

**Development Review Board – Panel B
Minutes– September 28, 2020 6:30 PM**

I. Call to Order

Acting Chair Shawn O’Neil called the meeting to order at 6:31 p.m.

II. Chair’s Remarks

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

III. Roll Call

Present for roll call were: Shawn O’Neil, Richard Martens, Elizabeth Schroeder, and Nicole Hendrix. Samy Nada was absent.

Staff present: Daniel Pauly, Barbara Jacobson, Kimberly Rybold, Cindy Luxhoj, Philip Bradford, Miranda Bateschell, Khoi Le, 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 the August 24, 2020 DRB Panel B meeting
Richard Martens moved to approve the August 24, 2020 DRB Panel B meeting minutes as presented. Ellie Schroeder seconded the motion, which passed unanimously.

VI. Public Hearings:

A. Resolution No. 382. Magnolia 6-Unit Townhome Development: Base Design + Architecture, LLC. – Applicant for Hillebrand Construction, Inc. – Owner. The applicant is requesting approval of a Stage II Final Plan, Site Design Review, and Type C Tree Removal Plan for development of a 6-unit townhome development. The site is located at 30535 SW Magnolia Avenue on Tax Lot 2101 of Section 23AB, Township 3 South, Range 1 West, Willamette Meridian, City of Wilsonville, Clackamas County, Oregon. Staff: Cindy Luxhoj

Case Files:	DB19-0047	Stage II Final Plan
	DB19-0048	Site Design Review
	DB19-0049	Type C Tree Removal Plan

This item was continued to this date and time certain at the August 24, 2020 DRB Panel B meeting.

Chair O'Neil called the public hearing to order at 6:38 p.m. He noted the resolution had been continued from August 24, 2020. After receiving testimony from Staff, the Applicant, and several members of the public, the Board unanimously moved to set the matter over to September 28, 2020 and had left the record open so the Applicant could take further steps to communicate with neighbors, although they were not required to do so.

He 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.

Chair O'Neil called on City Staff to present any additional information gathered since the August 24th meeting that they wished to use to supplement that meeting, including a summary of the information they had provided to the DRB within the last two weeks.

Daniel Pauly, Planning Manager, noted several Staff members were available for any questions and summarized the changes made to the Staff report since the August 24, 2020 meeting as follows:

- Some changes had been made to assist the Board in digesting the information presented, such as converting long form paragraphs concerning design standards into a table and clarifying some of those items.
- Additionally, a memo had been attached that included a summary of written and oral public comments, grouped by topic, received at the August 24th meeting. Everything referenced was fully provided within the meeting minutes or written testimony. He explained that Staff realized late that some cells did not fully show all of the text as intended, so that was corrected and emailed to the Board this evening.
- He noted additional questions had been raised regarding the history of the different plans that impacted Old Town and advised that Staff was prepared to speak to that and answer questions.

Chair O'Neil confirmed the Board had no questions of City Staff. He noted the Applicant had not provided any rebuttal testimony at the August 24th meeting and invited the Applicant to respond to the issues raised, provide any additional testimony, and communicate what steps were taken to further communicate with neighbors.

Mike Connors, Land Use Attorney, Hathaway Larson, 1331 NW Lovejoy St., #950, Portland, OR 97209 stated that he was retained by the Applicant because at the last hearing on August 24th, there was a lot of emphasis on what the legal standards were that applied to the application under review. Last week, he and Kegan Flanderka prepared some letters in anticipation of tonight's hearing that laid out information responsive to the issues brought up at the August 24th hearing. His letter focused on the legal standards in an effort to provide additional information and response to those issues. He said he would present a summary of the legal standards and the Applicant's compliance with respect to the two kinds of legal standards, emphasizing some of the changes made to the application throughout this process in

order to be responsive to concerns from the neighborhood. Mr. Flanderka would provide a more detailed explanation on how the Applicant arrived at the particular design and how some of the more specific elements responded to neighborhood concerns.

Chair O'Neil asked if there were any additional communications between the Applicant and the community since the August 24th meeting, and who would be communicating about that.

Mr. Connors replied Mr. Flanderka and the Chair of the neighborhood association had communicated via email, which Mr. Flanderka could address that further, but there was not a specific meeting with the neighbors. Based on the first neighborhood meeting, as well as additional written comments and comments made at the August 24th hearing, he believed the Applicant had a very good understanding of what the neighborhood concerns and requests. It was not a matter of the Applicant eliciting information from the neighborhood, as residents had been very clear in about their position and requests. The Applicant evaluated that information to determine what they could accommodate at this point in the process. The Applicant had made a number of revisions from the original project design and he hoped the Board would listen to those revisions and the history of the project. From reading the minutes of the August 24th meeting and listening to the Applicant, he believed the Applicant was disadvantaged as they had done a lot of work on the front end, before the hearing, to hold a voluntary, meeting with the neighbors, which was not required, and had then factored in those comments and concerns prior to the August 24th meeting.

- He understood the Board was accustomed to developers being willing to make revisions as they went, but in this instance, many of those revisions were made prior to the first hearing. He also believed that created a disadvantage in that the Board might have the perception that the Applicant was unwilling to make changes or was being inflexible when, in fact, some of the changes that had been made were very significant for the size and scale of the project and were a direct result of some of the community concerns they had heard.

Chair O'Neil reiterated that while the record had been reopened, he would caution the Applicant not to reintroduce what had already been testified to as time was limited. He was receptive to allowing additional testimony from the Applicant, but he asked for new information only that was based on testimony from the public at the August 24th meeting.

Mr. Connors summarized the legal standards, and some of the changes the Applicant had made to be more responsive to neighbor concerns with these comments:

- Having reviewed the minutes, it was clear that identifying the legal standards was a big point of emphasis, and there were two key legal standards that the Board should be aware of. He understood there had been some testimony about what people wished the standards were, what adopted standards the City might be considering, or whether the project should be reviewed based on consistency with the existing development in the area, but the law required that the application be reviewed on the applicable standards and criteria in the Code.
 - An important reason behind that requirement was to provide both the developer and the community a set of rules within which to work. It allowed a developer to have some

basis of understanding in how the City would judge their application, while community members could look at the zoning and the Code requirements to understand what kind of potential development options could be proposed on surrounding properties or on a particular site. Cities adopted specific code standards to have standards to apply to applications and as a reference for community members.

