



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

Monday, June 24, 2019 - 6:30 P.M.

- I. Call to order:
- II. Chairman's Remarks:
- III. Roll Call:

Richard Martens	Tracy Meyer
Shawn O'Neil	Ellie Schroeder
Samy Nada	
- IV. Citizens' Input:
- V. Consent Agenda:
 - A. Approval of minutes of the May 30, 2019 meeting
- VI. Public Hearings:
 - 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
 - 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

VII. Board Member Communications:

A. Recent City Council Action Minutes

VIII. Staff Communications:

IX. Adjournment

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

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

DEVELOPMENT REVIEW BOARD MEETING

MONDAY, JUNE 24, 2019

6:30 PM

V. Consent Agenda:

- A. Approval of minutes from the May 30, 2019
DRB Panel B meeting

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

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

I. Call to Order

Chair Richard Martens 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: Richard Martens, Shawn O'Neil, Tracy Meyer, and Ellie Schroeder.
Samy Nada was absent.

Staff present: Daniel Pauly and Charles Tso

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 February 25, 2019 DRB Panel B meeting

Shawn O'Neil moved to approve the February 25, 2019 DRB Panel B meeting minutes as presented. Ellie Schroeder seconded the motion, which passed 3 to 0 to 1 with Richard Martens 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

Chair Martens called the public hearing to order at 6:35 p.m. and read the conduct of hearing format into the record. Chair Martens and Ellie Schroeder declared for the record that they had visited the site. Chair Martens responded no.

Did you form any conclusions about the application, either pro or con, from your site visit?
Chair Martens responded no.

Ellie Schroeder declared that she had formed conclusions about the application from her site visit and confirmed she was able to make an objective decision.

No Board member participation was challenged by any member of the audience.

The Board discussed the question in the Chair's script about forming conclusions about an application from a site visit, and how the phrasing seemed to have changed from prior scripts, which resulted in some confusion regarding how Board members would respond to the question.

Dan Pauly, Planning Manager, noted the language asked if any conclusions had been formed from a site visit, not a final decision. Historically, Board member responses had always been "yes" to the visit, but "no" to drawing any conclusions as that demonstrated the Board member had no bias. He agreed to talk with City Attorney Barbara Jacobson about the script language.

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, noting the location of the proposed modular classroom building on the site and highlighting previous temporary use approvals with these additional comments:

- The modular building was unlikely to be seen from any public street due to the large trees on site, and its location near the main classroom building would help integrate the new building with the existing campus.
- Two previous temporary use permits had been approved for the school district, and now the district was requesting a five-year temporary use permit for one temporary modular building that would contain four classrooms and three restrooms.
 - The building had a fairly well-designed exterior, as illustrated on the elevations provided by the Applicant. Unlike a typical temporary classroom building, the architecture had the appearance of a more permanent building. He believed the school district intended to keep and use the building at other school locations in the future, once this location had a permanent building with more capacity.
- Because the building site was the same as the previous temporary use buildings, there were already paved sidewalks that provided direct access to the parking lot and main building, which the proposed temporary classroom building would also utilize ~~the same~~.
 - Boeckman Creek Primary School and Wilsonville High School currently shared 201 parking spaces, which were deemed to be sufficient when the school was originally approved with a total enrollment of up to 574 students. Last year, the school district conducted an analysis and concluded that the optimal enrollment level was 550, which

was the current enrollment. The temporary classroom building would not increase demand for additional parking spaces.

- An increase in student enrollment would come with additional residential developments, which would put more demand on school capacity, so with or without the temporary building, the school would have more students.
- Staff recommended approval of the request.

Daniel Pauly, Planning Manager, noted that no school district representative was present. He understood that previously, the Board believed the applicant's presence was necessary to make a decision and had requested continuances when an applicant had failed to appear. He was open to that if the Board felt it was necessary.

Tracy Meyer asked if there was lighting along the 5-ft paved sidewalk.

Mr. Tso replied that the proposed building would have exterior lighting; however, the Applicant's proposal did not contain any information as to whether any additional lighting would be installed for the sidewalk.

Mr. Pauly added he was not sure what lighting would be required by the Building Code. Typically, for certain ingress and egress paths, there were fire and life safety Building Code lighting requirements that would apply as well. Because the sidewalk and pad were used for a previous modular building, it was an existing condition

Chair Martens reiterated that no Applicant's representative was present and asked if the Board was comfortable proceeding without the Applicant's presentation or the Applicant present to answer questions.

Mr. O'Neil stated that he did not believe the Board could go forward without the Applicant present. The first time the Board had a public hearing that the Applicant did not attend, the Board decided that going forward, it would not proceed with an application if the applicant did not show up to present testimony or answer questions because it was the Applicant's responsibility to offer an explanation regarding their needs.

- He meant no disrespect to the City, but the City should not be explaining the needs of the school district as that was the school district's responsibility. The City should only advocate to ensure the school district went through the processes correctly and provide Staff's recommendations, but any questions regarding the reasons for the application were the responsibility of the Applicant to address. Noting a similar situation on a prior application and the City Council's decision, he believed Council agreed that the applicant needed to be present.
- Precedent was important, and if the Board allowed this Applicant not to appear, other applicants would do the same. If an applicant was going to present an application to the Board, they needed to attend the meeting. The Board was an adjudicated body that was required to listen to the City's recommendation, the Applicant's presentation, visit the site,

and make a final decision. He did not know why the Board would exist if the Applicant was not present.

Mr. Pauly added that since the prior meeting when the applicant did not show up, Staff had been diligent in confirming with applicant that they would attend the meeting, including the Applicant for this evening, who had confirmed with Staff that a representative would be present.

Mr. O'Neil stated that mistakes happened, especially since tonight's meeting was not being held on its normal night, but if the Applicant could not attend, the Board should continue the matter to the subsequent meeting.

Ms. Schroeder stated that she was not positive, but she believed that during her site visit earlier in the day, she overheard that the subject modules were being delivered next week.

Chair Martens stated it would still take some time before they were put in place.

Mr. Pauly added if that was the case, it was unknown if they were intended for the Boeckman Creek Primary site, and the Applicant was not present to answer questions.

Mr. O'Neil suggested the Board adjourn for ten minutes and call the Applicant to see if a representative was coming or would attend via teleconference.

Mr. Pauly believed that was an option, and asked for feedback from the rest of the Board.

Ms. Meyer said she wanted to know more about the lighting, not just for the children, but also the teachers.

Ms. Schroeder stated she was ambivalent, and as a new member would prefer not to take a position on the matter as she was unsure of the standard procedure.

Chair Martens replied that he too felt some ambivalence. The request was very routine and when reading through it, he wondered why it did not meet the criteria for a Staff approval; however, he believed that if there was a public hearing, it was very important that the Applicant attend.

Mr. O'Neil stated the application made sense to him, and he had no questions; however, he believed the Board had to be consistent and not treat applicants differently or there would be a due process problem. In this particular instance, he agreed with Chair Martens and did not understand why the matter was before the Board as it was not complicated, but because the matter warranted a public hearing, the Applicant needed to be present, as they had been notified of the hearing.

Mr. Pauly advised on next steps, noting the Board could move to continue the hearing or take a brief recess, and have Staff attempt to get a representative to appear in person or via phone tonight. The Board could also take action, by making a motion and voting on the application.

Mr. O'Neil replied that he had a problem with the City saying that. He asked if Staff was attempting to change a policy where applicants did not have to attend meetings. Given what happened previously, he would have thought Staff would have confirmed with the Applicant that they would be present. He asked if the City received an email or phone message stating the Applicant's intention to attend.

Mr. Pauly replied Staff did receive confirmation that the Applicant would attend tonight.

