

**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.

**III. Roll Call**

Present for roll call were: Daniel McKay, Angela Niggli, Jean Svadlenka, and Katie Hamm.  
Ken Pitta was absent.

Staff present: Daniel Pauly, Barbara Jacobson, Kimberly Rybold, Georgia McAlister, and Philip Bradford

**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 10, 2020 DRB Panel A meeting

**Jean Svadlenka moved to approve the Consent Agenda. Angela Niggli seconded the motion, which passed unanimously.**

**VI. Public Hearing**

A. **Resolution No. 377. Villebois Piazza Temporary Use Permit Renewal: RCS Villebois Development and Villebois Village Center Master Association – Owners.** The applicant is requesting approval of a Class 3 Temporary Use Permit Request for a Two (2) Year Extension of the temporary use of temporary mailboxes and one coffee cart. The site is located at the Villebois Piazza on Tax Lot 101, 102, and 2800 of Section 15AC, T3S-R1W, Clackamas County; Wilsonville, Oregon. Staff: Georgia McAlister

Case Files: DB20-0025 Two-Year Temporary Use Permit Extension

**Chair McKay** 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**, introduced Assistant Planner Georgia McAlister, who had joined City Staff a little over six months ago, but tonight was her first presentation before the Development Review Board (DRB).

**Georgia McAlister, Associate Planner**, announced that the criteria applicable to the application were stated on page 1 of the Staff report, which was entered into the record. Copies of the report were made available to the side of the room.

**Ms. McAlister** presented the Staff report regarding the requested Temporary Use Permit for the temporary mailboxes and coffee cart located in the Villebois Piazza via PowerPoint with these comments:

- The 2006 approval for the Piazza in Villebois included a condition stating that upon construction of Building 1-F, mailboxes would be placed for the citizens living in central Villebois because at the time, that building had not been constructed yet. In 2008, a modification was made to allow for a 60-month Temporary Use Permit for the mailboxes in the area due to the fact that construction had not yet occurred and no solidified plans existed for the building. That modification expired in 2014.
  - In 2017, the Applicant realized the Temporary Use Permit had lapsed, but also wanted to add a coffee cart and potentially more food carts in the Piazza to the Temporary Use Permit, which was approved for 24 months for only the coffee cart and mailboxes.
  - In September 2019, the Temporary Use Permit for the coffee cart and mailboxes lapsed. Staff began working with the Applicant to resubmit an application to renew the Temporary Use Permit. The new Permit would be for 24 months and would be applied retroactively to the expiration date of the last Temporary Use Permit, so the 24 months would start on September 13, 2019.
- She displayed a map of the Piazza and indicated the locations of the coffee cart and the mailboxes. Also displayed was a photograph of the coffee cart, which normally had seating out in front, but the seating had been packed away due to COVID-19 restrictions. The coffee cart did not take up much space and had been a great addition to the Village Center.

**Chair McKay** asked how many mailboxes were in the temporary location and if the number was sufficient for current and planned residences.

**Ms. McAlister** deferred to the Applicant.

**Rudy Kadlub, Developer, Villebois, 14350 SE Industrial Way, Clackamas, OR**, stated there were about 600 to 700 mailboxes, noting mailboxes were added for new plats that were created over the last year. He confirmed there were an adequate number of mailboxes for all the built residences and room to add more mailboxes for the plat under construction by Polygon.

**Angela Niggli** inquired if the Temporary Use Permit allowed only the coffee cart or if the permit also covered other food carts.

**Ms. McAlister** responded the Temporary Use Permit was only for the coffee cart. She noted that in 2017, it was the DRB's opinion that the City should review allowing other carts on an individual basis, rather than just allowing six or so.

**Chair McKay** noted it had been nearing 10 years since the original Temporary Use Permit was first approved. He asked how confident Mr. Kadlub was that construction would begin by the expiration of the Temporary Use Permit.

