

**Development Review Board – Panel B
Minutes–June 24, 2019 6:30 PM**

I. Call to Order

Chair **Richard Martens** 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: Richard Martens, Shawn O’Neil, Tracy Meyer, Samy Nada, and Ellie Schroeder.

Staff present: Daniel Pauly, Barbara Jacobson, Charles Tso, Cindy Luxhoj, and Martin Montalvo

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 30, 2019 DRB Panel B meeting

Shawn O’Neil moved to approve the May 30, 2019 DRB Panel B meeting minutes as presented. Ellie Schroeder seconded the motion, which passed 4 to 0 to 1 with Samy Nada abstaining.

VI. Public Hearing:

A. Resolution No. 365. Boeckman Creek Primary Temporary Use Permit: Keith Liden, Bainbridge – Representative for West Linn-Wilsonville School District – Owner/Applicant. The applicant is requesting approval of a Five-Year Temporary Use Permit for temporary placement of a modular classroom building at Boeckman Creek Primary School. The site is located at 6700 SW Wilsonville Road on Tax Lot 100 of Section 13, Township 3 South, Range 1 West, Willamette Meridian, City of Wilsonville, Clackamas County, Oregon. Staff: Charles Tso

Case Files: DB19-0018 Five-Year Temporary Use Permit

This item was continued to this date and time certain at the May 30, 2019 DRB Panel B meeting

Chair Martens reconvened the public hearing to order at 6:34 p.m. and read the conduct of hearing format into the record. All Board members declared for the record that they had visited

the site. No board member, however, declared a conflict of interest, bias, or conclusion from a site visit. No board member participation was challenged by any member of the audience.

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

Mr. Tso presented the Staff report via PowerPoint, reviewing the West Linn/Wilsonville School District's request for a five-year temporary use permit for a modular building with these key comments:

- The portable building would contain four classrooms and three restrooms and would be located where the school district had previously received two, separate temporary use permits for a prior temporary classroom building. The subject site was connected to a paved pedestrian sidewalk that provided access to the main school building.
- The design of the proposed modular building made it look more like permanent architecture buildings as opposed to typical trailer-type classroom buildings.
- The Applicant had applied for a temporary use permit for a modular classroom due to the school district's 2018 capacity reevaluation, which had assessed school capacity based on current teaching methods and programs. That assessment concluded that the optimal capacity for Boeckman Creek Primary School was 550 students, and in 2018, enrollment was at capacity and with the Frog Pond development, the District anticipated an increased enrollment demand in coming years.

Chair Martens called for the Applicant's testimony.

Tim Woodley, Director of Operations, West Linn/Wilsonville School District Operations Center, 2755 SW Borland Rd, Tualatin, 97062, thanked the Board members for their presence and their patience in reconvening due to the Applicant's absence at the previous DRB B meeting that addressed this application.

- As noted, the District and Wilsonville, continued to grow, and with good planning, the District and the City had kept up with it well. The District had a track record of hitting enrollment capacity numbers at particular schools, and then utilizing portables at those schools while the City and District collaborated to build new schools. The current application request followed a similar pattern.
 - Two fairly new schools, Boones Ferry Primary and Lowrie, managed the capacity on the west side of the city. On the east side, Boeckman Primary was built in 1990 and had been a popular school over the years.
- The District's Long-Range Planning Committee recently completed a long-range plan update. Recent demographic studies for a 10-year period had been conducted, and it was apparent, especially with the Frog Pond Development, that the District would need another new primary school on the east side of the city in the near future.
- Boeckman Primary had a capacity and current enrollment of 550 students when it opened last fall, and enrollment projections for the next school year were expected to increase.

- He read some numbers from the Long-Range Plan, noting that in 2022, 654 students were anticipated at Boeckman; in 2023, 683 students; and by 2028, 851 students, which prompted the District to propose through its Long-Range Plan, the construction of a new primary school in the Frog Pond area on a 10-acre parcel owned by the School District on Boeckman Rd. The District had been in a partnership with the City for many years planning that development to address the needs of the District.
- The School Board had a first reading in early June of a resolution to place a ballot measure on the November 19 general election to fund the primary school, so the District was moving forward in good faith with plans to fund permanent, new classroom space in Wilsonville.
 - Meanwhile, the District was proposing a long-term, temporary use modular building at Boeckman Creek that would house four classrooms. With approximately 25 students per classroom, that would allow another 100 students at that school.
- The proposed modular building was a higher quality than any modular buildings used before. The District was purchasing it outright, and once a new primary school was built, the modular building would be moved to a different location within the District for a more permanent use.