- For the subject project, the standards were a little different as it qualified as a needed housing project, which meant the project was required to be judged based on clear and objective standards that were in the express terms of the Code, not something that was interpreted. Any standards that were subjective, value-laden, or looked to balance impacts were standards that ordinarily might be applicable to a development project, but they did not apply to a needed housing project given the State law regarding the housing crisis. The Oregon State Legislature passed laws to ensure residential projects were only subject to clear and objective standards so as not to impede projects with subjective standards.
 - There was no doubt that the subject project application met the clear and objective applicable standards. The subject property was zoned multifamily residential and that was what was proposed. At 16.2 units per acre, the density was at the lower end of the required density range of 16 to 20 units per acre. All height and setback standards were met, and it exceeded many standards, such as parking and landscaping standards, which he understood was an issue from some of the neighbors.
 - Nothing in the application, Staff report, or opposition comments demonstrated noncompliance with the clear and objective standards. For that reason, the Applicant believed the application would need to be approved on those grounds alone.
- The Code also contained some subjective standards, predominantly the Old Town Architectural Design Standards. Although the subject needed housing project could not be denied based on those subjective standards, the Applicant wanted to emphasize that they complied with those standards well. Significant efforts were undertaken before the August 24 meeting in an attempt to comply with those standards. From that perspective, the application undisputedly complied with the clear and objective standards, as well as the subjective standards, as the Applicant had made a significant effort to design the project in a way that not only complied with the standards, but addressed many of the concerns raised by the neighbors.
 - It was important for the Board to understand that prior to the August 24th meeting, there was a lot of communication with the neighbors and that changes were made in direct response to their concerns. Through a few different variations, the original project had morphed from a single, rectangular building into two buildings with staggered or articulated elements to give the appearance of three units in each building. Those significant changes from the original project were made in direct response to neighborhood concerns about the mass and size of the building to break it up in a way that would reduce it and give the appearance of individual units.
 - The current proposal of 16.2 units could not be reduced because the density requirement of 16 to 20 units would not be met.
- Other changes had been made to the building orientation and window placement due to privacy concerns of surrounding neighbors in single-family homes. The Applicant also doubled the available parking spaces from 6 to 12 in direct response to neighbors' concerns,

and revisions were made to the landscaping and its design to make it more compatible with the surrounding neighborhood.

- He hoped the Board understood that what had been proposed initially was not what was presented on August 24th and that the Applicant was not unwilling to make changes; however, the Applicant had reached a point where no other changes, other than height, could be made that would not change the nature of the project or cause it to fall out of compliance with the Code.

Kegan Flanderka, Base Design + Architecture, 223 NE 28th Ave., Portland, OR thanked the Board for keeping the hearing open so they could expand upon topics brought up at the last meeting. He stated his testimony would focus on changes made to address the neighbors' primary concerns with regard to parking, density, building height, and privacy, which he described with these comments:

- The Applicant had taken a second look at the density after the original neighborhood meeting in October and determined that reducing the number of units would pull the project out of compliance with the Zoning Code and render the project unfeasible from a performance standpoint.
- Additionally, the Applicant doubled the parking to provide both garage parking and six surface parking spaces in an effort to ease neighbors' concerns that most garages would be used for storage, not parking. The six surface spaces ensured the minimum parking spaces required by the Code would still be met if no garages were used for parking.
- Initially, the project was several feet below the maximum height for the Zone, but the Applicant revisited the height with regard to the neighbors' comments, specifically the single-family design standards for the Old Town, which specified a 28-ft height. After further study of the Old Town Design Standards, a decision was made to reduce the overall height to 28 ft above grade plane, per the definition of building height, to meet the single-family residential standard. The result was a building that sat 7 ft below the maximum height for the Zone and that was no taller than any single-family residence that would be allowed on the site.
- He had reached out via email to Monica Keenan, the Old Town Neighborhood Association leader, along with Doug Muench, who had put together the neighbors' meeting in October and notified them that due to the pandemic and wildfires, they would not hold an in-person meeting. He asked that any additional comments that had come up that were not part of the written testimony or testimony given at the August 24th meeting be provided to him for consideration. Ms. Keenan said she agreed and understood the decision to not hold a meeting in the current climate and had informed him that there were no additional comments outside the written testimony and testimony given at the August 24th meeting. He notified Ms. Keenan that the Applicant would look into reducing the height, and she was appreciative of that.
- The narrative provided with the application, as well as his letter (Exhibit B4) sent to Staff last week, outlined the neighbors' considerations and how the Applicant had worked with Staff to ensure compliance with all the objective Code criteria within Section 4.138, the Old Town Overlay Code section, specifically those within Section. 05. He had provided a

diagram with the original application to touch on how those requirements had informed much of the design. (Referenced image(s) in the Staff report, Pages 7-9)

- As noted frequently during the public testimony at the August 24th hearing, although the Applicant considered the project to be a transitional site, neighbors did not agree due to the building height. The idea that the buildings would go from single-story, single-family residences to a three-story, multifamily structure and then a two-story family structure did not seem like a transition to most people. He wanted to clarify that he was not using the height as that descriptor, but rather how the overall building massing was shifting toward a residential typology and further from a multifamily typology.
 - The single-family ranch style home to the south of the site and the garden-style 1980s walkup apartment complex to the north had very different architectural typologies and massings. The proposed building broke up the overall massing from one singular block mass to two separate buildings to minimize the scale or impact to the site, while complying with the objective criteria of Section 4.138. It also fit more within that neighborhood context while lessening the commercial multifamily context.
 - Additionally, the Applicant broke up and articulated the facades to help break down the scale even further and lessen the appearance of an apartment building block with individual, alcoved entries more emblematic of single-family homes, as well as a pitched gable roof as opposed to the parapet style roof more common in apartment buildings.
 - He believed there had been a misunderstanding about his use of the word transitional and that he was not specific about building height or the number of stories, but rather the overall building typology, and the orientation of the building on the site as compared to a true multifamily structure that would have a segregated parking lot, a series of common entries, and larger building massing.
- During the August 24th hearing, the neighborhood also noted how the proposed building did or did not fit the historical architectural context of the neighborhood, which regarded more of the subjective components. However, Subsection 4.138.B stated the City wanted applicant to consider having their building reflect the historical context of the neighborhood.
 - At the outset, the Applicant had asked the City to clarify the specific time period and style that was being denoted, which was a 1890 to 1930 mid-Willamette Valley architectural style. As there was no single reference point for that particular architectural style, he had spoken with Staff at length about what that entailed and looked at multifamily structures in the Willamette Valley from that time period, which led him to a number of walkup apartment complexes with parapet mansard roofs and large brick facades. The Applicant tried to utilize a number of those precedents during the pre-application process and with the design review application, but the proposal was immediately rejected by the City, and he was asked to look at other examples of how the building typology would fit.
 - Staff directed him to the Single-Family Residential Design Standards, which included the 28-ft building height standard. He reviewed the references to Western Farmhouse, Craftsman, and ranch architectural styles and began to formulate an aesthetic strategy that would work within those styles. He noted those were all residential architectural styles honed and fitted specifically to single-family

