



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

Monday, August 12, 2019 - 6:30 P.M.

I. Call to order:

II. Chairman's Remarks:

III. Roll Call:

Fred Ruby	Daniel McKay
Jennifer Willard	Angela Niggli
Joann Linville	

IV. Citizens' Input:

V. Consent Agenda:

A. Approval of minutes of July 8, 2019 DRB Panel A meeting

VI. Public Hearing:

A. **Resolution No. 367. Industrial Focus: Gavin Russell, CIDA Architects & Engineers – Representative for David Nicoli, Nicoli Pacific LLC – Owner.** The applicant is requesting approval of a Stage II Final Plan, Site Design Review, Class III Sign Review and Type C Tree Removal Plan for development of Phase I of a new three-phase multi-tenant industrial complex. The subject site is located on Tax Lots 300 and 500 of Section 14A, Township 3 South, Range 1 West, Clackamas County, Oregon. Staff: Cindy Luxhoj

Case Files: DB19-0013 Stage II Final Plan
DB19-0014 Site Design Review
DB19-0015 Class III Sign Review
DB19-0016 Type C Tree Removal Plan

This item was continued to this date and time certain at the July 8, 2019 DRB Panel A meeting.

The applicant has requested that this item be postponed to the September 9, 2019 DRB Panel A meeting, date and time certain.

- B. Resolution No. 368. Bullwinkle’s Class 3 Sign: Meyer Sign Company of Oregon – Applicant for Wilsonville Land Partnership – Owner.** The applicant is requesting approval of a Class 3 Sign Permit and Waiver for a new electronic reader board on a new pylon sign along I-5. The subject property is located at 29111 SW Town Center Loop West on Tax Lot 100 of Section 14D, Township 3 South, Range 1 West, Willamette Meridian, City of Wilsonville, Clackamas County, Oregon. Staff: Kimberly Rybold

Case Files: DB19-0028 Class 3 Sign Review

- VII. Board Member Communications:
A. Recent City Council Action Minutes

- 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
AUGUST 12, 2019
6:30 PM

- V. Consent Agenda:
 - A. Approval of minutes of July 8, 2019 DRB Panel A meeting

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

**Development Review Board – Panel A
Minutes– July 8, 2019 6:30 PM**

I. Call to Order

Chair Joann Linville called the meeting to order at 6:30 p.m.

II. Chair’s Remarks

The Conduct of Hearing and Statement of Public Notice were read into the record.

III. Roll Call

Present for roll call were: Joann Linville, Fred Ruby, and Daniel McKay. Jennifer Willard and Angela Niggli were absent.

Staff present: Daniel Pauly, Amanda Guile-Hinman, Kimberly Rybold, Cindy Luxhoj, Miranda Bateschell, Patty Nelson, and Dominique Huffman

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 May 13, 2019 DRB Panel A meeting

The May 13, 2019 DRB Panel A meeting minutes were approved as presented.

VI. Public Hearing:

A. **Resolution No. 367. Industrial Focus: Gavin Russell, CIDA Architects & Engineers – Representative for David Nicoli, Nicoli Pacific LLC – Owner.** The applicant is requesting approval of a Stage II Final Plan, Site Design Review, Class III Sign Review and Type C Tree Removal Plan for development of Phase I of a new three-phase multi-tenant industrial complex. The subject site is located on Tax Lots 300 and 500 of Section 14A, Township 3 South, Range 1 West, Clackamas County, Oregon. Staff: Cindy Luxhoj

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Chair Linville called the public hearing to order at 6:35 p.m. and read the conduct of hearing format into the record. All Board members declared for the record that they had visited the site. No board member, however, declared a conflict of interest, bias, or conclusion from a site visit. No board member participation was challenged by any member of the audience.

Cindy Luxhoj, Associate Planner, announced that the criteria applicable to the application were stated on pages 2 and 3 of the Staff report, which was entered into the record. Copies of the report were made available to the side of the room.

The following exhibits were entered into the record:

- Exhibit A4: Planning Division Memorandum dated July 5, 2019 regarding additional testimony received and including the testimony received from E. Michael Connors, Hathaway Larson, LLP on July 1, 2019. (will include both documents)
- Exhibit B3: Testimony received from E. Michael Connors, Hathaway Larson, LLP on July 1, 2019

Ms. Luxhoj presented the Staff report via PowerPoint, noting the site's location and surrounding features and reviewing the project's background and application requests with these key additional comments:

- The subject property was approximately 6.16 acres in two undeveloped parcels. The Applicant, DP Nicoli Shoring Solutions, provided shoring equipment to the construction industry and the company's current headquarters in Tualatin was inadequate for their needs. The Applicant planned to develop the property as an industrial/flex complex to attract local industry and house DP Nicoli Shoring Solutions' Corporate Headquarters.
- On May 13, 2019, this DRB Panel reviewed the Applicant's first submittal, approving the Stage I Master Plan with conditions and recommending to City Council approval of the Zone Map Amendment to change the property from Residential Agricultural Holding (RA-H) to Planned Development Industrial (PDI). City Council approved the Zone Map Amendment with conditions. The appeal period for that approval would expire on July 24, 2019.
- Tonight, the Board would review the second submittal for Phase 1 of the three-phase, multi-tenant industrial complex. Phase 1 included one, 53,000 sq-ft, three-story industrial building on the east side of the property, and a 40,000 sq-ft outdoor storage yard on the western part of the property.
- Proper noticing was followed for the application, and two comments were received.
 - Shirley Keith, a resident of the Walnut Mobile Home Park, raised concerns with safety and vision clearance associated with entry to and exit from the proposed driveway in the southwest part of the development. She objected to any driveway being located near her residence at the northwest corner of the mobile home park, and raised similar concerns related to noise and privacy for other residents with houses located in the north part of the park. She also requested that above-ground utility lines along the north edge of the park be taken into account during construction of the proposed development.
 - Testimony was also received from Michael Connors, Hathaway Larson, LLP on behalf of Nicoli Pacific, LLC, owner of the subject property, which Staff was reviewing
- Although not required, the Applicant held a meeting on May 21, 2019 for residents of the Walnut Mobile Home Park to explain the project and proposed buffer area, and to solicit comments.
- Stage II Final Plan. Phase 1 of the proposed development was expected to occur in 2019. The property owner's headquarters would occupy 24,000 sq ft of the building, and the other 29,000 sq ft would be made available for lease. (Slide 9)
 - Two driveways off SW Boberg Rd and one driveway off SW Boones Ferry Rd would provide access to the site, and public improvements along both roads would be constructed in Phase 1. The Applicant had been granted two waivers to the Public Works Standards for reduced driveway spacing for the northern access driveway and reduced clear drive aisle length for all site driveways.
 - The proposed Stage II Final Plan met, with conditions of approval, the parking, landscaping, and industrial performance standards, and no waivers to development standards had been requested by Applicant.
 - A condition of approval ensures that the outdoor storage area will not begin operation until the required site obscuring fencing and planting were installed and approved by the City.

- The subject property was located in Area of Special Concern E of the Comprehensive Plan, which required special design considerations related to the Walnut Mobile Home Park.
 - The Screening and Buffering Overlay Zone required appropriate separation between non-residential use in the proposed development and residential use in the mobile home park to the south. The Applicant proposed a 10 ft-wide landscape buffer between the development and the north property boundary of the mobile home park.
 - A 6-ft wall composed of smooth and split face concrete masonry blocks with a sloped cap and one solid metal gate for maintenance access was proposed along the north side of the buffer area. On the south side of the wall, the buffer area included trees, shrubs, and ground cover of wildflower and legumes designed for low maintenance while providing an attractive area of usable space for residents of the mobile home park.
- The Industrial Performance Standards required limitations on noise that might be generated by truck circulation and loading or unloading activities within 100 ft of residential areas, particularly related to night operations. The south driveway and part of the outdoor storage yard and truck maneuvering area is located within 100 ft of the Walnut Mobile Home Park. A condition of approval prohibited loading and unloading operations and truck maneuvering in this area between the hours of 10:00 pm and 7:00 am, as long as the property to the south was used for residential purposes. Additionally, this area must be clearly marked with signs or by other means to indicate the limitation.
- Site Design Review
 - The proposed building was 56.5 ft tall when measured from the ground to the top of the roof on the west, or backside, of the building. Due to the downward slope of the site from east to west, the at finished grade the building measures 47.5 ft tall to the roof on the front elevation, which faces SW Boones Ferry Rd and I5.
 - The project design uses variation in materials and reveals to offset the simplistic geometry of a standard concrete tilt-up building, and two circulation towers of differing material highlight the building entries.
 - The design clearly defined the public area as being in front of the proposed building along SW Boones Ferry Rd and transparency afforded by windows and glazing connected the interior to the exterior to provide eyes on the street.
 - The proposed colors include a primary finish in a light gray tone with a secondary finish of a dark gray tone to be used in horizontal striping. Corrugated metal siding in medium gray, storefront frames in blackish-gray, metal accent paneling with a brown wood grain finish and gray tinted windows and glazing complement the primary finishes and add architectural and visual interest. (Slide 12)
 - Surrounding uses in the general area of the subject property were of similar intensity, and landscaping and screening at the site perimeter would provide appropriate buffering to the adjacent properties, including the Walnut Mobile Home Park.
 - Proposed landscaping and outdoor lighting would meet with conditions of approval, the applicable standards.
- Class III Master Sign Plan Review
- The Master Sign Plan proposed two ground-mounted monument signs. One would be located on the south side of the driveway entrance from SW Boones Ferry Rd and the other, on the north side of the south driveway entrance from SW Boberg Rd.
 - Building-mounted signs were proposed on the main building façade facing SW Boones Ferry Rd and I-5 on the east side of the building and on the west side facing SW Boberg Rd
 - No signage was proposed on the north and south sides of the building as these sides are not sign eligible.

