

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

**Approved
July 8, 2019**

**Development Review Board – Panel A
Minutes– May 13, 2019 6:30 PM**

I. Call to Order

Chair **Joann Linville** 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: Fred Ruby, James Frinell, Joann Linville, Daniel McKay, and Angela Niggli

Staff present: Daniel Pauly, Barbara Jacobson, Kimberly Rybold, and Cindy Luxhoj

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 February 11, 2019 DRB Panel A meeting

Daniel McKay moved to approve the Consent Agenda. Fred Ruby seconded the motion, which passed unanimously.

VI. Public Hearing:

A. **Resolution No. 362. Industrial Focus: Gavin Russell, CIDA Architects & Engineers – Representative for David Nicoli, Nicoli Pacific LLC – Owner.** The applicant is requesting approval of a Zone Map Amendment from Residential Agricultural Holding (RA-H) Zone to Planned Development Industrial (PDI) Zone, and adopting findings and conditions approving a Stage I Master Plan for three industrial/flex buildings totaling approximately 96,000 square feet. The subject site is located on Tax Lots 300 and 500 of Section 14A, Township 3 South, Range 1 West, Clackamas County, Oregon. Staff: Cindy Luxhoj

Case Files: DB19-0004 Zone Map Amendment
 DB19-0005 Stage I Master Plan

The DRB action on the Zone Map Amendment is a recommendation to the City Council.

Chair Linville called the public hearing to order at 6:35 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.

Cindy Luxhoj, Associate Planner, announced that the criteria applicable to the application were stated on pages 1 and 2 of the Staff report, which was entered into the record. Copies of the report were made available to the side of the room.

Staff's memorandum dated May 9, 2019 regarding added language in Condition PDB1 and a revised Stage I Master Plan, was entered into the record as Exhibit A3.

Ms. Luxhoj presented the Staff report via PowerPoint, briefly noting the site's location and surrounding features, and reviewing the proposed applications with these key comments:

- The subject property was approximately 6.16 acres contained in two undeveloped parcels and located west of Interstate 5 and south of Boeckman Rd in Area of Special Concern E in the Comprehensive Plan.
- The Applicant, DP Nicoli Shoring Solutions, provided shoring equipment such as steel plates, trench shields, and slide rails to the construction industry. The company's current headquarters in Tualatin were inadequate for its business needs so the subject property would be developed as an industrial flex complex to attract local industry and house DP Shoring Solutions corporate headquarters.
 - The requested Stage 1 Master Plan would enable the Applicant to develop the subject site with flexible buildings to accommodate multiple industrial users. The development was not meant to be a campus for one user, but to provide three buildings that would function independently and house multiple tenants.
 - Due to its speculative nature, development was proposed to occur in three phases with each phase submitted separately for Stage II Final Plan, and Site Design Review.
- Proper noticing was followed for the application and no comments were received.
- Zone Map Amendment
 - The proposed Zone Map Amendment would change the zoning from RA-H to PDI, consistent with the Comprehensive Plan designation of Industrial, and proposed use for the site subject to considerations of Area of Special Concern E, which was planned for industrial uses; however, there were concerns related to continuity, design, and protection of the Walnut Mobile Home Park, which was zoned Residential Agricultural Holding.
 - The Comprehensive Plan stated that the life of the park could be prolonged through careful design considerations of surrounding development, and doing so would help retain one of the city's affordable housing opportunities. The subject property, located immediately north of and sharing the south property boundary with the mobile home park, was subject to specific design considerations.
 - There were two conditions of approval related to the Zone Map Amendment. First, the proposed project had to be carefully designed to promote design continuity with other development in Area E, and that adequate buffering be included in the site design to minimize disturbance for residents of the mobile home park. Second, the development

must be designed to minimize traffic conflicts, particularly from trucks, with residential activities and pedestrians.