residences and were not used on commercial structures during that time period. The Applicant then went back and forth with City Staff in an attempt to better understand how to incorporate some of those design features.

- The Applicant looked at the neighborhood at length. In the Supplemental Design Packet, he had provided a series of precedents that were found predominantly throughout the Old Town neighborhood, as well as some other areas of the Willamette Valley, and tried to denote the major features and aspects characteristic of those particular styles within the Old Town Single Family Residential Design Guidelines as well as those represented in the design of the actual neighborhood homes. He pulled from those examples to develop a hybridized style of aspects predominantly from Western Farmhouse with some components of the Ranch-style, in order to create a multifamily structure that was less aesthetically similar to a multifamily complex and more architecturally emblematic of a single-family residence.

Ms. Schroeder interjected, noting the Applicant's testimony seemed the same as what the Board reviewed on August 24th.

Chair O'Neil responded that the record had been reopened because there had been public testimony suggesting that the Applicant had not heard the neighborhood, and he believed it was relevant for the Applicant to be able to communicate that information, but asked Mr. Flanderka to find a good ending point.

Mr. Flanderka clarified that his presentation was a response to the public testimony about the subjective components of the historical architectural styling of the building. He explained that the Applicant's team had gone throughout the neighborhood to look at existing single-family homes in order to make an architectural typology that did not look like a multifamily structure from that time period. He displayed an image of a 1926 apartment complex, noting its stucco exterior, brick lintels, and that it was a masonry building with a mansard roof. The intent was to move away from that architectural typology and try to develop a building that took attributes from the adjacent context without fitting within the historical stylings, and yet was more reflective of what the Code was requesting.

- He understood the Board had seen these things before, but he wanted to point to how they were relevant to the Applicant's response to the neighbors' comments and to expand a bit further than he was able to at the August 24th hearing.

Chair O'Neil confirmed the Board members had no questions of the Applicant. He called for any additional public testimony, noting he was not open to testimony already presented at the first hearing.

Monica Keenan clarified that her position when contacted by the architect and developer was as a member of the Old Town Architectural Standards Steering Committee in representing this plan. She also clarified that there was no back and forth between the neighborhood and the developer during the development of the original application, only the October 2019 meeting that the entire neighborhood was invited to attend. There was no other outside communication.

In the week since, there was a brief communication between the developer, herself, and Mr. Mentch. She had simply acknowledged their emails, stating that she understood all of their concerns had been very clearly made and on the public record regarding their application. She had sent some follow-up emails to Dan Pauly today at 4:16 and 4:31 p.m., upon the request of her neighbors, and had asked that he forward them into the public record. She asked if there was a rendering showing the reduced building height.

Mr. Pauly stated he would forward that public testimony to the Board at this time, as requested by Ms. Keenan.

Shelley White, Planning Administrative Assistant, stated Sharon Olson would be testifying next. She clarified that Mary Elizabeth Harper had testified on Sharon Olson's behalf at the August 24th hearing.

Sharon Olson, Magnolia Dr., Wilsonville, OR stated that she and her husband had lived in their home for almost 30 years. She stated she had sent the email exchange between Ms. Keenan and Mr. Flanderka to Mr. Pauly because she wanted to ensure that everyone, including the DRB, had an opportunity to review it. The email stated that Mr. Flanderka and his client had no intention of meeting with the neighbors any further, despite the DRB's request to do so. That initial email was sent on Friday, September 18th. Because there were questions regarding the notification process for the October 2019 meeting, the Applicant was given another opportunity to reach out and speak with neighbors, and they not only declined to do so, but stated in the email that they had no intention of doing so. There were two and a half weeks between the August 24th hearing and the beginning of the fires, and the pandemic had been ongoing for seven months. Everyone was connected via Zoom and the Applicant had everyone's addresses. An additional meeting would have been an act of good faith that would have been welcomed and appreciated by the neighbors. She believed there had been plenty of time to honor the DRB's request and she felt the Applicant had disregarded all of the residents, as well as the DRB, in the process.

Mary Elizabeth Harper, 30605 SW Magnolia Dr., Wilsonville, OR stated that getting the meeting packet 15 minutes prior to the start of the meeting put neighbors at a disadvantage. She asked Mr. Connors where to find the citations he used and if they were documented within the packet. No one had had time to review the packet or prepare questions about that exhibit. She echoed Ms. Olson's concern that the Applicant had never reached out about a meeting to give the community an opportunity for further input. There had been very limited input from the last meeting, but neighbors had anticipated a second meeting, as suggested, requested, and directed by the DRB, to allow all parties to sit down as adults and talk about the project. She did not believe that was too much to ask when a change was being made to their neighborhood. There was new information the neighbors could have shared, but they were not given an opportunity to do so. None of them had the citations of Code Mr. Connors had used, and he knew that sort of information had to be exchanged.

