



**Wilsonville City Hall  
Development Review Board Panel A**

**Monday, February 12, 2018 - 6:30 P.M.**

**I. Call To Order:**

**II. Chairman's Remarks:**

**III. Roll Call:**

Fred Ruby Joann Linville  
James Frinell Jennifer Willard  
Ronald Heberlein

**IV. Citizen's Input:**

**V. Consent Agenda:**

**A. Approval of minutes of the December 11, 2017 DRB Panel A meeting**

Documents:

Dec 11 2017 Minutes.pdf

**B. Approval of minutes of the January 8, 2018 DRB Panel A meeting**

Documents:

Jan 8 2018 Minutes.pdf

**VI. Public Hearing:**

**A. Resolution No. 347**

**South Wilsonville 76 Station Digital Sign Conversion: Double R Products - Applicant for R.C. Petroleum LLC - Owner.** The applicant is requesting approval Class 3 Sign Permit and Waiver to allow the previously approved changeable copy fuel station price sign to be converted to a digital sign, along with updates to station canopy signs and the freestanding sign along Interstate 5. The subject property is located at 30085 SW Parkway Avenue and is legally described as Tax Lot 103 of Section 23AA, T3S, R1W, Clackamas County; Wilsonville, Oregon. Staff: Kimberly

Rybold

Case File: DB17-0029 Class III Sign Permit with Waiver

Documents:

DB17-0029 Staff Report.Exhibits.pdf  
Exhibit B1 Project Narrative.pdf  
Exhibit B2 Sign Plans.pdf

**VII. Board Member Communications:**

**A. Recent City Council Action Minutes**

Documents:

Recent CC Action Minutes.pdf

**VIII. Staff Communications**

**IX. Adjournment**

Assistive Listening Devices (ALD) are available for persons with impaired hearing and can be scheduled for this meeting. The City will also endeavor to provide the following services, without cost, if requested at least 48 hours prior to the meeting.

- Qualified sign language interpreters for persons with speech or hearing impairments.
- Qualified bilingual interpreters.
- To obtain such services, please call the Planning Assistant at 503 682-4960

**DEVELOPMENT REVIEW BOARD MEETING**

**MONDAY, FEBRUARY 12, 2018**

**6:30 PM**

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- V. Consent Agenda:
  - A. Approval of minutes of December 11, 2017 DRB  
Panel A meeting

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

Development Review Board – Panel A  
Minutes–December 11, 2017 6:30 PM

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**I. Call to Order**

**Chair Ronald Heberlein** 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: Ronald Heberlein, James Frinell, Fred Ruby, and Jennifer Willard. Joann Linville was absent.

Staff present: Daniel Pauly, Barbara Jacobson, Eric Mende, and Kimberly Rybold

**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 September 11, 2017 DRB Panel A meeting

**Jennifer Willard moved to approve the September 11, 2017 DRB Panel A meeting minutes as presented. James Frinell seconded the motion, which passed unanimously.**

**VI. Public Hearing:**

**A. Resolution No. 345. Annexation of Garden Acres Road, Cahalin Road and Clutter Street Right-of-Way: Washington County, Oregon - Owner. City of Wilsonville - Applicant.** The applicant is requesting approval of an Annexation of SW Garden Acres Road, SW Cahalin Road and SW Clutter Street Right-of-Way. The property is specifically known as the right-of-way of SW Garden Acres Road extending from SW Day Road to the Clackamas County line; the right-of-way of SW Clutter Street extending from SW Grahams Ferry Road to SW Garden Acres Road, and the right-of-way of unimproved SW Cahalin Road from SW Grahams Ferry Road to SW Garden Acres Road, Sections 2 and 3, T3S, R1W, Willamette Meridian, Washington County, Oregon. Staff: Kimberly Rybold

Case Files: DB17-0027 Annexation

*The DRB action on the Annexation is a recommendation to the City Council.*

**Chair Heberlein** called the public hearing to order at 6:34 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, 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.

**Ms. Rybold** presented the Staff report via PowerPoint for the Garden Acres Road, Cahalin Road and Clutter Street Right-of-Way Annexation, noting the subject area's location and reviewing the annexation request with these key comments:

- The annexation request was for approximately 4.9 acres of road right-of-way, not a tax lot, within the Coffee Creek Industrial Area as well as the Coffee Creek Urban Renewal Area. (Slide 2) The industrial area master plan for Coffee Creek was established in 2007. The area would ultimately become a part of the City of Wilsonville and developed with employment uses. Tonight's annexation request would pave the way for the first step of urban level roadway improvements in the area, transferring the roadway authority for those roads from Washington County to the City of Wilsonville.
- The annexation request followed all applicable regional and State rules and statutes, including that the petitioner was the City of Wilsonville with the written consent of Washington County. The area was within the urban growth boundary and represented the minimum area needed to begin urban level roadway improvements in the area.
- Based on that information and the findings included in the Staff report, Staff recommended that the Board recommend approval of the annexation request to City Council.
- She confirmed that the right-of-way request was the same size of right-of-way that Washington County currently had under its jurisdiction.

**Fred Ruby** asked if the land to the east of Garden Acres Rd was also part of the future Coffee Creek development.

**Ms. Rybold** responded that the Coffee Creek Industrial Area incorporated areas that had already been annexed into the city, which she indicated referencing Slide 2. Coffee Creek was larger than the area along the right-of-way proposed for annexation.

**Jennifer Willard** asked if there were any opponents or any opposition to the annexation.

**Ms. Rybold** replied she had not received any comments on this particular request. Staff had conducted some outreach for other projects in that area, which included an open house in October to discuss these roadway improvements as well as some other Development Code updates in the area.

**Ms. Willard** asked why the annexation was being requested now.

**Ms. Rybold** deferred to Eric Mende on the timing, but explained that some roadway projects were part of the City's adopted Capital Improvement Program (CIP) and the first step to proceeding with those roadway projects was to transfer roadway authority to the City.

**Chair Heberlein** called for the Applicant's testimony.

**Eric Mende, Capital Projects Engineering Manager**, stated he represented the Applicant, which was the City of Wilsonville, and presented the Garden Acres Road Annexation via PowerPoint with these key additional comments:

- He pointed out the boundary of the Coffee Creek Urban Renewal Area, noting Garden Acres Rd was the first major project and an incentive for future development of the Coffee Creek Urban Renewal Area. The Garden Acres Road Project was at about 30 percent designed. The proposed annexation was the first step to do that road project, and right-of-way would be acquired subsequently.
- Slide 3 depicted the annexation involving the existing right-of-way of three different roads, all of which was currently owned by Washington County. After annexation, the right-of-way would come under the jurisdiction of the City of Wilsonville.

- He reviewed the general design features of the Garden Acres Road Project (Slide 4), noting the City intended to build to a full, three-lane section in the future; however, initially, improvements would stop short of Day Rd with a detached sidewalk and bike lane on the east side and attached bike lane on the west side to avoid major acquisitions and tree removals on the west side of the road. There had been a lot of interest in properties on the east side of Garden Acres Rd where there were not many residential properties or trees.
  - With regard to opposition, he noted a number of smaller acreages with residential properties existed on the west side of the road, and many of the residents were concerned about having an industrial area as a neighbor, so they were not big fans of the development going on in the general concept of the Urban Renewal Area. Consequently, the City decided early in the project to avoid any acquisitions on the west side of the road. Therefore, a two-lane road section was being designed to stay within the existing right-of-way on the west side with all of the improvements taking place on the east side initially.
  - The intersection at Ridder Rd would be revised with the roadwork and construction project extending a bit to the east on Ridder Rd.
  - A sewer extension would also go north from the existing sewer, extending up to Day Rd initially, and eventually, through Day Rd and up past the prison.
  - The Willamette Water Supply Program (WWSP) would also install a large, 66-in diameter pipe on the east side of the road as a part of their long-term concept for water delivery to Beaverton and Hillsboro from the City's existing water treatment plant on the Willamette River.
  - There would also be undergrounding of the existing power and telecommunications, which currently, was all overhead.
- Slide 6 showed an aerial view of the existing Ridder/Clutter/Garden Acres Rd intersection, which would be revised with a smooth curve that would transition from Ridder Rd up to Garden Acres Rd. With the completion of the second phase of the project, the Garden Acres/Day Rd/Grahams Ferry Rd intersection, Garden Acres Rd would connect to Day Rd, eliminating the cul-de-sac at the end of it.
  - Yellow helped indicate what the intersection would look like in the future. The red lines indicated the new right-of-way lines. The white lines showed the future improvements for the west side of Garden Acres Rd but were not part of the subject project.
- The roadway cross sections for Garden Acres Rd for both the near and long-term were shown on Slide 7, but the pipeline locations were not spatially accurate. The near term section showed the two traffic lanes, separated bike lane, and sidewalk that would be built along the east side of the road.
- The Applicant hoped to complete the design phase by the middle of 2018. Acquisition, based on legal descriptions for the future right-of-way, would occur immediately after the annexation process was finished. Construction of the approximately \$4.8 million project would start in August 2018 and take about a year to complete.
- The project's schedule was aggressive and a significant coordination effort would be needed to get the large diameter pipe under the road without interfering with the existing water and sewer lines. Private development might come in, so the City would need to coordinate driveway locations and potentially get some improvements on that side of the road. Coordination was also required when undergrounding PGE's power lines and the telecommunications. The City would also need to stay in touch with current residents to keep them apprised of project developments and the construction timeline.

**Daniel Pauly, Senior Planner**, confirmed that Day Rd was brought into the city limits with the prison site, and that the private properties were not presently within the City's jurisdiction, but would be upon urban development.

**Mr. Mende** stated the parcels already within the city were the Republic Services parcel that bordered Ridder Rd, as well as the next parcel to the north and the properties around Commerce Circle; the remainder of the Coffee Creek Urban Renewal Area was still in Washington County. The entire project

and the annexation were all within Washington County. The county line basically ran down the middle of Ridder Rd.

**James Frinell** understood that if a property owner wanted to develop their property, they would work through the County unless they asked to annex into the city.

**Mr. Pauly** clarified if property owner were to develop their property under the current rural zoning, they could still work through the County, who would then solicit comments from the City, particularly related to traffic impacts. However, any urban industrial development would require annexation and need to be reviewed by the City.

**Mr. Ruby** understood urban renewal was basically a tax incentive for business development in the area and that the proposed project was to get the roadways and infrastructure in place, but the affected land owners had no obligation to sell. He asked how practically the transition occurred when the time came to sell their land and if the property owners were simply just offered a lot of money to sell what was traditionally used as farmland due to market factors and the tax incentives for businesses and commercial interests.

**Mr. Mende** replied he was not an expert on urban renewal areas, but the tax increment for parcels within the urban renewal area would go towards the City's Urban Renewal Funding Strategy.

**Barbara Jacobson, City Attorney**, confirmed there was no requirement for a property owner to sell, but urban renewal allowed the land to be upzoned, which was an incentive for a property owner to sell. If enough neighbors sold their land, property owners who did not want to sell might get uncomfortable being surrounded by other uses they were not used to and losing the pastoral look of the area.

**Chair Heberlein** called for public testimony in favor of, opposed and neutral to the application. Seeing none, he closed the public hearing at 6:54 pm.

**Jennifer Willard moved to approve Resolution No. 345. James Frinell seconded the motion, which passed unanimously.**

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

## **VII. Board Member Communications**

- A.** Results of the September 25, 2017 DRB Panel B meeting
- B.** Results of the October 23, 2017 DRB Panel B meeting

**Daniel Pauly, Senior Planner**, noted the September and October Panel B meetings involved the same project, but at the first meeting in September, not even the Applicant was in attendance and the Board had some questions. The application ended up going to City Council, was sent back to the DRB, and approved at the second hearing in October where the Applicant was present. The September meeting was the first time he could recall that an applicant had not shown up for a hearing. Subsequently, Staff implemented a process to confirm that future applicants would be at meetings, which showed respect for and was helpful to the DRB, as the applicant could address questions and share useful information about their proposal. The project proposed adding hundreds of additional parking spots to the DW Fritz project on Boeckman Rd.

### **C. Recent City Council Action Minutes**

**Mr. Frinell** asked about the Old Town Single-Family Standards, noting that last year, the Board had hearing on a residential building being built.

**Mr. Pauly** explained that previously, every single-family home in Old Town had come to the Board, which was unique because the rest of the city's single-family homes went to Planning Staff as a part of the building permit to be approved, even in Villebois. A pattern book was developed for Old Town, along with some revised Code language, which City Council had approved and would be going into effect soon. The pattern book gave property owners and potential future builders in Old Town to choose from three architectural styles that fit in with the Old Town neighborhood for development. If the owners or builders elected to do something different, there was still a path to go to the DRB, but those were expected to be few and far between in the future. The pattern book also helped with compliance with State law regarding the need to have clear and objective standards for residential development.

## **VIII. Staff Communications**

**Daniel Pauly, Senior Planner**, noted that 2017 had been fairly unique in terms of the small number of applications that had come before the Board, adding the larger gaps between meetings than in recent years. He expected at least a dozen or more applications in 2018 due to everything being in place for Frog Pond applications to come in and other projects currently in the pipeline. The Board would have a hearing on January 8<sup>th</sup> for an application he recently deemed complete.

**Chair Heberlein** asked if work on the Boeckman Bridge would start in 2018.

**Ms. Jacobson** replied that currently, financing for the bridge project was being worked on, but it was complicated and involved extending the duration of the urban renewal district. It would take a while for the funding to come together, but work should start within the next five years.

**Chair Heberlein** asked if any Frog Pond developments had come through yet or was Staff just anticipating them in the future.

**Mr. Pauly** understood one would be submitted next month.

**Chair Heberlein** asked if most of the property had transitioned over from the current ownership.

**Mr. Pauly** replied not yet, but some large chunks were definitely in the works.

## **IX. Adjournment**

The meeting adjourned at 7:03 p.m.

Respectfully submitted,

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



**DEVELOPMENT REVIEW BOARD MEETING**

**MONDAY, FEBRUARY 12, 2018**

**6:30 PM**

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- V. Consent Agenda:
  - B. Approval of minutes of January 8, 2018 DRB  
Panel A meeting

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

**Development Review Board – Panel A  
Minutes–January 8, 2018 6:30 PM**

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**I. Call to Order**

**Chair Ronald Heberlein** 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: Ronald Heberlein, James Frinell, Fred Ruby, Joann Linville, and Jennifer Willard

Staff present: Daniel Pauly, Barbara Jacobson, Steve Adams, Kerry Rappold, Mike McCarty, Brian Stevenson, and Tod Blankenship

**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. Election of 2018 Chair and Vice-Chair  
Chair**

**Joann Linville** nominated **Fred Ruby** as the **2018 DRB Panel A Chair**. **Jennifer Willard** seconded the nomination.

There were no further nominations.

**Fred Ruby was unanimously elected 2018 DRB Panel A Chair.**

**Vice-Chair**

**James Frinell** nominated **Jennifer Willard** as the **2018 DRB Panel A Vice-Chair**. **Fred Ruby** seconded the nomination.

There were no further nominations.

**Jennifer Willard was unanimously elected 2018 DRB Panel A Vice-Chair.**

**VI. Consent Agenda:** None

**VII. Public Hearing:**

**A. Resolution No. 346. Memorial Park Community Garden & Dog Run Parking Area: AKS Engineering and Forestry. Representative for City of Wilsonville - Applicant/Owner.** The applicant is requesting approval of a Site Design Review for the addition of a parking area for approximately 33 passenger vehicle spaces and associated improvements. The site is located on a portion of Tax Lot 691 of Section 24, T3S-R1W, Willamette Meridian, City of Wilsonville, Clackamas County, Oregon. Staff: Daniel Pauly

**Chair Heberlein** 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.

**Barbara Jacobson, City Attorney**, noted, for the benefit of the Board and the audience, that the only issue before the DRB tonight was the parking lot location. There would be no discussion regarding the dog park or community garden. Those issues would be dealt with in the Memorial Park Master Plan and were City Council issues. Both items were sited in this location in the Master Plan; however, the Master Plan could only be changed through City Council, not the DRB. The DRB was only considering whether the Applicant could put the proposed parking lot in the proposed location at its proposed size, and whether there was adequate ingress and egress into the parking area. The DRB would not consider the uses around the parking lot, because the uses could be completely different. She understood the Board had already received a lot of testimony that would be included in the record regarding the dog park location, but she reiterated that the DRB was not the Board who could decide whether this was a good location for a dog park.

**Daniel Pauly, Senior 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.

**Mr. Pauly** explained that he was the reviewer of the application and did not represent the Parks Department or its point of view. As far as he was concerned, the Parks Department and the City were the same as any private applicant, in terms of his presentation to the Board for a recommendation based on the facts. The City's Development Engineering Manager, and others from the Parks Department and Natural Resources were present representing the City as the Applicant. He presented the Staff report on the proposed parking area improvements in the eastern portion of Memorial Park via PowerPoint with these comments:

- **Background.** The proposed parking lot, would be located at the end of Kolbe Ln, or Schroeder Wy depending on the direction, and adjacent to the community garden that was relocated and expanded a couple of years ago. The improvement project was being proposed because the Parks Department and others at the City were in the process of implementing Phase I of the 2012 Memorial Park Master Plan. A specific requirement in the City's Development Code required any public or private parking changes throughout the city come before the DRB.
- **Noticing.** The City had reached out to area residents. The Applicant, as the City, first contacted Staff about the proposal in December 2016 and had done quite a bit of work over the last year talking to neighbors about access and other issues. There was the public process as well, with open houses for the Master Plan and discussions about the location of different amenities.
  - The Planning Division delayed the hearing from late December due to the holidays; but like any application, the process needed to proceed in a timely manner, so it was scheduled for the next available hearing in early January. The hearing schedule and legal noticing requirements were handled the same as any similar application. The available information requirements were laid out and the specifics in the Development Code were met.
- **Design and Review Criteria.** The proposed parking lot improvements were part of other adjacent and related Phase 1 improvements, which included an off-leash dog area and a

restroom building, which were not under review tonight. Those improvements would go through required land use reviews separately. The subject land was zoned Public Facility and a parking lot for a park was an outright allowed use in the Public Facility zone.