- The Stage I Master Plan as initially submitted by the Applicant was more detailed than necessary for the scope of the current review, and specifically, included details that would not be reviewed with this application but would be reviewed in the future with the Stage II Final Plan and Site Design Review. Therefore, the Applicant had submitted a revised Stage I Master Plan more appropriate for the subject review that was conceptual and limited to defining the uses and general layout of the property.
 - The Stage I Master Plan included three speculative industrial flex buildings that would total approximately 96,000 sq ft and be developed in three phases.
 - Phase 1, expected to occur in 2019, included one approximately 50,000 sq ft multi-story building with industrial office, manufacturing, warehouse space, and associated access, loading, and landscaping areas on the southeast part of the site. A screened outdoor industrial storage area would also be included on the southwest part of the site.
 - Phase 2, expected to occur in 2024, included one approximately 24,000 sq ft building also for industrial office, manufacturing, and warehouse space, as well as associated access, loading, and landscaping areas, in the southwest area of the site.
 - Phase 3, on the north part of the site, was expected to occur in 2029 and included one approximately 19,000 sq ft building with industrial office use, manufacturing, and warehousing space, as well as associated access, loading, and landscaping area. A potential change of property lines might occur in Phase 3.
 - Subsection 4.137.5 of the Wilsonville Code defined and included standards for the Screening and Buffering Overlay Zone (SBOZ). The SBOZ specified appropriate screening and buffering for areas where residential and non-residential land uses abutted and was applied along the edge of a non-residential zone that abutted or was directly across the street from a residential zone.
 - For industrial properties, the SBOZ required a 10 ft to 20 ft deep buffer area with landscaping to the high screen or high wall standard. Restrictions on activity in the SBOZ area included limited access to motor vehicles through the SBOZ area. The DRB might impose additional landscape requirements to minimize visual impacts of any approved vehicle access points. No exterior manufacturing, storage, sales, or other similar work was allowed in the SBOZ area, nor were any signs, other than approved monument signs.
 - Because the subject property was proposed for a variety of non-residential uses consistent with the PDI Zone and abutted a residentially-zoned residential use, the mobile home park, it met the purpose for the applying the SBOZ. Staff recommended three conditions of approval for the Stage I Master Plan. First, the proposed project must provide appropriate screening and buffering to assure adequate separation of potentially conflicting land uses specifically related to the residentially-zoned residential use to the south. Second, the SBOZ be applied along the southern boundary of the subject property that abutted the mobile home park. And, third, no motor vehicle access would be allowed through the landscaped area required in the SBOZ.

- Staff recommended the DRB approve the Zone Map Amendment with conditions and recommend adoption to City Council, and also approve, with conditions, the Stage I Master Plan contingent upon City Council's approval of the proposed Zone Map Amendment request.

Jennifer Willard asked if Staff would decide whether the screening was appropriate or if it would be presented for DRB review once it was selected.

Ms. Luxhoj replied the screening would come before DRB as part of the Stage II application package, which would go into greater detail regarding site design.

Chair Linville noted the Master Plan submitted as an addendum to the packet defined Phase 1 and Phase 2 as having a review of associated access, loading, and landscaping areas, and in the Applicant's application included fairly detailed drawings of landscaped areas. She understood the landscape drawings would not be reviewed at this time.

Ms. Luxhoj confirmed that was correct and explained that the Zone Map Amendment was under review. The subject property would be developed as an industrial use with three buildings totaling roughly 96,000 sq ft. The details of how that would be laid out on the site, along with the landscaping, loading areas and access, would be reviewed during Stage II and the Site Design Review.

Chair Linville asked why the landscaping, loading areas, and access were listed in the Master Plan document.

Daniel Pauly, Planning Manager, explained that the bubble diagram area in red would include the building and all of those associated items.

Barbara Jacobson, City Attorney stated it was important to note for the record that the DRB was not approving any layout or landscaping tonight. Those items would need careful consideration, especially due to the language in the Comprehensive Plan about protecting the mobile home park.

Fred Ruby stated Page 29 of the Design Review submittal, which referenced the employee parking, noted that traffic circulation plans had been looked at and that the Applicant was currently in the process of obtaining a waiver to the Public Works Standards. He confirmed that would also be something that would be considered later during the next submittal.

Mr. Pauly elaborated that typically those items were not separated. The Zone Map Amendment requirement added 60 days to the timeline for approval; however, at that point, the Applicant did not have all of the designs solidified, but wanted to get this zone change component in front of City Council. Even if the DRB did not review the design until July, that approval would become final only five days after the Zone Map Amendment. Because the Zone Map

Amendment component added substantial time to the time line, the Applicant decided to split up the applications to get ahead of that.

Chair Linville agreed it was important to have that explanation on the record since two stages were involved. She confirmed that the land swap was not addressed in the Zoning Map Amendment either.

Mr. Pauly added the boundary of Phase 3 might change if the property owners came to an agreement over time.

Chair Linville called for the Applicant's presentation.

Gavin Russell, CIDA Architects, 15895 SW 72nd Avenue, Suite 200, Portland, OR introduced himself.

