

**PLANNING COMMISSION  
WEDNESDAY, JANUARY 10, 2018  
6:00 P.M.**

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

*Minutes approved  
as presented at the  
2/14/2018 PC  
Meeting*

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**Minutes**

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**I. CALL TO ORDER - ROLL CALL**

Chair Jerry Greenfield called the meeting to order at 6:02 p.m. Those present:

Planning Commission: Jerry Greenfield, Eric Postma, Peter Hurley, Simon Springall, Phyllis Millan, and Kamran Mesbah

City Staff: Chris Neamtzu, Amanda Guile-Hinman, Miranda Bateschell, Kimberly Rybold, Jordan Vance, and Steve Adams

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was recited.

**CITIZEN'S INPUT** - This is an opportunity for visitors to address the Planning Commission on items not on the agenda.

Dorothy Van Eggers, Landover Homeowners Association, read her statement into the record, requesting that the minimum requirements for parking in the Development Code be changed. She also read about several incidences identified by herself and Landover residents, John Mohatt and Mark Friedman, which were included in her letter. Her letter and pictures supporting the complaints about parking were submitted for the record.

- She shared that she was married at the Frog Pond Church in 1981 and her passion comes from living in the area and protecting the quality of life she has known for the last 37 years.

Robert Bittle, Wilsonville resident, stated he was speaking to support Ms. Eggers' request. He had purchased a house that Mr. Mohatt previously lived in, where the lack of parking was worse than on the other side of town. Parked cars block his driveway and the fire hydrants. The minimum requirements were not realistic for apartments. He believed most one-bedroom apartments had more than one resident with a car.

Chris Neamtzu, Planning Director, noted the parking standards that were referenced had been revised since the subject property was built in the late 1980s. Staff has spent a lot of time working on the parking issues and the parking program in Landover should resolve the problems. He appreciated the testimony about the parking issues, adding that if the standards were changed now, the changes would not apply to any existing projects causing problems today.

Ms. Von Eggers explained that in developing the parking program, she wanted to start with root cause, which was the lack of parking for Landover residents. The potential for multi-family housing at Frog Pond led her to begin working on this now.

Commissioner Postma asked if enclosed parking garages counted towards the minimum parking requirement.

Mr. Neamtzu explained that for a recent project, a deed restriction required garages to be used for parking, not storage. Construction at the subject site closed about 30 parking spaces, which led to the monetization of

available parking and garages. Multi-family properties usually have carports rather than garages. However, the City had enacted extra steps in the review process that apply when such deed restrictions were proposed. The City had also begun working with property management companies to enforce the deed restrictions, including at the subject property. Twenty-five years ago, parking was counted in garages and no one tracked how that was working. Over time, property management companies have started making that change on the lease documents so new tenants were informed that the garage could not be used for storage and must be used for parking. Given the housing crisis, Staff could consider parking measures as part of future programs.

Chair Greenfield noted the City had given consideration to parking in Frog Pond.

## **CONSIDERATION OF THE MINUTES**

A. Consideration of the December 13, 2017 Planning Commission minutes  
The December 13, 2017 Planning Commission minutes were accepted as presented.

## **II. LEGISLATIVE HEARING**

A. Coffee Creek Industrial Form-based Code (Rybold/Vance)

Chair Greenfield read the legislative hearing procedure into the record and opened the public hearing at 6:15 pm.

Commissioner Postma announced a potential conflict of interest, noting that he was affiliated with an organization that was considering a development in Coffee Creek. However, neither he nor his family would experience any financial gain or loss from any action taken by the Commission on this matter.

Chris Neamtzu, Planning Director, briefly introduced the project team. He explained that two different resolutions were presented to the Commission at the dais, and that the Commission would be adopting either Option A or B. The agenda packet contained a letter from a prospective client of the Coffee Creek Industrial Area who was present to offer some input. Staff had not received any additional testimony since the packet was prepared.

Kimberley Rybold, Associate Planner, introduced the Coffee Creek Industrial Form-base Code (FBC), noting the project team would present the background information and goals for the Coffee Creek area, the development of the FBC, adoption options, and the results of community outreach via PowerPoint.