Mr. O'Neil stated if Mr. Pauly was attempting to advocate that the Board change the policy stating an Applicant must be present, as he had stated that was an option, he did not believe Mr. Pauly had a basis for that and he had a problem with it. He had watched what happened at City Council and everyone, including the City Attorney, agreed the applicant should have been present.

Mr. Pauly replied that beyond the introduction of a routine in which Staff confirmed with an applicant that they would be present at the public hearing, the City had not adopted any clarifying policy per se.

Ms. Schroeder stated that per the Staff report, the school district's primary justification for using temporary buildings was that enrollment had exceeded the capacity of the current building, and that the school board was going to put forth a bond for a Frog Pond school.

Mr. Pauly confirmed that was reflected in the school district's long-range plan, which the Applicant could have explained if they were present.

Ms. Schroeder added she would have liked to have heard more about that as five years could easily turn into more; although she understood the building itself was not a typical modular building, like a trailer.

Mr. Pauly clarified that conceptually, the Applicant could apply for extension over and over, indefinitely; however, the Applicant would need to meet certain criteria and present some certainty or justification for those extensions. The criteria was subjective, and the reason the process was conducted before the Board, rather than Staff making a decision, was to weigh whether or not the Applicant met the threshold of having a reasonable purpose for a temporary use permit for that long, as well as explanation as to why it would no longer be needed in five years.

Ms. Schroeder stated that during her site visit, she had informed the person who escorted her that the Board meeting was tonight. She confirmed her on-site escort was a member of the school staff and not from the school district

Chair Martens suggested it might be embarrassing to get an Applicant representative on the phone if the Board only had one question about lighting.

Ms. Schroeder asked if she was permitted to ask another Board member a question.

Mr. Pauly replied that even though they were still having an open discussion, technically, the Board should put forth a motion and then commence a discussion.

Shawn O'Neil moved to recess the meeting to allow time for Staff to attempt to contact the Applicant. Tracy Meyer seconded the motion, which passed unanimously.

Chair Martens recessed the meeting at 7:06 pm, and reconvened the meeting at 7:15 pm.

Mr. Pauly stated Staff was unable to get a mobile phone number for Operation Manager Tim Woodley or a school district number that anyone would answer. Staff also tried to reach the consultant who had assisted with the application, but could not reach him either.

Shawn O'Neil moved to continue Resolution No. 365 to the next DRB-Panel B meeting on June 24, 2019 date certain. Tracy Meyer seconded the motion.

Ms. Meyer explained that she would like answers about the lighting because based upon pictures, it appeared that all of the lighting was within trees and away from the school. The permit was for a five-year commitment and school was in session during winter.

Ms. Schroeder stated that out of respect for her fellow Board member, she had no objection to a continuance.

Mr. O'Neil stated the problem was when an applicant attended a meeting, answered the hard questions, and then the Board declined their application, it was fundamentally unfair because that Applicant could point out that the Board had approved a prior application when the Applicant did not show up. That was a problem, and he did not believe the Board could function that way. As a public body, they would run into problems. It was unacceptable that they did not try harder getting Applicants to attend. Applicants should be told they must attend or else. They had to be a part of the hearing otherwise there was no purpose to the Board.

- It sounded like Mr. Tso was almost advocating for the Applicant. Mr. Tso needed to make his recommendation with City matters, but the Applicant had to speak for the Applicant. He respected what Staff did every day, but he believed there was a due process problem if Applicants did not show and then the Board turned down an Applicant that did. That had happened in the past, and he worried about that one person who showed up but was told no who might then turn around and point out the Board had approved another application in which the Applicant did not show. He believed that was a problem and that it should be a problem for every member of the Board.

Mr. Tso agreed it was important for an applicant to attend the public hearing, but he wanted to clarify that he was not advocating for the Applicant, but simply attempting to explain why Staff recommended approval. He apologized if his stance had come across as more than neutral and technical.

Mr. O'Neil apologized and explained he did not intend to attack Mr. Tso personally, but he believed Mr. Tso was stuck doing it that way because the Applicant was not present. He believed that process could be avoided when an applicant was actually present. In fairness to the Applicant, he noted the packet incorrectly stated the meeting was on Monday, May 30th instead of Thursday, May 30th, so he believed the Applicant probably got the day wrong.

Mr. Pauly stated Mr. Tso had received an email from the Applicant confirming their attendance for tonight.

The motion passed unanimously.

VII. Board Member Communications:

A. Results of the May 13, 2016 DRB Panel A meeting

Daniel Pauly, Planning Manager, stated Industrial Focus along I-5 was a major project being worked on. Panel A approved the zone change and the Stage 1 of Master Plan. The application would most likely return before Panel A in July to review the Stage II Final Plan and Site Design Review. He clarified the site was located on the vacant land between Boeckman Rd and the Walnut Mobile Home Park. A portion of the site fronted both Boberg and Boones Ferry Roads, while the upper portion fronted Boones Ferry Rd only. He clarified the site was open except for one small tree in the middle. It had not been zoned residential. The Applicant was proposing a substantial building.

Chair Martens added the site had good I-5 visibility and was flat.

VIII. Staff Communications

Daniel Pauly, Planning Manager, anticipated that the next Panel B meeting would be the last phase of the Clermont application, the Villebois subdivision Panel B had worked on last year. The street vacation request had been withdrawn for now, and until the Applicant solidified the real estate deal, no accompanying applications would be submitted.

- He confirmed the Clermont subdivision was the last single-family application in Villebois. The last area that did not have land use approval at this point was the mixed-use buildings around the Piazza.
- He noted a number of upcoming small projects were expected to come in soon.
- The Willamette River Treatment Plant was a major project that had been recently submitted. The plant would undergo seismic upgrades and add an electrical building. The project would affect the treatment plant park quite a bit as a 66-in pipe would be installed through the park. There would be a lot of impacts on natural resources and along the river.

IX. Adjournment

The meeting adjourned at 7:26 p.m.

Respectfully submitted,

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

DEVELOPMENT REVIEW BOARD MEETING

MONDAY, JUNE 24, 2019

6:30 PM

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

**DEVELOPMENT REVIEW BOARD
RESOLUTION NO. 365**

A RESOLUTION ADOPTING FINDINGS AND CONDITIONS OF APPROVAL, APPROVING 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. KEITH LIDEN, BAINBRIDGE – REPRESENTATIVE FOR WEST LINN-WILSONVILLE SCHOOL DISTRICT, APPLICANT/OWNER.

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

WHEREAS, the Planning Staff has prepared a staff report on the above-captioned subject dated May 21, 2019, and

WHEREAS, said planning exhibits and staff report were duly considered by the Development Review Board Panel B at scheduled meetings conducted on May 30, 2019 and June 24, 2019, at which time exhibits, together with findings and public testimony were entered into the public record, and

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

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

NOW, THEREFORE, BE IT RESOLVED that the Development Review Board of the City of Wilsonville does hereby adopt the staff report dated May 21, 2019, attached hereto as Exhibit A1, with findings and recommendations contained therein, and authorizes the Planning Director to issue permits consistent with said recommendations for:

DB19-0018 Five-year temporary use permit for modular classroom building at Boeckman Creek Primary School.

ADOPTED by the Development Review Board of the City of Wilsonville at a regular meeting thereof this 24th day of June, 2019 and filed with the Planning Administrative Assistant on _____. This resolution is final on the 15th calendar day after the postmarked date of the written notice of decision per *WC Sec 4.022(.09)* unless appealed per *WC Sec 4.022(.02)* or called up for review by the council in accordance with *WC Sec 4.022(.03)*.

Richard Martens – Chair, Panel B
Wilsonville Development Review Board

Attest:

Shelley White, Planning Administrative Assistant



Exhibit A1
Staff Report

Temporary Use Permit for a Modular Classroom Building at Boeckman Creek
Primary School

Development Review Board Panel 'B'
Quasi-Judicial Public Hearing
May 30, 2019

Hearing Date: May 30, 2019

Date of Report: May 21, 2019

Application Nos.: DB19-0018 5-Year Temporary Use Permit

Request/Summary: The applicant requests the Development Review Board review a 5-Year Temporary Use Permit for a modular classroom building at Boeckman Creek Primary School, which will contain four classrooms.

