

**Development Review Board – Panel B  
Minutes– November 22, 2021 6:30 PM**

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**I. Call to Order**

Chair **Samy Nada** 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: Samy Nada, Nicole Hendrix, and Katie Dunwell. Michael Horn and Jason Abernathy were absent.

Staff present: Daniel Pauly, Ryan Adams, Kimberly Rybold, Georgia McAlister, and Shelley White

**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 October 25, 2021 DRB Panel B meeting

**Nicole Hendrix moved to approve the October 25, 2021 DRB Panel B meeting minutes as presented. Katie Dunwell seconded the motion, which passed unanimously.**

**VI. Public Hearings:**

**A. Resolution No. 397. Clermont Five (5) Year Temporary Use Permit: Pacific Community Design – Representative for Taylor Morrison Northwest LLC – Owner and Polygon WLH, LLC – Applicant.** The applicant is requesting approval of a Five-Year Temporary Use Permit for a sales office and model homes in the Clermont Subdivision, along with associated parking, landscaping and other improvements. The properties are located at 11490 SW Tooze Road on Tax Lots 7200, 7290, 7300, 7400, 7500 and 7600, Section 15AB, T3S-R1W, Clackamas County, Oregon. Staff: Georgia McAlister

Case File: DB21-0055 Five (5) Year Temporary Use Permit

**Chair Nada** called the public hearing to order at 6:36 p.m. and read the conduct of hearing format into the record. Chair Nada and Katie Dunwell 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.

**Georgia McAlister, Assistant Planner**, announced that the criteria applicable to the application were stated starting on page 2 of the Staff report, which was entered into the record. Copies of the report were made available to the side of the room and on the City's website.

**Ms. McAlister** presented the Staff report for the Temporary Sales Office and Model Home in the Clermont Subdivision via PowerPoint, briefly reviewing the site's background and location, which was Phase 5N in Villebois, with the following additional comments:

- The Clermont subdivision was approved in 2018 and was one of the last neighborhoods to be constructed in Villebois, which was concept planned in 2003.
- The requested temporary use permit applied to Lots 42, 43, 64, and 65. Model homes were proposed on Lots 42 and 65, as well as on Lot 64, which would also include sales office in the garage, which was the commercial use being operated as part of the proposal. Four parking spaces would be constructed on Lot 43, which would include an ADA parking space with access to the model homes and sales office. The other 14 parking spaces would be on street spaces. (Slide 4)
  - She clarified the requested use would not take place until all the infrastructure, including the complete streets and sidewalks.
- Staff believed the proposed application met the review criteria as the Applicant owned the adjacent land in the area they would be developing into single-family homes and having a temporary sales office was common practice, as well as using model homes during construction to give tours and get people oriented in the community. The Applicant's five-year temporary use should cover all the subdivision's construction. (Slide 5)
- Staff recommended approval with the conditions noted in the Staff report.

**Chair Nada** asked if the temporary permit meant the Applicant would tear down the buildings and rebuild them. He asked why the proposal was not part of the main application for building the subdivision.

**Ms. McAlister** clarified the temporary permit only applied to the use on the lots, not the homes. Such permits were typically used when a commercial use was done in a residential area. The proposed sales office triggered the need for the temporary use permit. The model homes would remain, but the parking area on Lot 43 would be removed and a home would be constructed on the lot. The sales office in the home on Lot 64 would be converted back to a garage. She confirmed the application for the subdivision had already been approved.

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

**Stacey Connery, Pacific Community Design, 12564 SW Main St, Tigard, OR 97223**, presented the Applicant's proposal via PowerPoint, noting the locations of the lots and explaining that existing streets in Villebois already stubbed to the proposed site. (Slide 2)

- The site had a forested area and was currently in the early stages of construction. She noted the site had previously been a horse pasture and Tooze Rd bordered the site on the north.
- The locations of the proposed signage associated with the sales complex were indicated on Slide 3.
- She confirmed the model homes would remain and that the temporary use permit was to promote the commercial activity of selling homes for the project. Once the sales complex was closed, the lot with the parking lot would be converted to a home that was already approved for the site. The subdivision received planning approval several years ago, but construction was on hold for a bit, and the construction plans had been recently approved. Construction activity had begun and the homes were currently going through the building permit review process.

**Ms. Dunwell** confirmed with Ms. Connery that the large model homes would not be replaced with smaller homes after the temporary use.

**Nicole Hendrix** asked what determined the length of the permit, whether it was a five-year versus a three-year permit, for example.