Jordan Vance, Economic Development Manager, stated the City's vision was to transform the Coffee Creek area into a thriving employment district that could host up to 1,800 jobs with a payroll of about \$55 million. He reviewed the background and context of the FBC, which included a timeline of the project's milestones and the outcomes desired from the FBC. His key additional comments were as follows:

- The goal of the FBC was to provide greater developer certainty and to serve as an incentive to provide development and investment in the Coffee Creek area. The code work was funded through the Transportation and Growth Management (TGM) Code Assistance Grant, enabling the City to hire FBC national expert, Marcy McInnelly, Urbsworks.
- The City adopted the Coffee Creek Urban Renewal Area (URA) in 2016 to help finance some of the infrastructure required to make private development feasible in Coffee Creek, estimated to cost more than \$65 million. The City believes these improvements would help unlock development in Coffee Creek.
- Tier 1 industrial lands in the Portland Metro area were scarce, making Coffee Creek a critical project for the region. (Slide 6) The rendering portrayed the vision of a campus-like feel for Coffee Creek with high-quality design and good multi-modal connectivity.
- The FBC was a critical tool that would help Wilsonville achieve a connected, campus-like employment district and also facilitate job creation. Wilsonville had a history of developing industrial areas with high-quality design and most areas that developed over the years had minimal citizen concern.

Marcy McInnelly, described how the FBC was developed with these comments:

- FBC was different from land use code which was illustrated on Slide 9. Conventional zoning was equal parts: land use and administration regulations with very little development standards in terms of the form of the buildings, streets, and paths. Typical zoning codes were much more concentrated on land uses. FBC flipped that relationship. While it still included land use regulations and the same amount of administration, but provided a lot more guidance on the form of the buildings, open spaces, shape of the streets and the way the buildings relate to the streets.
  - Because the FBC development standards were vetted so thoroughly going into the process, greater regulatory certainty was provided which could expedite the project review and permitting process if the administrative procedures could be streamlined as well. For an area like Coffee Creek, that could incentivize and attract development.
  - FBCs were very good at tailoring to specifically implement the community vision. The project team was lucky that Wilsonville already had a strong vision for the Coffee Creek area that had been built into the FBC's standards. The FBC now addressed the public realm, streets, open spaces, and not just the design or façade of the building, which was different from the visioning that was done previously.
- Every FBC had two key components: development standards and a regulating plan.
  - The development standards that apply to Coffee Creek mostly relate to where development sites were located in relation to a street or other type of connection.
  - The regulating plan was similar to a zoning map in that it included more than just the permitted land uses; it also included a combined, holistic attitude toward the shapes of buildings and their relationships to the streets.
- Unique to Wilsonville's FBC was the Pattern Book, a guidelines-based document that provided a fast track for developers and was completely integrated into the City's development ordinance. It went into a lot of detail about all of the same categories that the FBC did, such as how the buildings relate to the street, the character of the street, the frontage of the building, and materials. The FBC was also completely integrated into Wilsonville's Development Ordinance.
- The FBC was organized so developers would be able to use two tracks for project approval.
  - The clear and objective track, which complies with all of the FBC standards, could be used by applicants as a fast track process for certain portions of their development, along with the design guidelines in the Pattern Book. This track would allow projects that comply with all the standards to be approved administratively.
  - The waiver track provided an approval process for projects that did not meet all of the standards. This track would be used if, for example, a developer wanted a different building façade or a different material not permitted by the FBC. The waiver track could be used on a portion of a project or the entire project, in which case, the entire project would be judged as to how it met the design guidelines in the Pattern Book.
- FBCs could easily be customized to the district, the vision, and the emphasis of a particular place. Because having elaborate architectural standards did not receive much support, the emphasis was placed on standards like parking location, building frontage, connection spacing, and building materials.
  - Parking was not prohibited between the building and the street, but was carefully located and treated with landscaping. Parking was somewhat limited in the number of parking spaces that could be located in front of buildings.
  - Building frontage was important to framing the streets and creating a certain environment along the public streets. One important change made over the summer was a reduction to the amount of frontage permitted along larger streets because of the maximum spacing now built in from the Transportation System Plan (TSP). The regulating plan was now aligned much more closely with the TSP.