- The Applicant had worked with a professional design team led by AKS Engineering to ensure the parking area was safe and convenient. It was located to access both the community garden and the planned amenities to the south. The parking space size and drive aisle width was of a typical design that allowed enough room for safe maneuvering within the parking area. The curvilinear feel allowed it to flow with the overall layout of the area and reduce speeds into and out of the parking area.
- A number of people commented that the parking lot should be located to allow connectivity, citing Section 4.155.(03)D, which required that parking areas connect to adjacent sites where possible. The nearest existing or planned parking area was more than 700 ft away, so it was not possible to connect.
  - Additionally, the Code section was a design standard, not a location or siting standard. He was not aware of any application of the language as a siting criterion for a parking area, but rather, it was applied to require connecting design when a parking area was already placed adjacent to another parking area, as often was the case for commercial and residential development.
- Pedestrian pathways were provided throughout the design.
- Stormwater would be managed to meet the current, modern City standards. Once treated, the stormwater would be conveyed to Boeckman Creek due to the lack of other drainage in the area, so the water would not go into groundwater.
- The proposed improvements were near the protected Boeckman Creek riparian area, as well as the 100-year flood plain; however, they were not within and or expected to impact either. The City did not even propose removing any trees or other significant vegetation for the proposed parking lot improvements. The impacted area was currently, primarily gravel and open grass.
- There were quite a few landscaping requirements for parking lots. The proposed parking lot, including the adjacent sidewalks, was just over 22,000 sq ft. In the internal planning area, the planters total a little more than 2,300 sq ft, which was just over the 10 percent requirement.
- The Code required a planting ratio of one tree for every six parking spaces, so five trees would be required for the proposed lot, and seven trees were proposed. The tree species was appropriate and could be pruned to provide clearance. A variety of other shrubs and ground cover would cover the rest of the landscaped area, provide variety, and meet all the other applicable City standards.
- There had been comments about the proposed lighting. However, the proposal had to fully comply with the City's Dark Sky Ordinance, meaning the lighting had to be focused on providing light to the parking area and not glare or trespass past the parking area itself, or up above the parking area. The proposed lights would be fully-shielded, and the Outdoor Lighting Ordinance would address and prohibit any reduction in the visibility of the night sky and excessive glare to neighboring properties.
  - A lighting curfew was also required by Code, so the lights would be reduced by at least 50 percent after the park closed.
- Access was a major topic of discussion in the comments received. Some comments focused on the design guidelines in the 2007 Parks Master Plan, which had specific site selection considerations regarding site size and access for regional level parks like Memorial Park. (Slide 15) Essentially, many criteria were used to see how what considerations needed to be balanced when choosing or designing a site. However, the language also noted that existing parks might not fit within the guidelines, so it did not prohibit the use of useable land in an

existing park, if the park could not meet the guidelines. It was in no way a hard standard that a denial of this type of application could be based on.

- Setbacks from adjacent development were substantial and exceeded that required by Code. Outdoor lighting and landscaping would soften the view of the parking lot and have relatively small impact on any adjacent properties because of the distance, quality of the design, and requirement to meet City standards.
- He confirmed the existing parking area where Kolbe Ln ended was a somewhat organized, gravel parking area; however, the City had only been able to stripe about ten spaces maximum.
- The proposal met the City's clear and objective standards for traffic, which considered nearby properties, and therefore, more restrictive requirements related to traffic could not be placed on the project. Essentially, the level of traffic impact was considered reasonable and was approvable.
  - The City had invested quite a substantial effort to determine the best access to the proposed parking area in Memorial Park. Currently, access was via Schroeder Wy and Rose Ln to Wilsonville Rd. The City examined that current access, as well as direct access through an extended driveway from Rose Ln, access on Kolbe Ln via the existing pedestrian bridge over Boeckman Creek, and a one-way loop using Schroeder and Kolbe Ln. The final selection was to provide access via Kolbe Ln and the bridge. Non-emergency access from Schroeder Wy would be closed at the end of the cul-de-sac using bollards. The City had planned a number of improvements to Kolbe Ln to maximize safety and function.
  - There would be increased traffic passed the two homes that took access off Kolbe Ln. The City had reached out to those property owners about the proposed changes.
  - As detailed in the traffic study, Kolbe Ln was a public street and could handle the traffic from the park uses.
  - At the City's request, ODOT had inspected the bridge and determined it was structurally capable of carrying the expected vehicles.
- He reminded that the proposed access improvements could occur regardless of what the Board did tonight, so the question before the DRB was whether the proposed parking area had adequate pedestrian, bicycle, and vehicle access via the planned improvements. Based on examination of the traffic study, adequate access would exist with the improvements.

**Steve Adams, Development Engineering Manager, City of Wilsonville** stated that back in September, he and Community Development Director Nancy Kraushaar, along with Kerry Rappold, and Tod Blankenship, visited the site in response to concerns that residents on Kolbe had and to see what could be done to make it a safer street. He displayed an aerial diagram of the proposed traffic improvements based on that meeting (Slide 18), noting Ms. Kraushaar's memorandum, which was distributed at the dais, supported the improvements to make Kolbe Ln safer.

- While many of the improvements were going to be done anyway, the City had various reports about concerns on Wilsonville Rd and the safety of the pedestrian crossing there. The City hoped to make that a safer crossing with the improvements identified as C and D on the diagram.
  - One year ago the City looked at replacing some rectangular, rapid flash beacons to a larger model, but some electrical and power concerns escalated the cost. Putting bigger, brighter, flashing lights on either side of the road turned out to be much more expensive than expected. Currently, the City was going to install pedestrian signage in the middle of the crosswalk, as well as advanced warning signs as done in many crosswalks in the city.

- Other improvements related to Kolbe Ln and making the intersection at Wilsonville Rd a safer drive up and down, and a safer way to access it.
  - A and B addressed vegetation removal and shortening plants at the Wilsonville Rd intersection to allow better sight distance to both the east and west. The plantings east of the Kolbe intersection were trimmed back in October. Previously, drivers could not see the required 350 ft down the road for approaching traffic, so it was unsafe. After Public Works trimmed the vegetation, the City confirmed there was clear sight for at least 400 ft, which met the City Code. To the west, the Parks Department was asked to look at the height of the plants and install shorter varieties of ground cover adjacent to the curb so that drivers of lower-height cars could have better visibility.
  - E regarded the installation of delineators to the first driveway, which was approximately 20 ft to 25 ft south of the crosswalk. The delineators would encourage cars turning right not to swing too far to the left as they turned. Staff had reports that cars entering Kolbe Ln swing wide, which conflicted with cars driving north on Kolbe or trying to turn left or right onto Wilsonville Rd. The delineators would provide a more visible area for cars to stay right or left of.
  - The gravel on the west side of the road was a bit light so installing additional gravel (H) would make it a better and smoother access to and from that area for pedestrians. Bikes would stay on the roadway.
  - Four-inch white striping, called fog lines, would be added to delineate the outside edge of the travel lane. The road at that location was fairly wide. At the north end, it was approximately 23 ft or 24 ft; further south, it was 25 ft or 28 ft. A 20-ft wide road was required for fire engine access. Travel lanes were normally between 10 ft and 12 ft, so 20 ft between the two white fog lines was acceptable for low volume, low speed, two-lane travel. Staff suggested placing one fog line right at edge of the east side of Kolbe Ln, to allow as the extra asphalt and space to be available on the west side, which was the pedestrian or proposed bike access into the park. It would give pedestrians and bicyclists more of a shoulder on that side to walk or ride their bikes on.
  - For G, he understood Parks and Rec would go forward with the future pedestrian access pathway to the park in the next few months, so it was expected to be in place before any of the parking lot. By spring, the City should have a walkway between the park and community garden. The walkway was actually part of the Parks Master Plan and not a part of the subject project. Staff had suggested that it get moved forward to give another access way from the main park to the community garden and dog park area.
  - J involved adding pedestrian symbols on the asphalt outside of the fog line to delineate the areas for walking and not motor vehicle use. The approximate 2-ft diameter pedestrian symbols could be seen on the Hawthorne Bridge in Portland.
- The City would close the end of Schroeder Wy to vehicle traffic and install a removable bollard that would allow fire access. TVFR would have a key to unlock the lock at the bottom of the bollard to allow access for fire trucks.
- The bridge was 20-ft wide, which was too narrow for pedestrians and two-way traffic; however, but with the low traffic volume at that location, it was perfectly capable of supporting one-way traffic. The stop sign, stop bars, and signage would be clear enough for everyone to come up, stop, make sure it was clear, and drive across the bridge. The traffic studies indicated the maximum PM Peak Hour use, which was summertime, was 40 vehicles; 20 cars in and 20 cars out, or one car entering every three minutes and one car exiting every three minutes. For the low-volume street, what Staff had suggested would work just fine and Ms. Kraushaar confirmed that in her memorandum.

**Mr. Pauly** entered the following exhibits into the record:

- Exhibit A5: Staff's responses to public comments, included in the record in the D Exhibits, with supporting materials attached.
- Exhibit C1: Memorandum dated January 8, 2018 from Community Development Director Nancy Kraushaar regarding the Kolbe Ln access for the parking lot.
- Exhibit D6 to D12: Multi-page handout including letters and emails with additional public comments.

**Jennifer Willard** asked once the overgrown vegetation was removed, what would be done to prevent the overgrowth from occurring again and creating a dangerous traffic situation.

**Mr. Adams** responded that it would be a regular landscape maintenance item. He had emailed Public Works, so they now had it on their radar to perform the maintenance on a regular basis. He confirmed it had not previously been on anyone's radar. Many times Public Works staff would go out and trim vegetation around the city as they noticed it, or as others noticed it and informed them.

**Ms. Willard** asked about any recourse options should the traffic volume reach higher than the 40 trips, overloading the system. Was there an option to create a dedicated, right-turn lane onto Kolbe Ln from Wilsonville Rd to keep vehicles traveling eastbound from backing up traffic?

**Mr. Adams** replied that the City owned the park land and would have to move the sidewalk over to create a dedicated drop/drive lane, but it was a monetary option. Adding a lane to the south side of the bike lane and shifting the sidewalk would not be an inexpensive solution.

**Scott Mansur, DKS & Associates, 117 Commercial St, Suite 310, Salem, OR**, added that to add a right-turn lane, Wilsonville Rd would have to be widened and the existing pedestrian crossing would create an increased conflict area. DKS had evaluated safety warrants looking at right-turn lanes, volume, and conflicts on Wilsonville Rd, and none of those safety warrants were triggered for a right-turn lane. A lot of summer counts had been done at other dog parks to evaluate the peak summer traffic counts and try to estimate a worst-case of the highest and best evaluation for those. He confirmed the traffic studies had been limited to weekdays.

**Ms. Willard** responded there could be an increased volume scenario on a summer weekend.

**Mr. Adams** agreed, but explained the studies were limited to weekdays because the City had found repeatedly that the PM Peak Hour between 4:00 PM and 6:00 PM weekdays was the busiest travel time of the week. Saturday traffic was not as busy at any peak hours; it was more spread out during the day with no intense rush of people getting off work or out of school and heading in a certain direction. The traffic issues seen on weekday PM Peak Hours were not the same as on weekends.

**Ms. Willard** commented that it seemed Peak Hours were extending everywhere. She asked, as a Plan B and if funding permitted, whether a traffic light could be added if the intersection of Kolbe Ln and Wilsonville Rd was found to be a problem.

**Mr. Mansur** replied that volume thresholds were required to trigger a traffic signal, but if there were significant traffic and delays, and the intersection met the warrants, there would be no reason a signal could not be installed there.

**Ms. Willard** asked what the process was to initiate a study to validate that the volume warranted a traffic signal, adding she wanted to know what recourse the neighbors had.

**Mr. Adams** answered if there were repeated issues, people calling and complaining or Staff noticed a backup problem, a traffic study would be done in the area. The City often did counts randomly throughout the year to check what was happening in certain areas of the city by requesting a speed count or study from a traffic-counting agency. When the counts reached a certain point or delay, the City would contact Scott Mansur with DKS or Kittelson & Associates, another traffic engineering firm in the Portland area, and request an actual study to see if the traffic counts warranted a new signal.

**Chair Heberlein** asked if Staff could speak to the safety of utilizing Kolbe Ln versus Rose Ln and share any conversations that occurred with the Applicant on why Kolbe Ln was chosen versus Rose Ln.

**Mr. Adams** replied that Staff had looked at Rose Ln last spring. Both Schroeder Wy and Kolbe Ln used to be Wilsonville Rd. In the 1990s, the City built the bridge and cut off that part of Wilsonville Rd because it was a safety issue. The Kolbe Ln side was a T intersection. On the other side, Schroeder Wy was pretty close to Wilsonville Rd with only 20 ft to 30 ft between the two. It was a fairly tight intersection. The concern was that with cars coming and going off Schroeder to the park and coming up and down on Rose Ln and Wilsonville Rd, it could be a confusing area due to how tight the roads were, so the City decided to go away from Schroeder. Rose Ln was similar in that there was a lot of traffic, but Rose Ln was also pretty steep where Rose Ln met Wilsonville Rd, so there was no flat landing for a car so drivers could look east and west, which was what Staff had looked for in that area. Kolbe Ln was not nearly as steep where it met Wilsonville Rd as Rose Ln.

**Mr. Mansur** agreed the main issue was the short distance between Schroeder Wy and Wilsonville Rd and cars turning on and off Rose Ln and cars coming fast from Wilsonville Rd. Typically, more than 100 ft of spacing was wanted for safe maneuvers and there was 20 ft to 30 ft. He added that local streets were typically designed for about 1,200 to 1,400 vehicles per day. Currently, with only two homes on Kolbe Ln, the estimate was about 20 vehicles per day currently on that road. The estimated peak daily traffic on Kolbe Ln from Memorial Park was 420 vehicles per day, which was still significantly lower than what a typical local street was designed for.

**James Frinell** stated that one of the exhibits had pointed out numerous accidents at the Kolbe/Wilsonville intersection and asked if there were any statistics about that.

**Mr. Adams** replied he had seen the letter from the resident who had mentioned the accidents, but he had not had sufficient time to investigate how many had occurred there over the last five or ten years. He had been at the City for 16 years and did not know of any vehicle accidents that had occurred there. He knew there had been some issues with pedestrian crossings at that intersection, which was why the City wanted to do some additional pedestrian work there to make it safer. It was a fairly well-marked crossing for pedestrians already, but it seemed to draw problems.

**Ms. Willard** asked if the past pedestrian issues were severe.

**Mr. Adams** responded that he did not recall anyone having been hit there.

**Ms. Jacobson** confirmed she did not know of any pedestrian accident that had gone through the court system.



**Mr. Mansur** clarified there had been two close calls with children crossing at that location, but there had never been a crash related to pedestrians that he was aware of. He could not recall if the incidents occurred before the flashers were installed.

**Mr. Adams** added that it had been a few years, but he recalled the kids being roughly 8 and 13.

**Joann Linville** asked if the presence of a 33-space parking lot in the area, regardless of its use, was anticipated to increase traffic flow in and out.

**Mr. Pauly** understood that Ms. Linville was asking if the parking lot itself would generate any traffic. He noted one letter had asked if the lot would be used for overflow parking for events, such as weddings. He believed any such overflow would more likely go to the library, which was what people were used to. He did not see the proposed lot being a convenient place to park for anything other than the adjacent uses.

**Mr. Adams** added that it would be a public lot and nothing would stop anyone from parking there to use other parts of the park. The City looked at the proposed parking lot as being used by people visiting the community garden or dog park. It had not been studied for other users of the park. There were large parking areas near the children's playground area on the upper part of the park and down by the ball fields, as well as a couple of gravel areas down by the picnic shelters, which was why the City did not anticipate that cars would park in the proposed lot to use other parts of the park.

**Ms. Willard** confirmed that the Traffic Study anticipated the level of service (LOS) to be A, C and asked if that LOS was expected on both Wilsonville Rd and Kolbe Ln.

**Mr. Mansur** replied that on a stop control approach, it was just the highest delay for the side street traffic, so that LOS C would be the delay for traffic leaving Kolbe Ln to turn onto Wilsonville Rd.

- He confirmed it would be very easy to do a Traffic Study that counted how many cars would be needed for that LOS to break.

**Ms. Willard** stated that because the City had not anticipated all of the ways that people might use Memorial Park, it might be interesting to see what traffic would break the LOS.

**Mr. Mansur** clarified that was called a Sensitivity Analysis, which was something DKS could easily provide to Staff. It could add a certain number of vehicles to the estimated numbers and provide a level of comfort.

**Ms. Willard** confirmed that the lighting would be reduced to 50 percent when the park closed and asked what the hours of operation would be at the park.

**Mr. Pauly** responded that the standard hours for public parks were 5:00 am to 10:00 pm. According to Code, the requirement was diminishing full lighting to 50 percent one hour after closing.

**Chair Heberlein** noted he had not seen anything on the Applicant's plans identifying that the pedestrian crossing would be marked.

**Mr. Pauly** agreed, it was a Code requirement and a clarifying condition could be added to the proposal. When doing the inspections, he would make sure it happened. He suggested the clarifying condition could read as follows: "The crosswalk on the parking area shall meet all requirements of Section 4.154 for markings."

**Chair Heberlein** said he did not want to add a condition if something else in the City's process would ensure that the marking would occur.

**Mr. Pauly** responded it was a Code standard that would be enforced, although he agreed it was not clearly shown in the plan, so it would be a reasonable fail-safe to add that condition to require it be the painting that met the Code standard.

**Ms. Willard** said she was confused about the signage because one of the recommendations from the walk was to have adequate wayfinding signage to direct people to the proposed parking lot but then another section stated there would not be any signage.

**Mr. Pauly** explained the no signage language came from Section 4.154, which was the onsite pedestrian Code language that had some wayfinding requirements which was essentially for a very large master planned area, such as the wayfinding signage on the side pathway on the Subaru site. Because this was just an open parking lot, there was no need for signage because people would know where the community garden was located.

**Ms. Willard** noted the DKS report recommended that the City provide wayfinding signage at the entrance of Kolbe Ln that identified the connection as providing a main bicycle and pedestrian access to the community garden and dog park.

**Mr. Pauly** replied that would be an offsite improvement not subject to this review. The City had more of a parks wayfinding program, but that Code section was talking about onsite wayfinding signage.

**Mr. Adams** added the Parks and Recreation Department could be asked about any intent to install signage.

**Ms. Linville** asked about the purpose of the looped area on Schroeder Wy.

**Mr. Adams** responded that a cul-de-sac was required by TVFR when there was more than 200 ft of length and their vehicle needed to turn around. Fire trucks were notoriously bad at backing up, so TVFR required some kind of a turnaround on a dead end street. He briefly reviewed the background of the cul-de-sac, which was constructed before 2008 and before the bridge improvements over the creek.

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

**Kerry Rappold, Natural Resources Manager, Project Manager**, stated that he and Mr. Blankenship would provide a bit more information about the Memorial Park Master Plan and public involvement related to that process, as well as the timeline for the subject project.

**Tod Blankenship, Parks Supervisor**, presented the Memorial Park Community Garden & Dog Run Parking Area via PowerPoint, highlighting the Memorial Park Master Plan with the following key comments:

- One of the underlying themes of the Parks and Recreation Master Plan adopted in 2007 was for some additional parking in Memorial Park. The Memorial Park Master Plan kicked off in October of 2014. The City went through a heavy public outreach process that involved an electronic, city-wide survey with 617 respondents. The City held stakeholder meetings, three open houses, which were all well-attended, and posted several website communications.
- The result of the public input from that Master Plan process was to keep all of the active use on the west side of the park, such as the trails, disc golf, future pump track, skate park, or athletic fields and courts, etc. There was also a need and desire to keep passive uses on the east side from the residents in that neighborhood. These uses included the community garden, future dog park, and pollinator habitat.
- City Council adopted the Master Plan in May of 2015 and it would be implemented in three phases. Phase I was the northeast parking lot, relocation of the off-leash dog park, restroom facilities, bicycle pump track, east parking lot, and community garden expansion and a nine-hole disc golf course, both of which were already completed. The subject parking lot and the relocation of the dog park would wrap up Phase I, allowing the City to move on to Phase II.