Tracy Meyer thanked Mr. Woodley for attending the meeting and asked about the lighting on pathway from the main school building to the proposed site for the modular building.

Mr. Woodley responded that generally, the building would be occupied during the daytime. The modular building would have so-called wall packs that would provide light around the perimeter of the building, similar to those on the main school buildings. He was unsure of the distance between the main school buildings and the subject building site, but he believed it would be appropriate to install one, pedestrian-style light along the pathway.

Ellie Schroeder confirmed the proposed building would be connected to water and sewer lines.

Mr. Woodley added that all the connections to City water, sewer, storm water, PGE, as well as the low voltage wiring for fire alarms, etc. were in place, having been capped in place when the previous temporary use building was moved. Per the City requirement, the District had already scoped the water and sewer pipes, which were not found to be in need of any repair. He was aware that the PGE conductor raceways had to be inspected and power would come from a transformer near the baseball field. The infrastructure was in place and only needed to be reconnected and charged.

Shawn O'Neil asked when an arborist had last checked the health of the trees on the site.

Mr. Woodley responded the District had arborists out fairly regularly. School playground trees were high on the list and inspected at least annually. Certified arborists were always used to ensure the District's trees were both safe and healthy.

Samy Nada confirmed the proposed building was not the same modular structure used at Woods Middle School.

Mr. Woodley added the proposed building was brand new with high-quality construction. The two modular buildings used both at Woods Middle School and Boeckman Primary were similar to doublewide trailers and each contained two classrooms with sort of porch in between. The proposed modular building was fully self-contained with four classrooms and restrooms.

Mr. O'Neil confirmed the Applicant was receptive to adding a pathway light requirement as a condition of approval.

Mr. Woodley agreed it was a reasonable condition.

Chair Martens noted there was no one in the audience to provide testimony. He confirmed there were no more questions and closed at 9:51 pm.

Shawn O'Neil moved to adopt Resolution No. 365 and amending the Staff report to add the new Condition PD 4 stating, *"The Applicant shall install lighting sufficient to light the pathway consistent with City outdoor lighting standards."* The motion was seconded by **Samy Nada** and passed unanimously.

Chair Martens read the rules of appeal into the record.

- B. Resolution No. 366. 3-Bay Public Works Maintenance Yard Temporary Use Permit: City of Wilsonville Public Works Department – Applicant.** The applicant is requesting approval of a Five-Year Temporary Use Permit for continued use of a modular office building and maintenance yard on City property in Memorial Park. The site is located at 7930 SW Memorial Drive on Tax Lot 602, Section 24, Township 3 South, Range 1 West, Willamette Meridian, City Of Wilsonville, Clackamas County, Oregon. Staff: Cindy Luxhoj

Case Files: DB19-0023 Five-Year Temporary Use Permit

Chair Martens called the public hearing to order at 6:54 p.m. and read the conduct of hearing format into the record. All Board members declared for the record that they had visited the site. No board member, however, declared a conflict of interest, bias, or conclusion from a site visit. No board member participation was challenged by any member of the audience.

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

Ms. Luxhoj presented the Staff report via PowerPoint, briefly reviewing the site's location and access points, along with the project's history with these key additional comments:

- The maintenance yard was operated by the City's Public Works Department on approximately 8/10 of an acre in Memorial Park, which was a temporary location until the

Public Works Operations Complex was constructed on SW Boberg Rd. The temporary maintenance yard included a 480-sq ft modular building that included offices, a restroom and shower facilities for City employees, a three-bay maintenance building, gravel parking areas, and accessory uses, such as storage units.

- In 2014, a five-year temporary use permit (TUP) was approved for continued use of the maintenance yard by Public Works. The permit included removal of a fuel station, which was completed in June 2014. The current TUP was set to expire on July 8, 2019.
 - Renewal of the five-year TUP would allow the Public Works Department to continue using the maintenance yard during the design and construction of a new Public Works operations complex. Once the Public Works maintenance activities were relocated to the new facility, the maintenance yard could be used by the Parks Department, which would not require a TUP.
- Proper noticing was followed for the application and no comments were received.
- The current approval for Public Works maintenance in Memorial park was approved in 2014 and expired on July 8, 2019. Since the 2014 TUP approval there had been two administrative reviews, one was to replace a two-bay garage with two cargo containers on the same slab, which was completed in November 2017. The second review regarded the installation of a 16-ft by 48-ft metal garage next to the modular building to house a combination sewer truck, which was approved but not constructed due to budgetary restrictions and Staff changes. Public Works asked that the garage be included as part of the current application, so it could be installed in the future. No additional changes were proposed as a part of the current TUP application.
 - The complex project was anticipated to be phased with the maintenance yard space and a maintenance building, two high priorities for construction within the next five years, subject to City Council approval and funding availability.
- There were two conditions on the TUP, one that the applicant ensure that the approved use was established, operated, removed and the property restored to its pre-temporary use permit state in compliance with the approved plans, and that the metal garage be installed as previously approved in 2018.
- Staff recommended approval of the application with conditions.