- The sign for Tenant 5 on the east façade was outside the designated sign band for the other four tenants. However, this tenant was the only occupant of the top floor of the building and did not have space on any other floor, so that sign's proposed location was appropriate.
- The proposed signs were typical of and compatible with development in the PDI zone. The design and colors reflected corporate identity, placement of the wall signs was in recognizable sign bands, and the signs are proportional to the building façade.
- All signs would be compatible with the building's color scheme and architectural elements, and would meet standards for size and placement.
- Type C Tree Removal Plan
 - The 25 trees on the subject site ranged in diameter from 6-in to 27-in, and most were located along the south property line adjacent to the Walnut Mobile Home Park. Species included red oak, big leaf maple, hazelnut, hawthorn, and black locust. All were in fair to poor condition, and most were tree stump sprouts or had been topped for utility clearance. Per the arborist's report, preservation and conservation of the trees was not warranted, and the Applicant proposed removing all the trees and mitigating their removal by planting in excess of 25 trees on the site.
 - Four trees identified on adjacent properties were to be preserved and protected during construction. (Slide 16) A condition of approval ensured that protective fencing would be placed around the drip line of the trees prior to site grading or other site work that could damage them.
- During planning review, Staff noted numerous inconsistencies between the application narrative, including the response to Code criteria, and the submitted plan set. Therefore, in preparing the report, Staff relied on the plan set as the basis for determining Code compliance, referring to the narrative Code response when needed for additional clarity.
 - Exhibit A3 included a list of needed Plan Set corrections noted by Staff during the application review. These corrections were in addition to any that might be needed to respond to the conditions of approval.
- As noted, additional testimony submitted regarding the applications was being reviewed by Staff, and it was recommended the DRB continue the hearing to the next meeting on August 12, 2019, or another future date, to allow Staff time to provide additional information for the DRB to consider.

Daniel McKay asked what resulted from the meeting with the residents of the Walnut Mobile Home Park.

Ms. Luxhoj stated that the minutes and sign-up sheet from that meeting were included within the Applicants materials in the Staff report. The meeting was attended by 15 to 20 residents who were generally supportive of the Applicants proposal regarding the wall and landscaping, although Shirley Keith did express some concerns.

Mr. McKay confirmed the SBOZ was a general requirement by the City for zoning when residential abutted against an industrial area. He asked if any additional considerations were given to the design objectives since the site was within Area of Special Concern E.

Ms. Luxhoj noted the buffer being proposed by the Applicant addressed those concerns. Within the SBOZ, a 20-ft wide landscape buffer, a high-screen standard, or a 10-ft buffer with the high-wall standard could be used to meet the requirement. The Applicant chose the 10-ft wide buffer with a 6-ft wall. She clarified there were additional requirements regarding the Area of Special Concern E.

Daniel Pauly, Planning Manager explained the Comprehensive Plan did not give specific language or requirements, and both the Zone Map Amendment and Stage I Master Plan had specific conditions of approval. Findings in the Staff report stated that the same treatments that met SBOZ also satisfied the Zone Map Amendment and Stage I conditions, which in turn, satisfied the Area of Special Concern laid out in the Comprehensive Plan.

Mr. McKay noted he had visited the site and asked for additional information about the location of the property lines.

Ms. Luxhoj responded there were survey stakes at the site.

Mr. McKay stated that SBOZ required that there be no storage, but Staff required that it be just within 100 ft. He asked if an exception or a waiver was being made to the requirement or was the condition that the storage be 100 ft from the SBOZ line.

Ms. Luxhoj clarified the SBOZ required there was to be no storage within the buffer area, which was 10 to 20 ft. The limitation Staff added was related to noise and night operations. The condition stated there could be no truck maneuvering, loading, or unloading within that 100-ft distance from the south property line into the storage area and the truck maneuvering area and the south driveway.

Mr. Pauly stated there were separate requirements. The 100-ft limitation came from a specific industrial performance standard that was general for any industrial development throughout the city that might be near residential. He confirmed the SBOZ requirements were only for that buffer zone.

Mr. McKay asked for a revised narrative noting the inconsistencies Staff found between the application narrative and the plan set that he could review before the continued hearing next month.

Mr. Pauly replied Staff would provide that if the Applicant provided one.

Chair Linville confirmed the 6-ft concrete fence in the buffer zone placed the planted area on the mobile home park side, but still within the property line of the parcel. She asked if maintenance of the area had been addressed.

Ms. Luxhoj replied maintenance was the responsibility of the property owner, adding that a maintenance door was included in the wall for access.

Chair Linville called for the Applicant's presentation.

Dave Nicoli, Owner, Nicoli Pacific LLC, commended Staff for their work on the application. He had a couple objections to the Staff report and noted his goal was to begin construction this year. During a meeting that took place about a month ago, Staff asked him to build an 8-in water line that he did not need. Its sole purpose was to close a loop to make the system more efficient for the City, and had nothing to do with him or his building's water line. He was being asked to spend \$150,000 for a water line he did not need and would not benefit him or his property.

- Staff also asked him to convey storm sewer for the existing City street, which also had nothing to do with him and was highly unusual. Normally, the City put in its own storm sewer for its own public conveyance. He objected to both of those requests on legal constitutional reasons, noting this was addressed in a letter sent to the Board.

- In addition, he felt blindsided on a couple other items during the meeting, since he knew nothing about them. He objected to the 100-ft limitation, adding he would not build the project if that 100 ft was taken from what the property was zoned to do; he would have to fight the City on that. He did not know where that came from since no one had talked about it during the previous six months, and he would not live with it.
- He noted Ms. Luxhoj repeatedly stated, "The Applicant proposed," but a lot of that was not proposed, it was required. He was putting in that wall and had to set it back 10 ft. He paid \$5 million for the property and was basically giving away 10 ft, and maintaining it; so the park would be getting 10 ft more backyard.
- He added that a good friend owned the mobile home park on the south property line. The mobile home park could eventually be converted to the same zoning as his property and would not be there anymore. He understood people live there and he was sympathetic to their situation. The economics of the situation were going to change, and the park would not be there after another 10 or 20 years. His property, when completed, would bring in \$200,000 a month in rent and the park brings in about \$30,000 a month in rent. Economically, it's too valuable. The long-term zoning was the same as his, so that property would eventually be bought and converted. Greg had no desire to do that at the moment, and he left the property to his kids and they probably would.
- In addition to giving up the 10 ft, he was going to build a 6-ft wall, even though he did not have to build the wall the whole length of the property line; he could have put a fence in. During a meeting with the neighbors, the lady on the southwest corner of his property was concerned about the noise, just as he was, so he agreed to constructing the 6 ft wall all the way down. After giving up 10 ft and putting in a 6 ft wall, now they wanted him to give up another 100 ft to not operate during certain hours, and he would not do that. He would have to push back on that.
- He would also push back on the water storage. When a new property was built, water must be stored and cleaned for a certain time. He asked for the water storage and cleaning to be put underground and the City said that he could not do that. Yet, he had done this in Tualatin, as had another builder, so he knows it was probably a City of Wilsonville decision.
 - He agreed to put the facility above ground. The City of Wilsonville gives credit for the above ground to be considered landscaping, but Tualatin did not so that made it revenue neutral. The water storage area was drawn up to be on the south side of the property and City Staff wanted it spread throughout the property. His engineers said that most municipalities were getting away from that because they were very expensive to maintain. After raising this issue at the meeting, Staff said it was in the Code, and it was a requirement of Clean Water Services. He asked that since other places were doing it, why Wilsonville could not do it, and he never got an answer. He did advise Staff last month that he would protest or push back on the water line, the storm conveyance, but not on this since it was revenue neutral.
- Being a civil engineer, he understood why the City wanted the closed loop, but he did not think he should have to pay for it, legally or ethically. The one month delay would probably push the project out until next year because if the dirt could not be done before the rain started, the project would have to wait, which was disappointing, but not the end of the world.
- He wanted to make sure those issues were on the record, and that they were going to push back on them, which he specifically stated one month ago, but no one ever got back to him. He noted the Board had a letter from his attorney regarding these issues. Otherwise, he was looking forward to building.
- He had asked if he could get a dirt or earth moving permit so they could get the grading done before the rain started, then the rest could be done during the winter. But, he was told they could not do two things at once. Staff could not issue a grading permit until he had the

Public Works Permit. As an entrepreneur, that did not make any sense to him. As an administrative city it might, but he was capable of doing two things at once as were most people. All the other issues would be resolved, maybe in the next month, but he believed the City should give him an earth moving permit so they could get going.

- In order to put the 8-in water line, he had to give a 20-ft easement on the south side, which bothered him because in the next phase, he might want to build right over top of it, and then he would have to move it. Nobody wanted to spend \$5 million and be told they had to make the City's water line more efficient, and pay for it, and run it right through their property.
- He concluded that while there were things he did not like, Staff had been really great to work with.

Tara Lund, CIDA Architects & Engineers, 15875 SW 72nd Ave, Ste 200, Portland, OR, echoed Mr. Nicoli's comments regarding Staff being very accommodating, and hoped to be able to resolve the issues that were raised. There was a reference on Condition PFA 6 to detail RD-1025, which was a cross-section for Boones Ferry Rd, and it referenced that same detail for Boberg Rd, which the Applicant believed was incorrect. The section should be less than that. She stated the list of plan set corrections were relatively minor and could be easily addressed.

Gavin Russel, CIDA Architects & Engineers, added it had been a pleasure to work with the City, as well as Staff. He invited questions from the Board.

Mr. Pauly noted City Engineer Patty Nelson and Civil Engineer Dominique Huffman were available to answer any engineering related questions.

Fred Ruby asked for clarification on Condition PDA 2 regarding the 100-ft prohibition of loading and unloading and the proposed area of the outdoor storage yard. He asked if the 100-ft limitation or definition was an appendage to the noise ordinance.

Mr. Pauly clarified they were separate. The noise ordinance was more permissive to loading operations during nighttime hours and the community had numerous warehouses and truck operations. The condition was in response to a specific industrial performance standard for outdoor operations within a certain distance of residential. If the Applicant had open storage within that 100 ft, the main concern would be noise, primarily, particularly if the operation produced odor or dust. The condition was an attempt to meet that requirement and use the outdoor storage for most operations, but also meet the intent of the industrial performance standard.

Mr. Ruby confirmed the noise ordinance did not specify how many feet a noise-generating activity had to be from residential areas and exempted truck loading operations. He asked where the standard of 100-ft distance was derived from.

Mr. Pauly replied it was specifically stated in the industrial performance standards of Section 4.135.

Mr. McKay asked how far back from the property line the proposed entryway would be on the southwest part of the parcel.

Ms. Lund responded it was 25 ft.

Chair Linville confirmed the prohibition of the 100 ft did not have anything to do with a storage facility, but rather hours of operation.