**Mr. Rappold** continued the presentation, describing the public process that had been followed since the subject project had started in the middle of 2016. First, a fact sheet was developed that basically gave some information about the project, its intent, and how the City wanted to move forward in terms of a timeline. The fact sheet was sent as part of the letter that was sent out.

- The City sent a broad notice that was even more extensive than what was done for tonight's hearing and included every residence on Kolbe Ln, Schroeder Wy, Rose Ln, and Montgomery Wy to let them know the project would go to the Parks and Rec Advisory Board. The initial meeting scheduled in December of 2016 was delayed until January due to inclement weather, so another letter regarding that change was sent to the neighborhood.
- There was a good turnout at the Parks and Rec Advisory Board meeting, approximately 20 to 25 people. At that point, the Advisory Board was looking at three design concepts for the parking lot, in terms of its configuration and orientation. There was not a tremendous amount of variation in the concepts, but it was enough to give the Board a feel for the different aspects of design. The Advisory Board unanimously decided on Concept 3.
  - Part of that discussion involved the same input heard tonight as far as public comments. There were concerns about how the parking lot would be accessed and the need for relocating the dog park; many of the same issues the City had dealt with over the last year.
  - Between the January and February Parks Board meetings, Staff was asked to come up with an alternative concept that showed access off of Rose Ln. That design was developed by a consultant from AKS, but a number of reasons were presented to the Parks Board about why Staff did not believe it was as good an idea as looking at Schroeder Wy and Rose Ln:
    - Even with access off Rose Ln, vehicles would still have to use the Schroeder Wy/Rose Ln intersection. It would also bifurcate and reduce the size of the relocated dog park by 25 percent, increase the stormwater management required on the site and increase the cost of the project, estimated to be approximately \$500,000, by about 70 percent, which was a substantial increase in cost.
    - The Parks Board agreed the City should move forward without considering Rose Ln as an alternative access, but asked Staff to do another level of alternatives analysis to look at what it would take to improve the Schroeder Wy/Rose Ln intersection and also Kolbe Ln as an option in terms of using the existing bridge. The City had AKS do a study after the February Parks Board meeting. AKS looked at options for the

bridge, some alterations to the horizontal alignment of the Rose Ln/Schroeder Wy intersection, which would basically move it farther south, and the steep vertical alignment of Rose Ln as it came up to Wilsonville Rd.

- After assessing all of the information, Staff decided upon a new alternative, which was to use Kolbe Ln with the existing bridge at its current width that only allowed for one-way traffic. Staff then presented it to City Council in August, which Staff notified the neighborhood about via a third letter.
- Some of the issues with the improvements at Schroeder Wy and Rose Ln included having to take out 30 trees and approximately 2,500 sq ft of a property on the corner. Staff did not look at the vertical alignment, but estimated the overall project would cost about \$1 million. Based on the information heard tonight regarding Kolbe Ln and Staff's recommendations, Staff believed Kolbe Ln was the best direction to go forward.
- City Council did not have time to make a decision at its August meeting about the improvements just reviewed by Mr. Adams, so Staff went back before Council in October. Between those two meetings, he and Mr. Blankenship did some direct outreach to the two residents on Kolbe Ln due to the impact the decision to shift Kolbe Ln could potentially have on them. From that point forward, the Parks Department worked with the Planning Division to submit their application.

**Chair Heberlein** noted on the south side of the parking lot, there were two lampposts in the planter areas that had Red Sunset maples. The trees would grow to 40 to 50 ft tall and 30 to 35 ft wide when mature, but the parking lot lights had 25-ft posts. He asked if that was the right use of the Red Sunset maple in that area given how high and wide the trees would grow.

**John Christensen, AKS and Forestry, 12965 SW Herman Rd, Tualatin, OR,** responded other options could be considered that would present less of a conflict with the lighting; however, AKS believed that what was proposed was effective and could be used throughout the parking area without impacting the lighting.

**Chair Heberlein** asked if the Lighting Analysis took into account the trees planted at maturity or if it assumed that nothing was planted at the time.

**Mr. Christensen** responded the Lighting Analysis assumed nothing was planted at the time.

**Chair Heberlein** stated his concern was that a tree placed right underneath the light could potentially obscure a good majority of the light being projected straight down.

**Mr. Pauly** replied that as the trees grew and matured, they could be managed and pruned to avoid that. There would be a point in their growth where there would be some conflict, but if the trees were pruned while young, they would grow to work well with the light.

**Chair Heberlein** stated that given where everything was located, he wondered if relocating the lights to get away from the trees or changing the types of trees was reasonable to consider

**Mr. Rappold** noted there was latitude to make revisions since the Applicant was only at about a 30 percent level of design. They had to progress through a number of steps to get to the construction documents so that could be looked at more closely.

**Chair Heberlein** asked if the DRB was approving the tree plan.

**Mr. Pauly** stated he could certainly require something more columnar to avoid the conflict. A good condition could be to direct a tree variety that would minimize that conflict.

**Ms. Willard** asked when the City intended to go forth with the rest of Phase 1, mainly the relocation of the dog park.

**Mr. Blankenship** replied the City received a grant for the relocation of the dog park and planned to do that in conjunction with the construction of the parking lot with the hope that both would be completed at the same time.

**Mr. Willard** confirmed the relocation of the dog park would not come to the DRB.

**Ms. Linville** understood that the DRB was not dealing with the dog park, but the traffic studies were done due to the anticipated traffic that would occur with that relocation. She struggled with how to separate that from its current use and just deal with the parking lot. If the DRB was dealing only with adequate egress and ingress for a 33-space parking lot, irrespective of the uses that might be in that area, she did not know how they could begin to anticipate any additional traffic beyond the current use because it might never happen. She asked if there was a plan in place, regardless of what the DRB decision was on the parking lot, to change the ingress and egress for the community garden.

**Mr. Pauly** said he understood that the City would go forward with changing that access because it would be a safer access regardless of the amount of traffic that would go to the park. With the discovery that the bridge was adequate and could carry the traffic, and due to current traffic levels at Rose Ln and Schroeder Wy, it was recommended to keep vehicles off that intersection as much as possible because it did not meet vertical or horizontal separation standards.

**Chair Heberlein** asked if Parks and Rec envisioned any other uses in the area that would have a higher traffic volume requirement than the dog park and community garden.

**Mr. Blankenship** answered no. Occasionally, a person with a dog might park there, and currently, a Pokémon was down there which increased some of the traffic, but he did not know if that would continue or not.

**Chair Heberlein** said he wanted to make sure no other uses were envisioned for the land that might have a higher traffic count and change the calculations in the Traffic Study negatively.

**Mr. Pauly** explained revising the Master Plan would require going through a public process.

**Mr. Rappold** confirmed the Master Plan would have to be revised to reflect any change of use because the City was obliged to follow what it currently showed.

**Mr. Pauly** noted the DW Fritz application had dealt with a similar question. It was a parking lot process, but the Traffic Report dealt with the conceptual future use of a vacant pad, so it was not approved for purposes of the future use. The Traffic Report did not always correspond with the scope of the DRB review. He understood that could be confusing in those situations; however, the question was whether access was being provided; could a pedestrian, bike, or vehicle access the parking lot safely via Kolbe Ln regardless of the traffic volume.

**Ms. Linville** stated when she drove down to the site, there was no marked pedestrian lane. She understood there would be signage, but believed the pedestrian way down Kolbe Ln would be gravel, not paved.

**Mr. Adams** explained the road pavement varied from roughly 24 ft to 26 ft wide, so the fog line striping would provide a 20-ft width on the asphalt, and everything to the west of that, whether it was 4 ft or 6 ft, would have a mix of both asphalt and gravel side by side. The actual pedestrian marking Staff had suggested would be applied on the asphalt, so it would be there permanently; however, the pedestrian way was wide enough that people could walk four abreast, some on the asphalt and some on the gravel. Once Public Works put in the future pedestrian access way to the park, it might take away a lot of the pedestrians that used Kolbe Ln for access. Currently, people parked their cars there because it was pretty wide; however, it would be signed as a pedestrian way in the future once Public Works built the pathway.

**Ms. Linville** confirmed pedestrians would walk west across the crosswalk on Wilsonville Rd to get to the pedestrian way that would run along the west side of Kolbe Ln. She asked if she would be able to ride her bike or walk on a solid surface from Wilsonville Rd to the parking lot.

**Mr. Adams** replied yes, there would be a sufficient width of asphalt to walk or ride on.

- He clarified there was no pedestrian bridge, only a pedestrian path, which would hopefully go in sometime in the spring of 2018. The only bridge was the 20 ft wide bridge on Kolbe Ln that was put in about ten years ago when the culvert was taken out. The bridge would be a pedestrian access. From the actual parking lot, pedestrians would walk across that wooden bridge to go up to the gravel path that went up to Memorial Park.

**Mr. Pauly** added that in the Memorial Park Master Plan, as well as the City Master Plan, there was a plan for a regional trail to go up the Boeckman Creek corridor, so that was probably a future improvement related to the regional trail.

**Ms. Willard** stated that the Master Plan showed a path with stairs just off of Kolbe Ln which she confirmed would cut over to the other park where the play areas were located.

**Mr. Blankenship** confirmed an asphalt path would be built in the spring near the arrow indicating the J improvement. (Slide 18)

**Chair Heberlein** asked if there were plans to have fog striping and pedestrian markings on the bridge as well.

**Mr. Adams** replied the markings would be on the bridge as well because the bridge was 20 ft wide and the City wanted a clear separation between vehicles and pedestrians. They would probably stripe across the bridge so vehicles were on the north side, and pedestrians and bicycles were on the south side.

**Mr. Rappold** noted the only thing to do with the bridge otherwise was to replace the side panels with ones considered to be impact-resistant, which would be included in the construction documents for the street improvements.

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

**Forrest Edwards, 7555 SW Kolbe Ln, Wilsonville, OR** appreciated the questions posed by the Board thus far and saw that they had read the materials he had provided. However, he

wanted to clarify that he had not said many accidents, only that there were accidents there. Several times, he had heard accidents at that intersection. One such accident involved a pedestrian being hit in the crosswalk which resulted in him not being able to access his home, so he had to park at the community center. He also noted the traffic studies was based on the 20 in-and-out trips per hour, but a parking lot with 33 spaces could increase the traffic over what had been stated.

- He was concerned about the Kolbe Ln/Wilsonville Rd intersection. There were a lot of distractions there. He was sure that when the rules were looked at individually, they applied to the traffic studies, but problems became evident when looking at the actual intersection itself. With only three minutes to speak, he could not go into the details, but a lot of the distractions at the intersection had to do with the eastbound traffic coming toward the westbound traffic, the crosswalks on Wilsonville Rd and Kolbe Ln, Creekside Woods residents that stood on the sidewalk smoking and looking as if they were waiting to cross the street, the pedestrian flashers that had caused rear-end collisions due to sudden stopping, and then, in the park itself, two paths that converged right at that intersection, kids riding bikes ahead of their parents and into the crosswalk on Kolbe Ln, runners, walkers, dogs, and people on their phones.
  - Another problem was that eastbound was downhill and caused vehicles to pick up speed. He frequently had vehicles right on his tail when attempting to turn right onto Kolbe Ln. One reason people were turning wide on Kolbe Ln was to avoid slowing down traffic behind them. He believed the DRB should look at the safety study more.
- He had not been aware of the October City Council meeting where it was proposed that Kolbe Ln become the only access. In August, they had considered one-way down Schroeder Wy to Kolbe Ln and he believed that was the safer alternative that would lessen the traffic on the bridge. Although it was thought the bridge could handle the weight of the vehicles, he did not think it could handle the number of trips that would be generated. He also noted that 20 vehicles would be increased to 425, which was a lot higher increase in percentage of vehicles than would be seen on either Schroeder Wy or Rose Ln. He did not think all of those factors had been considered in the safety study, which focused on traffic counts, not all of the distractions and safety; all he heard about was traffic counts instead of safety.

**Ms. Jacobson** noted Mr. Edwards' testimony was submitted into the record as well. She assured that any public testimony that had been submitted was also in the record and before the DRB.

**Vince Manley, 7575 SW Kolbe Ln, Wilsonville, OR** noted he had presented a letter to the Board, adding he appreciated their time. His focus, along with his neighbor Forrest Edwards, was safety. They were on that intersection all the time and very familiar with it. Because of the rate of travel on Wilsonville Rd, it was difficult to get out of Kolbe Ln. When traffic was heavy, there could be a long wait before there was a break in the traffic. His driveway was about 20 ft away from Wilsonville Rd, but once the crosswalk was factored in, he would sometimes get stuck in his driveway trying to get out. He and his wife were concerned about being locked into their driveway as cars piled up on Wilsonville Rd.

- His bigger concern was the safety issue for cars turning right onto Kolbe Ln to go to the park. If there was a stack-up of cars exiting onto Wilsonville Rd from Kolbe Ln, he would not be able to turn into his own driveway and would then block up traffic behind him. His driveway was so close to Wilsonville Rd that there would probably only be room for one car, or maybe no cars, so there would be a car out on Wilsonville Rd stopped. He believed the natural reaction would be for vehicles to move into the bike lane in an attempt to allow other cars to go around. With the bike lane, crosswalk, and sidewalk being so close, it was a huge

safety concern if a car sat stopped on Wilsonville Rd. Like his neighbor, Mr. Edwards, safety was his primary concern and he believed it was a bad intersection. He understood it was an important project, but he and Mr. Edwards' overall feeling was make sure it was worthwhile and safe.

**Ms. Willard** asked how Mr. Manley would feel about a one-way from Schroeder Wy that went east to west.

**Mr. Manley** replied that he would prefer that the two-way traffic as proposed.

**Ms. Willard** asked if Mr. Manley believed it would be helpful to have signage installed at his driveway stating, "Do Not Block Driveway".

**Mr. Manley** stated it might, but he was unsure anyone would pay any attention to it. His driveway was so close to the road that a single car, and especially two, would block it.

**Ms. Willard** said that was what she had thought when she had driven by, but she believed a Do Not Block Driveway sign could help with the third car to make them pause so he could access his driveway.

**Mr. Manley** stated his concern was if those cars were there, and he or one of his family members tried to turn into their driveway, they would be stuck out on Kolbe Ln blocking traffic, which could result in vehicles approaching from Wilsonville Rd staying on Wilsonville Rd or tucking in and blocking the bike lane.

**Ms. Willard** asked if Mr. Manley would be opposed to a traffic light there, if it ever came to that.

**Mr. Manley** believed that could be a possible solution.

**Nathan Osborne, 7200 Montgomery Wy, Wilsonville, OR** said he had questions about whether the Memorial Park Master Plan would actually need to be amended to do the project. He noted one of Staff's slides stated "Access should be provided to these regional parks by arterial or collector roads with sidewalks and dedicated bike access." Because Schroeder Wy, Rose Ln, and Kolbe Ln were such a far cry from that, the City really needed to think about whether they wanted to change the park language to be that. The rebuttal from Mr. Pauly was that the language just said "should" as opposed to "must", but he did not believe a reasonable person would think that "should" just meant "maybe". Furthermore, the first definition of "should" was "to indicate obligation or duty." He did not think that was a wishy-washy thing.

- The second argument that the proposal was not in violation of the Memorial Park Master Plan was that it was an existing park and that they did not mean to change traffic to an existing park. However, the proposed parking lot was such a dramatic change to the park that it would increase traffic from the community garden probably 20 or 40 fold. To call it an existing park to avoid changing the Memorial Park Master Plan was playing semantics.
  - Staff also had cherry-picked by saying it was an existing park, but the Board was only supposed to judge on the parking lot, not to the bridge, when the bridge and parking just on the other side of the bridge was owned by the City, so it must be considered a part of the parkland also. Therefore, he did not believe the Board should use the language that it was an existing park to avoid ruling on whether or not the bridge was safe.
- The most important piece was the premises liability if the parking lot went in. The City had language saying that the roads needed to be arterial roads because it was a regional park meant to attract people from all over the city. Furthermore, those arterial roads needed to



have dedicated sidewalks and dedicated bike lanes to keep people safe. If a pedestrian did get hurt walking from the dog park and community garden area to the play area, for example, the City could have some liability in the fact that they had been told repeatedly from people that the roads were not up to Code, and the City had not followed its own guidelines. The four most important items related to premises liability were the circumstances under which the visitor entered the property, the use to which the property was put, reasonableness of the owner's effort to repair a dangerous condition or warn visitors, and foreseeability of an accident or injury, which Mr. Osborne believed could be established in a true court of law. The City saw that there was potential for an accident from the proposed set up. He believed the City would probably fail at all four if and when a pedestrian accident occurred. He believed there was a really high likelihood that there would be a vehicular/pedestrian accident on the road.

**Ms. Linville** asked if the entrance to the active play area off of Memorial Drive had sidewalks and bike lanes.

**Mr. Pauly** responded that the main road did not, but there were other nearby paths. As the Master Plan was built out, there would similarly be separate paths. Starting this spring there would be a new path from the upper park that would likely take some of the pedestrian traffic off of Kolbe Ln. As the whole system was built out, it would probably take more.

**Ms. Linville** said she had driven it so many times and believed it was just wooded on the side where the road was; there were no sidewalks along that area.

**Clark Hildum, 7119 Montgomery Way, Wilsonville, OR** stated that his whole problem with the proposed changes was that it looked like the City had a disease that did not exist. He did not see why the dog park had to be moved as it was fine where it was. Without the dog park, the existing parking lot was adequate for the community garden folks. It was gravel, not fancy with a streetlight or bioswale, but good enough. He believed the proposed changes were a terrible waste of taxpayer dollars that would probably be better spent at Boones Ferry Park or elsewhere. The relocated dog park would not be as large as the existing one, which was probably too small already. Additionally, the relocated dog park would be in more of a marshy, swampy area, and he was worried about how that would look in the winter.

**Edward Pothetes, 7475 SW Schroeder Wy, Wilsonville, OR** stated he was on board with most of what his neighbors had already stated. He did not think the dog park needed to be moved, but if so, it should be accessed through the main entrance from the main part of the park, not from Kolbe Ln, Schroeder Wy, or Rose Ln. There was too much traffic on Wilsonville Rd and with people trying to turn left or right down Kolbe Ln. Vehicles that came down Schroeder could not see the hill off of Rose Ln because it was too steep. He believed it was an accident waiting to happen. He wanted somebody to reconsider the dog park and how it would be accessed, which should be through the main park entrance up by the kids' play set.

- He stated that it was his son that had gotten hit ten years ago, and if he was not so quick, having been a freshman in high school and strong, he could have been seriously hurt. He did tear the mirror off the car, which was driven by a young girl who only had a driver's training permit and was only driving at 20 miles per hour. The crosswalk was there, but there were no lights at that time. He envisioned a lot more activity at Kolbe Ln and/or Rose Ln and Schroeder Wy that could result in someone getting badly hurt and he wondered how much that would cost the City.

**Alison Fiameng, 7305 SW Montgomery Wy, Wilsonville, OR** stated that she lived on Montgomery, which was off of Rose Ln, and knew how difficult a left-turn was out of that development. It was fine to go east, but it was difficult to turn left and she believed it would be the same on Kolbe Ln. People sped through there. When trying to turn right onto Rose Ln, vehicles routinely went around her because they did not even want to slow down just for her to make the right-turn. She could not imagine it was different at Kolbe, so she had some concerns. She agreed a stop light might be a good thing at the Kolbe Ln intersection because getting out and going back towards the City was difficult.