Location: 6700 SW Wilsonville Rd. The property is specifically known as Tax Lots 100, Section 12, Township 3 South, Range 1 West, Willamette Meridian, City of Wilsonville, Clackamas County, Oregon

Owner/Applicant: West Linn-Wilsonville School District

Comprehensive Plan Designation: Public Facility

Zone Map Classification: PF (Public Facility)

Staff Reviewer: Charles Tso, Assistant Planner

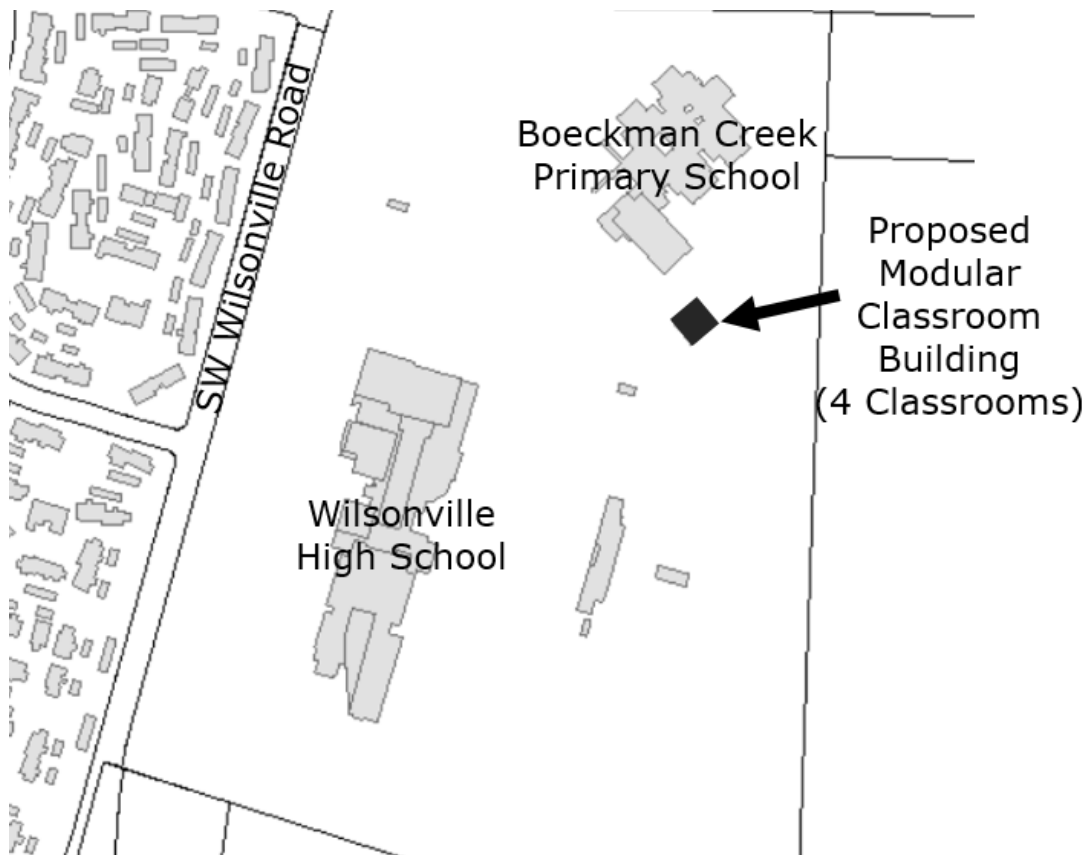
Staff Recommendation: Approve with conditions the requested 5-Year Temporary Use Permit.

Applicable Review Criteria:

<u>Development Code:</u>	
Section 4.008	Application Procedures-In General
Section 4.009	Who May Initiate Application
Section 4.010	How to Apply
Section 4.011	How Applications are Processed
Section 4.014	Burden of Proof
Section 4.031	Authority of the Development Review Board
Subsection 4.035 (.04)	Site Development Permit Application
Subsection 4.035 (.05)	Complete Submittal Requirement
Section 4.136	Public Facility Zone

Section 4.154	On-site Pedestrian Access and Circulation
Section 4.155	Parking, Loading, and Bicycle Parking
Section 4.167	Access, Ingress, and Egress
Section 4.171	Protection of Natural Features and Other Resources
Section 4.175	Public Safety and Crime Prevention
Section 4.176	Landscaping, Screening, and Buffering
Sections 4.400 through 4.440 as applicable	Site Design Review

Vicinity Map



Background/Summary:

The West Linn-Wilsonville School District seeks a 5-year temporary use permit to place one portable classroom building at Boeckman Creek Primary School through 2024. The site is developed with Boeckman Creek Primary School, including a 65,000± square foot building, driveway, parking, and play fields. The entire site is 60.52 acres, including the adjacent Wilsonville High School land and facilities.

A district-wide re-evaluations of school capacity were conducted in 2006 and 2018 to ensure that school capacity is based on current teaching methods and programs. The district concludes that the optimal learning space capacity for Boeckman Creek Primary School is now 550 students. The enrollment as of September 30, 2018 was 550 students. With new residential development occurring in Frog Pond, the district anticipates increased enrollment in the coming years.

The district proposes to install one portable classroom building containing 4 classrooms and 3 restrooms with a floor area of approximately 4760 square feet. The building is proposed to be located where the district has previously had two portable classroom buildings with a total of four classrooms. The two modular buildings were removed after additional primary school capacity was provided with the opening of Lowrie Primary School.

The portable classrooms are viewed as only a temporary solution until more permanent school capacity is created. The district is considering placing a school bond before the voters to provide facility improvements, including a new primary school in Frog Pond. A school board decision regarding a ballot measure will be made in the coming months.

Public Comments and Responses:

None Received

Conclusion and Conditions of Approval:

Staff has reviewed the applicant’s analysis of compliance with the applicable criteria. The Staff Report adopts the applicant’s responses as Findings of Fact except as noted in the Findings. Based on the Findings of Fact and information included in this Staff Report, and information received from a duly advertised public hearing, Staff recommends that the Development Review Board approve the proposed application (DB19-0018) with the following conditions:

Planning Division Conditions:

Request: DB19-0018 Five-Year Temporary Use Permit

PD 1.	All construction, site development, and landscaping shall be carried out in substantial accord with the Development Review Board approved plans, drawings, sketches, and other documents. The Planning Division may approve Minor alterations through the Class I Administrative Review process.
PD 2.	All landscaping disturbed by the temporary classroom buildings shall be returned to its pre-construction status when they are removed.
PD 3.	The applicant or their successors shall convert the modular classroom building to the pre-existing condition within 5 years of the date of decision.

Master Exhibit List:

The Development Review Board hereby enters the following Exhibits into the public record as confirmation of its consideration of the application, as submitted. The exhibit list includes exhibits for Planning Case File DB19-0018. The exhibit list below reflects the electronic record posted on the City's website and retained as part of the City's permanent electronic record. Any inconsistencies between printed or other electronic versions of the same exhibits are inadvertent and the version on the City's website and retained as part of the City's permanent electronic record shall be controlling for all purposes.