Daniel Pauly, Planning Manager, noted that Memorial Park was permitted to have park maintenance in the future, but the existing buildings were part of the TUP, so unless a separate, permanent approval was granted, they would have to be removed. The purpose of tonight's approval assumed the disappearance of those buildings in five years. He understood, however, from the Parks Master Plan that the Parks Department planned on using the area for its maintenance purposes long-term, but only to support the park. Because Parks had different needs, there would probably be some changes based.

Chair Martens called for the Applicant's testimony.

Martin Montalvo, Operations Manager, City Public Works Department, stated he had no formal comments but was present to address any questions. He hoped the Board would look favorably on Public Works' continued use of the property.

Mr. Nada asked when the permanent building would be available.

Mr. Montalvo stated that while there were monetary and political considerations, the Applicant intended to finish the master planning, which was Phase I, by end of this summer, and then bring both a preferred Master Plan and Financing Plan to City Council. City Council had prioritized the Public Works Complex as its second highest overall priority for the next year and allocated \$1.5 million within the upcoming budget to continue the project through the master planning and to begin site design; however, it would not be enough to actually begin construction. With the Financing Plan, the hope was to at least have the yard component and maintenance building constructed within the next five years, and the administrative building constructed at some point beyond that five-year timeframe.

Mr. Nada asked how the permanent facility would compare in size to the temporary one.

Mr. Montalvo responded it would be five times the size. The current facility was 0.8 acres and was shared with Parks, but the Parks current operations were scattered across eight different locations throughout the city, which was extremely inefficient. The Parks Department wanted to consolidate all its activities for its operations, as well as the City's overall operations, into one unified site. The Boberg property was a little more than five acres.

Chair Martens asked if any of the vacated sites, if owned by the City, would become a part of the financing equation for the new site.

Mr. Montalvo replied the City would not be liquidating any vacated sites as the sites were currently used for both primary and secondary uses. For example, the three-bay building was primarily used for Parks maintenance, but it was also used as a secondary use for storing some operational equipment.

Chair Martens noted no one was present in the audience to provide testimony and closed the public hearing at 7:08 pm.

Tracy Meyer moved to approve Resolution No. 366. Samy Nada seconded the motion, which passed unanimously.

Chair Martens read the rules of appeal into the record.

VII. Board Member Communications:

A. Recent City Council Action Minutes

Barbara Jacobson, City Attorney, highlighted the background on Council's work session about repealing and replacing Chapter 11 of the City's SDC Code, which was written in 1994. During the recession, language was added to allow the deferral of Systems Development Charges (SDC) charges, but the program had not been used very often and not by the businesses it was intended to help. The program was such that it could change depending upon the economy of the time

and Council was divided on what the program should be and who should be able to use it, so Council removed the original language from Chapter 11 and inserted language stating that City Council could, by resolution, allow for either a deferral or installment payments of SDCs, or any other program Council might elect to work on that could assist business.

Shawn O'Neil stated that after the previous meeting, he had contacted the City Attorney who confirmed the applicant had to be present in some form at meetings involving their applications.

Ms. Jacobson explained the applicant made the application and Staff made the recommendations, but the applicant had to appear in person or make arrangements ahead of time and submit a statement into the record stating what they did or did not want. However, if the applicant did not attend or submit a statement, the Board should delay any vote on that application. She confirmed the applicant could also participate via phone and the Board could call to see if the Applicant was available since things do happen.

Mr. O'Neil noted the Board had attempted to call the Applicant. He explained the clarification about the applicant's attendance was important for the City.

Chair Martens agreed it was an important clarification because the hearing was for the applicant.

Mr. Pauly stated to his knowledge, the previous meeting's no-show by the Applicant was only the second time that had happened.

Mr. O'Neil stated if the applicant submitted a statement in writing, but the Board had a question, not showing up was a risk to the applicant, and therefore, they should appear in person.

Ms. Jacobson added if an applicant decided not to appear before the Board and the Board voted down their proposal, the applicant would not have an opportunity to convince the Board otherwise.

Mr. Pauly noted as highlighted the last time an applicant had not appeared, it was important for the applicant to appear before the Board to show respect for the Board's time and effort.