- As a former English teacher, professor, and practice of law, she knew people turn on words. The words that disturbed her here was the expectation by the community that there would

be an opportunity to meet with the developer, the architect, and anyone else involved so they could air their concerns and work them through. That never happened. At the first meeting in October, three neighbors were in attendance, one of whom only attended for the first 15 minutes. Twenty-one other neighborhood residents had provided to the Applicant, the DRB, and Mr. Pauly signatures on the letter because they were not aware of what was happening until the end of the week after receiving a letter from Mr. Flanderka stating there would be no meeting. The neighbors were very disappointed that they still had not been accorded an opportunity as citizens of the community to speak with the developer or, more specifically, the DRB about their concerns.

Matthew Conniry, Wilsonville, OR, stated he was not that familiar with all of the legal nuances that the DRB had to consider. He understood the objectivity of the Code, but the thought that any council could not make a decision with deference to the safety of his children very much concerned him. Traffic would increase by no less than 50 percent on a road that was not designed for that capacity. There were no sidewalks, only gravel on the sides of the road. The only developed area where his children could play was on the pavement itself. He understood there would be six parking spaces in addition to the garages, but on average, people had more than one car, not to mention visitors. He was concerned about his children's safety, and the idea that a council could not make a decision based on that and could only look at the objectivity of some Code was asinine. He really hoped that a decision could consider whether increasing traffic so much on a street not meant for and not designed for that was safe. If the traffic increase could be considered, he hoped that those people responsible for making the decision were in electable positions so he could vote them out. People chose neighborhoods and communities based on what they represented, and the knowledge that some unilateral decision could change the entire nature and character of a neighborhood in one fell swoop was stupid. One decision should never be able to radically alter the character and nature of a neighborhood. He hoped the DRB would agree with him.

Steve Van Wechel, 30730 SW Magnolia, Wilsonville, OR stated three minutes was not enough time to respond to anything said tonight, let alone his planned comments, but the main thing that bothered him was that the August 24th meeting had been set over to tonight in order to allow the developer time to meet and work with the community and that never happened. Three and a half weeks had elapsed since the August 24th meeting before there was any effort from the developer toward the neighborhood, and that amounted to a single email to one person within the neighborhood who responded without even checking with anyone else in the neighborhood first. He could only guess that this person assumed there was no new information and therefore, responded without notifying anyone else until the middle of the following week, which made it almost a month before other the neighbors knew the developer had even made an effort to do anything.

- He noted that the November [sic] meeting was not even held in the neighborhood, but in the Parks and Rec building across the freeway, which made it difficult to get people to attend a neighborhood meeting. He reiterated that the continuation of the August 24th hearing to tonight was for the express purpose of allowing the developer time to meet with the neighbors, and they did not bother. He understood the extenuating circumstances

regarding Covid-19 and the wildfires, but neither issue affected email chains or Zoom meetings. An in-person meeting could have been held at St. Cyril Church as he was sure some people would have attended despite the smoke, but the developer decided not to hold a meeting, and instead opted to bring their attorney to tonight's meeting to state how their proposal met Code.

- For the record, there were several things the Applicant stated they agreed with that the neighborhood did not believe they agreed with.
 - The proposed building style displayed looked Scandinavian and lacked any warmth or character. It did not have anything that reflected the character of the Willamette Valley; not to mention, it was three stories, and no three-story buildings were anywhere in the neighborhood. Staff indicated it made a nice transition from two stories to one, but the proposed building was a three-story building plopped right in the middle. It made no sense. The alcoves looked like small caves and he knew of no early buildings that looked that way.
 - Although the Square 76 Plan seemed to be referenced often, that plan was written 17 years after the City of Wilsonville was incorporated. It was ancient history, and for some reason, its standards and codes still had to be considered, which was an embarrassment to the City of Wilsonville. It was out of whack and needed to be updated. It would be interesting if the media asked some questions about why the City was enforcing standards that were almost 50 years old upon a neighborhood that did not want those standards or the proposed development.
 - There was nothing in this plan he agreed with. He noted Mr. Connors had stated that a density of at least five units was required, which meant that even a single-family home could not be built on the subject property. The neighbors' hands were tied if those were the requirements, and he questioned whether that was accurate or if the attorney and developer were pulling some strings and trying to make the proposal sound good at tonight's meeting.

Chair O'Neil interjected that all the Board members had received Mr. Van Wechel's letter dated September 28 and that all Board members stated they had reviewed it with all the submissions.

Mr. Pauly noted Ms. Harper had additional comments if the Chair was so inclined.

Chair O'Neil stated that he greatly appreciated her testimony, both tonight and at the last meeting, but apologized that he had to move the meeting along.

Ms. Harper asked if the Codes cited by Mr. Connors could be furnished to the public.

Chair O'Neil suggested Ms. Harper talk with Staff after the meeting to get the letter and then do her own independent research.

Jordan Garfield, Wilsonville, OR, stated she agreed with Ms. Olson and Ms. Harper, the neighborhood had not been contacted and no new information had been received from the developer. She was disappointed that despite discussing this for weeks, the final information

was sent a half hour before the meeting. She had received no updates from the City about tonight's meeting and did not know it was happening until over the weekend. Being in the communication field, she believed there could have been better communication. She had read the email from the developer and noted that they had not asked Ms. Keenan to forward the information or reach out to the neighborhood. There was no intention to meet with the neighbors in the future. She was disappointed because she was open to discussing the project further.

Chair O'Neil noted the Applicant had offered significant information this evening when they offered no rebuttal at the first hearing. He called for any rebuttal from Applicant's regarding tonight's public testimony.

Mr. Connors assured the neighborhood and the Board that no disrespect was meant by the decision to not have a meeting. Having heard all the testimony, the Applicant believed that the neighbors' concern about the project was the very nature of it as a multifamily unit, that they wanted it changed to single-family or a significantly reduced multifamily residential unit, and that would not be compliant with Code, rendering the entire project unbuildable. As a result, the Applicant decided that because the project was already at the minimum density, the Code clearly required a multifamily project, and, given all the other changes the Applicant had already made, they were unsure what other changes could be made, so an additional meeting would not have been productive because the Applicant would not be able to make the kind of changes the neighbors wanted.

- The one thing the Applicant could accommodate was a reduction in height, so they did. They advised the neighborhood contact about the height reduction proposal and asked if there were any other additional issues. Ms. Keenan indicated there were not and agreed that the comments received thus far encompassed the neighborhood's concerns. No one else in the neighborhood had reached out to the Applicant. There were simply different fundamental beliefs about what the Applicant could or was required to develop, so a meeting was not considered to be productive.
- He reiterated that the Applicant had made many changes prior to the August 24th hearing, but other than height, there were not any other changes that could be made after that hearing without changing the nature of the project and violating the Code.