Planning Staff Materials

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

Materials from Applicant

- B1. Land Use Application Form
- B2. Applicant's Narrative
- B3. Drawings and Plans

Procedural Statements and Background Information:

1. The statutory 120-day time limit applies to this application. The applicant submitted a complete application on May 7, 2019. The City must render a final decision for the request, including any appeals, by September 4, 2019.
2. Surrounding land uses are as follows:

Compass Direction	Zone:	Existing Use:
North:	PDR5	Residential
East:	NA	Agriculture
South:	RA-H, PDR-2	SROZ
West:	PDR5	Residential

3. Previous City Planning Approvals:

DB08-0013 – One (1) year Temporary Use Permit for two portable classrooms
DB09-0031 – Three (3) Year Temporary Use Permit for two portable classrooms

4. The applicant has complied with Sections 4.013-4.031 of the Wilsonville Code, said sections pertaining to review procedures and submittal requirements. The required public notices have been sent and all proper notification procedures have been satisfied.

Findings:

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

General Information

Application Procedures-In General

Section 4.008

5. The City's processing of the application is in accordance with the applicable general procedures of this Section.

Initiating Application

Section 4.009

6. The property owner, West Linn-Wilsonville School District, initiated the application. The application was signed by Tim Woodley.

Lien Payment before Approval

Subsection 4.011 (.02) B.

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

General Submission Requirements

Subsection 4.035 (.04) A.

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

Zoning-Generally

Section 4.110

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

Request: DB19-0018 Five-Year Temporary Use Permit

As described in the Findings below, the request meets the applicable criteria or will by Conditions of Approval.

Public Facility Zone

Permitted Uses

Subsection 4.136 (.02)

10. The proposal is to install one (1) modular building as a temporary use to support the operation of an existing public elementary school. Public schools are permitted outright in this zone.

Dimensional Standards

Subsection 4.136 (.04)

11. The school currently meets the applicable standards in this section, and the proposed temporary classrooms will not affect this level of compliance for the following criteria:
 - The property is over 60 acres, exceeding the minimum 1-acre lot size.
 - The front yard setback is currently over 900 feet to the center of Wilsonville Road and the rear yard setback is over 270 feet, both of which exceed the 30-foot minimum, and the temporary portable buildings will not reduce these setbacks.
 - The side yard setback is over 688 feet to northern property line, exceeding the 10-foot minimum, and the temporary portable classrooms will be located southeast of the existing building. All setback requirements are exceeded.
 - The minimum street frontage far exceeds the 75-foot minimum standard.
 - The temporary portable building is less than 20 feet in height.

Requirements in sections (.05) through (.08) pertaining to off-street parking, signs, landscaping, corner vision, and special regulations for site design review are addressed later in this section of the application.

On-site Pedestrian Access and Circulation

Continuous Pathway System

Subsection 4.154 (.01) B. 1.

12. As part of the previous modular classrooms, a sidewalk connection was constructed between the modular building and the main building. This sidewalk will again be used to provide a direct connection.

Safe, Direct, Convenient Pathways
Subsection 4.154 (.01) B. 2.

13. A paved walkway will provide a smooth and consistent surface, free from hazards, and provide direct connections between the main building and the modular building, and is required to meet ADA access standards.

Vehicle/Pathway Separation
Subsection 4.154 (.01) B. 3.

14. The walkway is separated from vehicle circulation areas.

Crosswalks
Subsection 4.154 (.01) B. 4.

15. The applicant does not propose new crosswalks across private parking areas or driveways.

Pathway Width and Surface
Subsection 4.154 (.01) B. 5.

16. The planned walkway is five feet wide and will be constructed of concrete.

Parking

General Parking Provisions
Subsection 4.155 (.02)

17. The applicant has provided sufficient information demonstrating compliance with the applicable provisions in this subsection. Staff specifically notes the following:
 - In relation to provision A. the applicant has not requested any waivers to parking standards.
 - In relation to provision C. The proposed modular building is similar in size (approximately 1,200 square feet larger) as the portable classrooms approved in 2008. When portable classrooms were approved in 2008, it was determined parking, as it existed, was adequate. The number of enrolled students is expected to increase with or without the temporary modular building. Therefore, the proposal will not impact parking demand.

Connectivity to Adjacent Parking Areas and Efficient On-site Circulation
Subsection 4.155 (.03) D.

18. The walkway that connects the modular building to the main building will also provide access to the existing parking lot serving the primary school. Since the proposed modular building will not impact the number of enrolled student, the on-site circulation will remain consistent to previous approvals.

Parking Requirements

Subsection 4.155 (.03) G.

19. Per Table 5 under Section 4.155, elementary school use requires 0.2 to 0.3 spaces per student and staff. When the elementary school was originally approved, 201 parking spaces (196 standard and 5 handicapped) were to be shared between Boeckman Creek Elementary and Wilsonville High Schools. The standard of 0.2 to 0.3 vehicle parking spaces per student and staff would require between 114 and 171 spaces for Boeckman Creek Elementary. As such, the site currently is non-conforming to the parking standards. This is further discussed under Section 4.191 Non-Conforming Site Conditions.

Bicycle Parking Requirements

Subsection 4.155 (.04)

20. The current site is conforming to the bicycle parking standards. The modular building will not impact existing bicycle parking on-site.

Temporary Structures and Uses

Temporary Use Permits-Temporary Use for Uses Not Otherwise Conforming

Subsection 4.163 (.01)

21. Public schools are accessory uses allowed in the PF zone.

Temporary Use Permits-Temporary Use Does Not Involve Substantial Structures

Subsection 4.163 (.01)

22. The modular building is proposed to provide temporary additional capacity until more permanent school capacity is created. While the proposed portable building will be installed to meet building code requirements for a permanent building, it is not “substantial” because: (1) it is relatively small compared to the other permanent school facilities on the site; and (2) unlike a truly permanent structure, the modular construction allows for efficient removal and reuse.

Temporary Use Permits-Revocable, Renewable Permit up to Five Years

Subsection 4.163 (.01)

23. The applicant understands the permit is revocable upon violations of the approval. The current request is the applicant’s third request. The applicant does not anticipate needing to renew the application beyond the five-year timeframe.

Application Requirements, Restoration to Pre-TUP Conditions

Subsection 4.163 (.02)

24. The applicant has submitted the required information including a clear description of the planned use, a statement that the duration is up to five years, and a site plan (see Exhibit B3). Condition of Approval PD 3 will ensure restoration of the site to pre-TUP conditions.

Good Cause for Temporary Use, Factors and Considerations
Subsections 4.163 (.01) and (.03)

25. Availability of Appropriate Zoned Land: The temporary portable classrooms are appropriately located because the PF Zone allows school use, and the modular building must be close to the main school building in order to be properly integrated with all school activities. They cannot realistically be located anywhere else.

Availability of and need of property for allowed use: Upon conclusion of the temporary use, the applicant will return the site to its previous condition, which is green field as part of an elementary school's campus.

Market Conditions, etc.: No market conditions are in play. The modular building is simply a temporary solution to the anticipated increase in student enrollment due to new residential development in Frog Pond.

Due diligence to relocate use: Not applicable. The use is only necessary during the sale of properties.

Circumstances of applicant: The district is considering placing a school bond before the voters to provide facility improvements, including a new primary school in Frog Pond. A school board decision regarding a ballot measure will be made in the coming months.

Other: The proposed temporary use is a typical limited duration accessory use for a school site.

Other Development Standards

Landscape Standards and Compliance Section 4.176

26. The existing landscaping will continue to be retained and the modular building will not impact any landscaping.

Mixed Solid Waste and Recyclables Storage Section 4.179

27. The waste and recycling collection facilities will not be changed.

Non-Conforming Site Conditions Section 4.191

28. The code allows expansion on a non-conforming site as long as there is a comparable decrease in the level of non-conformity. When Boeckman Creek Elementary School was first approved by the city, the parking requirements allowed the applicant and city to exercise judgment in determining the required number of spaces for schools. The 201 spaces were considered appropriate for a student enrollment of approximately 574. The portable classrooms will help the school accommodate the anticipated enrollment for 2019-2024, and the parking remains consistent with the original land use approval for the school.

Outdoor Lighting

Sections 4.199.20

29. The existing exterior lighting will be retained, and the portable building will be equipped with exterior wall mounted lighting. No other additional site lighting is proposed.