- She understood they were not supposed to talk about the dog park, but it seemed to be an integral part of the increased traffic. She had attended some of the open houses to review the Master Plan, and had mentioned to the gentlemen developing the plan that the dog park was too small for the number of dogs in Wilsonville and they were unable to provide her with a second dog park. There were a lot of dog fights in the dog park because of the overload. There was not enough room for the dogs to socialize appropriately. They were not big fights, but they were enough to keep some people out, and she did not see another dog park being proposed. Instead, she believed that would truly impact the traffic into and out of the area from Kolbe Ln, Rose Ln, or Schroeder Wy to a point. She saw dogs increasing in the neighborhood and saw more veterinarians going in, so assumed the city was supplying them with dogs somehow.
- She also had concerns, as Mr. Hildum said, that it was a marshy area. The area proposed for the relocation of the dog park had low parts. Because she was in healthcare, she was concerned about parasites that would be going into the area, which was an emergency well. There was a high water table there and she wondered what the environmental impact would be. She asked what would be done to protect the area from bacteria and parasites from dog waste because even if owners picked it up, some would always be left behind.

**Leslie Hildum** noted her address was on the card. She lived on Montgomery Wy and was opposed to the dog park being moved, adding she used it every single day.

- In addition to that, the traffic issue was huge and having the access moved from Schroeder Wy to Kolbe Ln would have the same issues. Frog Pond was putting in a new development, which would result in even more traffic east and west on Wilsonville Rd, and she did not know if anyone had thought of that. No one who lived in the area would be able to get in or out. She had also nearly been rear-ended when turning right onto Rose Ln from Wilsonville Rd because vehicles came up fast and were not willing to slow down to allow other vehicles to turn right. She had to go into the bike lane, which she believed was illegal, to prevent being rear-ended.
- She believed the Board needed to look forward. She had lived in Wilsonville for 40 years. The proposed parking lot might work for a time, but was the population increasing rapidly in Wilsonville, and the City needed to plan for that, not just put something in and then decide, "Oh, that was not enough, now we must do something different." There was not a lot of access there. It was kind of a dead area.

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

**Mr. Blankenship** announced a second dog park was scheduled to go into Regional Park 6 in Villebois. There was also interest in having a dog park as part of the ongoing Boones Ferry Master Plan. One thing the City had promised citizens was that the relocated dog park would not be made any smaller than the existing dog park. Even if the relocated dog park was not the same geometric shape, it would be approximately the same square footage.

**Mr. Adams** stated he and Ms. Kraushaar discussed whether it would be wise to use Schroeder Ln to Kolbe Ln as a one-way in and one-way out, whether it be eastbound or westbound, and he remembered it as not being the best way. He did not remember all of the details of the conversation, which was six months ago, but he did recall that going west was not good because there was still the problem with Schroeder Wy being 20 ft off of Wilsonville Rd, which would cause a traffic backup. He could not remember what the problem was eastbound.

**Mr. Pauly** clarified the problem eastbound was that vehicles slowing down to make the short, right-turn onto Schroeder Wy.

**Mr. Adams** reminded there was only 20 ft when turning onto Rose Ln and then Schroeder Wy. Vehicles had to turn right, and then turn right again immediately. The spacing of the two streets was, at best, 100 ft apart, and he and Ms. Kraushaar did not think it was a good idea to have the traffic right next to Wilsonville Rd.

**Chair Heberlein** asked about any response to Mr. Manley concerns regarding the potential for accidents with vehicles stacking up while someone attempted to turn right into that first property and other vehicles were in line on Kolbe Ln waiting to turn left or right onto Wilsonville Rd.

**Mr. Adams** replied that with the projected 20 cars per hour leaving the site, which was the maximum that they believed would occur and only during summer hours, the chances of two or more cars stacking up there would be pretty slim.

**Mr. Mansur** added different tools could be used to encourage keeping that space open, such as signage and striping on the roadway that said "Do Not Block". There would only be a vehicle approximately every three minutes, so the queues were very short. However, there was potential for the driveway to be blocked, and striping and signage could help mitigate that.

**Mr. Adams** stated that prior to tonight's meeting, he had spoken with Ms. Kraushaar and confirmed she was fine with "Do Not Block" signage on the pavement if the Board decided that was best. Currently, the City only had one "Do Not Block" sign up by the gas station and Carl's Jr. on 95<sup>th</sup> Ave which was a part of the City's development agreement with the gas station, Carl's Jr., and Holiday Inn. Such signage had been done before in the city and it could be done again here.

**Ms. Willard** asked what the rough cost of a light would be at that three-way intersection.

**Mr. Adams** replied approximately \$250,000.

**Ms. Willard** asked if that represented a 50 percent increase to the project cost.

**Mr. Adams** responded he did not know the project's cost.

**Mr. Rappold** stated it was roughly estimated at \$500,000 at this point. An engineer's estimate was needed based on more design work.

**Ms. Willard** believed something had to be done, whether it was a light or one-way traffic. The nice thing was that none of this could not be undone, other than the parking lot. If the traffic worsened, or accidents or near misses increased, a light or a one-way traffic pattern could be put in. There was nothing to prevent that from changing later.

**Mr. Adams** confirmed those things could be changed later, adding the City addressed problems in the city every year. While Staff always did their best to anticipate potential problems, sometimes unanticipated problems arose or there were changes in traffic patterns or driving habits, so the City would work with the traffic engineer to develop a solution for a better system. He knew that traffic signals required quite a bit of cross traffic.

**Mr. Mansur** stated the first warrant that would trigger a light was approximately 100 vehicles per hour exiting, and currently, it was only about 20, so substantially more traffic generation would be needed to hit a traffic signal warrant.

**Ms. Willard** confirmed that community input was not enough to trigger a light being installed.

**Mr. Mansur** explained the thresholds were federally mandated from the Manual Uniform on Traffic Control Devices that provided triggers. If signals were put in that were not warranted, people would run the red lights, which would create a new safety issue.

**Ms. Willard** confirmed that the 40 cars, 20 in and out at the max, were based on Staff's estimates. However, because there was already a dog park, they knew what the traffic flow was like at the Peak Hour. She asked if Staff could do a count.

**Mr. Mansur** clarified DKS did do seven days of counts at the existing dog park and that data was used to confirm the trip generation. During the testimony portion of the hearing, he had run the numbers and found there could actually be triple the volume exiting Kolbe Ln and the level of service would go from LOS C to LOS D, which was the City standard.

**Ms. Willard** confirmed the traffic counts had passed the litmus test and thanked Mr. Mansur for doing the calculation. She asked if Frog Pond was a part of the Future Projects in the Traffic Study.

**Mr. Mansur** answered no, only for Stage 2 approved project trips, and to his knowledge, no Stage 2 projects had been approved for Frog Pond.

**Mr. Pauly** added there would be soon.

**Chair Heberlein** confirmed there were no additional questions and closed the public hearing at 8:27 pm.

**Mr. Pauly** reviewed the proposed conditions discussed by the Board as follows:

- DRB 1: Modify the tree variety to prevent conflict with lighting, which could be reviewed by Staff in a Class 1 review.
- DRB 2: Provide a crosswalk in the parking area to meet the standards of Development Code Section 4.154.
- DRB 3: Paint 'Do Not Block Driveway' signage at the residents' driveways on Kolbe Ln, which would be implemented by the City Engineer.
- He noted Chair Heberlein had also suggested via email to add:
  - Condition PF 1: "The public use of the parking area shall not occur until improvements to Kolbe Ln as shown and described in access improvement exhibits of the Traffic Study in Exhibit B1 are substantially complete."

**Ms. Willard** believed the proposed conditions seemed reasonable.

**Mr. Pauly** stated that because proposed Condition DRB 3 fell under the purview of the City Engineer, he recommended amending the condition to add, "subject to approval by the City Engineer" to provide flexibility to do things according to the professional standards without having to return before the Board.

**Chair Heberlein moved to approve Resolution No. 346 including the addition of new Conditions PF 1, DRB 1 and 2, and DRB 3, subject to approval by the City Engineer, as read into the record by Staff, with the addition of Exhibits A, C1, and D6 to D12. Fred Ruby seconded the motion.**

**Chair Heberlein** called for discussion from the Board.

**Mr. Frinell** stated that he was going to vote no on the Resolution. He believed the City had done a good job to try to mitigate the issues with Kolbe Ln, but it was still not sufficient and he was concerned about the safety issues. It was hard to put a parking lot ahead of the improvements to Kolbe Ln.

**Chair Heberlein** noted the condition said that the parking lot could not be completed until the street improvements were made.

**Mr. Frinell** understood, but he still did not believe the street improvements put forth were sufficient, there needed to be more street improvements.

**Ms. Willard** stated she was also was concerned with the increased traffic on Kolbe Ln. She asked if Mr. Frinell would approve making a recommendation that a one-way route be explored as an option to improve conditions for the residents.

**Mr. Frinell** replied the City would need to do more than that.

**Mr. Pauly** clarified the City could make the Kolbe Ln changes regardless of the Board's actions. Therefore, the question was whether there was adequate access for pedestrians, bikes, and vehicles.

**Chair Heberlein** asked what specific concerns Mr. Frinell had from a safety standpoint. He also had concerns, but was not sure he could pinpoint a specific code that was not compliant within the current application. The Traffic Study was based off the analysis from the existing dog park showing the number of trips. He would appreciate any feedback as it was hard to separate feelings from data, and the data said it was compliant.

**Mr. Frinell** believed the ingress and egress right at Kolbe Ln to Wilsonville Rd was insufficient from a safety standpoint. It needed to be wider, or some other modification, to prevent accidents at that location.

**Ms. Linville** stated that she had opinions and bias about the dog park, but could separate that from what needed to be determined here. She was looking strictly at the parking lot, which was what they were being asked to look at. The Master Plan stated there was going to be a dog park there. As a DRB member, she could not see anything to indicate that simply paving that area would have an impact on Kolbe Ln or Rose Ln. She did not believe paving and installing lights and shrubs would have an impact and change the safety of what was currently happening in the area. She would appreciate hearing from fellow Board members if she had missed something or did not understand something.

**Fred Ruby** stated he would support the motion. He appreciated James' point, and all the points that had been made about safety concerns. The Board had been very useful in highlighting areas that might be the subject of future safety enhancements. For example, just having Ms. Willard's comments advocating for a signal in the record might help someone in the future who felt there were grounds for a traffic light to be installed. He had heard enough response from the City about the concerns, under the limited directive the Board had tonight for its evaluation to support the motion.

**Ms. Willard** stated the parking lot itself would not draw additional traffic, but the Board had heard from Parks and Rec about what they intended to do. It was in the Master Plan, and Parks and Rec stated that they would proceed in the spring. The Traffic Study that had been done needed to, and did, inform the Board's decision. She also had safety concerns, but could not exactly pinpoint a recommendation to make it safer because she was not a traffic safety engineer. Her approach was to wait and see what traffic problems might emerge, and then address those specific problems. However, a community member had passed away from a pedestrian accident in a crosswalk in Wilsonville right before Thanksgiving, so she understood it was real and did happen. She supposed it was a risk the Board would have to be willing to take if they were not going to recommend better safety measures.

**Ms. Linville** noted it was possible the City would move the dog park whether or not the Board voted on paving the existing gravel parking lot. The Board had no jurisdiction over whether the City moved the dog park, so it seemed the Board was only dealing with the parking lot. She believed every issue that had been raised was legitimate, and if she was a homeowner in that area, she would probably raise those issues as well, but she had to go back to what the Board had jurisdiction over, and the Applicant's request, regardless of whether it was the City, and determine if the application was in violation of the criteria they were supposed to consider.

**Motion passed 4 to 1 with James Frinell opposed.**

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

**VIII. Board Member Communications**

**A. Recent City Council Action Minutes**

**IX. Staff Communications**

**Daniel Pauly, Senior Planner**, stated Staff anticipated coming before the Board next month as there was an application that was near completion.

**X. Adjournment**

The meeting adjourned at 8:46 p.m.

Respectfully submitted,

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

DEVELOPMENT REVIEW BOARD MEETING

MONDAY, FEBRUARY 12, 2018

6:30 PM

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VI. Public Hearing:

- A. Resolution No. 347. South Wilsonville 76 Station Digital Sign Conversion: Double R Products – Applicant for R.C. Petroleum LLC – Owner.** The applicant is requesting approval Class 3 Sign Permit and Waiver to allow the previously approved changeable copy fuel station price sign to be converted to a digital sign, along with updates to station canopy signs and the freestanding sign along Interstate 5. The subject property is located at 30085 SW Parkway Avenue and is legally described as Tax Lot 103 of Section 23AA, T3S, R1W, Clackamas County; Wilsonville, Oregon. Staff: Kimberly Rybold

Case File: DB17-0029 Class III Sign Permit with Waiver

**DEVELOPMENT REVIEW BOARD  
RESOLUTION NO. 347**

**A RESOLUTION ADOPTING FINDINGS AND CONDITIONS APPROVING A CLASS 3 SIGN PERMIT AND WAIVER TO ALLOW THE PREVIOUSLY APPROVED CHANGEABLE COPY FUEL STATION PRICE SIGN TO BE CONVERTED TO A DIGITAL SIGN, ALONG WITH UPDATES TO STATION CANOPY SIGNS AND THE FREESTANDING SIGN ALONG INTERSTATE 5. THE SUBJECT PROPERTY IS LOCATED AT 30085 SW PARKWAY AVENUE AND IS LEGALLY DESCRIBED AS TAX LOT 103 OF SECTION 23AA, T3S, R1W, CLACKAMAS COUNTY, OREGON. DOUBLE R PRODUCTS – APPLICANT FOR R.C. PETROLEUM LLC – OWNER.**

WHEREAS, an application, together with planning exhibits for the above-captioned development, has been submitted in accordance with the procedures set forth in Section 4.008 of the Wilsonville Code, and

WHEREAS, the Planning Staff has prepared staff report on the above-captioned subject dated February 5, 2018, and

WHEREAS, said planning exhibits and staff report were duly considered by the Development Review Board Panel A at a scheduled meeting conducted on February 12, 2018, at which time exhibits, together with findings and public testimony were entered into the public record, and

WHEREAS, the Development Review Board considered the subject and the recommendations contained in the staff report, and

WHEREAS, interested parties, if any, have had an opportunity to be heard on the subject.

NOW, THEREFORE, BE IT RESOLVED that the Development Review Board of the City of Wilsonville does hereby adopt the staff report dated February 5, 2018, attached hereto as Exhibit A1, with findings and recommendations contained therein, and authorizes the Planning Director to issue permits consistent with said recommendations for:

DB17-0029, Class III Sign Permit and Waiver for a digital fuel sign at the South Wilsonville 76 Station.

ADOPTED by the Development Review Board of the City of Wilsonville at a regular meeting thereof this 12<sup>th</sup> day of February 12, 2018 and filed with the Planning Administrative Assistant on \_\_\_\_\_. This resolution is final on the 15th calendar day after the postmarked date of the written notice of decision per *WC Sec 4.022(.09)* unless appealed per *WC Sec 4.022(.02)* or called up for review by the council in accordance with *WC Sec 4.022(.03)*.

\_\_\_\_\_  
Fred Ruby, Chair - Panel A  
Wilsonville Development Review Board

Attest:

\_\_\_\_\_  
**Shelley White, Planning Administrative Assistant**





Exhibit A1  
 Planning Division Staff Report  
 Class III Sign Permit with Waiver – South Wilsonville 76 Station

Development Review Board Panel 'A'  
 Quasi-Judicial Public Hearing

**Hearing Date:** February 12, 2018  
**Date of Report:** February 5, 2018

**Application No.:** DB17-0029 Class III Sign Review and Waiver

**Request/Summary:** The Development Review Board is being asked to review a Class III Sign Permit and Waiver.

**Location:** 30085 SW Parkway Avenue. The property is specifically known as Tax Lot 103, Section 23AA, Township 3 South, Range 1 East, Willamette Meridian, City of Wilsonville, Clackamas County, Oregon.

**Owner:** R.C. Petroleum LLC

**Applicant:** Jian Koid, Double R Products

**Comprehensive Plan Designation:** Commercial

**Zone Map Classification:** PDC (Planned Development Commercial)

**Staff Reviewer:** Kimberly Rybold, AICP, Associate Planner

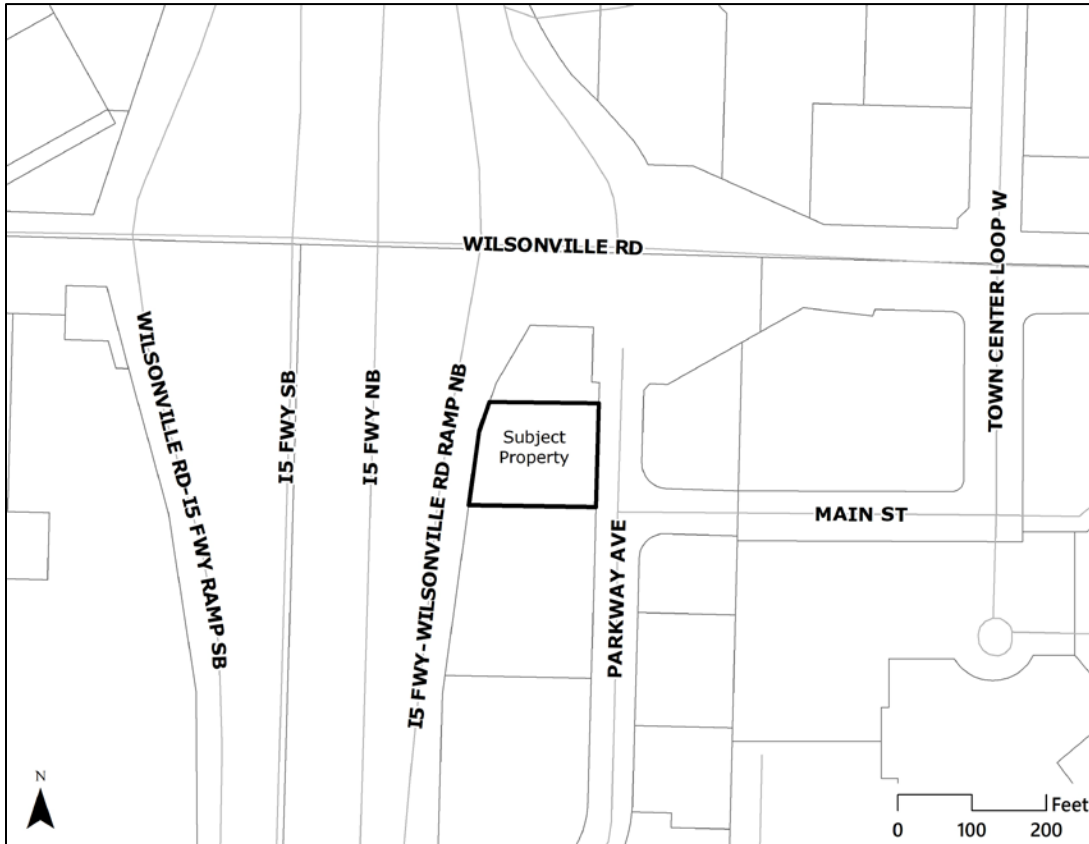
**Staff Recommendation:** Approve with conditions the requested Class III Sign Review and Waiver.