**Mr. Kadlub** responded that last year, the Applicant had a developer with an application who had designed three buildings with the intent of building a four-story, three-over-one product with a retail ground floor and residential above on the three remaining sites surrounding the Piazza. They were still trying to work out the details. The developer did not have as much retail space as the Planning Department would like to see, but the buildings were quite attractive. The Applicant was hoping to get through an application and resolve the product differences. This occurred around the time of the fire in Villebois, literally across from the subject site. The people living near the Piazza were upset about having any more four-story buildings in the area. This uproar by the public put pressure on the City to relook at an application. The developer then pulled their application and backed out of the sale at that time with the idea that perhaps they would circle back once the Applicant felt it was politically viable to move forward. The Applicant was about to submit another application to begin the process back in early March, but COVID-19 restrictions halted the process. He was unsure how confident he was about construction beginning by the end of the permit. A mixed-use product was difficult and cost more money to build than solely residential or solely commercial as the cost of construction increased dramatically when two uses were combined. The Applicant has had a difficult time over the years finding the right developer and the right product mix for the area, and was looking at other tools that might work, including a vertical housing tax credit that was recommended by the Equitable Housing Task Force for the City to adopt. Having the tax credit available for use would help the feasibility of this type of product. Though he was unsure about the construction window, he ensured that the Applicant was trying 100 percent.

**Ms. McAlister** clarified that there was sufficient evidence that the Temporary Use Permit was intended to remain temporary and that a building would be constructed with the specified uses. Staff recommended approval of the request with conditions.

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

**Mr. Kadlub** commented that the Applicant was in agreement with the Staff report and recommendation. He noted that for the last Temporary Use Permit, the Applicant applied for up to six food carts. At a public hearing, it was determined that the coffee cart would only be approved, but another cart could be approved on a separate application, and the Applicant was still in agreement on that. The current coffee cart tenant had developed strong relationships with the neighborhood, and would hopefully be able to bounce back once things started opening up again. The Applicant was looking forward to the coffee cart tenant moving into a brick and mortar location in the Piazza in the future.

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

**Ms. Rybold** stated that Erik Glaeser, the coffee cart tenant, had wished to provide testimony, but was having audio issues. She added that Staff had attempted to call Mr. Glaeser, but was unable to reach him.

**Mr. Kadlub** noted Mr. Glaeser had just emailed him, thanking Mr. Kadlub for his presentation, but he did not know if Mr. Glaeser had any further input.

**Chair McKay** confirmed there was no further questions or discussion and closed the public hearing at 6:58 p.m.

**Angela Niggli moved to approve Resolution No. 377. Jean Svadlenka seconded the motion, which passed unanimously.**

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

- B. **Resolution No. 378. Republic Services Stage I Master Plan Revision and Temporary Use Permit Extension: Ben Altman, Pioneer Design Group, LLC – Representative for Jason Jordan, Republic Services – Applicant.** The applicant is requesting approval of a Stage I Master Plan Revision and Five (5) Year Temporary Use Permit Extension at the northeast corner of SW Garden Acres Road and SW Ridder Road. The site is located on Tax Lots 600, 601, and 1400, Section 2C, Township 3 South, Range 1 West, Willamette Meridian, City of Wilsonville, Washington County, Oregon. Staff: Philip Bradford

Case Files:        DB20-0026        Stage I Master Plan Revision  
                          DB20-0027        Five-Year Temporary Use Permit Extension

**Chair McKay** called the public hearing to order at 7:01 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.

**Philip Bradford, Associate Planner,** announced that the criteria applicable to the application were stated on page 1 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 reviewing the subject site's location, features, and the overall boundary of the Stage I Master Plan area (Slide 2), with these additional comments:

- The original Temporary Use Permit was requested in 2014 to fulfill Republic Services' need for additional office space and that Permit was extended and revised with a further

administrative review application in 2016 to increase the size from two office trailers to one larger modular office building. The Temporary Use Permit was extended again in 2018.

- As part of the noticing requirements, Staff followed the standard procedure of 250 ft, mailings in the newspaper, and additional posting on-site and on the City's website.
- The Stage I Master Plan Revision would remove the previously approved SORT BioEnergy Facility that did not move forward and provided a revised phasing plan for the full development of the Republic Services site. The temporary office building was located towards the center of the site. (Slide 6)
- The Temporary Use Permit Extension was a five-year extension of the existing 60 ft x 60 ft temporary office structure. Elevations of the modular office building were shown on Slide 7.
- Staff recommended approval of the Stage I Master Plan Revision and the Five-Year Temporary Use Permit Extension.