Underground Utility Installation

Sections 4.300-4.320

30. On-site utilities are serving the existing school, and no new utility lines or service capacity increases are necessary. Underground utilities are available to the modular building site.

DEVELOPMENT REVIEW BOARD MEETING

MONDAY, JUNE 24, 2019

6:30 PM

VI. Public Hearing:

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

**DEVELOPMENT REVIEW BOARD
RESOLUTION NO. 366**

A RESOLUTION ADOPTING FINDINGS AND CONDITIONS OF APPROVAL, APPROVING 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. CITY OF WILSONVILLE PUBLIC WORKS DEPARTMENT – APPLICANT.

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

WHEREAS, the Planning Staff has prepared the staff report on the above-captioned subject dated June 17, 2019, and

WHEREAS, said planning exhibits and staff report were duly considered by the Development Review Board Panel B at a scheduled meeting conducted on June 24, 2019, at which time exhibits, together with findings and public testimony were entered into the public record, and

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

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

NOW, THEREFORE, BE IT RESOLVED that the Development Review Board of the City of Wilsonville does hereby adopt the staff report dated June 17, 2019, attached hereto as Exhibit A1, with findings and recommendations contained therein, and authorizes the Planning Director to issue permits consistent with said recommendations for:

DB19-0023: 5-year Temporary Use Permit.

ADOPTED by the Development Review Board of the City of Wilsonville at a regular meeting thereof this 24th day of June, 2019 and filed with the Planning Administrative Assistant on _____. This resolution is final on the 15th calendar day after the postmarked date of the written notice of decision per *WC Sec 4.022(.09)* unless appealed per *WC Sec 4.022(.02)* or called up for review by the Council in accordance with *WC Sec 4.022(.03)*.

Richard Martens, Chair - Panel B
Wilsonville Development Review Board

Attest:

Shelley White, Planning Administrative Assistant



Exhibit A1
Staff Report
Class III 5-Year Temporary Use Permit Renewal
City of Wilsonville Public Works Maintenance Yard

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

Hearing Date: June 24, 2019

Date of Report: June 17, 2019

Application Nos.: DB19-0023 5-Year Temporary Use Permit Renewal

Request/Summary: The applicant requests Development Review Board review of renewal of a Class III 5-Year Temporary Use Permit for the City of Wilsonville Public Works Department to continue using a 0.8-acre area in Memorial Park for a maintenance yard, including a 480-square foot modular building, a 3-bay maintenance building, gravel parking areas, and accessory uses such as storage units.

Location: 7930 SW Memorial Drive. The property is specifically known as Tax Lot 602, Section 24, Township 3 South, Range 1 West, Willamette Meridian, City of Wilsonville, Clackamas County, Oregon.

Owner: City of Wilsonville

Applicant: Public Works Department

Applicant's Representative: Martin Montalvo, Operations Manager

Comprehensive Plan Designation: Public

Zone Map Classification: Public Facility (PF)

Staff Reviewer: Cindy Luxhoj AICP, Associate Planner

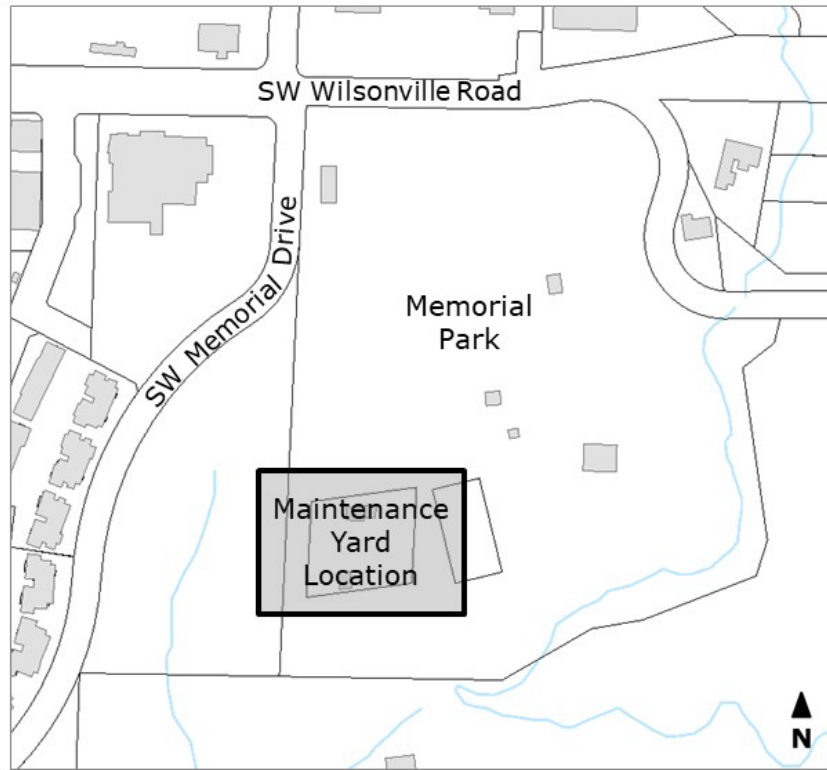
Staff Recommendation: Approve with conditions the requested 5-Year Temporary Use Permit.

Applicable Review Criteria:

<u>Development Code:</u>	
Section 4.008	Application Procedures-In General
Section 4.009	Who May Initiate Application
Section 4.010	How to Apply
Section 4.011	How Applications are Processed
Section 4.014	Burden of Proof

Section 4.031	Authority of the Development Review Board
Section 4.034	Application Requirements
Subsection 4.035 (.04)	Site Development Permit Application
Subsection 4.035 (.05)	Complete Submittal Requirement
Section 4.136	PF – Public Facility Zone
Section 4.154	On-site Pedestrian Access and Circulation
Section 4.155	Parking, Loading, and Bicycle Parking
Section 4.163	Temporary Structures and Uses
Section 4.167	Access, Ingress, and Egress
Section 4.175	Public Safety and Crime Prevention
Section 4.176	Landscaping, Screening, and Buffering
Sections 4.400 through 4.440 as applicable	Site Design Review

Vicinity Map





Site Plan

Background/Summary:

The City of Wilsonville Public Works Department operates a maintenance yard on 0.8 acres in Memorial Park. This is a temporary situation until the Public Works Operations Complex on SW Boberg Road is constructed and Public Works maintenance activities can be moved to the new facility. The maintenance yard is located south of the parking area for Murase Plaza and accessed from an extension of the main entrance drive to Memorial Park off Memorial Drive. It includes a 480-square-foot modular building that serves as offices and a restroom/shower facility for City employees, a 3-bay maintenance building, gravel parking areas, and accessory uses such as storage units. In 2014 (Case File No. DB14-0045) a 5-year Temporary Use Permit (TUP) was approved for continued use of the maintenance yard by Public Works. This permit included removal of a fuel station, which was accomplished in June 2014. The TUP expires on July 8, 2019.

There have been two administrative reviews since the 2014 TUP approval. The first, to demolish a 2-bay garage and put two cargo containers on the same slab (Case File No. AR17-0044), was completed in November 2017. The second, to install a 16-foot by 48-foot metal garage next to the modular building to house a Vaccon combination sewer truck (Case File No. AR18-0030), was approved in 2018 but the garage was not constructed due to budgetary restrictions and staff changes. Public Works has requested that the garage as approved in 2018 be included as part of the current application so that it may be installed in the future. In addition, two white pine trees, deemed hazardous, were removed from the site in October 2017 with appropriate approvals.