**Applicable Review Criteria:**

<u>Development Code:</u>	
Section 4.008	Application Procedures-In General
Section 4.009	Who May Initiate Application
Section 4.010	How to Apply
Section 4.011	How Applications are Processed
Section 4.014	Burden of Proof
Section 4.031	Authority of the Development Review Board
Subsection 4.035 (.04)	Site Development Permit Application
Subsection 4.035 (.05)	Complete Submittal Requirement
Section 4.110	Zones
Section 4.131	Planned Development Commercial Zone (PDC)
Sections 4.156.01 through 4.156.11	Sign Regulations

Sections 4.400 through 4.440 as applicable	Site Design Review
<b>Other Planning Documents:</b>	
Wilsonville Comprehensive Plan	

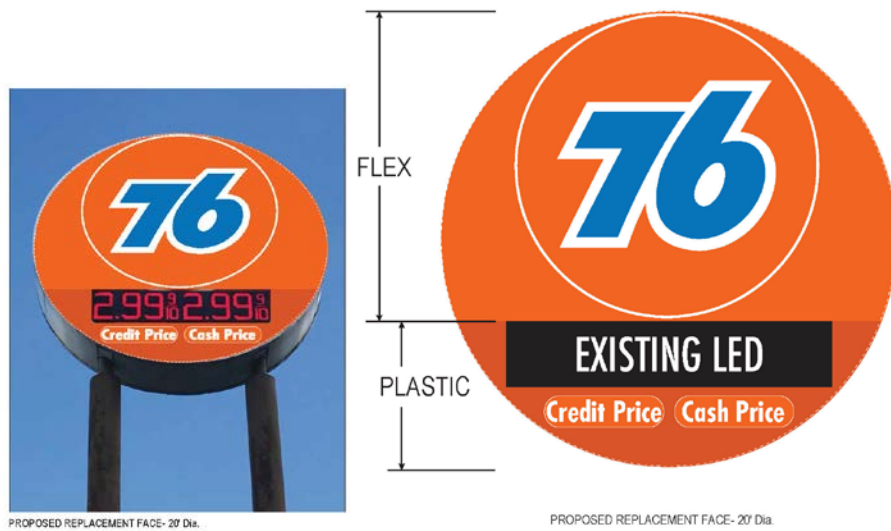
**Vicinity Map**



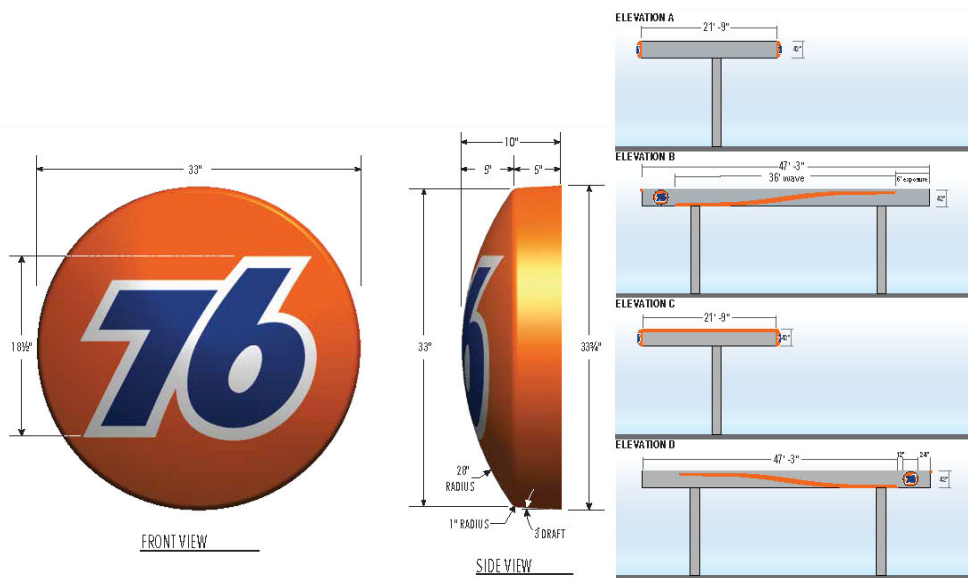
**Background/Summary:**

Previous master sign plan approvals accounted for the size and location of the signs existing on the property, including the freestanding signs, canopy signs, and wall signs. The freestanding sign along SW Parkway Avenue was previously approved in 04SR64, with a manual changeable copy price display.

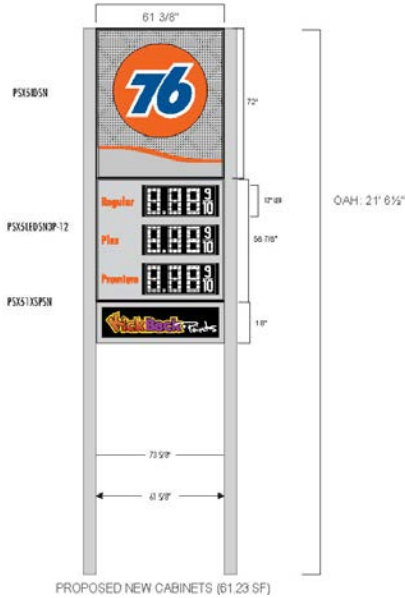
To accommodate a brand image update, the applicant proposes new station canopy signs, a face change on the freestanding highway sign, and new sign cabinets on the existing freestanding price sign along SW Parkway Avenue. Because the applicant wishes to convert the price sign from a manual changeable copy sign to a digital price sign, a waiver is required, necessitating DRB review. The station canopy signs and freestanding highway sign face change would typically be reviewed as a Class I sign permit, but have been included within this Class III review request. The sign permit and waiver review criteria listed in the findings pertain to the freestanding price sign along SW Parkway Avenue.



Proposed Sign Face – Freestanding Highway Sign



Proposed Canopy Signs



Proposed Freestanding Sign – SW Parkway Avenue

**Discussion Points:**

Approving a Prohibited Sign

Changeable copy signs are listed as prohibited signs in Subsection 4.156.06 (.01) D. However, language is added that a waiver may be granted to allow them as long as it is ensured specific criteria or conditions are met including:

1. The sign shall be equipped with automatic dimming technology which automatically adjusts the sign’s brightness in direct correlation with ambient light conditions and the sign owner shall ensure appropriate functioning of the dimming technology for the life of the sign.
2. The luminance of the sign shall not exceed five thousand (5000) candelas per square meter between sunrise and sunset, and five hundred (500) candelas per square meter between sunset and sunrise.

By definition, changeable copy signs must maintain a copy hold-time of at least fifteen (15) minutes.

While grouped under prohibited signs, the intention of the code is to make the signs conditionally permitted. No conditionally permitted sign section exists currently, so they were grouped in the prohibited sign section as that is where language regarding these signs previously existed in the code. Based on previous DRB feedback, Planning staff is working with the City Attorney to potentially bring minor changes to the code language in Section 4.156.06 for City Council review to more clearly differentiate between signs that are prohibited at all times and signs that can be conditionally permitted.

## Sign Waiver Criteria – Improved Aesthetics and Functionality

With limitations on brightness and copy change frequency the sign will have substantially the same aesthetic impact as the existing manual changeable copy price sign. The primary difference is the ability to change the prices electronically from a device inside the building rather than the existing method of copy changing, which is performed by an attendant physically switching out individual letters of signage with an extended pole.

Sign Waiver Criteria – More compatible and complementary to the overall design and architecture of a site, along with adjoining properties, surrounding areas, and the zoning district.

The visual impact to the site, adjoining properties, surrounding areas, and development in general in the PDC zone remains substantially the same. The use of more modern digital technology over a manual changeable copy price sign is consistent with the look of other modern gas stations using LED technology.

## Sign Waiver Criteria – Improve or Not Negatively Impact Safety

No safety, particularly traffic safety, concerns have been noted for the revised sign design including the digital price sign. Using a digital price sign eliminates safety hazards, such as vehicle traffic within the paved area of the station, incurred by attendants in changing prices manually on the sign.

## Conclusion and Conditions of Approval:

Staff has reviewed the Applicant’s analysis of compliance with the applicable criteria. The Staff report adopts the applicant’s responses as Findings of Fact except as noted in the Findings. Based on the Findings of Fact and information included in this Staff Report, and information received from a duly advertised public hearing, Staff recommends that the Development Review Board approve the proposed application (DB17-0029) with the following conditions:

### Planning Division Conditions:

#### DB17-0029 Class III Sign Permit and Waiver

<b>PD 1.</b>	Approved sign shall be installed in a manner substantially similar to the plans approved by the DRB and stamped approved by the Planning Division.
<b>PD 2.</b>	The Applicant/Owner of the property shall obtain all necessary building and electrical permits for the approved signs, prior to their installation, and shall ensure that the signs are maintained in a commonly-accepted, professional manner.
<b>PD 3.</b>	The Applicant/Owner shall ensure the approved sign maintains a copy hold time of at least fifteen (15) minutes. A hold time of less than 15 minutes, except in the specified emergency situations, shall be considered a Public Nuisance and abated accordingly.
<b>PD 4.</b>	The sign shall be equipped with automatic dimming technology which automatically adjusts the sign’s brightness in direct correlation with ambient light

	conditions, the appropriate functioning of the dimming technology shall be maintained for the life of the sign, and the sign brightness shall not exceed five thousand (5000) candelas per square meter between sunrise and sunset, or five hundred (500) candelas per square meter between sunset and sunrise. Not maintaining the dimming technology appropriately or exceeding the allowed brightness shall be considered a Public Nuisance and abated accordingly.
<b>PD 5.</b>	This action modifies the Class III Sign Permit approved by the DRB in Case Files DB10-0017/DB10-0018. Unless expressly modified by this action all findings and conditions related to the signs from the previous approvals shall continue to apply.
<b>PD 6.</b>	The freestanding sign along SW Parkway Avenue shall include the building address unless otherwise approved in writing by Tualatin Valley Fire & Rescue and submitted to the City's Planning Division. See Finding 26.

**Master Exhibit List:**

The following exhibits are hereby entered into the public record by the Development Review Board as confirmation of its consideration of the application as submitted. This is the exhibit list that includes exhibits for Planning Case File DB17-0029.

Planning Staff Materials

- A1.** Staff report and findings (this document)
- A2.** Staff's Presentation Slides for Public Hearing (to be presented at Public Hearing)

Materials from Applicant

- B1.** Project Narrative
- B2.** Sign Drawings and Plans
- B3.** Signed Application

Development Review Team Correspondence

N/A

Other Correspondence

N/A

**Procedural Statements and Background Information:**

1. The statutory 120-day time limit applies to this application. The application was received on December 14, 2017. On January 11, 2018 the application was found to be complete. The City must render a final decision for the request, including any appeals, by May 11, 2018.
2. Surrounding land uses are as follows:

Compass Direction	Zone:	Existing Use:
North:	PDC	Medical Office
East:	PDC	Auto Service
South:	PDC	Restaurant
West:	--	Interstate 5

3. Previous Planning Approvals:  
 96DB29 Architectural modifications and signage  
 99AR44 Architectural modifications and signage  
 04SR64 Replacement of freestanding sign along SW Parkway Avenue  
 DB09-0003 through 0005 Class III Sign Permit and Waiver for Copy change, change in non-conforming use, and one digital price display for freeway sign  
 DB09-0043 Class III Sign Permit and Waiver for second digital price display for freeway sign  
 DB10-0017 and 0018 Master Sign Plan, Waivers, and Variance
4. The applicant has complied with Sections 4.013-4.031 of the Wilsonville Code, said sections pertaining to review procedures and submittal requirements. The required public notices have been sent and all proper notification procedures have been satisfied.

**Findings:**

NOTE: Pursuant to Section 4.014 the burden of proving that the necessary findings of fact can be made for approval of any land use or development application rests with the applicant in the case.

**General Information**

Application Procedures-In General  
 Section 4.008

The application is being processed in accordance with the applicable general procedures of this Section.

Initiating Application  
 Section 4.009

The application has been submitted on behalf of the property owner, R.C. Petroleum LLC, and is signed by an authorized representative.

Pre-Application Conference  
Subsection 4.010 (.02)

No pre-application meeting was necessary for the application.

Lien Payment before Approval  
Subsection 4.011 (.02) B.

No applicable liens exist for the subject property. The application can thus move forward.

General Submission Requirements  
Subsection 4.035 (.04) A.

The applicant has provided all of the applicable general submission requirements contained in this subsection.

Zoning-Generally  
Section 4.110

This proposed development is in conformity with the applicable zoning district and general development regulations listed in Sections 4.150 through 4.199 have been applied in accordance with this Section.

**DB17-0029 Class III Sign Permit and Waiver**

As described in the Findings below, the applicable criteria for this request are met or will be met by Conditions of Approval.

**Sign Review and Submission**

Class II Sign Permits Reviewed by DRB  
Subsection 4.031 (.01) M. and Subsection 4.156.02 (.03)

1. The application qualifies as a Class III Sign Permit and is being reviewed by the Development Review Board.

What Requires Class III Sign Permit Review  
Subsection 4.156.02 (.06)

2. While the request involves modifications to previously approved signs, it does involve a waiver thus qualifying to be reviewed through the Class III Sign Permit process.

Class III Sign Permit Submission Requirements  
Subsection 4.156.02 (.06) A.

3. As indicated in the table below the applicant has satisfied the submission for Class III sign permits, which includes the submission requirements for Class II sign permits:



Requirement	Submitted	Waiver Granted		Condition of Approval	Not Applicable	Additional findings/notes
		Info Already Available to City	Info Not Necessary for Review			
Completed Application Form	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Sign Drawings or Descriptions	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Documentation of Tenant Spaces Used in Calculating Max. Sign Area	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Drawings of Sign Placement	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Project Narrative	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Information on Any Requested Waivers or Variances	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

### Class III Sign Permit and Waiver Review Criteria

Definitions: Changeable Copy Sign  
 Subsection 4.001 267. F.

- The proposed digital price sign will not have moving structural elements, flashing or sequential lights, elements, prisms, or other methods that result in movement. The frequency of text copy changes is proposed to be no more than twice a day, less frequent than the limit of once every 15 minutes. The sign thus meets the definition of a Changeable Copy Sign, "Any sign, digital or manual, which is designed to have the copy changed routinely and where the frequency of copy change does not exceed once every fifteen (15) minutes, except in emergency situations as requested by the City Manager or designee." Condition of Approval PD 3 will further ensure the 15-minute hold time is maintained.

Class II Sign Permit Review Criteria: Generally and Site Design Review  
 Subsection 4.156.02 (.05) E.

- As indicated in Finding 6 and Findings 28-32, the proposed digital price sign, with a waiver, will satisfy the sign regulations for the applicable zoning district and the regarding Site Design Review criteria.

Class II Sign Permit Review Criteria: Compatibility with Zone  
Subsection 4.156.02 (.05) E. 1.

6. The proposed freestanding digital price sign is typical of, proportional to, and compatible with development within the PDC zone. No evidence exists nor has testimony been received that the subject signs would detract from the visual appearance of the surrounding development.

Class II Sign Permit Review Criteria: Nuisance and Impact on Surrounding Properties  
Subsection 4.156.02 (.05) E. 2.

7. There is no evidence, and no testimony has been received suggesting the subject sign would create a nuisance or negatively impact the value of surrounding properties. The proposed signage will be easier to maintain, have a cleaner appearance than the existing sign, maintain a hold time of at least 15 minutes for messages, and will have brightness controls such to avoid nuisances with the surrounding development.

Class II Sign Permit Review Criteria: Items for Special Attention  
Subsection 4.156.02 (.05) E. 3.

8. The proposed changes would not impact the location of the sign, and no landscaping, including trees, will be altered as a result of replacement of the existing sign cabinets. The Applicant is proposing colors that reflect corporate identity and will not conflict with the building's color scheme and architecture.

Sign Waiver Criteria: Design  
Subsection 4.156.02 (.08) A. 1.

9. The proposed freestanding sign change will improve both the aesthetics and the functionality of the sign. The proposed sign contains the updated colors for the 76 brand image. This updated color scheme provides an aesthetically pleasing modern look. The implementation of LED sign faces will improve the functionality of the sign by allowing the sign to relay information more accurately while improving the visibility of the sign.

Sign Waiver Criteria: Compatibility  
Subsection 4.156.02 (.08) A. 2.

10. The applicant states in their compliance narrative (Exhibit B2) regarding the proposed sign being more compatible with and complementary to the overall design and architecture of the site, along with adjoining properties, surrounding areas, and the zoning district "The use of LED numbers on a price sign is a modern standard that is implemented at all modern gas stations where permitted. The proposed sign would allow the site to more consistently match the look of other modern gas stations. The LEDs are complementary to the design of the freestanding sign and site and is consistent with the image of gas stations in the surrounding area."

Sign Waiver Criteria: Public Safety, Especially Traffic Safety  
Subsection 4.156.02 (.08) A. 3.

11. There is no evidence the proposed sign will negatively impact public safety, especially traffic safety. As the LED lights do not flash or change intermittently, they do not pose a distraction to drivers the way a constantly changing copy sign or scrolling reader board would. Lastly, the proposed sign is to be located in a location previously found to meet vision clearance standards.

Sign Waiver Criteria: Content  
Subsection 4.156.02 (.08) A. 4.

12. The content of the subject sign is not being reviewed or considered as part of this application.

Changeable Copy Sign Waiver Criteria: Dimming Technology  
Subsection 4.156.06 (.01) D. 1.

13. The proposed electronic sign comes equipped with automatic dimming controls that adjust the sign's brightness in direct correlation with ambient light conditions.

Changeable Copy Sign Waiver Criteria: Luminance  
Subsection 4.156.06 (.01) D. 2.

14. Condition of Approval PD4 ensures in operation the luminance of the sign does not exceed the maximum five thousand (5000) candelas per square meter between sunrise and sunset, and five hundred (500) candelas per square meter between sunset and sunrise.

## Sign Measurement

Measurement of Cabinet Signs and Similar  
Subsection 4.156.03 (.01) A.

15. The proposed freestanding signs and canopy sign are measured consistent with the method defined by this section by measuring the area of the shape drawn around the outer dimension of the cabinet, frame, or background. The freestanding highway sign has a diameter of 20 feet, totaling approximately 314 square feet in size. The freestanding price sign consists of three separate cabinets, one of which is the proposed digital fuel sign. As noted in Finding 26, the fuel price cabinet is not considered in the calculation of the freestanding sign area. The top cabinet measures 61 feet 5/8 inches by 72 inches, or 30.81 square feet. The bottom cabinet measures 61 feet 5/8 inches by 18 inches, or 7.7 square feet. The sign area of this freestanding sign is 38.52 square feet, not including the digital fuel price cabinet. The canopy signs each have a diameter of 33 inches, measuring 5.94 square feet apiece.