Ms. Rybold continued the PowerPoint presentation, reviewing the considerations examined this year during the final phase of the project to resolve questions raised during the work sessions held in 2015 after the standards were initially developed and the two options for adoption with the following comments:

- Of key importance was determining whether the FBC could be implemented using an administrative review process by Staff. To determine whether an administrative review would work, the project team looked at certain applications that had to be reviewed by City Council, including annexation requests, Comprehensive Plan Map amendments, and Zone Map amendments, which could not be reviewed administratively. Traffic studies, which were currently required by individual development projects, also had to be considered. Since traffic studies required a large lead-time before Staff could review an application, they considered ways to simplify that process for the Coffee Creek area. Tree removal in the area was another matter Staff considered after questions were raised during work session.
  - With regard to the applications reviewed by City Council, the project team recommended a parallel review process. The traditional approach for annexations, Comprehensive Plan Map and Zone Map amendments was going to the DRB for approval action and then going before City Council. However, the Coffee Creek area was already identified as industrial, so everyone knew the zoning and what would be amended on the Comprehensive Plan Map. The parallel process would allow Staff to simultaneously track zoning changes and Plan Map amendments, shortening the amount time to get the entire land use review package approved. Attachment C in the packet included a small amendment to the Comprehensive Plan language to recognize how this parallel review process would apply in the Coffee Creek area.
  - There had been a lot of support for a district-wide traffic study for the Coffee Creek area. The City would conduct a larger study, allowing individual developers to submit a simplified memorandum on the number of trips generated by the use, rather than conduct a traffic impact analysis. Staff would make some assumptions within the study as to the number of potential trips for the entire area, and tally the total number of trips being generated by each development, similar to what was done in Villebois. The district-wide study would be scoped in 2018.
  - The project team recommended an area-wide tree assessment to identify the locations of trees that need to be protected. Much of the area was open space with some trees scattered throughout, as well as a couple of larger stands of trees. The City could not currently do an in-depth analysis because the properties were privately owned. Therefore, the Type C Tree planning process would still be used as individual sites were analyzed. However, the mapping highlighted areas where potential tree resources were located. Looking at the building envelopes and sites might give Staff some clues to where trees should be preserved.
- Community outreach efforts over the summer and fall included work sessions with the Planning Commission, Development Review Board (DRB), and City Council, as well as an open house. Feedback indicated general support for administrative review and concerns about the lack of a public hearing process.
  - City Council suggested implementing a pilot period for the FBC standards and review process to take stock of how the process was working and to make adjustments as needed. Property owners in Coffee Creek were invited in mid-2017 to an open house held at Republic Services to hear about the FBC project, as well as other infrastructure projects.
- Two adoption options were being recommended because community outreach did not result in a consensus on the desired approach for implementing the FBC.
  - The Administrative Review Option, outlined in Attachment A, would implement the FBC via a Class II review process, wherein the Planning Director would review and approve applications that met all of the clear and objective standards of the FBC. Any applications that requested waivers would proceed on the waiver track to be reviewed by the DRB.
  - The DRB Review Option would utilize the Class III review process where the DRB would review and approve applications that met the clear and objective standards. Applications that requested waivers would be considered on a discretionary basis.
  - The similarities between the two options were described as follows:
    - Both options would utilize the parallel process because it was independent of whether or not the Planning Director or DRB made the decision on applications they would normally review. Annexations, Comprehensive Plan and Zoning Map amendments could go directly to City Council.

Stage 1, Stage 2, Site Design Review, Tree Removal Permits, and Signs would be reviewed by Staff or the DRB.

- Both approval tracks would be preserved, and the process would remain the same for both options; the difference would be who was making the decision on the applications that met the clear and objective standards.
- The standards and approval criteria would remain the same for both options. The intent was that all projects meeting the clear and objective standards would be approved.
- Both options allow the opportunity for public input.
- Key differences between the two options were:
  - The Administrative Review did not include the option for a public hearing with the DRB for any applications that met all of the clear and objective standards. Those applications would be approved by the Planning Director.
  - The public notice period was ten days, which was shorter than the 20- day notice period required for public hearings at DRB. However, the geographical requirements for public notices were the same. So, both options included the opportunity to provide comments, but the manner in which those comments were received was slightly different without the public hearing.
  - Under the Administrative Review Option, the Class 2 Sign Permit Review would be done by Staff instead of the Class 3 Review by the DRB.
  - In both options, the Type C Tree Plan would be used, but the review would be done by the Planning Director in the Administrative Review Option.
- The Pilot Evaluation Period would allow the City to track key data points to determine if adjustments were necessary. The time period would be either three completed development applications or for five years, whichever came first. The metrics tracked would include the number and type of waivers requested, the amount of time between submission of a completed application to approval, the amount and type of testimony received, answers to survey questions about applicants' experience, both with the FBC standards and the process. Staff would also review the constructed urban form as it takes shape to determine if what was being built met the City's expectations.
  - The Pilot Evaluation Period had some differences within the two review options:
    - Under Administrative Review, the pilot period would test both the FBC standards and review process. Key questions to consider would be: Is the Administrative Review process working as intended? Are any adjustments needed to the development standards or review process going forward?
    - Under the DRB Review Option, only the FBC standards would be tested. Key questions to consider would be: Could the Administrative Review be used instead? Were adjustments to the development standards necessary?
- Prior to the meeting packet being published, Staff received citizen comments about a property on Garden Acres Road (Attachment F). Staff held a preapplication meeting with the developer to discuss real life scenarios of how a smaller, warehouse/office combination employment space would work on the site.
  - Comments indicated concerns about connection spacing, driveway widths, parcel frontage along Garden Acres Rd, and the location of parking. Slide 26 depicted examples of the potential project showing how it might fare under both review options.
    - She explained that one reason for the waiver track was because every development would be different. There might be a need to make adjustments here and there, despite Staff's efforts to capture the intended vision of the area. Since initially providing the FBC to the design team, the code had been adjusted with increased connection spacing along Garden Acres Rd. Some of the parcels were narrower than others, so she did not recommend access points every 200 ft on a street that might function like a minor arterial. In the interim, Staff could look at ways to provide fire access through emergency-only access points or right-in/right-out access points. As individual sites developed, it would be difficult to connect the pieces of the roadway network, so flexibility in the spacing standards was necessary.