Renewal of the Class III 5-Year TUP would allow the Public Works Department to continue using the maintenance yard in Memorial Park while design and construction of a new Public Works Operations Complex on SW Boberg Road is pursued. After the Complex is completed, Public Works maintenance activities will be relocated to the new facility on SW Boberg Road and the maintenance yard may be used by the Parks Department to house its equipment. Continued use of the maintenance yard by the Parks Department is planned for in the 2015 Facility Master Plan, Parks and Recreation Master Plan, and Memorial Park Master Plan, and is an allowed use that does not require a TUP.

Discussion Points:

Since 2014 the Public Works Department has made progress in planning and preparation for a new Public Works Operations Complex. In July 2016, the City acquired 7.58 acres of industrially-zoned land along SW Boberg Road, adjacent to the existing SMART facility, for construction of the Complex, and in fall 2018, hired Scott Edwards and Associates (SEA) Architects to develop a Master Plan. Next steps for the project include:

- Determine operational needs of the Public Works Department (and City overall)
- Based on the needs assessment, prepare a preliminary site plan and facility floor plan
- Determine estimated design and construction costs
- Assist in preparing a Financing Plan for construction

As part of the City Council's 2019-2020 Goal Setting, they have prioritized construction of the Public Works Operations Complex as their second highest priority for the overall organization and have allocated \$1.5 million within the subsequent budget to continue the work that has already begun. The Public Works Department anticipates completing a Financing Plan by summer 2019 to present to City Council with the proposed Master Plan. It is anticipated the Operations Complex project will be phased with maintenance yard space and a maintenance building being two high priorities for construction within the next 5 years, subject to City Council approval and funding availability. After the Complex is completed, the maintenance yard in Memorial Park will no longer be needed by Public Works for their maintenance activities, however Parks may then take over use of the facility to house its equipment, consistent with goals and objectives in the 2015 Facility Master Plan, Parks and Recreation Master Plan, and Memorial Park Master Plan.

Public Comments and Responses:

No comments were received.

Conclusion and Conditions of Approval:

Staff has reviewed the applicant's analysis of compliance with the applicable criteria. The Staff Report adopts the applicant's responses as Findings of Fact except as noted in the Findings. Based on the Findings of Fact and information included in this Staff Report, and information received

from a duly advertised public hearing, Staff recommends that the Development Review Board approve the proposed application (DB19-0023) with the following conditions:

Planning Division Conditions:

Request: DB19-0023 Five-Year Temporary Use Permit

PD 1.	The Applicant/Owner of the property shall ensure that the approved temporary use is established, operated, removed and the property restored to its pre-temporary use permit state in substantial compliance with the plans approved by the Development Review Board. Minor revisions may be approved by the Planning Director under a Class I administrative review process.
PD 2.	A new 16-foot by 48-foot metal garage may be installed next to the existing modular office building on the maintenance yard site as approved in Case File No. AR18-0030, a modification of the Temporary Use Permit (Case File No. DB14-0045) approved in 2018 but not yet constructed.

Master Exhibit List:

The Development Review Board hereby enters the following Exhibits into the public record as confirmation of its consideration of the application, as submitted. The exhibit list includes exhibits for Planning Case File DB19-0023. The exhibit list below reflects the electronic record posted on the City's website and retained as part of the City's permanent electronic record. Any inconsistencies between printed or other electronic versions of the same exhibits are inadvertent and the version on the City's website and retained as part of the City's permanent electronic record shall be controlling for all purposes.

Planning Staff Materials

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

Materials from Applicant

- B1.** Land Use Application Form
- B2.** Applicant's Response to Planning Review Questions
- B3.** Drawings and Plans

Procedural Statements and Background Information:

1. The statutory 120-day time limit applies to this application. The applicant submitted a complete application on June 3, 2019. The City must render a final decision for the request, including any appeals, by October 1, 2019.
2. Surrounding land uses are as follows:

Compass Direction	Zone:	Existing Use:
North:	PF	Memorial Park
East:	PF	Memorial Park
South:	PF	Memorial Park
West:	PF	Memorial Park

3. Previous City Planning Approvals:

DB08-0047 – 1-year TUP for modular office in maintenance yard

TR08-0073 – Tree removal – one tree

DB09-0055 – 5-year TUP renewal for modular office in maintenance yard

DB12-0025 – 2-year TUP for additional structures and tree removal in maintenance yard

TR12-0050 – Tree removal – six trees

DB14-0045 – 5-year TUP renewal for maintenance yard and modular office

AR17-0044 – Modification of TUP (Case File No. DB14-0045) to demolish 2-bay and place 2 storage containers on same slab

AR18-0030 – Modification of TUP (Case File No. DB14-0045) to add garage for Vaccon sewer truck

4. The applicant has complied with Sections 4.013-4.031 of the Wilsonville Code, said sections pertaining to review procedures and submittal requirements. The required public notices have been sent and all proper notification procedures have been satisfied.

Findings:

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

General Information

Application Procedures-In General
Section 4.008

The City’s processing of the application is in accordance with the applicable general procedures of this Section.

Initiating Application
Section 4.009

The City’s Public Works Department initiated the application on behalf of the property owner, the City of Wilsonville.

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

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

General Submission Requirements
Subsection 4.035 (.04) A.

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

Zoning-Generally
Section 4.110

This proposed development is in conformity with the applicable zoning district and general development regulations listed in Sections 4.154 through 4.199, applied in accordance with this Section.

Request: DB19-0017 5-Year Temporary Use Permit

As described in the Findings below, the request meets the applicable criteria or will by Conditions of Approval.

Public Facility (PF) Zone

Permitted Uses
Subsection 4.136 (.02)

1. Maintenance facilities are municipal service facilities that are permitted outright in the Public Facility (PF) zone, however, the Public Works maintenance yard requires a Temporary Use Permit (TUP) because it is not exclusively for parks maintenance but for general Public Works equipment and use. Continuation of this use, which is of a temporary nature, requires review and approval through the Temporary Use Permit process, per Section 4.163, which allows for approval of temporary uses not otherwise permitted. (Also see Findings 3 through 7.)

Lot Development Standards
Subsection 4.136 (.04)

2. The subject site is a 0.8-acre area located in Memorial Park, which is comprised of multiple tax lots that total, in aggregate, over 100 acres and exceeds the minimum lot standard of one (1) acre. The modular building and 3-bay maintenance building were determined compliant with lot development standards in previous approvals (most recently Case File No. DB14-0045) and no changes to these structures are proposed with the current application. At such time as the 16-foot by 48-foot metal garage approved in Case File No.

AR18-0030 is built, it will comply with setback requirements provided it is constructed consistent with the prior approval.

Temporary Structures and Uses

Temporary Use Permits-Temporary Use for Uses Not Otherwise Conforming Subsection 4.163 (.01)

3. Maintenance facilities are municipal service facilities that are permitted outright in the Public Facility (PF) zone, however, the Public Works maintenance yard requires a Temporary Use Permit (TUP) because it is not exclusively for parks maintenance but for general Public Works equipment and use. The continuation of this use, which is of a temporary nature, requires review and approval through the Temporary Use Permit process. Per this Section, temporary uses not otherwise permitted are allowed subject to Development Review Board review and approval.

Temporary Use Permits-Temporary Use Does Not Involve Substantial Structures Subsection 4.163 (.01)

4. None of the buildings, structures, and accessory uses located in the maintenance yard are substantial or permanent in nature.

Temporary Use Permits-Revocable, Renewable Permit up to Five Years Subsection 4.163 (.01)

5. The applicant requests renewal of a 5-year Temporary Use Permit (TUP) to allow the Public Works and Parks Departments to continue using the maintenance yard in Memorial Park while design and construction of a new Public Works Operations Complex on SW Boberg Road is pursued. The applicant understands the permit is revocable upon violations of the approval.