**Ms. Connery** said she believed five years was the time frame set in the Code for temporary use permits for model homes.

**Ms. McAlister** noted different time periods were available, and in this case, the Applicant had applied for a five-year permit. The permit would end when sale of homes ended as well.

**Dan Pauly, Planning Manager**, added applicants were motivated to decommission model home complexes in order to make a profit from them. Five-year permits were typically requested so applicants could avoid returning before the DRB in a couple years.

**Ms. Dunwell** asked if there was a required timeframe for removal of the parking area once construction was complete and all the homes were sold.

**Mr. Pauly** replied no, noting that applicants would want the parking area removed in order to build and sell a house. He had never encountered a situation where a developer would want to keep the parking lot longer than necessary.

- He confirmed if the parking lot still remained, its removal would be required at five years. He added that during the five years, the developer would still need to maintain the landscaping to quality standards.
- If the five years expired, the asphalt would have to be removed, but the lot's landscaping could remain, which was allowed by Code.

**Chair Nada** confirmed with the Applicant that in the original subdivision application, Lot 43 had been designated as a house, not an open area. He asked if any signage would be posted stating that the parking lot was temporary so people would understand the lot was not an open space.

**Ms. Connery** stated the signage would indicate that the parking area was associated with the sales complex, which created the appearance that the parking existed for the purpose of selling homes, not for the neighborhood to use.

**Mr. Pauly** noted the proposed layout was common. He understood the concern but explained the City had never received any complaints or concerns when the parking was removed.

**Ms. Connery** confirmed the Applicant was responsible for maintaining the parking lot.

- She clarified that conditions of approval would require safe pedestrian and vehicular access to the homes, which would be connected to utilities. Improvements for safe access and movement around the sales complex were typically in place prior to the sales office being open.
- She noted that the square footages shown on Slide 3 were lot square footages and not square footages of the homes.

**Chair Nada** confirmed there was no public testimony regarding the application and no further questions or comments from the Board. He closed the public hearing at 7:02 pm.

**Mr. Pauly** noted Resolution No. 397 would be corrected as follows, "Samy Nada, ~~Acting~~ Chair – Panel B".

**Katie Dunwell moved to accept Staff report as presented. Nicole Hendrix seconded the motion, which passed unanimously.**

**Nicole Hendrix moved to approve Resolution No. 397 with the correction noted by Staff.**

- The Resolution was corrected as follows, "Samy Nada, ~~Acting~~ Chair – Panel B"

**The motion was seconded by Katie Dunwell and passed unanimously.**

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

## **VII. Board Member Communications:**

### **A. Results of the November 8, 2021 DRB Panel A meeting**

**Dan Pauly, Planning Manager**, noted Panel A reviewed a rezoning to allow more flexibility on a church property to potentially allow some residential development.

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

**Dan Pauly, Planning Manager**, stated the City's Middle Housing Rules had been adopted and went into effect last Thursday, affecting all residential zones. The DRB would see additional changes resulting from the housing rules as residential applications were reviewed, such as Stage II approvals, which have guided development approvals for years, becoming legal nonconforming.

- He added the Board's action in October had been appealed, and City Council had upheld the DRB's decision, which was not included in the Action Minutes.

## VIII. Staff Communications

**Dan Pauly, Planning Manager**, announced that after serving on the DRB since 2016, tonight was Chair Nada's last DRB meeting. He appreciated the time Chair Nada had volunteered to be on the DRB as well as the great insights Chair Nada brought to the Board's discussions. He displayed the commemorative award that would be presented to Chair Nada in honor of his service, adding he looked forward to seeing Chair Nada as he continued to be involved in the community.

**Chair Nada** commented that he had learned a lot during his time on the Board, right up until the last meeting. He thanked the entire Planning Staff, noting how fortunate the Board was to have their help. He appreciated how patient Staff was with Board members as they learned the process, rules, and dynamics within the City. He thanked his fellow Board members for welcoming him, and he looked forward to seeing everyone out in the community, adding perhaps he would serve on another board in the future.

**Nicole Hendrix** said Chair Nada would be missed, noting she looked forward to seeing him in the community since the Board had only had one in person meeting during his term.

**Katie Dunwell** said she had only served on the Board a couple times but working with Chair Nada had been an exciting experience. She agreed he would be missed.

## IX. Adjournment

The meeting adjourned at 7:12 p.m.

Respectfully submitted,

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