Tara Lund, CIDA Architects, 15895 SW 72nd Avenue, Suite 200, Portland, OR, thanked the Board for taking the time to review the application, especially since it had been split between two Board meetings. On behalf of Dave Nicoli, the Applicant, she requested approval of the Zoning Map Amendment to change from the RA-H to PDI and Stage I Master Plan as presented by Planning Staff. Mr. Nicoli had recently purchased the property and hoped to relocate his shoring company's operations from Tualatin to Wilsonville. He believed the subject property would be ideal because of its location, visibility, and because it was slated for industrial use in the Comprehensive Plan.

- The Applicant also wanted to develop a highly flexible industrial space to lease. For the first phase, they hoped it would be the Applicant and one other user, although it could go up to three other industrial users, and then similar for the second and third phases.
- The Applicant was also focused on making use of the highly visible site, and wanted it to be attractive and appealing to passersby. The Applicant hoped to come before the Board in two months for the more detailed approval.
- The Applicant planned to have a meeting with the neighbors onsite to explain their thoughts on the SBOZ and gather any input the neighbors might have on how the Applicant could address the buffer to satisfy the needs of both parties. The Applicant intended to meet the requirements outlined in the Area of Special Concern.

Ms. Niggli noted the application stated the outdoor storage was a necessity for the Applicant's operations, so she was curious about what would happen in Phase 2 when that building was developed and the outdoor storage planned for Phase 1 had to be removed.

Ms. Lund replied Industrial Focus was the tenant for the DP Nicoli use, and he would use that until retirement or until the company was no longer in operation. Alternatively, he could relocate his storage to Phase 3, while it was in waiting, but he would probably lease his space when the other space was developed.

Daniel McKay asked if the planned 2024 date for Phase 2 coincided with the Applicant's retirement.

Ms. Lund confirmed that it did, more or less, but that would depend upon the market also.

Ms. Niggli asked about the thought process behind the decision to build a three-story building in one corner and only one-story buildings in the other two sections.

Ms. Lund explained that the corner was the most prominent portion of the site, and the Applicant wanted to take advantage of that. The remaining two buildings were only one-story each due to the inability to meet parking needs for larger buildings. The Applicant wanted to downsize the usable square footage as they moved away from the prominent portion of the site.

Chair Linville confirmed the west portion of the site would be graveled with no building, and would be addressed during design review.

Chair Linville called for public testimony in favor of, opposed and neutral to the application. There was none.

Mr. McKay noted the Applicant's proposal was speculative in nature and asked if the subject property would revert back to residential zoning or remain PDI if Phase 2 and Phase 3 did not proceed as planned.

Mr. Pauly clarified that when a property was rezoned, that stayed in effect. Additionally, it was irrelevant as both the Comprehensive Plan and the zoning classified the subject property as industrial. If Phase 2 or 3 did not happen, there was the potential for the Applicant to return and change the Stage I Master Plan to something else that they desired to do at that point.

Chair Linville confirmed there was no further questions and closed the public hearing at 7:03 pm.

Jennifer Willard moved approval of Resolution No. 362 with the revisions presented in Exhibit A3. Angela Niggli seconded the motion, which passed unanimously.

Chair Linville read the rules of appeal into the record.

- B. Resolution No. 363. Cherbourg Lane Street Vacation: Stacy Connery, AICP, Pacific Community Design, Inc. – Representative for Polygon at Villebois III LLC and Allen and Victor Chang – Petitioners.** The applicant is requesting approval of a request for the City to vacate SW Cherbourg Lane right-of-way north of SW Berlin Avenue, Section 15AB, Township 3 South, Range 1 West, Willamette Meridian, City of Wilsonville, Clackamas County, Oregon. Staff: Daniel Pauly

Case Files: DB19-0006 Street Vacation

The applicant has requested that this item be removed from the agenda to be heard at a future date.

Daniel Pauly, Planning Manager, confirmed the applicant asked the request be heard at some point in the future, noting the date was uncertain. He added that DRB Panel B would likely be reviewing the application since that panel had reviewed the related Clermont Subdivision previously. Public notice would be reissued when a new date was set.

- C. **Resolution No. 364. Morgan Farm TUP: Margaret Lowe, Pahlisch Homes – Owner/Applicant.** The applicant is requesting approval of a Five-Year Temporary Use Permit for a sales office, temporary parking lot and model home in the Morgan Farm Subdivision. The Subject Property Is Located At 7210 and 7218 SW Bay Lane on Tax Lots 100 and 200 Of Section 12DC, Township 3 South, Range 1 West, Willamette Meridian, City of Wilsonville, Clackamas County, Oregon. Staff: Kimberly Rybold

Case File: DB19-0017 Five-Year Temporary Use Permit

Chair Linville called the public hearing to order at 7:08 p.m. and read the conduct of hearing format into the record. Chair Linville, Jennifer Willard, Angela Niggli, Daniel McKay 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, Associate Planner, announced that the criteria applicable to the application were stated on pages 1 and 2 of the Staff report, which was entered into the record. Copies of the report were made available to the side of the room.