Since 2014 the Public Works Department has made progress in planning and preparation for a new Complex. In July 2016, the City acquired 7.58 acres of industrially zoned land along SW Boberg Road, adjacent to the existing SMART facility, for construction of the Complex, and in fall 2018, hired Scott Edwards and Associates (SEA) Architects to develop a Master Plan. As part of the City Council's 2019-2020 Goal Setting, they have prioritized construction of the Public Works Operations Complex as their second highest priority for the overall organization and have allocated \$1.5 million within the subsequent budget to continue the work that has already begun. The Public Works Department anticipates completing a Financing Plan by summer 2019 to present to City Council with the proposed Master Plan. It is anticipated the Operations Complex project will be phased with maintenance yard space and a maintenance building being two high priorities for construction within the next 5 years, subject to City Council approval and funding availability.

After the Complex is completed, the maintenance yard in Memorial Park will no longer be needed by Public Works for their maintenance activities, however Parks may then take over use of the facility to house its equipment, consistent with goals and objectives in the 2015 Facility Master Plan, Parks and Recreation Master Plan, and Memorial Park Master Plan. Use of the maintenance yard by Parks does not require a TUP.

Application Requirements, Restoration to Pre-TUP Conditions
Subsection 4.163 (.02)

6. The applicant has submitted the required information including a clear description of the planned use, a statement that the duration is up to five years, and a site plan (see Exhibit B3). A plan for removal of the temporary use/structure and restoration of the site to pre-TUP conditions or development of the site for approved permanent structures/uses has not been submitted because the Parks Department may take over use of the facility after it is no longer needed by Public Works. Parks may use the facility to house its equipment, consistent with goals and objectives in the 2015 Facility Master Plan, Parks and Recreation Master Plan, and Memorial Park Master Plan.

Good Cause for Temporary Use, Factors and Considerations
Subsections 4.163 (.01) and (.03)

7. **Availability of Appropriate Zoned Land:** The maintenance yard, which serves the needs of the Public Works, is located on land zoned Public Facility (PF), which is appropriate for the use.

Availability of and need for property for allowed uses: The maintenance yard occupies a 0.8-acre area in Memorial Park, which is comprised of multiple tax lots that total, in aggregate, over 100 acres, and as such has minimal impact on availability of land for other uses.

Market Conditions, etc.: The principal obstruction to locating a maintenance yard outside Memorial Park for Public Works maintenance activities is delay in planning for and construction of the Public Works Operations Complex. Now that City Council has prioritized construction of the Public Works Operations Complex as their second highest priority for the overall organization and has allocated \$1.5 million within the subsequent budget to continue the work that has already begun,, this obstruction has eased.

Due diligence to relocate use: Since 2014 the Public Works Department has made progress in planning and preparation for a new Public Works Operations Complex. In July 2016, the City acquired 7.58 acres of industrially-zoned land along SW Boberg Road, adjacent to the existing SMART facility, for construction of the Complex, and in fall 2018, hired Scott Edwards and Associates (SEA) Architects to develop a Master Plan. Public Works anticipates completing a Financing Plan by summer 2019 to present to City Council with the proposed Master Plan. It is anticipated the Operations Complex project will be phased with

maintenance yard space and a maintenance building being two high priorities for construction within the next 5 years, subject to City Council approval and funding availability.

Circumstances of applicant: The applicant requests renewal of a 5-year Temporary Use Permit (TUP) to allow Public Works to continue using the maintenance yard in Memorial Park while design and construction of a new Operations Complex on SW Boberg Road is pursued. Past delays in planning for and construction of the Complex have eased and planning is proceeding at a faster pace than previously with construction anticipated within the next 5 years, subject to City Council approval and funding availability.

General Site Development Requirements

On-site Pedestrian Access and Circulation Subsection 4.154 (.01) B.

8. No changes are proposed in the current application to on-site pedestrian access and circulation as previously approved.

Parking, Loading, and Bicycle Parking Subsection 4.155 (.02) and (.03)

9. Off-street parking and loading requirements have been met in previous applications (most recently Case File No. DB14-0045) and no change in use or additional facilities are proposed with the current application. No change in off-street parking demand is anticipated as crews using the maintenance yard already report to the site for vehicle assignments. The standards will continue to be met.

Access, Ingress, and Egress Section 4.167

10. The maintenance yard is accessed from an extension of the main entrance drive to Memorial Park off Memorial Drive, which is a defined access point as approved by the City.

Public Safety and Crime Prevention Section 4.175

11. The maintenance yard is fully enclosed with a security fence and secured gates. Surveillance is available from the public parking area on the north and a paved public pathway/trail along the west and south sides and part of the east side of the enclosure. Entrance to the maintenance yard is at the northwest corner via an extension of the main entrance to Memorial Park, providing easy access for emergency response personnel, and there is sufficient room for emergency vehicles to access the area on its north side. There is a locked gate separating the maintenance yard access drive, on the north side of the enclosure, from the main parking lot for Murase Plaza, providing additional separation and security.

Landscaping, Screening, and Buffering

Section 4.176

12. The maintenance yard is fully enclosed by a chain link fence with black fabric privacy screen on the outside, which provides a partial visual screen to surrounding areas. In addition, trees, shrubs and groundcover outside the fence help to screen and buffer the yard from public view. Landscaping and screening was approved in the most recent application (Case File No. EB14-0045) and no changes are proposed to the maintenance yard with the current application, therefore, no additional landscaping or screening is required.

Site Design Review

Site Design Review

Sections 4.400 through 4.440 as appropriate

13. Because the current application involves temporary structures, it is not evaluated for compliance with site design review standards. However, the maintenance yard is surrounded by Murase Plaza and Memorial Parks, which are within the public view shed, and consideration should be given to visual impact of the facility on surrounding areas. As part of prior TUP approvals for the maintenance yard, the applicant has installed landscape screening, painted buildings and accessory uses a neutral color, and installed black fabric privacy screen on the fence surrounding the enclosure, all of which reduce visual impact and help the facility blend in with the surrounding park.



29799 SW Town Center Loop E, Wilsonville, OR 97070
 Phone: 503.682.4960 Fax: 503.682.7025
 Web: www.ci.wilsonville.or.us

Planning Division
 Development Permit Application

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

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

Pre-Application Meeting Date: April 4, 2019

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

Applicant:

Name: Public Works & Parks Depts.
 Company: City of Wilsonville
 Mailing Address: 29799 SW Town Center Loop E
 City, State, Zip: Wilsonville, OR 97070
 Phone: 503-682-1011 Fax: _____
 E-mail: _____

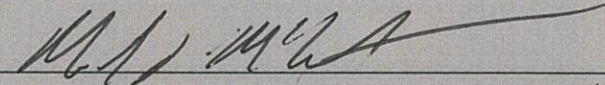
Authorized Representative:

Name: Martin Montalvo, Operations Manager
 Company: City of Wilsonville
 Mailing Address: 29799 SW Town Center Loop E
 City, State, Zip: Wilsonville, OR 97070
 Phone: 503-570-1560 Fax: _____
 E-mail: montalvo@ci.wilsonville.or.us

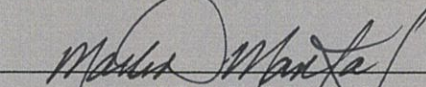
Property Owner:

Name: Mike McCarty, Parks Director
 Company: City of Wilsonville
 Mailing Address: 29799 SW Town Center Loop E
 City, State, Zip: Wilsonville, OR 97070
 Phone: _____ Fax: _____
 E-mail: mccarty@ci.wilsonville.or.us

Property Owner's Signature:


 Printed Name: Mike McCarty Date: 5/20/19

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


 Printed Name: Martin Montalvo Date: 5/20/19

Site Location and Description:

Project Address if Available: 7930 SW Memorial Drive, Wilsonville, OR 97070 Suite/Unit _____
 Project Location: Between Murase Plaza and lower Memorial Park
 Tax Map #(s): T3S R1W SEC24 Tax Lot #(s): 602 County: Washington Clackamas

Request:

Approval of a Five Year temporary use permit to continue to occupy this parcel as a maintenance yard while the PWD is pursuing design and construction at its Boberg Rd property. The use is also for the 480 sf mdular building that serves as an office and restroom facility.