**Ms. Rybold** clarified that there were no conditions of approval for the Stage I Master Plan Revision. Conditions for the Five-Year Temporary Use Permit were stated on Page 3 of the Staff report.

**Chair McKay** confirmed there were no further questions for Staff and called for the Applicant's presentation.

**Ben Altman, Pioneer Design Group, 9020 SW Washington Square Dr, Suite 170, Portland, OR** stated he was representing Republic Services. He emphasized that the local Republic Services operation continued to seek financial approval from its corporate offices to authorize the construction of the permanent office space as reflected on the Master Plan at the north edge of the current paved area, north of where the temporary building was located. This Republic Services was a smaller operation in terms of the entire Republic Services Corporation, so it received smaller funding amounts. The Applicant continued to adjust as they modified the Master Plan to focus on the operational priorities to make the site work better and serve Republic Services' operational functions.

- As noted in the summary, the priority was to add additional fueling stations for Republic Service's truck fleet along the southside of the current fuel islands. Republic Services also wanted to build a permanent building once funding was made available. That project would also include the parking lot to the north and some storage area for containers, which added to the overall cost. Meanwhile, Republic Services had cooperated with the City on the improvements to Garden Acres Rd and Ridder Rd, providing a dedicated right-of-way, etc. to support that function. That operation was underway with the City's construction project to realign the Clutter/Garden Acres Rd intersection. The access to the new north parking lot would come off Garden Acres Rd as opposed to the current access off Ridder Rd. The Applicant continued to pursue the long-term plan as laid out in the Master Plan.

**Chair McKay** confirmed there were no questions of the Applicant and no public testimony in favor of, opposed and neutral to the application, either in person or remotely. He closed the public hearing at 7:15 pm.

**Angela Niggli moved to approve Resolution No. 378. The motion was seconded by Katie Hamm and passed unanimously.**

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

## **VII. Board Member Communications**

- A. Results of the February 24, 2020 DRB Panel B meeting
- B. Results of the April 27, 2020 DRB Panel B meeting
- C. Recent City Council Action Minutes

**Ms. Rybold** noted DRB Panel B had a new Board member and briefly highlighted the results of the February and April Panel B meetings. She noted that City Council approved modifications to the Development Code pertaining to Planned Development Residential (PDR) standards, particularly relating to lot size and open space requirements for subdivisions, which meant there would be new standards that applied to future applications for residential development. She concluded stating that Planning Staff had been busy with longer range projects that had been taken to City Council.

**Chair McKay** noted a couple of awkward phrases within Paragraphs 12 and 13 of the Chair's scripts that seemed to be misplaced. In the Instructions for Public Testimony, Paragraph 13 stated, "After Staff and Applicant have given their presentation, all members of the public will call..." However, at that point, Staff and the Applicant's presentations had already passed. The statement seemed misplaced and more like a preamble instead of instructions.

**Ms. Rybold** noted the text was indented differently, so it might have been misplaced when the document was prepared. She said Staff would review it and make refinements before the next meeting.

**Chair McKay** thanked the Staff for their help as this was his first meeting ~~acting~~ as Chair. He asked Ms. Jacobson and Mr. Pauly to talk with him about details to make the next meeting more polished.

**Barbara Jacobson, City Attorney**, agreed the section needed to be fixed and invited Chair McKay to call her to walk through any questions or comments he might have.

## **VIII. Staff Communications**

**Kimberly Rybold, Senior Planner**, stated that even though Planning Staff had shifted to a different work setup, applications were still being accepted and reviewed, and a couple of projects were in various stages of review. She did not know when the next hearings pertaining to those projects would be held, but the Staff was looking forward to those hearings in the next few months.

## **IX. Adjournment**

The meeting adjourned at 7:24 p.m.

Respectfully submitted,

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