Mr. Nicoli asked if the hours of operation were for every industrial property in that strip, or because the subject site affronted that low-income housing.

Mr. Pauly replied it regarded any residential. The condition was specifically crafted so that if the mobile park converted to another non-residential use in the future, that requirement would go away.

Mr. McKay asked if the same requirement were being placed on the excavation rental equipment parcel south of the mobile home property.

Mr. Pauly noted that was approved a long time ago and not under the current standards. He was not certain if there were any specific requirements, but he could review that in the interim.

Chair Linville asked Mr. Nicoli how frequently the business would be generating truck noise from loading and unloading after 10:00 pm.

Mr. Nicoli stated hardly ever, but a portion of the building would be leased out and some businesses work 24/7. He was being limited from leasing the property to someone who might meet the zoning due to this requirement. While his business was not very noisy, there would be some amount of noise, but the 6-ft wall would be installed. He cited a past example, noting an emergency request required his company to work 24/7 for three days, but under this requirement, he would not be able to respond to such emergency requests, which would affect his business and was unworkable.

Chair Linville asked if that was a new requirement that he had not had an opportunity to discuss with Staff.

Mr. Nicoli confirmed he was not aware of it prior to the meeting.

Mr. McKay asked how much of the storage yard would be within the 100 ft area.

Ms. Lund replied approximately 50 ft of storage yard, and the driveway would also be included in that area.

Mr. Nicoli said he would have proposed not using the south entrance during that time, although it was possible there could be inventory there that he would need to access. After a certain time, the south entrance could be closed down and the two north entrances could be used. There were more reasonable ways to attach this than to basically just take his property.

Chair Linville noted the communication the City received from Hathaway Larson suggested that Nicoli and the City schedule a meeting or conference call to determine how to proceed. She asked if that had taken place. (Exhibit B3)

Mr. Nicoli replied it had not. He did not believe the City had responded yet. It would eventually go to the attorney since it was a legal matter.

Chair Linville inquired about Mr. Nicoli's comments regarding the water line and the storm sewer conveyance for the City, and asked for further comments regarding that.

Mr. Pauly stated both the City Attorney and City Engineer were not available last week, but they did plan on reviewing and addressing those issues. There had not been sufficient time to prepare it for tonight's hearing.

Chair Linville noted the earth moving permit Mr. Nicoli referenced and asked if the application had to be approved by the Board for this stage, and then also approved by the City Council before the Applicant could move forward with anything.

Mr. Pauly explained that was typically the process to avoid a site being left with just bare dirt if for some reason the project did not get approved. Staff was willing to continue talking with the City Building Official, who issued the grading permits, about alternatives, such as if any rough grading could occur. Because the site was relatively flat with planted grass, it could be replanted fairly easily if the project did not move forward for some reason.

Chair Linville confirmed the City was in favor of the project moving forward.

Mr. Pauly added the City anticipated it doing so, but it was common practice in the industry and out of respect for the process to not issue construction permits prior to approval.

Ms. Lund stated the Applicant had submitted for a grading permit, understanding it would not be released until an agreement had been reached.

Mr. Nicoli noted if the Applicant could not get a grading permit until mid-August, it would push the whole project off. Once the concrete pad was poured for the building, they would work year round, but that involved storm, water, plumbing, etc. He hoped the issues could be resolved.

Mr. McKay understood Mr. Nicoli would build the stormwater requirements on his property, and that he was contesting the things in excess that were not part of serving his property.

Mr. Nicoli pointed out Boones Ferry Rd would need to be widened, and storm sewers added, and they were required to do a half-street improvement, and put the storm in for that, but in his and his attorney's opinion, he was not required to provide the conveyance from that to wherever it went. He had told Staff a month ago that if his attorney believed it was in excess, he would push back. His attorney did not think the requirement was legal. So, the discussion had occurred for more than a week, but officially, it came in this last week.

Chair Linville called for public testimony in favor of, opposed and neutral to the application. Seeing none, she noted the Applicant had no rebuttal.

Mr. Pauly confirmed Staff recommended continuing the hearing to the next meeting on August 12, 2019, but if additional time was warranted, the hearing could be continued until September. He confirmed no conditions of approval required any further coordination from other service districts in the region.

Fred Ruby moved to continue Resolution No 367 to August 12, 2019 date certain. Daniel McKay seconded the motion, which passed unanimously.

VII. Board Member Communications

- A.** Results of the May 30, 2019 DRB Panel B meeting
- B.** Results of the June 24, 2019 DRB Panel B meeting
- C.** Recent City Council Action Minutes

Kimberly Rybold, Senior Planner, highlighted that on May 6, 2019, City Council passed the ordinance adopting the Town Center Plan which included an amendment to both the Development Code and Comprehensive Plan, integrating that planning effort, which took a couple years and a lot of community outreach. The ordinance's effective date was June 5, 2019. She noted a development application was received prior to that date, which the DRB might be reviewing in the future. At the second May City Council meeting, Council also adopted its goals for the next two years. Council's goals, which were posted on the City website, guide Staff's other planning activities outside application review.

VIII. Staff Communications

Kimberly Rybold, Senior Planner, announced several staffing changes, noting she was excited to be taking on the role of Senior Planner. Planner Charles Tso would be relocating to New York, so the City was recruiting for another Associate Planner. She noted that at the August 12, 2019 meeting, the DRB would also be reviewing a Class III Sign Permit for a digital reader board sign for the Bullwinkle's project.

Chair Linville congratulated Ms. Rybold on behalf of the Board, adding she looked forward to working with her and meeting the new Staff members.

IX. Adjournment

The meeting adjourned at 7:37 p.m.

Respectfully submitted,

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

**DEVELOPMENT REVIEW BOARD MEETING
AUGUST 12, 2019
6:30 PM**

VI. Public Hearing:

A. Resolution No. 367. Industrial Focus: Gavin Russell, CIDA Architects & Engineers – Representative for David Nicoli, Nicoli Pacific LLC – Owner. The applicant is requesting approval of a Stage II Final Plan, Site Design Review, Class III Sign Review and Type C Tree Removal Plan for development of Phase I of a new three-phase multi-tenant industrial complex. The subject site is located on Tax Lots 300 and 500 of Section 14A, Township 3 South, Range 1 West, Clackamas County, Oregon. Staff: Cindy Luxhoj

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This item was continued to this date and time certain at the July 8, 2019 DRB Panel A meeting.

The applicant has requested that this item be postponed to the September 9, 2019 DRB Panel A meeting, date and time certain.



HATHAWAY LARSON

Koback · Connors · Heth

August 2, 2019

VIA EMAIL

Barbara A. Jacobson, City Attorney
City of Wilsonville
City Hall
29799 SW Town Center Loop E
Wilsonville, OR 97070

Re: Client: Nicoli Pacific LLC
Project Name: Industrial Focus – Phase I
Application Nos. DB19-0013 through DB19-0016

Dear Ms. Jacobson:

This letter is in response to your letter to me, dated August 1, 2019. My client disagrees with your characterization of the issues and the communications between Nicoli Pacific LLC (“Nicoli”) and the City regarding this matter.

Although the City presented two options to address water and stormwater at the pre-application meeting, Nicoli did not waive the right to pursue other options, agree to pay for the full cost of these improvements or waive any constitutional protections. My client proposed the option presented in the application submittal because that was the option the City and Nicoli appeared to agree was the best of the two options presented by the City, but there was no agreement regarding the responsibility for paying the cost of these improvements. As you acknowledged in your letter, Mr. Nicoli raised a concern at the last meeting when the City advised that it expected Nicoli to pay the full cost of these improvements and he told the City that he intended to consult with an attorney to determine if the City could legally require Nicoli to bear the full cost of these improvements when they are not necessary to provide water and manage the stormwater for the project consistent with the City’s standards. As explained in my July 1, 2019 letter, we do not believe the City can impose these improvements on the project consistent with the Fifth and Fourteenth Amendments to the United States Constitution and suggested that the parties schedule a meeting or conference call to provide the City an opportunity to respond and determine how the parties should proceed. Your August 1, 2019 letter was the first official response we received from the City on this matter and it did not include a nexus or rough proportionality analysis demonstrating compliance with the *Nollan/Dolan* exaction standards.

E. Michael Connors
1331 NW Lovejoy Street, Suite 950
Portland, OR 97209
mike@hathawaylarson.com
(503) 303-3111 direct
(503) 303-3101 main

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August 2, 2019

Nonetheless, my client is willing to meet with the City per your suggestion to discuss this matter further and determine if the parties can reach a mutually agreeable resolution. My client is willing to agree to postpone the hearing until September 9, 2019 to accommodate such a meeting, but we want to schedule the meeting as soon as reasonably possible so we do not lose any more time on this project. We also want to make sure that we have the appropriate City officials at that meeting who have the authority to make the necessary decisions to determine if we can resolve this matter.

Please let us know when the City is available to meet to discuss this matter and determine if we can reach a mutually agreeable resolution. We look forward to hearing from you.

Very truly yours,

HATHAWAY LARSON LLP



E. Michael Connors

EMC/ph

cc: David Nicoli
Tera Lund, CIDA Architects & Engineers
Gavin Russel, CIDA Architects & Engineers

**DEVELOPMENT REVIEW BOARD MEETING
AUGUST 12, 2019
6:30 PM**

VI. Public Hearing:

B. Resolution No. 368. Bullwinkle's Class 3 Sign: Meyer Sign Company of Oregon – Applicant for Wilsonville Land Partnership – Owner. The applicant is requesting approval of a Class 3 Sign Permit and Waiver for a new electronic reader board on a new pylon sign along I-5. The subject property is located at 29111 SW Town Center Loop West on Tax Lot 100 of Section 14D, Township 3 South, Range 1 West, Willamette Meridian, City of Wilsonville, Clackamas County, Oregon. Staff: Kimberly Rybold

Case Files: DB19-0028 Class 3 Sign Review

**DEVELOPMENT REVIEW BOARD
RESOLUTION NO. 368**

A RESOLUTION ADOPTING FINDINGS AND CONDITIONS APPROVING A CLASS 3 SIGN PERMIT AND WAIVER FOR A NEW ELECTRONIC READER BOARD ON A NEW PYLON SIGN ALONG I-5. THE SUBJECT PROPERTY IS LOCATED AT 29111 SW TOWN CENTER LOOP WEST ON TAX LOT 100 OF SECTION 14D, TOWNSHIP 3 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, CITY OF WILSONVILLE, CLACKAMAS COUNTY, OREGON. MEYER SIGN COMPANY OF OREGON – APPLICANT FOR WILSONVILLE LAND PARTNERSHIP – 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 a staff report on the above-captioned subject dated August 5, 2019, and

WHEREAS, said planning exhibits and staff report were duly considered by the Development Review Board Panel A at a scheduled meeting conducted on August 12, 2019, 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 August 5, 2019, attached hereto as Exhibit A1, with findings and recommendations contained therein, and authorizes the Planning Director to issue permits consistent with said recommendations for:

DB19-0028 Class 3 Sign Permit and Waiver for freestanding pylon and digital signs at Bulwinkles.