Mr. Flanderka stated that the nature of his contact with Ms. Keenan was a misunderstanding on his part. He had been under the impression that Ms. Keenan and Mr. Mentch were the heads of the neighborhood association, which was how they were described by Staff during the pre-application meeting. They were his point of contact during the planning and execution of the neighborhood meeting, and they had canvassed the neighborhood and followed up with the neighborhood after that meeting, which led him to believe they were the appropriate points of contact for this follow-up. Otherwise, he echoed Mr. Connors' comments.

Mr. Pauly entered the following exhibits into the record:

Exhibit B4: Correspondence from Kegan Flanderka, Base Design + Architecture, dated September 25, 2020.

Exhibit B5: Correspondence from E. Michael Connors, Hathaway Larson, dated September 25, 2020.

Exhibit D8: Correspondence from Steve Van Wechel dated September 28, 2020

Exhibit D9: Email correspondence received from Mary Elizabeth Harper dated September 27, 2020. This also included correspondence forwarded from Ms. Keenan.

Exhibit D10: Email correspondence received from Monica Keenan dated September 28, 2020 that documented the correspondence she had with the developer. The exhibit included two parts which were forwarded to the Board.

Chair O'Neil confirmed there were no questions of Staff from the Board and that the Board members did not require any additional information to make a decision and had no further discussion. He closed the public hearing at 7:56 pm.

Nicole Hendrix moved to approve Resolution No. 382 including the revised Staff report and additional Exhibits B4, B5, D8, D9, and D10. The motion was seconded by Ellie Schroeder.

Ms. Schroeder said that unfortunately, tonight's testimony was not much different than that given on August 24th. She understood the neighbors were disappointed, but the Board had to rule based on the Code and she was prepared to vote.

Richard Martens said he understood the comments from the neighbors and believed that if those comments had been brought to bear on the Code itself and the Neighborhood Plan, it would have put the DRB in a better position to bring about a different outcome. As he stated on August 24th, he believed the Board was constrained in what it could do and how it could respond. He was prepared to vote in favor of the proposed project.

Ms. Hendrix echoed her fellow Board members' comments. She acknowledged the Applicant had made an effort and made changes in an attempt to meet the needs of the community, such as the height change. At the same time, she understood many neighbors were unhappy with the project. There appeared to have been a communication breakdown that she wished would have gone differently, but she believed the Board's hands were tied as the decision was objective, not subjective.

Chair O'Neil stated he appreciated when citizens took the time and effort to come forward to testify about a project they had concerns about. He was concerned that while the citizens took the time and effort to appear before the Board to voice their concerns at the August 24th meeting, the Applicant and Staff failed to make any rebuttal comments. That was extremely concerning to him, and he did not believe the Applicant had met their burden at that time. He also did not believe it was Staff's job to be the Applicant when the Applicant presented their application to the DRB. It was the Applicant's job to present individuals that should provide evidence in support of the application. In the effort of trying to work collectively and constructively with developers and the community, Staff was put in an unbearable juggling act. He acknowledged that City Staff did the best they could. However, there were times that Staff

seemed to be drawn into a situation where they provided information for the Applicant, or he saw the Applicant not doing their job and simply agreeing with what Staff said. He believed if an Applicant really wanted their application heard, they should present it. He believed the Applicant's counsel, Mr. Connors, had provided helpful guidance and the Applicant provided some helpful history. He wished that was present in the first meeting. He really valued Ms. Harper, Ms. Keenan, and the other members of the community that took their time to explain to the Board the history of Old Town as well as their efforts to work with the Applicant.

The motion passed 3 to 1 with Shawn O'Neil opposed.

Chair O'Neil read the rules of appeal into the record.

Chair O'Neil then called for a brief recess and reconvened the meeting at 8:14 p.m.

- B. Resolution No. 383. Coffee Creek Logistics Center: Lee Leighton, AICP, Mackenzie – Applicant's Representative for Panattoni Development Company – Applicant and Chris and Sonya Bickford – Owners.** The applicant is requesting approval of a Stage I Preliminary Plan, Stage II Final Plan, Site Design Review, Waivers, Class 3 Sign Permit and Type C Tree Removal Plan for development of a 110,366 square foot warehouse / manufacturing building with accessory office space on SW Clutter Street. The subject site is located on Tax Lot 2100 of Section 3D, Township 3 South, Range 1 West, Willamette Meridian, Washington County, Oregon. Staff: Philip Bradford

Case Files:	DB20-0019	Stage I Preliminary Plan
	DB20-0020	Stage II Final Plan
	DB20-0021	Site Design Review
	DB20-0022	Waivers
	DB20-0023	Class 3 Sign Permit
	DB20-0024	Type C Tree Removal Plan

Chair O'Neil called the public hearing to order at 8:15 p.m. and read the conduct of hearing format into the record. All Board members declared for the record that they had visited the site. No board member, however, declared a conflict of interest, bias, or conclusion from a site visit. No board member participation was challenged by any member of the audience.

Philip Bradford, Associate Planner, announced that the criteria applicable to the application were stated on page 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. Bradford presented the Staff report via PowerPoint, briefly noting the site's location and features and describing the proposed applications and revisions to the Staff report with these additional comments:

- The property was mostly undeveloped and contained a single residence with accessory agricultural and equestrian buildings. The surrounding land uses included contractors' establishments in Washington County zoned FD-20, and in the City of Wilsonville, adjacent land uses were the Oregon Glass Company and Republic Services, zoned PDI and PDI-RSIA, respectively.
- The City adopted the Coffee Creek Industrial Form-Based Code and Pattern Book in 2018. The area applicable to the Coffee Creek Overlay standards was highlighted in orange on Slide 4. The Coffee Creek Logistics Center location was highlighted in black on the map and located an existing addressing street, which was SW Clutter St. The project had been reviewed using all of the applicable review standards in the Coffee Creek Form-Based Code Pattern Book and the new Coffee Creek review procedures.
 - As part of the adoption of the Coffee Creek Industrial Form-Based Code, the City modified the review procedure for projects in the Coffee Creek area to allow governing annexations and zone map amendments to proceed to City Council review before getting a recommendation from the DRB. (Slide 5) In accordance with those modified review procedures, City Council had reviewed the Annexation, Ordinance 844/DB20-0017, as well as the Zone Map Amendment Ordinance 845 / DB20-0018. The first reading was on September 10, 2020 with the second reading on September 21, 2020.
- The proper noticing procedures were followed for this application. Notice of public hearing was mailed to all property owners within 250 feet of the site and published in the newspaper. Additional posting was done on-site and on the City's website. The notice included clarifying background information about the project and outlined adaptations for the hearing process and providing testimony that were adopted by the City in response to COVID-19.
 - Due to the nature of the revised review for projects within Coffee Creek, the project was mailed and posted on August 20, 2020 and published again on September 2, September 9, and September 16, 2020. No public comments were received.
- Stage I Preliminary Plan. The proposed use of the project was industrial warehousing and distribution. The project included accessory office space located at the northeast and northwest corners of the building that would be used as intended by the industrial tenants. The general parking and landscaping areas could be seen in the site plan. (Slide 9). The project included frontage improvements consistent with the Coffee Creek Industrial Design Pattern Book and Transportation System Plan (TSP).
- Stage II Final Plan. The structure was 110,366 sq ft, and the ultimate use split between the tenants would be determined once the tenants were secured. The project contained 72 parking spaces, 20 loading dock doors, and two drive-in loading doors. Of the total project site, 16.1 percent was landscaped with the primary landscaped areas located around the perimeter of the parking lot, the preserved grove of mature Douglas fir trees, and the Wayside along Clutter St, which was required of a site this size within the Coffee Creek Form-Based Code.
 - The traffic impact study evaluated the intersections at Boones Ferry Road/SW 95th Ave and SW 95th Ave/Ridder Road. Both intersections would remain at Level of Service (LOS) C, which exceeded the minimum standard of LOS D.

- The project would construct public improvements consistent with the Coffee Creek Industrial Design Pattern Book and the TSP, which included a new bike lane, sidewalk, planter strip with street trees, and new vehicular travel lanes connecting to the City's Garden Acres Road Capital Improvement Project. (Slide 12)
- Site Design Review. Much of the building design and site design was evaluated with the Stage II Final Plan contained in the Coffee Creek Form-Based Code. The Applicant used appropriate professional services to design structures and landscaped areas on site, using quality materials and design. The building was a tilt-up concrete building which utilized several different painted colors on the concrete in neutral tones. There were panels of smooth and corrugated sheet metal that also added texture to the building, breaking up the area along the loading docks. (Slide 13)
 - The Applicant designed an attractive Industrial Wayside which would provide a resting space for employees and visitors with a shaded, secluded seating area, lush landscaping and attractively designed metal panels as public art. (Slide 14) The existing mature stand of Douglas firs was also designed to be used by employees and visitors as it included some open lawn space and a seating area. (Slide 15)
- The Applicant was requesting five waivers, all of which related to Table CC-3 Site Design and Table CC-4 Building Design within Section 4.134.11, the Development Standards Table. Waivers were requested for the loading berth locations, vehicle parking area, base, body, and top dimensions, canopy height, and ground floor height.
 - The logic behind the building's placement was to preserve the strand of Douglas Fir trees, which was the only significant natural feature on the site. In facilitating the building shift to the south to preserve those trees, the loading berths had to be positioned on the front of the building. As only one loading berth was permitted along an addressing street front edge, a waiver was required.
 - Additionally, with a public entrance at each corner of the building and loading berths in between, it was not practically feasible to locate the short-term and ADA parking in a single parking bay along the frontage as allowed by the Development Code, as it would require visitors to walk a significant distance and navigate the truck circulation areas to get to the building entrance. Locating the parking spaces in two separate parking bays required a waiver from the Site Design standards. (Slide 17)
 - In order to provide a cohesive design, the Applicant matched the canopy height at the building entrances with the canopy along the loading docks, triggering three separate waivers for required ground floor height, canopy height, and base, body, and top dimensions. (Slide 18)
- Class 3 Sign Permit. The Applicant proposed one monument sign on Clutter St and four building signs on the north façade, or the front of the building, and the east and west side façades of the building. This would allow each tenant the option of having one or two signs for their tenant spaces. The monument sign was designed to accommodate both tenants' signage. Signs for the individual tenants would be reviewed administratively.
- Type C Tree Removal Plan. The Applicant was removing 32 trees that required mitigation. The tree protection plan showed the mature Douglas fir trees protected with additional off-site tree protection. The Landscape Plan showed the Applicant planned to plant 74 trees, exceeding the one-to-one ratio of replacement for the removed 32 trees. (Slide 21)

- In conclusion, based on the Findings of Fact and information included in the Staff report and information received in the public hearing, Staff recommended approval of the applications with conditions.
- He also noted that on Page 63 of 77, the second sentence of Finding C38 included an error and should be corrected to state, "However, the proposed building is ~~less~~ *greater* than 50,000 square feet..."

Richard Martens asked if the five waivers were driven directly or indirectly by the placement of the building relative to the trees.

Mr. Bradford responded yes, adding that moving the building south to preserve the trees prevented the rear of the building from being able to accommodate the semi-trucks that would be loading on the docks. (Slide 17) Because the docks were placed in the center of the building, it was not feasible to place the parking in one bay, as required by the Code. He believed a maximum of 20 parking spaces was allowed in front of a building on an addressing street in Coffee Creek. Though less than 20 spaces were proposed, they were split into two bays, which required the waiver.

- In the Staff's opinion, the split parking configuration was safer than providing one parking bay, which would require building visitors to walk across the semi-truck traffic circulation area. With the loading docks at the front, the Applicant desired a consistent appearance of the different portions of the building. Therefore, the canopy height was aligned with the canopy over the loading docks to avoid a separation in the line across the base of the building. Aligning those two elements triggered another waiver, because the ceiling height of the ground floor now matched the canopy height. If the waiver were avoided, there would be a potential gap between the ground floor glazing and the canopy, rather than maintaining a uniform height and similar appearance. All of the waivers stemmed from preserving the trees and then having the loading docks at the front of the building.

