to appeal this decision to the City Council, you must file an application stating the grounds for the appeal to the City Council and submit any applicable fee within 14 days of mailing of the decision of notice.

[End of Verbatim Transcription 9:25]

STAFF COMMUNICATION

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Daniel Pauly, Planning Manager, confirmed that Chair Barrett, John Andrews, and Kamran Mesbah were available to attend the DRB Panel B meeting, which was rescheduled to the 2nd Monday next month, on April 8th. DRB Panel A would meet on the 4th Monday of April.

ADJOURNMENT

The meeting adjourned at 4:42 p.m.