ADOPTED by the Development Review Board of the City of Wilsonville at a regular meeting thereof this 12th day of August, 2019 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)*.

Joann Linville – 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 – Bullwinkle’s

Development Review Board Panel ‘A’
 Quasi-Judicial Public Hearing

Hearing Date: August 12, 2019

Date of Report: August 5, 2019

Application No.: DB19-0028 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: 29111 SW Town Center Loop West. The property is specifically known as Tax Lot 100, Section 14D, Township 3 South, Range 1 East, Willamette Meridian, City of Wilsonville, Clackamas County, Oregon.

Owner: Wilsonville Land Partnership

Applicant: Tony McCormick, Meyer Sign Company of Oregon

Comprehensive Plan Designation: Town Center

Zone Map Classification: TC (Town Center)

Staff Reviewer: Kimberly Rybold, AICP, Senior 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 4.132	Town Center Zone (TC)
Sections 4.156.01 through 4.156.11	Sign Regulations

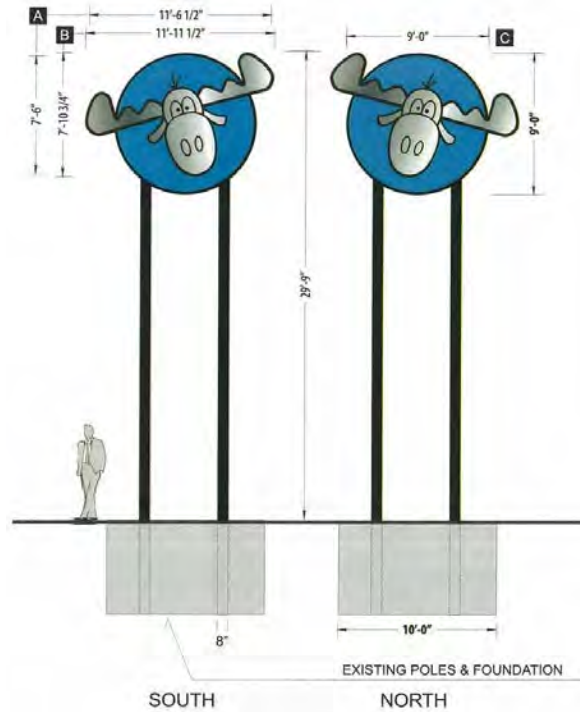
Sections 4.400 through 4.440 as applicable	Site Design Review
Other Planning Documents:	
Wilsonville Comprehensive Plan	

Vicinity Map

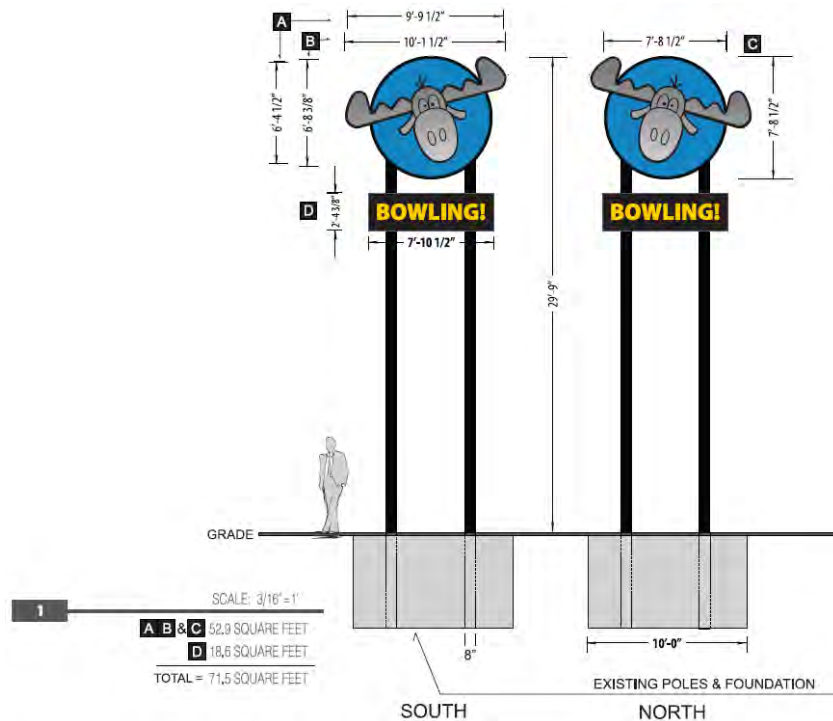


Background/Summary:

The current freestanding highway sign was approved by the DRB in DB09-0023 as part of a master sign plan with a waiver, allowing for a sign height of 29 feet 9 inches and a sign area of 72.5 square feet. To accommodate a rebranding of the Family Fun Center to Bullwinkle’s, a Class I Sign Permit was approved in May 2019 to replace the current sign cabinet with a new one of equivalent size. In lieu of applying for temporary sign permits to affix banners to the highway sign periodically, the applicant now proposes to reduce the size of the previously approved sign cabinet and install a second sign cabinet containing a digital changeable copy display, with a total sign area of 71.5 square feet. Because the applicant wishes to include a digital changeable copy display on the freestanding sign, a waiver is required, necessitating DRB review.



Pylon Sign Approved in May 2019 (SR19-0015)



Proposed Freestanding Highway Sign

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.

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 if temporary banners were affixed periodically to the freestanding sign. A primary difference is the ability to change the message electronically from a device inside the building rather than physically affixing temporary banners to the sign.

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 TC zone remains substantially the same.

Sign Waiver Criteria – Improve or Not Negatively Impact Safety

No safety, particularly traffic safety, concerns have been noted for the revised sign design.

Conclusion and Conditions of Approval:

Staff 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 (DB19-0028) with the following conditions:

Planning Division Conditions:

DB19-0028 Class III Sign Permit and Waiver

PD 1.	The approved sign shall be installed in a manner substantially similar to the plans approved by the DRB and stamped approved by the Planning Division.
PD 2.	The Applicant/Owner of the property shall obtain all necessary building and electrical permits for the approved sign prior to its installation, and shall ensure that the sign is maintained in a commonly-accepted, professional manner.
PD 3.	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.
PD 4.	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.
PD 5.	This action modifies the Class III Sign Permit approved by the DRB in Case File DB09-0023 and the Class I Sign Permit approved by the Planning Director in Case File SR19-0015. Unless expressly modified by this action all findings and conditions related to the sign from the previous approvals shall continue to apply.

Master Exhibit List:

The entry of the following exhibits into the public record by the Development Review Board confirms its consideration of the application as submitted. The exhibit list below includes exhibits for Planning Case File DB19-0028. The exhibit list below reflects the electronic record posted on the City’s website and retained as part of the City’s permanent electronic record. Any inconsistencies between printed or other electronic versions of the same Exhibits are inadvertent and the version on the City’s website and retained as part of the City’s permanent electronic record shall be controlling for all purposes.

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.** Prior Sign Approval (DB09-0023)
- B4.** Signed Application

Development Review Team Correspondence

- C1.** Email from Marah Danielson, ODOT

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 June 28, 2019. On July 5, 2019 the application was found to be complete. The City must render a final decision for the request, including any appeals, by December 25, 2019.
2. Surrounding land uses are as follows:

Compass Direction	Zone:	Existing Use:
North:	PDR-5	Multi-Family Residential (Jory Trail)
East:	TC	Retail (NAPA Auto Parts)
South:	TC	Commercial (Bank, Office, Theater)
West:	--	Interstate 5

3. Previous Planning Approvals:

92DR32	Architectural, Sign & Landscape Variance	Approved with conditions See 92PC05, 92PC14, 94DR14, 95DR07, Res. 984, Res. 929
92PC05	Modify Stage I to include recreation center, Stage II	Approved with conditions See 92DR32, 92PC14
94DR14	Arch. revisions / expansion / deletion of Condition No. 18 of Resolution 92DR32	Approved w/ conditions See 92DR32
95DR07	Pave Parking Lot, Landscaping & Wall	Approved w/ conditions See 92DR32, 92PC14
98DB10	TUP for a tent in patio area	Denied See 92PC05, 98DB10A
98DB10A	Appeal tent TUP decision	Approved with conditions See 92PC05, 98DB10
99DB19	Renewal of a 1 year TUP for a tent in the patio area	Approved w/ conditions See 98DB10
00DB27	Renewal of a one-year TUP for a tent in the patio area	Approved w/conditions See 98DB10, 99DB19
01DB21	One-year extension to allow continued use of tent for group activities and seating	Approved w/conditions See 98DB10
02DB17	One-year extension to allow continued use of tent on site for group activities and seating	Approved w/conditions See 98DB10, 01DB21
03DB15	1 Yr. TUP Extension Family Fun Center (02DB17)	Approved 90-day See 98DB10, 01DB21, 02DB17

03DB32	Stage I Mod., Stage II Final, Site Design Review for bldg. addition	Approved with conditions See 92PC05, 92DR32
DB09-0023	Master Sign Plan, with Waiver for freestanding sign height	Approved with conditions
DB12-0070-DB12-0073	Stage I Mod., Stage II Final, Site Design Review for Zip Line	Approved with conditions
DB18-0034-DB18-0038	Stage I Mod., Stage II Final Mod., Site Design Review, Type C Tree Removal Plan, Class III Sign Permit for bldg. expansion	Approved with conditions
AR19-0009	Class I Revision to tower and landscaping	Approved
AR19-0016	Class II Review of architectural modifications	Approved with conditions
SR19-0013	Class I Sign Permit for building signs	Approved
SR19-0015	Class I Sign Permit to remove and replace pylon sign cabinet	Approved

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, Wilsonville Land Partnership, and is signed by an authorized representative.