Chair Martens agreed, adding if an applicant did not appear before the Board, it would be inappropriate for the Board to render a decision denying the application without the applicant being present to respond.

Mr. O'Neil disagreed. An application would either have to be voted down or tabled until the subsequent meeting if the applicant did not appear. As a quasi-judicial Board, it was the applicant's burden to appear, and if not, the application could be voted down.

Ms. Jacobson clarified the Board would dismiss the application for failure to appear.

Mr. O'Neil inquired about the process to replace the retiring City Councilor.

Ms. Jacobson explained Councilor Susie Stevens resigned early due to her husband's recent death, so her vacant Council position needed to be filled until the next November election, at which time that person could elect to run for the position or decline. At the last Council meeting, the Mayor laid out that application process and protocol. Any interested parties could contact the City Recorder's office or access the City website for an application packet. At a minimum a prospective councilor must be a registered voter and have lived in Wilsonville for at least 12 months.

Mr. O'Neil asked if the list of final applicants would be announced in advance of the decision, so citizens could appear and give testimony for or against the applicants.

Ms. Jacobson replied all the City Charter stated was that the Council majority would choose the replacement; no process whatsoever was identified. The Mayor would recommend a process for the Council to consider and possibly modify. Council would determine whether to hear public testimony regarding applicants or just read through applications and deliberate amongst itself.

- There was no obligation to make the list of applicants public in advance of the decision. In theory Council could simply appoint a person. According to the City Charter, there could be a lot of process or no process. It was up to the Council, but the Mayor had elected to have a formal process and open it up to any interested parties. He encouraged people who had served on a Board or Commission to apply, but that was not a requirement. She confirmed the due date to apply was July 22, 2019.
- In the event of a tie, Council would have to discuss it until a decision was reached. She confirmed Ms. Stevens would not be a part of the decision-making process as she had already retired. In the event of a deadlock, she presumed that would be a no on that particular applicant. However, City Council worked well together and she expected they would be able to appoint someone.

VIII. Staff Communications

Daniel Pauly, Planning Manager, stated he did not anticipate a July meeting for DRB B, but a street vacation in Villebois was expected for the August Board meeting. He updated the Panel on several staffing changes, including the promotions of Chris Neamtzu to Community Development Director, Miranda Bateschell to Planning Director, Kim Rybold to Senior Planner, and himself to Planning Manager. Cindy Luxhoj was recently hired as an Associate Planner, having served a number of years in Tualatin. Charlie Tso was leaving for New York City in a couple of weeks, and the City was currently recruiting for his position as well as an additional planner. Steve Adams moved to the City of Milwaukie, so the City would soon be recruiting for his now vacant position as Development Engineering Manager.

- He did not anticipate any Frog Pond applications any time soon as West Hills had quite a few lots to build and sell. Other developers might submit, but he was unsure of their timing.

Mr. Nada asked if a potential roundabout at 65th Ave/Elligsen/Advance Rd intersection was being discussed.

Mr. Pauly replied that was in the Clackamas County's plans. The intersection was outside of the City's jurisdiction, even though he believed it was referred to in the Frog Pond West Plan. Due to the topography, it was a major project. The County was aware of the issue. It was just a matter of the County finding the funding.

- He confirmed the Boeckman Dip Bridge project including the traffic light had moved forward with design. Urban renewal money had been allocated for the project and construction should begin within the next couple years. The main property in the dip with the home on it had been purchased by the City.

Ms. Jacobson clarified the Kinsman/Brown Rd extension had been Steve Adams' project and it was still moving forward, but would be delayed approximately one year. Currently, Engineering was trying to determine when that job could fit into the many others on the table.

Mr. Nada asked if any new Frog Pond projects were in process for approval.

Mr. Pauly replied not currently. Morgan Farm from Pahlisch Homes had been approved and West Hills Development had two subdivisions approved. He believed there were approximately 160 homes total between the two developers.

Mr. Nada noted the goal was to ensure the traffic light and Boeckman Dip projects were completed by the time Frog Pond was developed.

Mr. Pauly replied if for some reason the bridge got delayed, the City might have to move forward with the traffic light and the intersection improvements before the bridge. Ideally, from a design and construction standpoint, it would all be done at once, but there was always the potential that the projects would have to be done separately. The intersection project itself was certainly doable within that timeframe.

Mr. Nada noted construction would be a nightmare for new residents in that development.

Mr. Pauly responded they would be very grateful when the work was completed.

IX. Adjournment

The meeting adjourned at 7:28 p.m.

Respectfully submitted,

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