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

Residential Commercial Industrial Other: _____

Application Type(s):

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

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Applicant's Response to Planning Review Questions

Received from Martin Montalvo, Operations Manager, on May 30, 2019

- **Question:** Case File No. DB14-0045 approved a 5-yr TUP to continue use of the 480 sf modular office building, 3-bay, and various sheds and storage containers. This permit expires on July 8, 2019.
 - This approval included removal of a fuel station west of the 3-bay on the north side of the yard. Was the fuel station removed? If so, when?

Response: Yes, this was completed in June of 2014

- **Question:** There have been two Administrative Reviews since the approval in 2014 including:
 - Case File No. AR17-0044 to demolish a 2-bay garage and put 2 cargo containers on the same slab. Was this completed and, if so, when?

Response: Yes, this was completed in the November of 2017

- Case File No. AR18-0030 to install a 16'x48' metal garage to house a Vaccon combination sewer truck next to the modular. Was this completed and, if so, when?

Response: This metal garage has not been constructed to date, but we request the right to install during the next 5 year TUP. The structure was not constructed due to budgetary restrictions and staff changes.

- **Question:** Have there been any other modifications to the facility since the 2014 approval? If so, what were they and when did they occur?

Response: There were two white pines removed from the site in October 2017. The trees were deemed to be hazardous and this activity was permitted through the appropriate processes.

- **Question:** Is it correct to assume that there are no modifications proposed to the facility in the future, at least ones that you can anticipate at this time? If there are modifications proposed, could you provide a brief description and timing?

Response: The only anticipated modification is the construction of the previously permitted metal garage structure for the Vaccon Truck. After the Public Works Complex is completed, the overall facility, including this garage structure, will be used for the housing of Parks maintenance equipment. At that time the garage structure can be used to protect equipment from the elements of removed if needed.



- **Question:** Since one of the Development Review Board’s review criteria is that “the use be of a temporary nature and does not involve the erection of a substantial structure” and “the renewal is not likely to result in a permanent situation”, and since the maintenance yard has been in place for at least the past 10 years, it would be helpful to have more information about the status of design and construction timing for the PW facility on Boberg Road and how likely it is that within the next 5 years the maintenance yard will no longer be needed. In other words, how likely is it that in 2024 the DRB will again be reviewing an application for renewal of the TUP?

Response: Since the last TUP was approved, the PW Department has made modest progress in the planning and preparation for a new Public Works Operations Complex. In July of 2016, the City acquired 7.58 acres of industrially zoned land along Boberg Road, adjacent to the existing SMART Facility, for the construction of a PW Operations Complex. In the fall of 2018, the City hired Scott Edwards and Associates (SEA) Architects to develop a site master plan for the overall complex. This project consists of:



- Determining the operational needs of the department (as well as the City overall),
- Based upon the needs assessment, preparing a preliminary overall site plan and facility floor plan
- Determining an estimated design and construction cost.
- Assist in preparing a finance plan for the eventual construction of the site

As part of the City Council’s 2019-2020 Goal Setting, they have prioritized the construction of the PW Complex as their second highest priority for the overall organization and have allocated \$1.5 million within the subsequent budget to continue the work that has already begun. The PW Department anticipates completing a Financing Plan by the summer of 2019 to present to Council with the proposed PW Complex Master Plan. The plan will allow for phased construction of the site with the yard space and Maintenance Building being the two higher priorities for construction. We anticipate constructing these two components of the site within the next 5 years, dependent on Council approval and funding.

The City of Wilsonville, Oregon
3-Bay Site Plan

 Fenced 3 Bay Site
 Taxlots

Area inside fence
≈ .8 Acres


3/28/2019
1 inch = 25 feet




DEVELOPMENT REVIEW BOARD MEETING

MONDAY, JUNE 24, 2019

6:30 PM

VII. Board Member Communications:

A. Recent City Council Action Minutes

City Council Meeting Action Minutes
May 20, 2019

City Council members present included:

Mayor Knapp
Council President Akervall
Councilor Stevens
Councilor Lehan
Councilor West

Kerry Rappold, Natural Resources Manager
Chris Neamtzu, Community Develop. Director
Cathy Rodocker, Finance Director
Mark Ottenad, Public/Government Affairs Director
Amanda Guile-Hinman, Assistant City Attorney
Miranda Bateschell, Planning Director
Zach Weigel, Capital Projects Engineering Manager
Zoe Monahan, Assistant to the City Manager
Jordan Vance, Economic Development Manager
Patty Nelson, City Engineer
Mike McCarty, Parks & Recreation Director
Martin Montalvo, Public Works Operations Manager

Staff present included:

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

AGENDA ITEM	ACTIONS
WORK SESSION	
A. Repeal and Replace Chapter 11 of the Wilsonville Code	Staff and Council discussed Ordinance No. 816.
B. Belnap Court & Morey Court Outfall Restoration Project (Willamette River Storm Outfall Repairs, CIP # 7053)	Council heard an update on Resolution No. 2744. The resolution authorizes the City Manager to execute a construction contract with Moore Excavation, Inc. for construction of the Belnap Court and Morey Court outfall restoration project.
C. Metro Mandatory Commercial Food Scrap Program	Council was briefed on the details of Metro’s mandatory commercial food scrap program and associated administrative rules, and next steps to implement the program.
D. Vertical Housing Development Zone (VHDZ) in Villebois – Update	Staff provided an update on the possible establishment of a Vertical Housing Development Zone.
E. 2019-2021 City Council Goals	Due to time constraints, the City Council Goals were not discussed during Work Session.
REGULAR MEETING	
<u>Communications</u>	
A. Green Tariff	Portland General Electric (PGE) presented details of the Green Tariff program.

<p><u>Mayor's Business</u></p> <p>A. 2019 National Public Works Week Proclamation</p> <p>B. 2019-2021 City Council Goals</p> <p>C. Upcoming Meetings</p>	<p>The Mayor read a proclamation declaring May 19-25, 2019 as National Public Works Week and presented a proclamation to staff.</p> <p>2019-2021 City Council Goals adopted 5-0.</p> <p>Upcoming meetings were announced by the Mayor as well as the regional meetings he attended on behalf of the City.</p>
<p><u>Consent Agenda</u></p> <p>A. <u>Resolution No. 2744</u> A Resolution Of The City Of Wilsonville Acting In Its Capacity As The Local Contract Review Board Authorizing The City Manager To Execute A Construction Contract With Moore Excavation, Inc. For Construction Of Belnap Court & Morey Court Outfall Restoration Project (Willamette River Storm Outfall Repairs).</p>	<p>The Consent Agenda was approved 5-0.</p>
<p><u>Public Hearing</u></p> <p>A. <u>Ordinance No. 816</u> An Ordinance Of The City Of Wilsonville Repealing And Replacing Wilsonville Code Chapter 11 – Fees.</p>	<p>Council made a motion to move the Public Hearing to a date certain of continued to June 17, 2019. Motion passed 5-0.</p>
<p><u>New Business</u></p> <p>A. <u>Resolution No. 2749</u> A Resolution Of The City Of Wilsonville To Accept A Transfer Of Land From The West Linn-Wilsonville School District.</p>	<p>Resolution No. 2749 was adopted 5-0.</p>
<p><u>City Manager's Business</u></p>	<p>Announced that SMART received two electric buses earlier in the day.</p> <p>Updated that Senate Bill 1021-1 passed unanimously by the Joint Committee on Transportation and now moves to the Joint Ways and Means for Transportation.</p>
<p><u>Legal Business</u></p>	<p>The City Attorney provided an update on Kinder Morgan.</p>
<p>ADJOURN</p>	<p>9:00 p.m.</p>