Measurement of Sign Height Above Ground  
Subsection 4.156.03 (.02) A.

16. The freestanding highway sign is 75 feet in height, which exceeds the Development Code's present maximum height of 20 feet. A waiver allowing this sign height was approved in DB10-0017 and DB10-0018. The freestanding price sign along SW Parkway Avenue was previously approved at a height of 18 feet, which is under the maximum height of 20 feet. As the replacement sign cabinets will be located on the existing sign supports, no changes to the overall sign height are proposed.

**Prohibited Signs Unless Approved Through Waiver**

Changeable Copy Signs Prohibited Unless Approved Through Waiver and Meeting Certain Criteria.  
Subsection 4.156.06 (.01) D.

17. The applicant has requested a waiver to allow for a changeable copy sign as defined in Section 4.001. Condition of Approval PD 4 ensures the specific criteria required for approval of changeable copy signs are met by requiring that the approved sign is equipped with automatic dimming technology which automatically adjusts the sign's brightness in direct correlation with ambient light conditions, the appropriate functioning of the dimming technology for the life of the sign, and the sign brightness does not exceed five thousand (5000) candelas per square meter between sunrise and sunset, or five hundred (500) candelas per square meter between sunset and sunrise.

**Freestanding and Ground Mounted Signs in the PDC, PDI, and PF Zones**

General Allowance  
Subsection 4.156.08 (.01) A.

18. The general allowance for signs on the subject site was approved in DB10-0017/DB10-0018. No increase in the number or area of signs is proposed.

Allowed Height  
Subsection 4.156.08 (.01) B.

19. The height of the freestanding highway and fuel price signs remains unchanged from what was approved in 04SR64 and DB10-0017/DB17-0018. The allowed height for the highway sign is 75 feet, and the maximum height for the freestanding fuel price sign is 20 feet.

Allowed Area  
Subsection 4.156.08 (.01) C.

20. A total of 557.18 square feet of signage is allowed as approved in DB10-0017/DB10-0018. This includes 314 square feet for the freestanding highway sign, 44.49 square feet for the freestanding price sign on SW Parkway Avenue, and 14.13 square feet for the canopy logo

signs. At 314 square feet, 38.52 square feet, and 11.88 square feet, respectively, the proposed signs are less than or equal to the area allowed in DB10-0017/DB10-0018.

#### Pole or Sign Support Placement Vertical

Subsection 4.156.08 (.01) D.

21. The freestanding sign and foundation will remain in a full vertical position.

#### Extending Over Right-of-Way, Parking, and Maneuvering Areas

Subsection 4.156.08 (.01) E.

22. The subject freestanding sign is not proposed to extend into or above right-of-way, parking, and maneuvering areas.

#### Design of Freestanding Signs to Match or Complement Design of Buildings

Subsection 4.156.08 (.01) G.

23. The proposed signs are similar in appearance to the existing signs, and will continue to coordinate with one another and the structures on site.

#### Width Not Greater Than Height for Signs Over 8 Feet

Subsection 4.156.08 (.01) H.

24. The width of the freestanding signs does not exceed the height of the signs.

#### Sign Setback

Subsection 4.156.08 (.01) J.

25. The proposed sign locations are unchanged from what was previously approved in DB10-0017/DB10-0018.

#### Address Required to be on Sign

Subsection 4.156.08 (.01) K.

26. The site address is not presently on the freestanding price sign along SW Parkway Avenue. Condition of Approval PD6 requires the address unless otherwise approved by TVF&R.

#### Fuel or Service Station Price Signs

Subsection 4.156.08 (.03) D.

27. The proposed changes to the existing sign would replace the existing manual changeable copy portion of the sign. The new sign cabinet would have a 14.75-inch by 36.5-inch panel for each type of fuel sold. The area of this panel is 3.74 square feet, less than the maximum allowed area of 11 square feet per face per type of fuel sold.

## Site Design Review

### Excessive Uniformity, Inappropriateness Design

Subsection 4.400 (.01) and Subsection 4.421 (.03)

28. **Excessive Uniformity:** The proposed freestanding price sign is an updated, more modern replacement of the existing sign on site, providing more diversity to the signage not only on the property, but also in the general area.

**Inappropriate or Poor Design of Signs:** The proposed sign cabinets are professionally designed to match the complement the design of the surrounding area.

**Lack of Proper Attention to Site Development:** The appropriate professional services have been used to design the sign in relation to, and in coherence with, the building on site.

**Lack of Proper Attention to Landscaping:** The proposed sign coordinates with existing site landscaping.

### Purposes and Objectives

Subsection 4.400 (.02) and Subsection 4.421 (.03)

29. The freestanding price sign complies with the purposes and objectives of site design review, especially objective D. which specifically mentions signs. The proposed sign is of a scale and design appropriately related to the subject site and the appropriate amount of attention has been given to visual appearance.

### Design Standards

Subsection 4.421 (.01)

30. The applicant has provided sufficient information demonstrating compliance with the standards of this subsection, specifically objective F. which pertains to advertising features. There is no evidence the proposed sign will detract from the nearby buildings and/or structures due to size, location, design, color, texture, lighting, or materials proposed.

### Applicability of Design Standards, Including Exterior Signs

Subsection 4.421 (.02)

31. Design standards have been applied to the freestanding sign as required.

### Conditions of Approval to Insure Proper and Efficient Function

Subsection 4.421 (.05)

32. No additional conditions of approval are recommended to ensure the proper and efficient functioning of the development in relation to the sign.



29799 SW Town Center Loop E, Wilsonville, OR 97070  
 Phone: 503.682.4960 Fax: 503.682.7025  
 Web: [www.ci.wilsonville.or.us](http://www.ci.wilsonville.or.us)

Planning Division  
 Development Permit Application

Final action on development application or zone change is required within 120 days in accordance with provisions of ORS 227.175

A pre application conference is normally required prior to submittal of an application. Please visit the City's website for submittal requirements

Pre-Application Meeting Date: \_\_\_\_\_

Incomplete applications will not be scheduled for public hearing until all of the required materials are submitted.

**Applicant:**

Name: Jian Koid  
 Company: Double R Products  
 Mailing Address: 901 NW E St  
 City, State, Zip: Grants Pass OR 97526  
 Phone: 541 476 1387 Fax: 541 474 2528  
 E-mail: jian@doublerproducts.com

**Authorized Representative:**

Name: Jian Koid  
 Company: Double R Products  
 Mailing Address: 901 NW E St  
 City, State, Zip: Grants Pass OR 97526  
 Phone: 541 476 1387 Fax: 541 474 2528  
 E-mail: jian@doublerproducts.com

**Property Owner:**

Name: ROHIT SHARMA  
 Company: R.C. Petroleum LLC  
 Mailing Address: 9600 SW Capitol Hwy, Suite 200  
 City, State, Zip: Portland, OR 97219  
 Phone: 503-639-5800 Fax: 503-639-5412  
 E-mail: 76Petroleum@gmail.com

**Property Owner's Signature:**

[Signature]  
 Printed Name: ROHIT SHARMA Date: 11/10/17

**Applicant's Signature:** (if different from Property Owner)

[Signature]  
 Printed Name: JIAN KOID Date: 12/12/17

**Site Location and Description:**

Project Address if Available: 30085 SW Parkway Ave, Wilsonville OR 97070 Suite/Unit \_\_\_\_\_  
 Project Location: Corner of SW Parkway Ave and SW Wilsonville Rd  
 Tax Map #(s): 31W23AA00103A1 Tax Lot #(s): 103 County:  Washington  Clackamas

**Request:**

Image update to existing 76 Station. To include changes to signs and graphics.

**Project Type:** Class I  Class II  Class III

Residential  Commercial  Industrial  Other: \_\_\_\_\_

**Application Type(s):**

- |  |   |  |   |
|--|---|--|---|
| <input type="checkbox"/> Annexation                  | <input type="checkbox"/> Appeal                     | <input type="checkbox"/> Comp Plan Map Amend | <input type="checkbox"/> Parks Plan Review            |
| <input type="checkbox"/> Final Plat                  | <input type="checkbox"/> Major Partition            | <input type="checkbox"/> Minor Partition     | <input type="checkbox"/> Request to Modify Conditions |
| <input type="checkbox"/> Plan Amendment              | <input type="checkbox"/> Planned Development        | <input type="checkbox"/> Preliminary Plat    | <input type="checkbox"/> Site Design Review           |
| <input type="checkbox"/> Request for Special Meeting | <input type="checkbox"/> Request for Time Extension | <input checked="" type="checkbox"/> Signs    | <input type="checkbox"/> Stage II Final Plan          |
| <input type="checkbox"/> SROZ/SRIR Review            | <input type="checkbox"/> Staff Interpretation       | <input type="checkbox"/> Stage I Master Plan | <input type="checkbox"/> Variance                     |
| <input type="checkbox"/> Type C Tree Removal Plan    | <input type="checkbox"/> Tree Permit (B or C)       | <input type="checkbox"/> Temporary Use       | <input type="checkbox"/> Other (describe)             |
| <input type="checkbox"/> Villebois SAP               | <input type="checkbox"/> Villebois PDP              | <input type="checkbox"/> Villebois FDP       |   |
| <input type="checkbox"/> Zone Map Amendment          | <input type="checkbox"/> Waiver(s)                  | <input type="checkbox"/> Conditional Use     |   |





Double R Products, Inc.  
901 NW E Street  
Grants Pass, OR 97526  
Phone: 541 476-1387  
Fax: 541 474-2528  
E-mail: jian@doublerproducts.com

November 29, 2017

City of Wilsonville  
Community Development Department  
Planning Division  
29799 SW Town Center Loop East  
Wilsonville, OR 97070

Site: South Wilsonville 76 Station  
30085 SW Parkway Ave  
Map T3S R1 W 23AA TL 100

RE: Signage Modification – Change of Face of Freestanding sign with LED Fuel Prices

Double R Products is

The applicant requesting approval for a sign permit, change of non-conforming use, and class 3 waiver to allow the applicant to replace the existing 76 freestanding sign cabinets with new cabinets that incorporate an LED fuel price display. The proposed change is part of the brand image update the station will undergo to match the new 76 brand image. The purpose of the change is to help modernize the image of the station while reducing labor costs and inaccuracies by automating the gas price changing process.

The applicant is proposing to replace the existing freestanding sign cabinets with new cabinets that contain LED changeable copy gas prices. The look of the sign will also be updated to match the new 76 image colors of orange and white. The overall height and area of the sign will remain unchanged at 21'6 ½" and 62sqft respectively.

In addition to the changes to the freestanding sign, the applicant is also proposing to change the canopy fascia and signs to match the new 76 Image. The applicant proposes to replace the 2 existing 76 logos on the canopy with new logos that reflect the new corporate color scheme of orange blue and white as opposed to the existing color scheme of red blue and white. The canopy fascia will be updated with the updated 76 brand color scheme (gray Background with an orange colored geometric shape (defined by 76 as "wave"). See drawings). The canopy fascia will be illuminated with orange downlights incorporated into the "wave". The existing highway sign would also undergo a face change to match the new corporate colors.



City of Wilsonville  
EXHIBIT B1 DB17-0029



## Applicable Code Provision

The following narrative will explore each Code provision that applies to this situation and present information to address compliance with the code.

**Section 4.001.267. Sign:** A device or display used or intended to be used for advertising purposes or used or intended to be used to inform or attract the attention of the public. “Sign” includes, where applicable, the structure, display surface, or other component parts of the device or display. Examples include, but are not limited to, advertising sign, banner, outdoor advertising sign, on-premises sign, temporary sign, window sign, message, light (other than a device used primarily to illuminate a building and/or premise), emblem, figure or, painting, mural, drawing, placard, or poster. The display of merchandise that is offered on the premises shall not be considered to be a sign unless it is attached to any exterior surface or structure of the building including, but not limited to, roofs, walls, marquees, monuments, or poles. The scope of the term “sign” does not depend on the content of the message or image conveyed. A sign does not include architectural or landscape features that may attract attention but do not convey a message or image considered speech, or trademark, protected under federal or state law.

**F. Changeable copy sign.** Any sign, digital or manual, which is designed to have the copy changed routinely and where the frequency of copy change does not exceed Section 4.001 Definitions. CHAPTER 4 – PLANNING AND LAND DEVELOPMENT PAGE A -24 ADMINISTRATION UPDATED JANUARY 2015 once every fifteen (15) minutes, except in emergency situations as requested by the City Manager or designee.

### RESPONSE

The proposed freestanding sign change matches the definition of a Changeable copy sign. The frequency of copy change to the sign would be no more than twice a day.

### Section 4.156.02. Sign Review Process and General Requirements.

**(.08) Waivers and Variances.** Waivers and variances are similar in that they allow deviation from requirements such as area, and height from ground. They differ in that waivers are granted by the DRB as part of a comprehensive review of the design and function of an entire site to bring about an improved design and variances are granted by either the Planning Director or DRB to relieve a specific hardship caused by the regulations.

**A. Waivers.** The DRB may grant waivers for sign area, sign height from ground (no waiver shall be granted to allow signs to exceed thirty-five (35) feet in height), number of signs, or use of electronic changeable copy signs in order to better implement the purpose and objectives of the sign regulations as determined by making findings that all of the following criteria are met:

1. The waiver will result in improved sign design, in regard to both aesthetics and functionality. 2015 Development Code
2. The waiver will result in a sign or signs more compatible with and complementary to the overall design and architecture of a site, along with adjoining properties, surrounding areas, and the zoning district than signs allowed without the waiver.
3. The waiver will result in a sign or signs that improve, or at least do not negatively impact, public safety, especially traffic safety.
4. Sign content is not being considered when determining whether or not to grant a waiver

## **RESPONSE**

The proposed freestanding sign change will improve both the aesthetics and the functionality of the sign. The proposed sign contains the updated colors for the 76 brand image. This updated color scheme provides a more modern look that is more aesthetically pleasing.

The implementation of LED sign faces will improve the functionality of the sign by allowing the sign to relay information more accurately while improving the visibility of the sign.

The use of LED numbers on a price sign is a modern standard that is implemented at all modern gas stations where permitted. The proposed sign would allow the site to more consistently match the look of other modern gas stations. The LEDs are complementary to the design of the freestanding sign and site and is consistent with the image of gas stations in the surrounding area. The proposed sign will not negatively impact public safety. This is proven by the numerous gas stations that already have LED gas prices. As the LED lights do not flash or change intermittently, they do not pose a distraction to drivers the way a constantly changing copy sign or scrolling reader board would.

### **Section 4.156.04. Non-Conforming Signs.**

**(.01) Non-Conforming Signs.** Non-conforming signs, which may be non-conforming structures or non-conforming uses, are subject to the standards for non-conforming uses and non-conforming structures delineated in Sections 4.189 through 4.190. Except, however, that a non-conforming sign that is damaged beyond fifty percent (50%) of its value, as determined by the City Building Official, may only be reconstructed if the reconstructed sign meets all applicable zoning, structural, and electrical standards applicable at the time of reconstruction. Nothing in this Section is intended to impair any previously approved sign permit that has been issued by the City of Wilsonville, subject to state or federal law, or to require the removal of any sign that was legally erected or installed prior to the effective date of these regulations. In the event that a previously erected or installed sign no longer meets Section 4.156.05. Signs Exempt From Sign Permit Requirements. CHAPTER 4 – PLANNING AND LAND DEVELOPMENT PAGE C – 21 GENERAL DEVELOPMENT REGULATIONS UPDATED JULY 2012 applicable City zoning standards it may remain in place, subject to the standards for non-conforming uses or nonconforming structures noted above. However, a sign that is required to be moved solely because of a public taking may be replaced on the site, and maintain its non-conforming status, subject to a Class II Sign Permit, provided the replacement sign is found to not increase in non-conformity to current code standards other than required setbacks.

## **RESPONSE**

The existing sign is classified as a non-conforming sign based on its area which exceeds the allowed square footage for freestanding signs.

#### **Section 4.156.06. Prohibited Signs**

**(.01) Prohibited Signs.** The following signs are prohibited and shall not be placed within the City:

**D. Changeable copy signs that use lighting changed digitally,** unless specifically approved through a waiver process connected with a Class III Sign Permit or Master Sign Plan. In granting a waiver for a digital changeable copy signs the DRB shall ensure the following criteria will be met:

1. The sign shall be equipped with automatic dimming technology which automatically adjusts the sign's brightness in direct correlation with ambient light conditions and the sign owner shall ensure appropriate functioning of the dimming technology for the life of the sign.
2. The luminance of the sign shall not exceed five thousand (5000) candelas per square meter between sunrise and sunset, and five hundred (500) candelas per square meter between sunset and sunrise.

#### **RESPONSE**

The proposed sign is a changeable copy sign that matches the description of the listed prohibited sign. As stated by the code, the applicant is requesting a waiver for the implementation of an LED price display changeable copy addition to the sign. The new sign will be equipped with the required automatic dimming controls as required by code.

#### **Section 4.156.08. Sign Regulations in the PDC, PDI, and PF Zones.**

**D. Fuel or Service Station Price Signs.** In addition to the freestanding or ground mounted signs allowed, changeable copy signs shall be allowed for the purpose of advertising fuel prices, subject to the following standards and conditions:

1. The signs shall have a maximum of eleven (11) square feet in area per face per type of fuel sold and shall be permanently affixed to the building or a freestanding sign.
2. The signs shall not be considered in calculating the sign area or number of signs allowed.

#### **RESPONSE**

The proposed changes to the existing sign would replace the existing changeable copy portion of the sign. The new sign would have a 14 ¾" x 36 ½" panel for each type of fuel sold. The area of this panel is 3.74sqft which is significantly less than the maximum allowed area of 11sqft. As a changeable copy sign face is already specifically allowed to gas station, the changes proposed to the existing freestanding sign would merely update the technology used to change changeable copy signs to modern standards. The existing method of copy changing is performed by an attendant physically switching out individual letters of signage with a long-extended pole. This method of copy changing suffers from safety and accuracy issues. Changes to the sign at night or during inclement weather would pose a serious safety threat to the attendant. Changing the sign also poses a safety risk to the attendant as the sign is located within the paved area of the station and attendant would not be protected from traffic while changing the signage.

By implementing the LED sign prices, we would be able to eliminate all safety hazards the attendant incurs in the price changing process. The new LED technology also help alleviate confusion by allowing the price changing process to happen instantaneously through automation. This help prevents the situation where the gas prices has been changed in the system, but the sign has not been updated to match the actual price and thus causing confusion for the customer. The elimination of physical copy changing also helps reduce inaccuracies by removing the human element of the process through automation.

**Section 4.189. Non-Conforming Uses.****(.02) Change of Use.**

A. A non-conforming use may not be changed unless the change or replacement is to a use that is determined by the Planning Director to be no less conforming to the regulations for the zone district in which the use is located than the existing use.

**RESPONSE**

The proposed addition of a changeable copy LED price display to the sign does not include a significant change to the height or size of the sign. A changeable copy addition to the existing Highway sign on site has previously been approved by waiver number DB09-0005. With the presence of an existing LED changeable copy sign on site and without an increase of size for the proposed sign, it is safe to say that the site will be no less conforming to the regulations for the zone district in which the use is located than the existing use.