Pre-Application Conference Subsection 4.010 (.02)

The applicant and property owner met with the City for a pre-application meeting.

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.

DB19-0028 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 a previously approved sign, 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.

4. The proposed digital 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 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.

5. As indicated in Finding 6 and Findings 26-30, the proposed digital sign, with a waiver, will satisfy the sign regulations for the applicable zoning district and the Site Design Review criteria.

Class II Sign Permit Review Criteria: Compatibility with Zone

Subsection 4.156.02 (.05) E. 1.

6. The proposed freestanding sign and digital sign is typical of, proportional to, and compatible with development within the TC zone along the Interstate 5 frontage. No evidence exists nor has testimony been received that the subject sign 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 sign will 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 cabinet. The Applicant is proposing colors that reflect corporate identity and that will be consistent 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 updated colors and logo for Bullwinkle's, matching the brand image illustrated in other new building signs. The use of the digital changeable copy sign is an alternative to the periodic use of temporary banner signs on the freestanding sign supports, providing a more aesthetically pleasing and functional method of communicating information.

Sign Waiver Criteria: Compatibility

Subsection 4.156.02 (.08) A. 2.

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 that the updated sign cabinets better represent the on-site building signage, the business as a whole and the neighboring businesses. The proposed signage employs a progressive, updated design.

Sign Waiver Criteria: Public Safety, Especially Traffic Safety

Subsection 4.156.02 (.08) A. 3.

10. 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. 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.

11. 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.

12. 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.

13. 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.

14. The proposed digital cabinet is 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 digital sign cabinet is 2 feet 4 $\frac{3}{8}$ inches by 7 feet 10 $\frac{1}{2}$ inches, totaling approximately 18.6 square feet in size.

Measurement of Individual Sign Elements Subsection 4.156.03 (.01) B.

15. The freestanding pylon sign is measured consistent with the method defined by this section by measuring the area of the shape drawn around the outer dimension of the individual sign elements with no more than three shapes, totaling 52.9 square feet in size. The combined area of both the pylon and digital sign cabinets is 71.5 square feet.

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

16. The freestanding highway sign is 29 feet 9 inches in height, which exceeds the Development Code's present maximum height of 20 feet for signs along Interstate 5. A waiver allowing this sign height was approved in DB09-0023. 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, TC, 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 DB09-0023 with modifications resulting from the recently-approved building addition in DB18-0038. 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 sign remains unchanged from what was approved in DB09-0023. The allowed height for the highway sign is 29 feet 9 inches.

Allowed Area

Subsection 4.156.08 (.01) C.

20. A total of 72.5 square feet of signage is allowed for the highway sign as approved in DB09-0023. At 71.5 square feet, the proposed sign is less than the area allowed in DB09-0023.

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 sign is designed to coordinate with previously approved building signs 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 sign does not exceed the height of the sign.

Sign Setback

Subsection 4.156.08 (.01) J.

25. The proposed sign location is unchanged from what was previously approved in DB09-0023.

Site Design Review

Excessive Uniformity, Inappropriateness Design

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

26. **Excessive Uniformity:** The proposed freestanding 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)

27. The freestanding 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)

28. 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)

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

Conditions of Approval to Insure Proper and Efficient Function

Subsection 4.421 (.05)

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

From: [DANIELSON Marah B](#)
To: [Rybold, Kim](#)
Cc: [LUND Deborah R](#); [HENDRICKSON Jill M](#)
Subject: FW: ODOT Case # 9178 Bullwinkle"s Sign Permit
Date: Wednesday, July 24, 2019 3:03:06 PM
Attachments: [Bullwinkle"s Sign Permit.docx](#)
[377.710 Definitions.doc](#)
[377.720 - Prohibited.doc](#)
[734-060-0190 Digital, or LED Signs Other than OAS.doc](#)

Hi Kimberly,

The sign will need to adhere to all safety requirements under the Oregon Motorist Information Act. Please enter the comments below and the attachments into the record for the proposal to waive the City's sign regulations and share ODOT comments with the applicant.

Please let me know if you have any questions.

Marah Danielson, Senior Planner
ODOT R1 Development Review Program
(503) 731-8258
marah.b.danielson@odot.state.or.us

From: LUND Deborah R <Deborah.LUND@odot.state.or.us>
Sent: Wednesday, July 24, 2019 8:15 AM
To: WIHTOL Katharine H *Kate <Kate.H.WIHTOL@odot.state.or.us>; DANIELSON Marah B <Marah.B.DANIELSON@odot.state.or.us>
Cc: HENDRICKSON Jill M <Jill.M.HENDRICKSON@odot.state.or.us>
Subject: FW: ODOT Case # 9178 Bullwinkle's Sign Permit

Good morning Katharine & Marah,

I am responding to the request for comment on the proposed sign for Bullwinkle's. The Outdoor Advertising Sign Program regulates all signs when visible to a state highway, and only permits those signs that are not at a place of business or posted for compensation.

It appears this sign will be at the place of business, and therefore will not require a permit through the sign program, but will need to adhere to all safety requirements under the Oregon Motorist Information Act (OMIA). These include but are not limited to, Digital and LED signs may not flash, rotate, fade, scroll, simulate movement, or having moving parts. Sign messages must come all on and go all off at one time and must hold for at least 2 second. The lighting from signs may not be at levels that impedes the sight of motorists and may not project any light directly onto any portion of the state highway.

Please see the attached statute and rule for reference.

The Oregon Motorist Information Act (OMIA) is a mandated program by the Federal Government under the Highway Beautification Act of 1965 which requires participating states to operate and maintain effective sign control on all state and



federal controlled highways.

THE OUTDOOR ADVERTISING CONTROL PROGRAM

President Lyndon B. Johnson signed the **Highway Beautification Act, Public Law 89-285, on October 22, 1965.**

The first section of the law sets forth the **basic program objectives:**

"The erection and maintenance of outdoor advertising signs, displays, and devices in areas adjacent to the Interstate System and the primary system should be controlled in order to protect the public investment in such highways, to promote the safety and recreational value of public travel, and to preserve natural beauty."

The law **mandated State compliance** and the development of standards for certain signs as well as the removal of nonconforming signs. Expedient removal of illegal signs was required by Federal regulations.

While the States are not forced directly to control signs, failure to impose the required controls could result in a substantial penalty.

The penalty for noncompliance with the Act is a **10 percent reduction of the State's annual Federal-aid highway** apportionment

ODOT through the Outdoor Advertising Sign program and district offices is required to maintain effective control of all Outdoor Advertising Signs mandated by the Federal and State agreement through legislative control. I have included by attachment the official Oregon Revised Statute and Oregon Administrative Rule information which speaks to the legality of the state to operate and maintain the safety requirements of signage visible to a state highway which will provide additional clarification.

For the above reasons, all signs visible to a state highway are subject to some level of state sign regulation for safety or prohibited reasons. These include no moving or rotating parts or lights, they cannot resemble an official traffic signal or device, they cannot have lights that project onto the roadway or impede the sight of traveling motorist, and only official traffic signals and devices are allowed **to be on** or to overhang the **state right of way**.

All signs visible to a state highway are subject to some level of state sign regulation for safety or prohibited reasons. These include no moving or rotating parts or lights, they can not resemble an official traffic signal or device, they cannot have lights that project onto the roadway or impede the sight of traveling motorist, and only official traffic signals and devices are allowed to be on or to overhang the state right of way.

To determine if a sign is considered an outdoor advertising sign, which would be heavily regulated and require a state sign permit, we look at **two things:**

- 1. Location-** signs not at the site of some type of business or activity that is open to the general public
- 2. Compensation-** If compensation is exchanged for either ad copy or for the right to place the sign at its location. If either of these criteria is met the sign is an outdoor advertising sign and requires a state sign permit.

If the sign will be at a business and no compensation is being exchanged for the message(s) or the right to place the sign, it is not an outdoor advertising sign and does not require a permit through our office, but the sign must still comply with all

safety regulations and the prohibitions for the State.

Digital and LED signs may not flash, rotate, fade, scroll, simulate movement, or having moving parts. Sign messages must come all on and go all off at one time and must hold for at least 2 second. The lighting from signs may not be at levels that impedes the sight of motorists and may not project any light directly onto any portion of the state highway.

They may not direct, or appear to direct the movement of traffic. Signs may not obstruct the view of traffic control signs or devices or approaching or merging traffic.

Please let me know if you have any additional questions or concerns I may assist you with ~

http://www.oregonlegislature.gov/bills_laws/lawsstatutes/2013ors377.html

The Oregon Administrative Rules for the program are on the Oregon Secretary State's webpage, and can be found at the following site:

http://arcweb.sos.state.or.us/pages/rules/oars_700/oar_734/734_tofc.html

And, the Outdoor Advertising Sign Program website is at:

<http://www.oregon.gov/ODOT/HWY/SIGNPROGRAM/pages/index.aspx>

Kindly,

Debbie Lund

Oregon Department of Transportation

Outdoor Advertising Sign Program

Technical Leadership Center

4040 Fairview Industrial Drive SE MS-2 | Salem, OR 97302

Voice: **503.986.3656** | Fax: **503.986.3625**

Web: <http://www.oregon.gov/ODOT/ROW/Pages/Sign-Resources.aspx>

This message is intended only for the individual(s) named. If you are not the named addressee you should not disseminate, distribute or copy this e-mail. Please notify the sender immediately by e-mail if you have received this e-mail by mistake and delete this e-mail from your system.

From: Kate.H.WIHTOL@odot.state.or.us <Kate.H.WIHTOL@odot.state.or.us>

Sent: Tuesday, July 23, 2019 12:19 PM

To: DANIELSON Marah B <Marah.B.DANIELSON@odot.state.or.us>; HENDRICKSON Jill M <Jill.M.HENDRICKSON@odot.state.or.us>

Subject: ODOT Case # 9178 Bullwinkle's Sign Permit

Jill and Marah,

We received the attached land use notice from the City of Wilsonville. The proposal is for a

Class 3 Sign Permit and corresponding waiver for a new electronic reader board on a new pylon sign along I-5 for Bullwinkle's. Comments for the public hearing are due by 4pm on August 2nd.

Jill, please let us know if your team would like to provide a response.