Ellie Schroeder asked if there was any consideration or requirement to look at any possible runoff that might affect the nearby wetlands.

Khoi Le, Development Engineering Manager, stated he had looked over the requirement for stormwater runoff. The project was required to provide both water quality and detention of flow control for the runoff generated by the development. The two proposed areas for surface stormwater management facilities included one in the front adjacent to Clutter St and another in the back of the building by the fire lane aisle to the south. Another stormwater management facility, not shown clearly in this particular site plan, was present just north of the south property boundary. In addition to the on-site facilities, stormwater runoff was also provided along the front of Clutter St to collect, treat, and control the runoff flow generated from the sidewalk and the street.

Mr. Bradford indicated the two stormwater areas could be seen on the Type C Tree Removal Plan in the Wayside area and along the southern boundary of the property. (Slide 20)

Chair O'Neil called for the Applicant's presentation.

Lee Leighton, Planner, Mackenzie, 1515 SE Water Ave, Portland, OR 97214, stated he was testifying on behalf of the Applicant, adding he had a few technical issues to discuss after the Applicant's statement.

Brendan Mason, Development Manager, Panattoni Development Company, 1411 North Cedar St, Tacoma, WA 98406, noted Panattoni was an international design firm with a local focus. They were excited for the opportunity to present the project to the DRB and to bring it to the City of Wilsonville. He thanked the Staff for their collaboration on the project that he believed would positively enhance Wilsonville. He enjoyed creating places where people worked for many years.

Mr. Leighton echoed Mr. Mason's appreciation about the Staff's professionalism, collaboration, and guidance, noting the unique challenges presented as the first applicant under a brand-new set of design-oriented guidelines. He commended Staff and the DRB for its service to the community. He also thanked Panattoni, who provided the instruction to understand, embrace, and implement the Coffee Creek standards.

- Prior to his presentation on the Applicant's design approach, he requested clarification on Condition PFA 2, which regarded the DKS report for the Applicant's driveway locations and street lane configuration. The condition required that the Applicant comply with the DKS's April 2020 memo, which had set off a design dialogue between Staff's and the Applicant's engineers and resulted by July 2020 in the proposed design plans before the Board. The subjects of that design collaboration included driveway locations, the striping plan for the street, the widths of the lanes, as well as other details.
 - He asked if Condition PFA 2 required further changes or simply following through on what was previously worked out. He understood from his conversation with Khoi Le that the proposed design plan was considered to be the embodiment to satisfy Condition PFA 2. He wanted it clear for the record that PFA 2 established the site plan and lane configuration and would not require further changes.
- He presented the key components of the Applicant's proposed project via PowerPoint with these comments:
 - When doing the physical inventory of the site features, a stand of five mature Douglas fir trees was identified as the site's one resource feature. (Slide 2, Aerial View M) The arborist confirmed the trees were in very good health and gave specific recommendations about the root zone the trees needed in order to be protected. The building could not be brought up close to the street because there would be no possible way to get the driveway around the building. The tree grove severely constraining the site. Therefore, to save the trees and allow the green grassy area to serve as the root zone, the building was pushed back with the truck access in the foreground. Saving the trees was a major driver of the entire site plan and development approach.
 - The concrete path, shown on the lower right of the slide, was an existing compacted gravel driveway location that had been driven over for decades and was not critical

- to the root zone for the trees. The Applicant knew using that alignment for a concrete path would not affect the roots of the trees.
- Dense landscaping along Clutter St contributed to creating a naturalistic character all along the street in line with the Coffee Creek Standards.
 - The TSP called for Clutter St to become a cul-de-sac in the future at the west end, so there would no longer be a vehicle connection to Grahams Ferry Rd. The site approach in the future would be from the east at the intersection with Garden Acres Rd. A monument sign would introduce the building, the development, and ultimately its tenant, and also present the main office corner, which was a prominent feature. The plantings were designed to frame and create the view. The signage would alert visitors where they were and outline access to the driveway.
 - Renderings showed growth approximations for how standard nursery trees would mature along the street in 5 and 20 years. The goal was to produce a dense, tree-lined corridor along Clutter St as called for by the Coffee Creek Pattern Book.
 - As discussed by Staff, signs at the main office entrance would only be at the top of the building and would comply with the City's sign size requirements, subject to future over-the-counter permits once the tenants and their signs were known.
 - The overhang canopy wrapped around and created a sheltered area for pedestrians by the main entrance, as the Coffee Creek Design Standards required. One waiver would allow the canopy to be set at a 12-ft height at the entrance rather than a 15-ft height because due to the interior ceiling, the door and window heights were aligned to the 12-ft height. A 15-ft height outside would result in a disconnected window area, and the 12-ft height maintained a strong connection between the inside and outside.
 - More importantly, the canopy formed a band that extended all the way across the front of the building, similar to the canopy over the truck loading docks which dropped down 4 feet by a ramp and provided weather protection for the truck dock doors. Because of the way the ramp descended to provide a 4-ft high loading dock, the canopy was actually 16-ft above grade at the loading dock. Maintaining the band that formed the base level of the building was a visual trick used to create a false horizon, drawing the eye upward. The perception of the trucks and trailer in the foreground would be reduced while the focus on the building and its features would be increased. (East Driveway M slide)
 - On the west end driveway, the concrete path along the protected stand of trees was displayed with a visual approximation of five years of growth, as well as the densely landscaped area behind the trees within the property between the two driveways. An approximation of the trees with 20 years of growth was also displayed.
 - The west office entrance area could be utilized by a second tenant, or the building could be rented by a single tenant who might or might not use it as a separate office entrance. A pedestrian path was provided into the property and connected to the front door. Alignments were used on both sides to safely keep pedestrians away from the truck access and circulation.
 - Another rendering showed how the space was allocated to save the trees. A picnic table was specified in the space for employees.