**Conclusion**

This letter demonstrates that the proposed sign revision complies with all applicable Zoning standards and Sign Code regulations. The applicant has also provided findings demonstrating compliance with the waiver approval criteria for an LED price sign.

We believe the waiver request is justified, and consistent with the purposes of the applicable regulations. This waiver will not allow for a sign that is otherwise not permitted. It would merely update the existing sign to modern technological standards.

We respectfully request that this application be approved.

# 76 Conversion

**PROJECT LOCATION**  
 30085 SW PARKWAY,  
 WILSONVILLE, OR 97070  
[45.3022116,-122.7680912](tel:45.3022116,-122.7680912)



- PROJECT OVERVIEW**
- A** Canopy Logos
  - B** Canopy Visuals
  - C** High Rise Visuals
  - D** Main ID Visuals
  - E** Dispenser Visuals

Project Manager:  
 Big Red Rooster Flow  
 2 Northfield Plaza, Suite 211,  
 Northfield, IL 60093

Marketer:

Site Operator:

Forecourt Installer:

Sign Installer:



SITE - BEFORE



SITE - AFTER



approval signature  
*I have reviewed the visuals within this documnet and I approve the designs and scope of work listed within.*

project name	shipto #
<b>CONVERSION - 76</b>	<b>870880</b>
customer	created by
<b>Phillips 66</b>	<b>B. DAHMEN</b>
revision #	date
<b>R2</b>	<b>10_12_2016</b>
scale	page #
<b>NA</b>	<b>1 OF 11</b>

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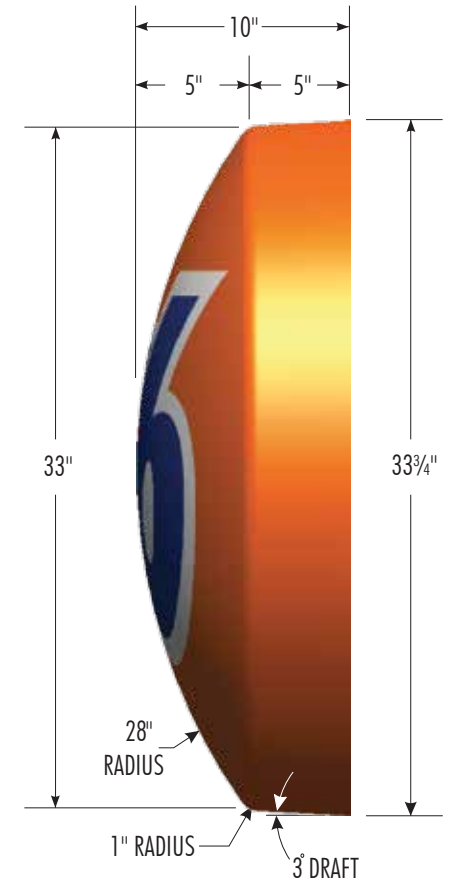


# PERMIT PACKET

**A** CANOPY LOGOS



FRONT VIEW



SIDE VIEW

approval signature

*I have reviewed the visuals within this documnet and I approve the designs and scope of work listed within.*

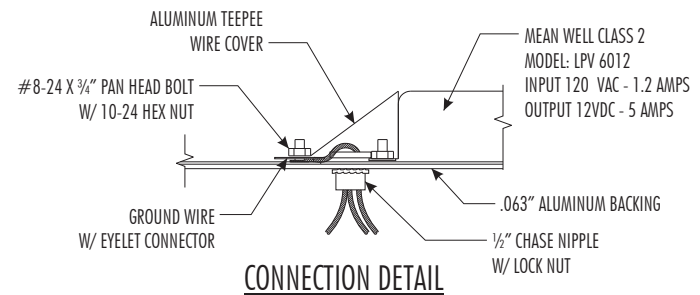
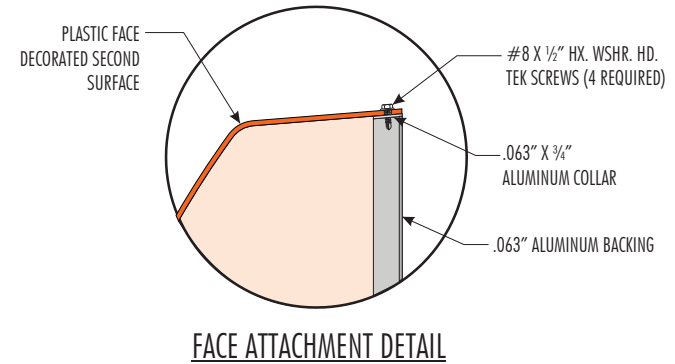
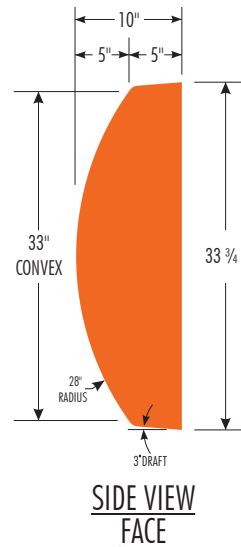
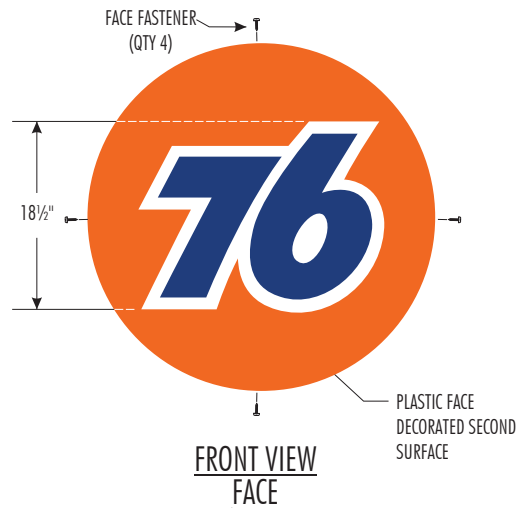
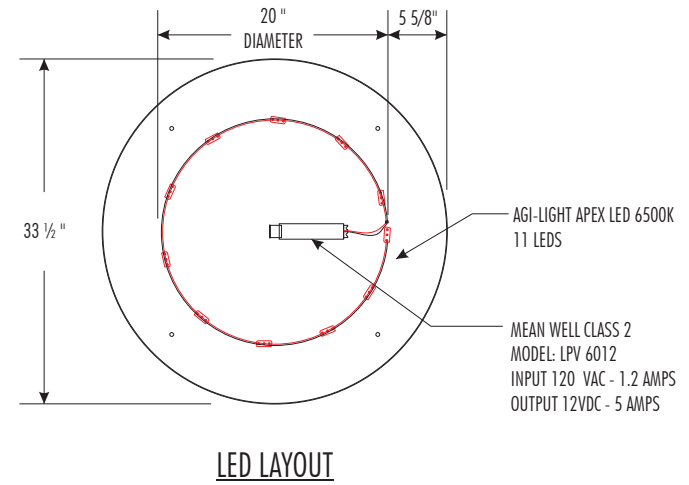
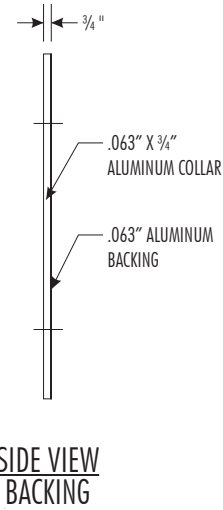
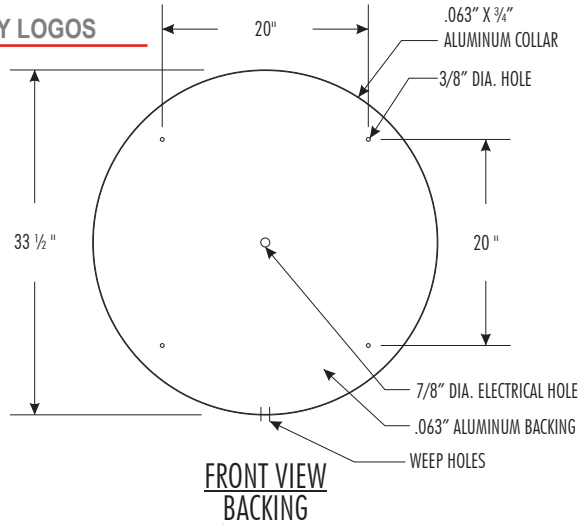
project name	shipto #
<b>CONVERSION - 76</b>	<b>870880</b>
customer	created by
<b>Phillips 66</b>	<b>B. DAHMEN</b>
revision #	date
<b>R2</b>	<b>10_12_2016</b>
scale	page #
<b>NA</b>	<b>2 OF 11</b>

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**BIG RED ROOSTER FLOW**  
 2 Northfield Plaza, Ste 211 Northfield, IL 60093  
 P: (847) 441-1818 F: (847) 592-9564

**PERMIT PACKET**

**A****CANOPY LOGOS**

approval signature

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customer	created by
<b>Phillips 66</b>	<b>B. DAHMEN</b>
revision #	date
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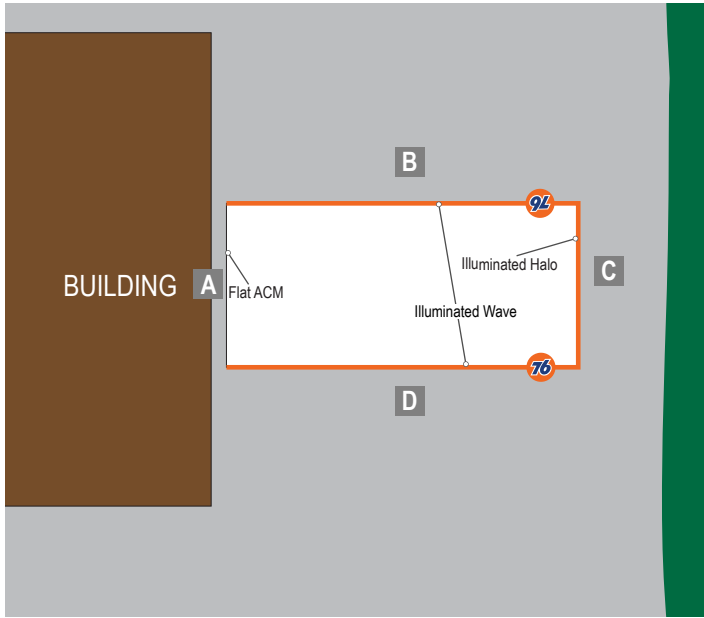


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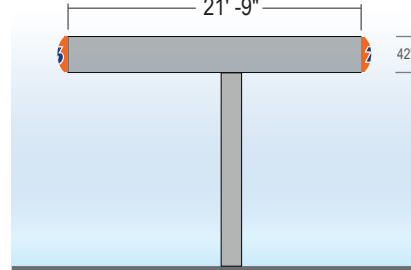
# B

## CANOPY IMAGE

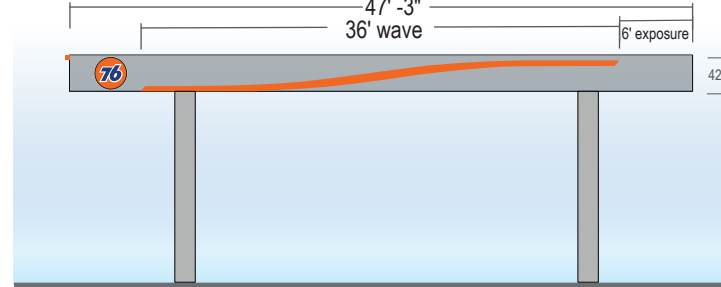


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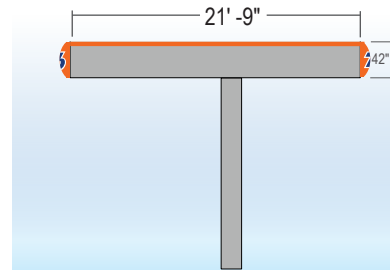
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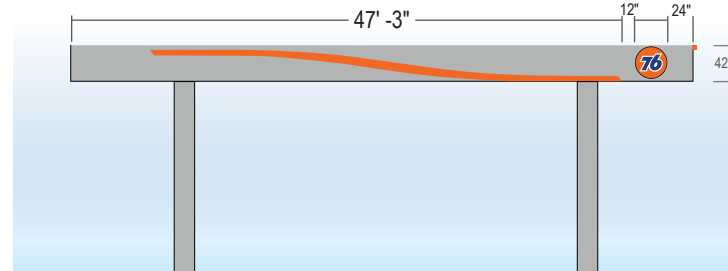
### ELEVATION B



### ELEVATION C



### ELEVATION D



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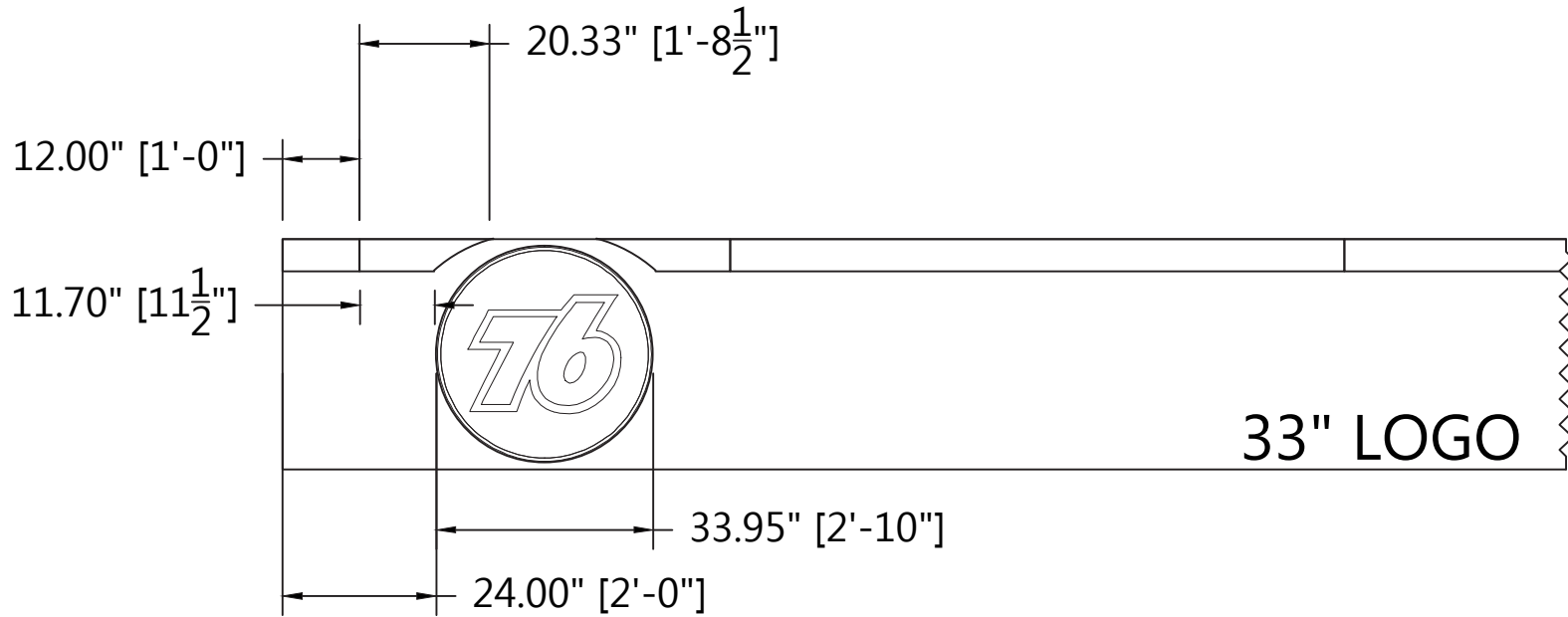
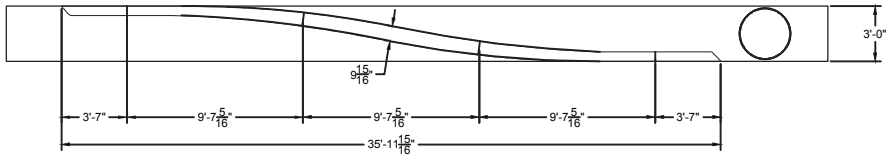
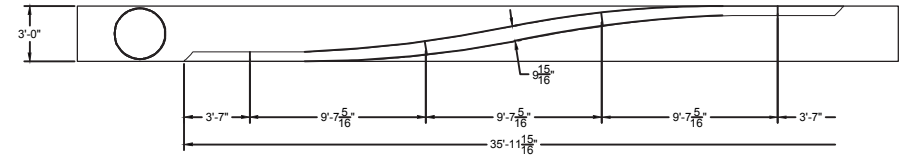
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**B****CANOPY IMAGE****36" FASCIA - 36' SAIL LEFT****36" FASCIA - 36' SAIL RIGHT**

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EXISTING



EXISTING

COLOR DECORATION	
A	PWS 165C 
B	PWS 287C 
C	SILVER PAINT TO MATCH ACM BRIGHT SILVER BSX

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PROPOSED



PROPOSED REPLACEMENT FACE- 20' Dia.

COLOR DECORATION	
A	PWS 165C 
B	PWS 287C 
C	SILVER PAINT TO MATCH ACM BRIGHT SILVER BSX

approval signature \_\_\_\_\_  
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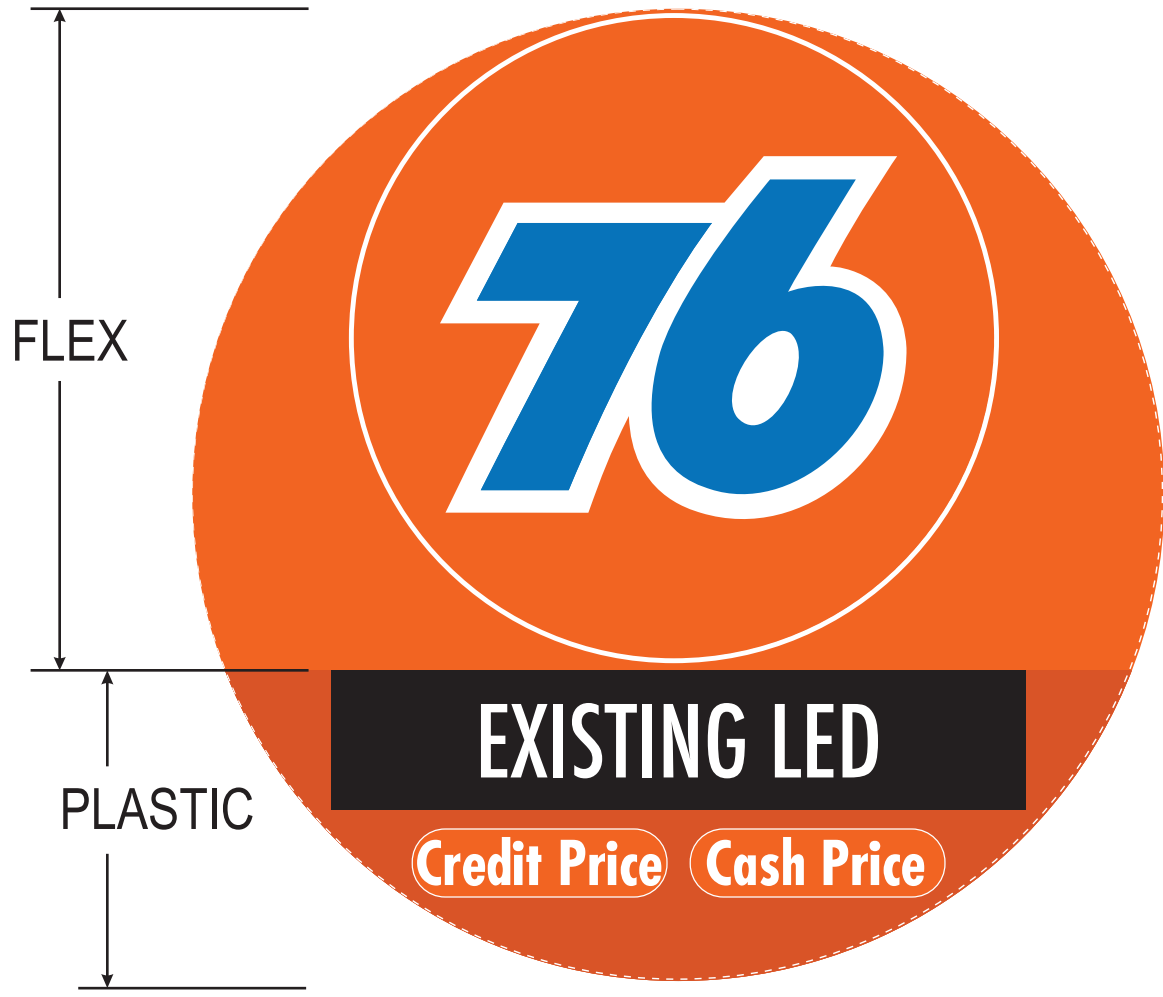
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



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PROPOSED REPLACEMENT FACE- 20' Dia.