Thank you,

Kate Wihtol
Associate Planner, Development Review
ODOT Region 1
kate.h.wihtol@odot.state.or.us
(503) 731 – 3049

377.720 Prohibited signs; exceptions. A sign may not be erected or maintained if it:

(1) Interferes with, imitates or resembles any traffic control sign or device, or attempts or appears to attempt to direct the movement of traffic.

(2) Prevents the driver of a motor vehicle from having a clear and unobstructed view of traffic control signs or devices or approaching or merging traffic.

(3) Contains, includes or is illuminated by any flashing, intermittent, revolving, rotating or moving light or moves or has any animated or moving parts. This subsection does not apply to:

(a) A traffic control sign or device.

(b) Signs or portions thereof with lights that may be changed at intermittent intervals by electronic process or remote control that are not outdoor advertising signs.

(c) A tri-vision sign, except that a tri-vision sign may not be illuminated by any flashing, intermittent, revolving, rotating or moving lights.

(d) A digital billboard, only if the digital billboard:

(A) Is not illuminated by a flashing light or a light that varies in intensity;

(B) Has a display surface that does not create the appearance of movement;

(C) Does not operate at an intensity level of more than 0.3 foot-candles over ambient light as measured at a distance of:

(i) 150 feet, if the display surface is 12 feet by 25 feet;

(ii) 200 feet, if the display surface is 10.5 feet by 36 feet; or

(iii) 250 feet, if the display surface is 14 feet by 48 feet;

(D) Is equipped with a light sensor that automatically adjusts the intensity of the billboard according to the amount of ambient light;

(E) Is designed to either freeze the display in one static position, display a full black screen or turn off in the event of a malfunction;

(F) If available where the digital billboard is located, uses renewable energy resources to power the digital billboard, including but not limited to the following:

(i) Wind energy;

(ii) Solar photovoltaic and solar thermal energy;

(iii) Wave, tidal and ocean thermal energy;

(iv) Geothermal energy; and

(v) The purchase of carbon credits; and

(G) If wind energy is used, as specified in subparagraph (F) (i) of this paragraph, uses moving parts for the purpose of generating the wind energy to power the billboard.

(4) Has any lighting, unless such lighting is so effectively shielded as to prevent beams or rays of light from being directed at any portion of the main traveled way of a state highway, or is of such low intensity or brilliance as not to cause glare or to impair the vision of the driver of a motor vehicle or otherwise to interfere with the operation thereof.

(5) Is located upon a tree, or painted or drawn upon a rock or other natural feature.

(6) Advertises activities that are illegal under any state or federal law applicable at the location of the sign or of the activities.

(7) Is not maintained in a neat, clean and attractive condition and in good repair.

(8) Is not able to withstand a wind pressure of 20 pounds per square foot of exposed surface.

(9) Is on a vehicle or trailer that is located on public or private property. This subsection does not apply to a vehicle or trailer used for transportation by the owner or

person in control of the property. [1971 c.770 §15; 1973 c.790 §3; 1977 c.256 §2; 1981 c.392 §1; 1999 c.877 §4; 2007 c.199 §8; 2011 c.562 §2]

377.710 Definitions for ORS 377.700 to 377.840; rules. As used in ORS 377.700 to 377.840 unless the context otherwise requires:

(1) “Back-to-back sign” means a sign with multiple display surfaces mounted on a single structure with display surfaces visible to traffic from opposite directions of travel.

(2) “Commercial or industrial zone” means an area, adjacent to a state highway, that is zoned for commercial or industrial use by or under state statute or local ordinance.

(3) “Council” means the Travel Information Council created by ORS 377.835.

(4) “Cutout” means every type of display in the form of letters, figures, characters or other representations in cutout or irregular form attached to and superimposed upon a sign.

(5) “Department” means the Department of Transportation.

(6) “Digital billboard” means an outdoor advertising sign that is static and changes messages by any electronic process or remote control, provided that the change from one message to another message is no more frequent than once every eight seconds and the actual change process is accomplished in two seconds or less.

(7) “Director” means the Director of Transportation.

(8) “Display surface” means the area of a sign available for the purpose of displaying a message.

(9) “Double-faced sign” means a sign with multiple display surfaces with two or more separate and different messages visible to traffic from one direction of travel.

(10) “Erect” means to construct, build, assemble, place, affix, attach, create, paint, draw or in any way bring into being or establish.

(11) “Federal-aid primary system” or “primary highway” means the federal-aid primary system in existence on June 1, 1991, and any highway that is on the National Highway System.

(12) “Freeway” means a divided arterial highway with four or more lanes available for through traffic with full control of access and grade separation at intersections.

(13) “Governmental unit” means the federal government, the state, or a city, county or other political subdivision or an agency thereof.

(14) “Interstate highway” or “interstate system” means every state highway that is a part of the National System of Interstate and Defense Highways established pursuant to section 103(c), title 23, United States Code.

(15) “Logo” means a symbol or design used by a business as a means of identification of its products or services.

(16) “Logo sign” means a sign located on highway right of way on which logos for gas, food, lodging and camping are mounted.

(17) “Maintain” includes painting, changing messages on display surfaces, adding or removing a cutout or display surface of the same dimensions, replacing lights or the catwalk, making routine repairs necessary to keep the sign in a neat, clean, attractive and safe condition, and allowing the sign to exist.

(18) “Main traveled way” means the through traffic lanes, exclusive of frontage roads, auxiliary lanes and ramps.

(19) “Motorist informational sign” means a sign erected in a safety rest area, scenic overlook or sign plaza and maintained under the authority of ORS 377.700 to 377.840 to inform the traveling public about public accommodations, services for the traveling public and points of scenic, historic, cultural, scientific, outdoor recreational and educational interest.

(20) “Nonconforming sign” means a sign that complied with ORS 377.700 to 377.840 when erected, but no longer complies with ORS 377.700 to 377.840 because of a later change in the law or in the conditions outside of the owner’s control. An unlawfully located or maintained sign is not a nonconforming sign.

(21) “Outdoor advertising sign” means:

(a) A sign that is not at the location of a business or an activity open to the public, as defined by the department by rule; or

(b) A sign for which compensation or anything of value as defined by the department by rule is given or received for the display of the sign or for the right to place the sign on another’s property.

(22) "Protected area" means an area located within 660 feet of the edge of the right of way of any portion of an interstate highway constructed upon any part of right of way, the entire width of which was acquired by the State of Oregon subsequent to July 1, 1956, and which portion or segment does not traverse:

(a) A commercial or industrial zone within the boundaries of a city, as such boundaries existed on September 21, 1959, wherein the use of real property adjacent to the interstate highway is subject to municipal regulation or control; or

(b) Other areas where land use, as of September 21, 1959, is established as industrial or commercial pursuant to state law.

(23) "Reconstruct" means replacing a sign totally or partially destroyed, changing its overall height or performing any work, except maintenance work, that alters or changes a sign that lawfully exists under ORS 377.700 to 377.840.

(24) "Relocate" includes, but is not limited to removing a sign from one site and erecting a new sign upon another site as a substitute therefor.

(25) "Relocation credit" means a credit for future relocation of a permitted outdoor advertising sign issued in lieu of a relocation permit under ORS 377.767.

(26) "Relocation permit" means a permit to relocate a sign under ORS 377.767, whether issued in a lieu of a current sign permit or a relocation credit.

(27) "Rest area" means an area established and maintained within or adjacent to a state highway right of way by or under public supervision or control for the convenience of the traveling public, and includes safety rest areas, scenic overlooks or similar roadside areas.

(28) "Scenic byway" means a state highway or portion of a state highway designated as part of the scenic byway system by the Oregon Transportation Commission or Federal Highway Administration of the United States Department of Transportation.

(29) "Secondary highway" means any state highway other than an interstate highway or primary highway.

(30)(a) "Sign" means any sign, display, message, emblem, device, figure, painting, drawing, placard, poster, billboard or other thing that is designed, used or intended for advertising purposes or to inform or attract the attention of the public.

(b) "Sign" includes the sign structure, display surface and all other component parts of a sign.

(c) When dimensions of a sign are specified, "sign" includes panels and frames and both sides of a sign of specified dimensions or area.

(31) "Sign area" means the overall dimensions of all panels capable of displaying messages on a sign structure.

(32) "Sign plaza" means a structure erected and maintained by or for the department or the Travel Information Council, adjacent to or in close proximity to a state highway, for the display of motorist information.

(33) "Sign rules for protected areas" means rules adopted by the department applicable to signs displayed within protected areas.

(34) "Sign structure" or "structure" means the supports, uprights, braces, poles, pylons, foundation elements, framework and display surfaces of a sign.

(35) "State highway," "highway" or "state highway system" means the entire width between the boundary lines of the right of way of every state highway, as defined by ORS 366.005, and the interstate system and the federal-aid primary system.

(36) "Tourist oriented directional sign" means a sign erected on state highway right of way to provide business identification and directional information for services and activities of interest to tourists.

(37) "Traffic control sign or device" means an official route marker, guide sign, warning sign, or sign directing or regulating traffic, which has been erected by or under the order of the department.

(38) "Travel plaza" means any staffed facility erected under the authority of the Travel Information Council to serve motorists by providing brochures, displays, signs and other visitor information and located in close proximity to a highway.

(39) "Tri-vision sign" means a sign that contains display surfaces composed of a series of three-sided rotating slats arranged side by side, either horizontally or vertically, that are rotated by an electromechanical process and capable of displaying a total of three separate and distinct messages, one message at a time, provided that the rotation from one message to another message is no more frequent than every eight seconds and the actual rotation process is accomplished in four seconds or less.

(40) "V-type sign" means two signs erected independently of each other with multiple display surfaces having single or multiple messages visible to traffic from opposite directions, with an interior angle between the two signs of not more than 120 degrees and the signs separated by not more than 10 feet at the nearest point.

(41) "Visible" means capable of being seen without visual aid by a person of normal visual acuity, whether or not legible from the main traveled way of any state highway. [1971 c.770 §3; 1973 c.790 §1; 1974 c.33 §1; 1975 c.336 §1; 1977 c.265 §1; 1983 c.111 §1; 1987 c.336 §2; 1993 c.741 §54; 1999 c.877 §2; 2007 c.199 §5; 2009 c.463 §5; 2011 c.562 §1]

Digital or LED Variable Message Signs Other than Outdoor Advertising Signs

This rule is enacted pursuant to ORS 377.720(3) and (4) regarding signs other than Outdoor Advertising Signs that utilize digital or LED electronic message or variable message technology and are visible to a state highway.