- Looking east along the frontage of the property, the western driveway would provide another peek-a-boo view into the site. While the building would be visible from the two driveway points, such views were a way of punctuating the trip along the street frontage on Clutter St, which would be mostly characterized by the dense landscape character.
- The Clutter St design included a bike lane and an area in the striping and then the two travel lanes. The striping ceased at the eastern driveway where it transitioned into a three-lane section at the intersection, so there was a left-turn lane and a through-lane for vehicular movements with the bicycle traffic blended with the vehicle traffic through the intersection.
- The Wayside was designed with a variety of features, including a metal screen that quoted the metal panels on the building to create a perceptual connection. A water feature served as an actual functioning stormwater quality treatment facility that served the pavement areas of the site before the water was released into the public system. This met the City's private stormwater quality treatment and detention requirements, so the site would not be discharging excessive or polluted water to any nearby wetlands or streams.
 - Safety lighting, boulders, and plants were all features of the Wayside, which was below the grade from the sidewalk which created a further sense of enclosure, separation, and privacy. Other details including the bench and trash enclosure were all specified in the plans.
 - The east end path to the Wayside connected back to the sidewalk provided access for those in wheelchairs, making the area totally ADA accessible.
- He concluded stating that members of the Applicant's team were available for questions, noting their excitement about being the first project proceeding to completion in Coffee Creek.

Nicole Hendrix asked about visitors using the wrong entrance and asked if cars would be allowed to drive through the loading area or would signage direct drivers to go out and around instead of through the loading area.

Mr. Leighton responded the plans were not yet developed to that level of detail, though he expected further discussions with Staff about the circulation in the final permit approval process. Currently, a route for fire and emergency access went all the way around the back of the building, which had no parking and no truck circulation would be allowed. Drivers coming in the wrong driveway could either go back out the driveway to the street and then into the correct driveway, or they could go all the way around the building on the back side and come up into the building's parking area on the other side with no conflict with truck traffic, etc. Driving across the central area during the times of day with little activity would probably not be hazardous, but segregating vehicle and truck movements as much as possible was the general design practice.

Chair O'Neil asked if the Applicant would be open to an amendment about signage for safety purposes, noting an open driveway might encourage drivers to turn right in and result in a

vehicle being hit by a truck. He greatly appreciated the tree preservation efforts of everybody involved, but providing some signage to segregate the truck and visitor traffic seemed logical.

Mr. Mason responded he did not believe there would be an issue with looking at what signage would work. Panattoni had a number of buildings that were similar in design and had no issues. Truck traffic typically moved very slowly, and depending on the building tenant, truck loading could occur after hours or not at all. The proposed building design allowed for vehicle traffic to move around in a circular motion that did not require vehicles to move through the truck loading area. He did not see an issue with installing signage, but he did not want to detract from what he believed was the most beautiful industrial building they had designed, which had been facilitated by the Coffee Creek design standards.

Mr. Leighton explained the existing plans were not sufficient to actually build the building. A whole set of construction documents needed to be prepared to get to the next level of detail. A developer needed to get a certain level of conceptual approval before taking on the cost involved with the more detailed level related to construct the building. The signage was the kind of additional detail often worked out with Staff in review of the more detailed building plans. He asked if the particulars of the signage needed to return to the DRB for review, or if it could be worked out as a condition of approval with Staff.

Chair O'Neil responded he could not speak for his fellow board members on that decision. He had recognized Ms. Hendrix's question and followed up with his own question, but it was too early to make any decisions now. If the issue came up again, there would be an opportunity for the Applicant to clarify it further in rebuttal. He confirmed there were no other questions for the Applicant and reiterated that he was very impressed with the Applicant's thoughtful, well-prepared presentation. He assured the safety concerns were not a criticism to the presentation.

Chair O'Neil confirmed no one was present in Council Chambers or on Zoom who wanted to testify on the application.

Chair O'Neil asked for clarification about the Applicant's and Staff's understanding of Condition PFA 2.

Khoi Le, Development Engineering Manager, stated he had written Condition PFA 2 as part of the recommended approval for the application. He explained the DKS report was a separate document from the site plan, and a condition of approval typically referenced the recommendations from the traffic report, so the review and inspection staff would have a report to reference when checking the construction or any change to a site plan during construction. He confirmed that the current eastern driveway and its location met the recommendations from the traffic impact study, which was also confirmed with the DKS traffic consultant.

Chair O'Neil confirmed no Board member had any further questions and closed the public hearing at 9:06 pm.

Ellie Schroeder moved to approve Resolution No. 383, adopting the Staff report with the second sentence in Finding C38 corrected to state, "However, the proposed building is less greater than 50,000 square feet...". Nicole Hendrix seconded the motion.

Mr. Martens said he wanted to echo Mr. Mason's comments about the building, noting it was the most attractive industrial building he had ever seen.

Ms. Schroeder agreed it was the best tilt-up building she had seen.

Chair O'Neil commented that the application was very well presented. He understood the trees had presented unique design challenges but felt there was a high probability of someone running into a truck or vice versa. Though inconsistent with the Applicant's other developments, he believed signage was needed in the area with the trucks and trusted that the Applicant and Staff would work out the details further. He said he appreciated Staff's presentation as well.

~~**Mr. Martens** remarked the tenant of the building might end up being a restaurant in order to have enough social distancing to run a viable business. [56:05]~~

The motion passed unanimously.

Chair O'Neil read the rules of appeal into the record.

VII. Board Member Communications:

- A. Results of the August 31, 2020 DRB Panel A special meeting
- B. Recent City Council Action Minutes

Kimberly Rybold, Senior Planner, noted Frog Pond Ridge, the 71-lot subdivision, was the fourth to be approved in the Frog Pond West area and was currently in the City Council Zone Map Amendment and Annexation process. The second reading would be at the October 5, 2020 City Council meeting.

Daniel Pauly, Planning Manager, thanked Shawn O'Neil for chairing the meeting in Samy Nada's absence.

Chair O'Neil confirmed that tonight was Ms. Schroeder's last meeting on the Board.

Ellie Schroeder noted she would turn in her resignation tomorrow, as she and her husband were moving to Washington State to be closer to their family.

Chair O'Neil stated he appreciated Ms. Schroeder's service on the Board, adding he found her participation helpful. He had enjoyed their discussions and debates, and he was sorry to see her leave, both as a member of the board and as a member of the community.

VIII. Staff Communications

There were no comments.

IX. Adjournment

The meeting adjourned at 9:17 p.m.

Respectfully submitted,

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