Ms. Rybold presented the Staff report via PowerPoint, briefly noting the site's location and surrounding features, and reviewing the proposed application with these key comments:

- The proposal was a request for a five-year temporary use permit for a temporary sales office and model home in the Morgan Farm subdivision. The property was reviewed about a year ago by DRB Panel B and was currently zoned residential neighborhood along with other properties within Frog Pond.
- The model home was the one home currently under construction. The temporary sales office was approximately 462 sq ft and would be located within the garage of the model home. The Applicant proposed to use Lot 2, adjacent to the model home, for five, temporary parking spaces to serve the model home and sales office that would be constructed on a gravel lot accessed via the existing driveway cut on Bay Lane.
- At the conclusion of the temporary use, the sales office within the model home would be converted to a for-sale, residential unit and an additional home would be constructed on Lot 2.

- A showing of good cause was required for the DRB to grant a temporary use permit. The Good Cause Factors outlined within the Development Code that determined what was feasible as a temporary use were listed on Slide 4.
 - The application demonstrated good cause, as the Applicant owned the adjacent land next to the model home, as well as the entire subdivision on which they were developing single-family homes. The Applicant intended to market the homes and lots for sale at an onsite sales office along with a model home to illustrate how the homes would be laid out. The model home was intended to provide a service to customers in the area that would not be practical at an offsite location. An onsite, limited duration sales office as a part of a model home with temporary parking was a typical use within a larger residential development.
- Staff recommended approval of the Temporary Use Permit with the conditions outlined in the Staff report.

Daniel McKay asked for clarification on the drawing, as he believed an email had stated there was a requirement for two ADA spaces.

Ms. Rybold clarified that one condition in the Staff report required one ADA space; however, per State law, the access aisle had to be 8-ft wide on the passenger side. The site plan would go before the Building Division as a part of the Building Permit Review, and the Applicant would have to ensure that adequate space was provided.

Chair Linville stated that Condition PD5 stated the Applicant, "...shall convert the sales office model home to a for-sale single-family home within 5 years..." and asked if that included both of the lots.

Ms. Rybold explained the requirement was for the use itself, and the Temporary Use Permit pertained to that sales office being within that garage, which the condition was intended to address. It was not specifically tied to the parking; however, a home would be constructed on the second lot.

Chair Linville called for the Applicant's presentation.

Mike Morse, Regional Project Director, Pahlisch Homes, 15333 SW Sequoia Parkway, Suite 190, Portland, OR, 97224 stated Ms. Rybold had explained everything and that he was available to answer any questions. He did add that the site plan displayed was only Phase 1, which would consist of 36 lots. Phase 2, which would break ground this summer, would consist of 42 lots. The purpose of the model home, and the longevity of the Applicant's request, pertained to the entire project of 78 lots, not just the 36 in Phase 1.

Chair Linville asked for how long the Applicant anticipated needing the model home and temporary parking lot.

Mr. Morse responded that if the market remained the way it was currently, they anticipated two to three years.

Chair Linville noted there was no one in the audience to provide public testimony. She confirmed there were no further comments and closed the public hearing at 7:19 pm.

Fred Ruby moved to approve Resolution No. 364 with the Staff report as presented. The motion was seconded by Jennifer Willard and passed unanimously.

Chair Linville read the rules of appeal into the record.

VII. Board Member Communications

- A. Results of the February 25, 2019 DRB Panel B meeting
- B. Recent City Council Action Minutes

There were no comments.

VIII. Staff Communications

Daniel Pauly, Planning Manager, introduced a new Associate Planner, Cindy Luxhoj, and welcomed her to the Board.

Chair Linville congratulated and welcomed Ms. Luxhoj on behalf of the Board, adding that they looked forward to working with her. She also congratulated Mr. Pauly on his promotion and appreciated that he would still be working with the DRB as well.

Mr. Pauly confirmed the Board would be meeting more frequently, noting the current project would be seen again, as well as more applications expected in July or August, although he was not sure which DRB Panel would be reviewing them.

IX. Adjournment

The meeting adjourned at 7:23 p.m.

Respectfully submitted,

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