(1) By statute, all signs visible to state highways are subject to state sign prohibited sign and safety regulations. No signs visible to a state highway, other than official traffic control signals or devices, may include moving or rotating parts or lights. Signs may not be made to resemble an official traffic signal or device and they may not have lights that project onto the roadway or impede the sight of traveling motorist.

(2) In interpreting ORS 377.715 and 377.720, signs visible to a state highway, other than official traffic control signals or devices, may not:

(a) Be illuminated by flashing lights or a light that varies in intensity;

(b) Have a display surface that creates the appearance of movement;

(c) May not operate at an brightness level of more than 0.3 foot-candles over ambient light, nor intensity greater than the luminance indicated in the table 1, as measured perpendicular to the face of the billboard at the indicated measurement distance for a designated sign dimension:

Illuminance (Brightness)	LED or Digital Sign Dimensions (ft.)	Measurement Distance	Luminance [Intensity measured in candelas per square meter (Cd./sq.M.)]
0.3 footcandles	Less than or equal to: 12 x 25	150	300
0.3 footcandles	Less than or equal to: 10.5 x 36	200	342
0.3 footcandles	Less than or equal to: 14 x 48	250	300

(3) Newly constructed signs visible to a state highway, other than official traffic control signals or devices, must be:

(a) Equipped with a light sensor that automatically adjusts the intensity of the sign illumination according to the amount of ambient light, and;

(b) Designed to freeze the display in one static position, display a full black screen or turn off in the event of a malfunction.

Stat. Auth.: ORS 184.616, 184.619, 377.710 & 377.720

Stats. Implemented: ORS 377.720

Hist.: HWD 11-2014, f. & cert. ef. 12-19-14; HWD 4-2016, f. & cert. ef. 11-28-16

DEVELOPMENT REVIEW BOARD MEETING
AUGUST 12, 2019
6:30 PM

- VII. Board Member Communications:
 - A. Recent City Council Action Minutes

City Council Meeting Action Minutes
June 3, 2019

City Council members present included:

Mayor Knapp
Council President Akervall
Councilor Stevens
Councilor Lehan
Councilor West

Cathy Rodocker, Finance Director
Mark Ottenad, Public/Government Affairs Director
Keith Katko, Assistant Finance Director
Dwight Brashear, SMART Director
Kimberly Rybold, Associate Planner
Bill Evans, Communications & Marketing Manager
Zach Weigel, Capital Projects Engineering Manager
Eric Loomis, Transit Operations Manager
Charlie Tso, Assistant Planner
Rob Wurpes, Chief of Police
Cindy Luxhoj, Associate Planner
Nicole Hendrix, Transit Management Analyst

Staff present included:

Bryan Cosgrove, City Manager
Barbara Jacobson, City Attorney
Kimberly Veliz, City Recorder
Jeanna Troha, Assistant City Manager
Daniel Pauly, Planning Manager
Chris Neamtzu, Community Development Director

AGENDA ITEM	ACTIONS
WORK SESSION	
A. 2018 City of Wilsonville Annual Housing Report	Staff shared the City’s 2019 Annual Housing Report.
B. Equitable Housing Strategic Plan	Council heard a presentation that detailed tactics to recruit an Equitable Housing Strategic Plan Task Force to guide the City’s work to develop policies and strategies to create affordable housing.
C. Programs Enhancement Strategy Update	Staff provided a progress report on SMART’s ongoing plans to develop new service improvements.
REGULAR MEETING	
<u>Mayor’s Business</u>	
A. Upcoming Meetings	Upcoming meetings were announced by the Mayor as well as the regional meetings he attended on behalf of the City.
B. Council Application	Council discussed application and interview process for the soon to be vacant seat of Councilor Stevens.

<p><u>Public Hearing</u></p> <p>A. <u>Resolution No. 2750</u> A Resolution Of The City Of Wilsonville Adopting The Budget, Making Appropriations, Declaring The Ad Valorem Tax Levy, And Classifying The Levy As Provided By ORS 310.060(2) For Fiscal Year 2019-20.</p> <p>B. <u>Resolution No. 2751</u> A Resolution Declaring The City’s Eligibility To Receive State Shared Revenues.</p> <p>C. <u>Resolution No. 2752</u> A Resolution Declaring The City’s Election To Receive State Shared Revenues.</p> <p>D. <u>Ordinance No. 836</u> An Ordinance Of The City Of Wilsonville Approving A Zone Map Amendment From The Residential Agricultural Holding (RA-H) Zone To The Planned Development Industrial (PDI) Zone With Special Considerations For Screening And Buffering From The Adjacent Existing Residential Use On Approximately 6.16 Acres Comprising Tax Lots 300 And 500 Of Section 14A, T3S, R1W, Clackamas County, Oregon, Nicoli Pacific, LLC, Applicant/Owner.</p>	<p>After a public hearing was conducted, Resolution No. 2750 was approved 5-0.</p> <p>After a public hearing was conducted, Resolution No. 2751 was approved 5-0.</p> <p>After a public hearing was conducted, Resolution No. 2752 was approved 5-0.</p> <p>After a public hearing was conducted, Ordinance No. 836 was approved on first reading by a vote of 5-0.</p>
<p><u>City Manager’s Business</u></p> <p>A. Korean War Memorial</p> <p>B. Building Department</p>	<p>The City Manager announced that he attended the Korean War Memorial held in Town Center Park and would be attending the upcoming ribbon cutting for Eye Health NW.</p> <p>Additionally, City Manager Cosgrove complimented Building Official Dan Carlson and the Building Department for expediting the process of getting residents back in town home units that were deemed unoccupiable.</p>
<p><u>Legal Business</u></p> <p>A. Kinder Morgan</p> <p>B. Aurora Airport</p>	<p>Council was reminded about the upcoming Kinder Morgan disaster training.</p> <p>Council agreed that the City of Wilsonville should continue with the current policy, which is to be included in any official process moving forward regarding the Aurora Airport.</p>

C. Exclusion Program	Furthermore, Council agreed to continue with Clackamas County Sheriff's Office exclusion program.
URBAN RENEWAL AGENCY	
<u>Consent Agenda</u> A. Minutes of the March 18, 2019 URA Meeting.	The Consent Agenda was approved 5-0.
<u>Public Hearing</u> A. <u>URA Resolution No. 298</u> A Resolution Of The Urban Renewal Agency Of The City Of Wilsonville Adopting The Budget, Making Appropriations, And Declaring The Intent To Collect Tax Increment For Fiscal Year 2019-20.	After a public hearing was conducted, URA Resolution No. 298 was approved 5-0.
ADJOURN	9:17 p.m.

City Council Meeting Action Minutes
June 17, 2019

City Council members present included:

Mayor Knapp
Council President Akervall
Councilor Stevens
Councilor Lehan
Councilor West

Amanda Guile-Hinman, Assistant City Attorney
Zach Weigel, Capital Projects Engineering Manager
Zoe Monahan, Assistant to the City Manager
Jordan Vance, Economic Development Manager
Dan Pauly, Planning Manager
Patty Nelson, City Engineer
Dwight Brashear, Transit Director
Delora Kerber, Public Works Director
Kimberly Rybold, Associate Planner
Mike McCarty, Parks and Recreation Director
Miranda Bateschell, Planning Director
Andrea Villagrana, Human Resources Manager
Elli Work, Grants & Program Manager

Staff present included:

Bryan Cosgrove, City Manager
Barbara Jacobson, City Attorney
Kimberly Veliz, City Recorder
Chris Neamtzu, Community Develop. Director
Cathy Rodocker, Finance Director
Keith Katko, Assistant Finance Director
Mark Ottenad, Public/Government Affairs Director

AGENDA ITEM	ACTIONS
WORK SESSION	
A. Wilsonville Community Sharing Support Grant Agreement for 2019.	Council was briefed on Resolution No. 2754, authorizing a support grant agreement with Wilsonville Community Sharing.
B. City of Wilsonville Addendum to the Clackamas County Multi-Jurisdictional Natural Hazard Mitigation Plan	Staff presented on the addendum to the Clackamas County Multi-Jurisdictional Natural Hazard Mitigation.
C. Trimet STIF Formula Fund IGA	Council was informed of Resolution No. 2756 authorizing the City Manager to Execute the Tri-County Metropolitan Transportation District of Oregon (TriMet) Subrecipient Agreement.
D. SDC Deferral/Installment Program	Council and staff discussed a SDC deferral and installment program. Council was requested to complete the SDC questionnaire and return to staff.
E. Council Application and Process	Council finalized the application for prospective Council candidates.

REGULAR MEETING	
<u>Communications</u> A. Wilsonville Community Sharing	Wilsonville Community Sharing updated that the City's grant funding helps Wilsonville residents in need with assistance with items such as rent, food, prescriptions and utility bills.
<u>Mayor's Business</u> A. Citizen Academy Graduation B. Electric Bus Art Student's Day Proclamation C. City Manager's Contract Renewal D. Upcoming Meetings	Signs were awarded to the graduates of the Citizens Academy, Class of 2019. The Mayor read a proclamation declaring the 26 day of June as Electric Bus Art Student's Day and presented the proclamation to staff. Council renewed the City Manager's contract for an additional 2 years. 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. <u>Resolution No. 2754</u> A Resolution Of The City Of Wilsonville Authorizing Support Grant Agreement With Wilsonville Community Sharing. B. <u>Resolution No. 2755</u> A Resolution Of The City Of Wilsonville For Adoption Of The City Of Wilsonville Addendum To The Clackamas County Multi-Jurisdictional Natural Hazard Mitigation Plan. C. <u>Resolution No. 2756</u> A Resolution Of The City Of Wilsonville Authorizing The City Manager To Execute The Tri-County Metropolitan Transportation District Of Oregon (TriMet) Subrecipient Agreement. D. <u>Resolution No. 2757</u> A Resolution Of The City Of Wilsonville Acting In Its Capacity As The Local Contract Review Board Authorizing The City Manager To Execute A Construction Contract With Moore Excavation, Inc. For Construction Of Garden Acres Road And PLM_1.2 Water Transmission Line Project.	The Consent Agenda was approved 5-0.