COLOR DECORATION	
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B	PWS 287C 
C	SILVER PAINT TO MATCH ACM BRIGHT SILVER BSX

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scale <b>NA</b>	page # <b>8 OF 11</b>



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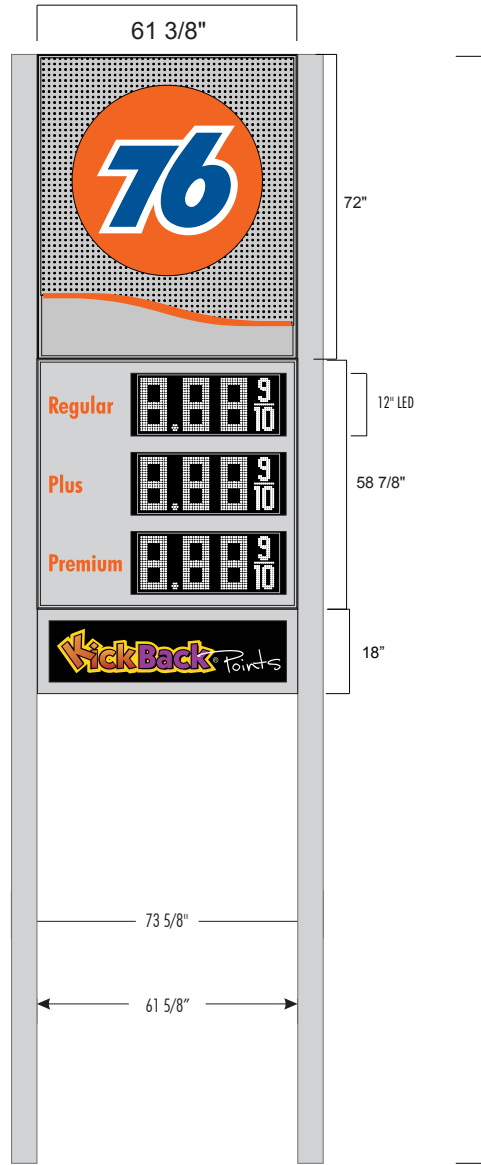
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**D** PYLON SIGN



EXISTING: BTP 62¼"

OAH: 21' 6½"



OAH: 21' 6½"

PROPOSED NEW CABINETS (61.23 SF)

COLOR DECORATION	
A	PMS 165C
B	PMS 287C
C	SILVER PAINT TO MATCH ACM BRIGHT SILVER BSX

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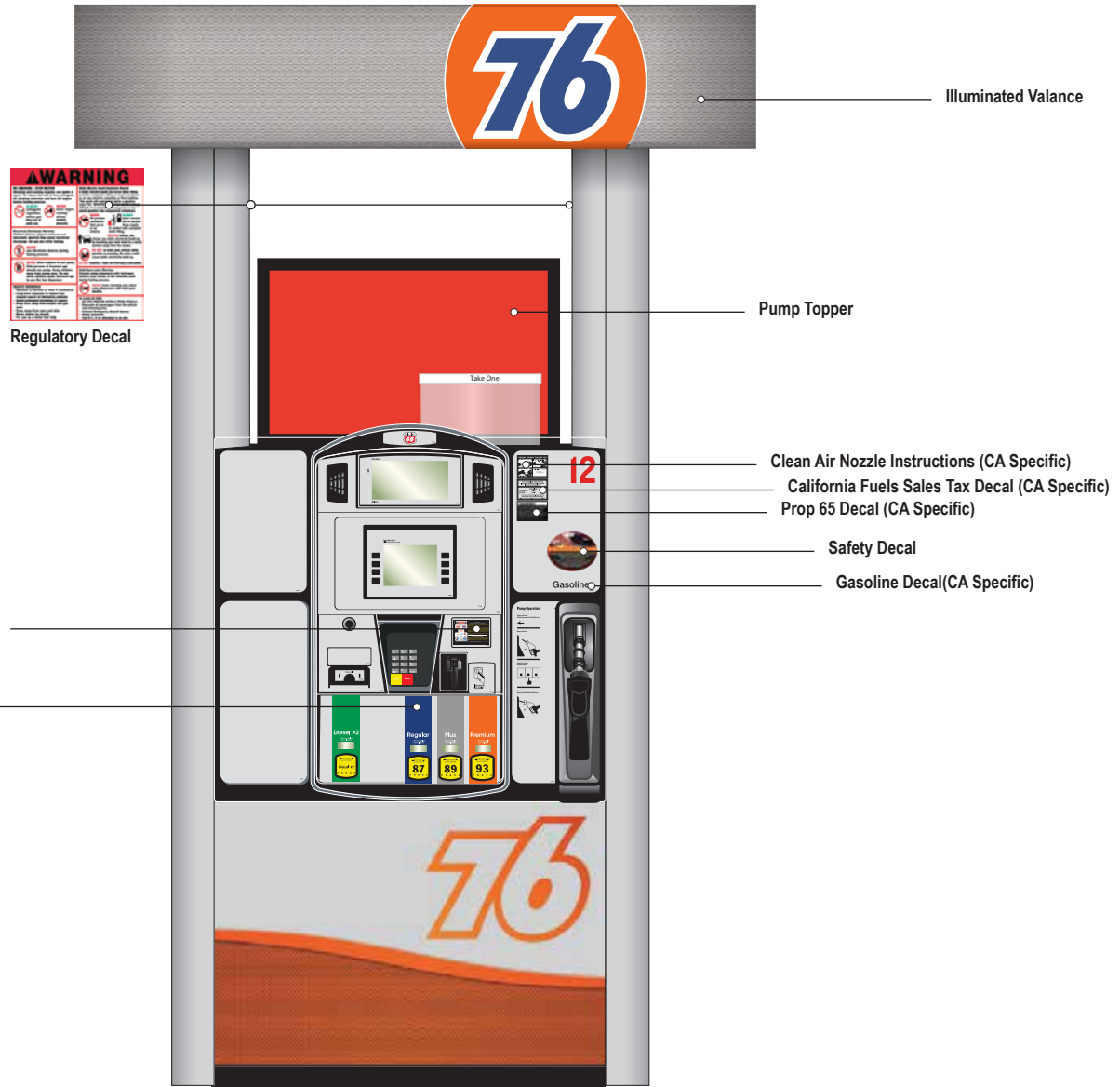
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DISPENSER



EXISTING



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scale <b>NA</b>	page # <b>10 OF 11</b>

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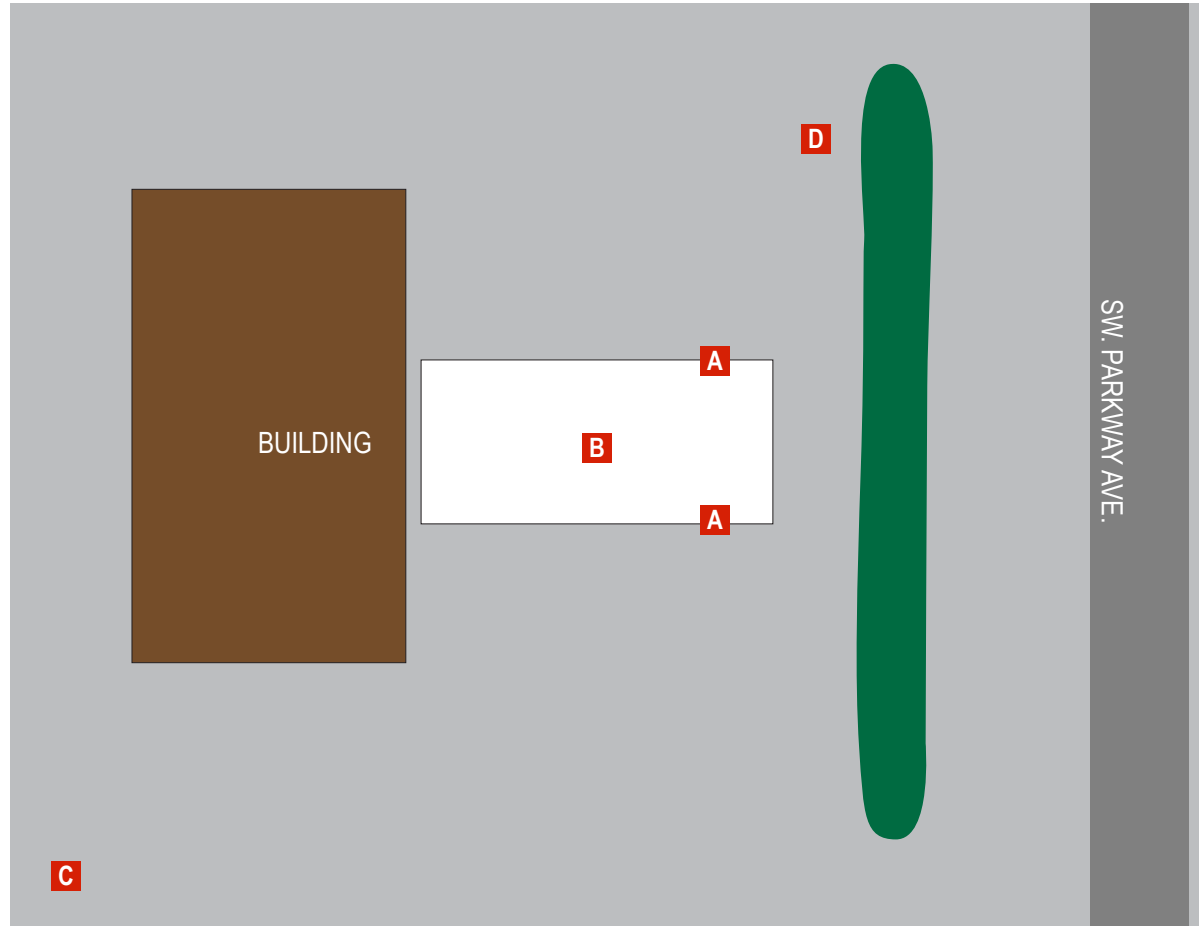
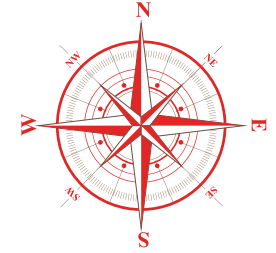


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**SITE PLAN**

- A** Canopy Logos
- B** Canopy Image
- C** High Rise Image
- D** Main ID



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**DEVELOPMENT REVIEW BOARD MEETING**

**MONDAY, FEBRUARY 12, 2018**

**6:30 PM**

---

VII. Board Member Communications:

A. Recent City Council Action Minutes



City Council Meeting Action Minutes  
January 4, 2018

**City Council members present included:**

Mayor Knapp  
Councilor Starr  
Councilor Stevens  
Councilor Lehan  
Councilor Akervall

Nancy Kraushaar, Community Develop. Director  
Susan Cole, Finance Director  
Angela Handran, Assistant to the City Manager  
Chris Neamtzu, Planning Director  
Daniel Pauly, Senior Planner, Planning  
Kimberly Rybold, Associate Planner  
Mark Ottenad, Public/Government Affairs Director  
Mike McCarty, Parks and Recreation Director  
Tod Blankenship, Parks Supervisor  
Zach Weigel, Civil Engineer  
Miranda Bateschell, Planning Manager  
Eric Mende, Engineering Manager

**Staff present included:**

Bryan Cosgrove, City Manager  
Barbara Jacobson, City Attorney  
Kimberly Veliz, City Recorder  
Jeanna Troha, Assistant City Manager

AGENDA ITEM	ACTIONS
<b>WORK SESSION</b>	
A. Council Concerns	Council discussed issuing a joint letter with Clackamas County to legislative leaders opposing possible legislation that would remove public-review processes to allow the Oregon Department of Aviation to ‘supersite’ an extension of the Aurora State Airport runway.
B. I-5 Exit 283 – 282 Interchange Facilities Plan Update	Staff provided an overview of the I-5 Wilsonville Facility Plan, which includes the I-5 SB mainline and SB ramps from the Wilsonville Road interchange (Exit 283) to the Canby-Hubbard interchange (Exits 282A and 282B).
C. Villebois Parks Master Plan Implementation	Staff presented on the history of planning for Villebois Regional Parks 7 and 8.
<b>REGULAR MEETING</b>	
<u>Communications</u>	
A. Comprehensive Annual Financial Report	Auditor Tonya Moffitt, CPA of Merina & Company, LLP updated Council on the annual audit of the City’s 2016-17 Comprehensive Annual Financial Report.
<u>Mayor’s Business</u>	
A. Appointment	Appointment of Dave Pearson, Executive Director of World of Speed, to the Tourism Promotion Committee, Position No. 1, with term ending June 30, 2019.

B. Upcoming Meetings	Upcoming meetings were announced by the Mayor as well as the regional meetings he attended on behalf of the City.
<u>Consent Agenda</u> A. Minutes of the December 18, 2017 Council Meeting.	Consent was adopted 5-0.
<u>Public Hearing</u> A. Ordinance No. 811	After a public hearing was conducted, Ordinance No. 811 was adopted on first reading by a vote of 5-0.
<u>City Manager's Business</u> A. Draft Joint Letter with Clackamas County             B. RRFB	City Manager requested that Council return to staff any proposed edits, questions, comments and/or concerns, regarding the joint letter discussed in work session, to staff by Wednesday or Thursday of the following week.  Updated Council that the installation of any new or replacement rectangular rapid flashing beacons (RRFB) by any highway agency, has been prohibited by the Federal Government. Staff will research this topic further.
<u>Legal Business</u> A. Kinder Morgan             B. Legal Memo for the Year	Shared that Kinder Morgan will be coming to the area to meet with Wilsonville, Tigard, Beaverton, Hillsboro, Sherwood and TVWD to discuss the shut off valves near the Water Treatment Plant.  Provided an overview on the legal memo that was provide to Council earlier in the evening. City Attorney informed Council that the first part of the legal memo is confidential attorney client communications and the second part is a list of contracts done in 2017.
<b>ADJOURN</b>	8:13 p.m.

City Council Meeting Action Minutes  
January 18, 2018

**City Council members present included:**

Mayor Knapp  
Councilor Starr  
Councilor Stevens  
Councilor Lehan  
Councilor Akervall

Delora Kerber, Public Works Director  
Nancy Kraushaar, Community Develop. Director  
Susan Cole, Finance Director  
Angela Handran, Assistant to the City Manager  
Eric Mende, Capital Projects Engineering Manager  
Kimberly Rybold, Associate Planner  
Mark Ottenad, Public/Government Affairs Director  
Jason LaBrie, Utilities Supervisor  
Joshua Seekatz, GIS Intern  
Andrew Sheehan, GIS Intern  
Rob Wurpes, Chief of Police

**Staff present included:**

Bryan Cosgrove, City Manager  
Barbara Jacobson, City Attorney  
Kimberly Veliz, City Recorder  
Jeanna Troha, Assistant City Manager

AGENDA ITEM	ACTIONS
<b>WORK SESSION</b>	
A. Street Tree Inventory	Public Works <b>staff</b> reported on the process and findings of the Street Tree Inventory conducted from July through December 2017.
B. Emergency Response Cooperative Assistance Agreement	Staff informed the Emergency Response Cooperative Assistance Agreement provides the City a mechanism to request supplemental personnel, equipment and other resources from other participants during an emergency.
C. Mounted Cameras to Capture Violations of Traffic Control Devices – Photo Red Light Enforcement	Staff requested Council direction on whether the City should install mounted cameras to capture violations of traffic control devices. Council directed staff to pause on the project.
D. Condemnation Resolution and Road Authority Resolution – Garden Acres Road	Staff briefed Council on Ordinance No. 811 (annexation), Resolution No. 2663 (condemnation resolution for acquisition) and Resolution No. 2666 (road authority transfer).
E. Boards and Commissions Appointments / Reappointments	Mayor Knapp shared that he is still in the process of interviewing those interested in boards and commissions. Furthermore, Council agreed to hold a shorter than normal republication for the DRB vacancy.
<u>Communications</u>	
A. NW Natural – “Our Low-Carbon Pathway”	Nina Carlson, Government & Community Affairs Consultant for NW Natural presented on the company’s efforts on conserving, offsetting, innovating to address climate change and reduce carbon.



<p>Way Of SW Clutter Street Extending From SW Grahams Ferry Road To SW Garden Acres Road, And The Right-Of-Way Of Unimproved SW Cahalin Road From SW Grahams Ferry Road To SW Garden Acres Road, Sections 2 And 3, T3s, R1W Willamette Meridian, Washington County, Oregon. Washington County, Oregon – Owner. City Of Wilsonville – Applicant.</p>	
<p><u>City Manager’s Business</u></p> <p>A. Proposed Legislation for Land-Use/Public-Process “Carve-Out” for Aurora State Airport Runway Extension Letter</p> <p>B. IGA Between Metro, Washington County, and the Cities of Tualatin and Wilsonville</p> <p>C. New Hire</p>	<p>Council made a motion to authorize the Mayor to sign and present the letter as it was amended. It was approved 4-0-1.</p> <p>Council was briefed that Metro should be signing and executing the IGA.</p> <p>The City Manager shared that the Communications &amp; Marketing Manager has been hired and will begin January 31, 2018.</p>
<p><u>Legal Business</u></p>	<p>No report.</p>
<p><b>ADJOURN</b></p>	<p>8:13 p.m.</p>