<p><u>Public Hearing</u></p> <p>A. <u>Resolution No. 2753</u> A Resolution Authorizing A Supplemental Budget Adjustment For Fiscal Year 2018-19.</p> <p>B. <u>Ordinance No. 816</u> An Ordinance Of The City Of Wilsonville Repealing And Replacing Wilsonville Code Chapter 11 – Fees.</p>	<p>After a public hearing was conducted, Resolution No. 2753 was approved 5-0.</p> <p>After a public hearing was conducted, Ordinance No. 816 was approved on first reading by a vote of 5-0.</p>
<p><u>Continuing Business</u></p> <p>A. <u>Ordinance No. 836</u> An Ordinance Of The City Of Wilsonville Approving A Zone Map Amendment From The Residential Agricultural Holding (Ra-H) Zone To The Planned Development Industrial (Pdi) Zone With Special Considerations For Screening And Buffering From The Adjacent Existing Residential Use On Approximately 6.16 Acres Comprising Tax Lots 300 And 500 Of Section 14A, T3S, R1W, Clackamas County, Oregon, Nicoli Pacific, LLC, Applicant/Owner.</p>	<p>Ordinance No. 836 was adopted on second reading by a vote of 5-0.</p>
<p><u>City Manager’s Business</u></p>	<p>Announced that he attended the Eye Health NW ribbon cutting.</p> <p>Appreciated Councilor Stevens for all that she has done for the City.</p>
<p><u>Legal Business</u></p>	<p>Gave well wishes to Councilor Stevens.</p>
<p>URBAN RENEWAL AGENCY</p>	
<p><u>Consent Agenda</u></p> <p>A. Minutes of the June 3, 2019 URA Meeting.</p> <p>B. <u>URA Resolution No. 300</u> A Resolution Of The City Of Wilsonville Urban Renewal Agency Board Authorizing The City Manager To Execute A Construction Contract With Moore Excavation, Inc. For Construction Of Garden Acres Road And PLM_1.2 Water Transmission Line Project.</p>	<p>The URA Consent Agenda was approved 5-0.</p>
<p><u>Public Hearing</u></p> <p>A. <u>URA Resolution No. 299</u> A Resolution Authorizing A Supplemental Budget Adjustment For Fiscal Year 2018-19.</p>	<p>After a public hearing was conducted, URA Resolution No. 299 was approved 5-0.</p>
<p>ADJOURN</p>	<p>8:42 p.m.</p>

City Council Meeting Action Minutes
July 1, 2019

City Council members present included:

Mayor Knapp
Council President Akervall - Excused
Councilor Lehan
Councilor West

Staff present included:

Bryan Cosgrove, City Manager
Barbara Jacobson, City Attorney
Kimberly Veliz, City Recorder
Chris Neamtzu, Community Develop. Director
Cathy Rodocker, Finance Director
Zach Weigel, Capital Projects Engineering Manager
Daniel Pauly, Planning Manager

AGENDA ITEM	ACTIONS
URBAN RENEWAL AGENCY	
<u>Consent Agenda</u> A. Minutes of the June 17, 2019 URA Meeting. B. <u>URA Resolution No. 302</u> A Resolution Of The City Of Wilsonville Urban Renewal Agency Board Authorizing The City Manager To Execute A Professional Services Agreement Contract Amendment With Harper Houf Peterson Righellis Inc. For Construction Engineering Services For The Garden Acres Road And Plm_1.2 Water Transmission Line Project.	The URA Consent Agenda was approved 3-0.
<u>New Business</u> A. <u>URA Resolution No. 301</u> A Resolution Authorizing An Intergovernmental Agreement With The City Of Wilsonville Pertaining To Short Term Subordinate Urban Renewal Debt For The Year 2000 Plan District For The Purpose Of Funding The Construction Of Capital Improvement Projects By The Agency.	URA Resolution No. 301 was approved 3-0.
REGULAR MEETING	
<u>Mayor's Business</u> A. Reappointments/Appointments	<u>Library Board</u> Reappointment of Richard Dougall to the Library Board for a term beginning 7/1/19 to 6/30/23. Passed 3-0. <u>Tourism Promotion Committee</u> Reappointment of Brandon Roben to the Tourism Promotion Committee for a term beginning 7/1/19 to 6/30/22. Passed 3-0.

<p>B. Upcoming Meetings</p> <p>C. Universal Health Systems Letter</p>	<p>Upcoming meetings were announced by the Mayor as well as the regional meetings he attended on behalf of the City.</p> <p>Council made a motion to draft a letter of support for Universal Health Systems. Motion passed 3-0.</p>
<p><u>Consent Agenda</u></p> <p>A. <u>Resolution No. 2759</u> A Resolution Of The City Of Wilsonville Authorizing The City Manager To Execute A Professional Services Agreement Contract Amendment With Harper Houf Peterson Righellis Inc. For Construction Engineering Services For The Garden Acres Road And PLM_1.2 Water Transmission Line Project.</p>	<p>The Consent Agenda was approved 3-0.</p>
<p><u>New Business</u></p> <p>A. <u>Resolution No. 2760</u> A Resolution Authorizing An Intergovernmental Agreement With The Urban Renewal Agency Of The City Of Wilsonville Pertaining To Short Term Subordinate Urban Renewal Debt For The East Side Plan District.</p>	<p>Resolution No. 2760 was adopted 3-0.</p>
<p><u>Continuing Business</u></p> <p>A. <u>Ordinance No. 816</u> An Ordinance Of The City Of Wilsonville Repealing And Replacing Wilsonville Code Chapter 11 – Fees.</p>	<p>Ordinance No. 816 was adopted on second reading by a vote of 3-0.</p>
<p><u>City Manager Business</u></p>	<p>Wished Council a happy Fourth of July.</p>
<p><u>Legal Business</u></p>	<p>No report.</p>
<p>ADJOURN</p>	<p>7:20 p.m.</p>

City Council Meeting Action Minutes
July 15, 2019

City Council members present included:

Mayor Knapp
Council President Akervall
Councilor Lehan
Councilor West

Chris Neamtzu, Community Develop. Director
Cathy Rodocker, Finance Director
Mark Ottenad, Public/Government Affairs Director
Amanda Guile-Hinman, Assistant City Attorney
Delora Kerber, Public Works Director
Dominique Huffman, Civil Engineer
Cricket Jones, Accountant
Zach Weigel, Capital Projects Engineering Manager
Zoe Monahan, Assistant to the City Manager
Patty Nelson, City Engineer

Staff present included:

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

AGENDA ITEM	ACTIONS
WORK SESSION	
A. Tourism Promotion Business and Marketing Plans	Council was updated on Resolution No. 2758, which is scheduled to be voted on during the New Business portion of the Council meeting.
B. Tyler Contract Award	Staff informed Council of Resolution No. 2761, authorizing the City Manager to execute a contract with Tyler Technologies, Inc. for the Enterprise Replacement Program (ERP) Replacement Project
C. ERP Project Management Contract	Council heard a presentation on Resolution No. 2762, which authorizes the City Manager to execute a contract with L. Yeo Consulting LLC, for the ERP project.
D. Update to Water Rate Review	Consultants provided a briefing on water rates and discussed optional residential rate structure changes.
E. Portland General Electric Green Future Impact – Green Tariff Program	Staff and Council discussed whether the City should participate in Portland General Electric’s Green Future Impact program.
REGULAR MEETING	
<u>Mayor’s Business</u>	
A. Reappointment	<u>Tourism Promotion Committee</u> Reappointment of Dave Pearson to the Tourism Promotion Committee for a term beginning 7/1/19 to 6/30/22. Passed 4-0.

<p>B. Upcoming Meetings</p>	<p>Upcoming meetings were announced by the Mayor as well as the regional meetings he attended on behalf of the City.</p>
<p><u>Consent Agenda</u></p> <p>A. <u>Resolution No. 2761</u> A Resolution Of The City Of Wilsonville Acting In Its Capacity As The Local Contract Review Board Authorizing The City Manager To Execute A Contract With Tyler Technologies, Inc. For ERP Replacement Project.</p> <p>B. <u>Resolution No. 2762</u> A Resolution Of The City Of Wilsonville Acting In Its Capacity As The Local Contract Review Board Authorizing The City Manager To Execute A Contract With L. Yeo Consulting LLC For ERP Project Management Services.</p> <p>C. <u>Resolution No. 2765</u> A Resolution Of The City Of Wilsonville Acting In Its Capacity As The Local Contract Review Board Authorizing The City Manager To Execute A Construction Contract With Knife River Corporation - Northwest For Construction Of Wilsonville Road And Boones Ferry Road Street Maintenance Project.</p>	<p>The Consent Agenda was approved 4-0.</p>
<p><u>Public Hearing</u></p> <p>A. <u>Resolution No. 2766</u> A Resolution Authorizing A Supplemental Budget Adjustment For Fiscal Year 2019-20.</p> <p>B. <u>Ordinance No. 837</u> An Ordinance Of The City Of Wilsonville Amending Wilsonville Code Sections 8.010 And 4.179.</p>	<p>After a public hearing was conducted, Resolution No. 2766 was approved 4-0.</p> <p>After a public hearing was conducted, Ordinance No. 837 was approved on first reading by a vote of 4-0.</p>
<p><u>New Business</u></p> <p>A. <u>Resolution No. 2758</u> A Resolution of the City of Wilsonville Adopting the FY 2019/20 Five-Year Action Plan and Annual One-Year Implementation Plan for the Wilsonville Tourism Development Strategy and Half-Year FY 2019/20 Tourism Promotion & Destination Marketing Services Plan.</p> <p>B. <u>Resolution No. 2767</u> A Resolution Of The City Of Wilsonville Authorizing The City Manager To Execute An Agreement With Portland General Electric For Electricity Service Under Portland General Electric's Electric Retail Tariff For Green Energy.</p>	<p>Resolution No. 2758 was adopted 4-0.</p> <p>Resolution No. 2767 was adopted 4-0.</p>

<u>City Manager's Business</u>	Announced that the Joint Committee on Ways and Means included the I-5/Boone Bridge Wilsonville Facility Plan in a budget note to House Bill 5050, "The Christmas Tree Bill," that funds considerable state projects.
<u>Legal Business</u>	No report.
ADJOURN	9:09 p.m.