- Comments also indicated concerns about parcel frontage. It used to be that when considering narrow connection spacing, 50 percent of the frontage had to be the building. Now, with wider connections, it might not be feasible to have a building with 150 ft to 200 ft of frontage; therefore, the minimum was changed to 100 ft of building frontage.
- It was interesting to have a potential application while Staff was working on the FBC. As questions come up, Staff hoped to work on looking at different ways the potential development might fit into the area.

#### Chair Greenfield:

- Asked what the relationship was between the Pattern Book and the FBC, noting he was not clear about the language.
  - Ms. McInelly explained the Pattern Book contained design guidelines that a developer could use to meet the spirit of the clear and objective standards in the FBC. The clear and objective standards in the FBC were dimensions that an applicant would either meet or not meet; they were black and white. The design guidelines in the Pattern Book allowed for more flexibility. The Pattern Book offered more inspirational language about how to meet the spirit of what the FBC dimensions were intended to create. The patterns in the Pattern Book use actual site and building designs to show different ways the clear and objective standards could be manifested in a variety of design approaches. Many people might interpret the FBC clear and objective standards to be very rigid, but there were multiple ways to interpret and meet those standards.
- Asked if there were redundancies between the Pattern Book and FBC standards.
  - Ms. McInelly replied a certain amount of redundancy was intended to provide guidance on how to meet requirements through a variety of interpretations. The design guidelines provided descriptions rather than numbers to show how to meet the requirements. One section of the Pattern Book was intended to illustrate how the FBC standards might look if interpreted in different ways. The illustrations were more of an educational component, rather than a regulatory component.
- Inquired if an application could satisfy the Pattern Book and still require a waiver from the FBC.
  - Ms. McInelly answered yes, adding that would be an expected option available.
- Confirmed the Pattern Book was an alternative to FBC, rather than an outgrowth from it or support of it.

#### Commissioner Millan:

- Understood the Master Traffic Study would be done in 2018 and was intended to prevent the City from having to require individual developers to do their own traffic study as long as their project fell within a threshold. She asked if a waiver would need to be reviewed by the DRB if that threshold was not met under the Administrative Review Option.
  - Ms. Rybold explained that likely, the Engineering Division would need to determine if any negative impacts were possible. She was not sure if this was the method being used in Villebois, but if the impact was more significant than anticipated, a DRB review would be recommended.
- Confirmed she wanted to be clear that applications not meeting the traffic threshold would automatically be referred to the DRB for review.

#### Commissioner Mesbah:

- Asked how the traffic load would be allocated amongst the parcels and if trade would be allowed.
  - Ms. Rybold said the traffic study was still being scoped. With regard to trading, she believed per parcel or per acre averages would be considered. Upper end trip ranges on larger development areas would be used as areas developed, but Staff would need to consider any imbalances or surpluses when tracking the trips. The details regarding how any trading would work needed to be fleshed out as the study was scoped.
- Did not believe Villebois should not be compared with Coffee Creek because residential averages differed greatly from industrial averages. Office buildings would eat up much of the traffic allowances, but industrial productions would not produce much traffic.

- Confirmed Staff would keep track of traffic impacts as the area developed and allocate traffic allowances appropriately, rather than giving each land owner a specific traffic count to work with. If a developer had more use, they could work with their neighbor to use their surplus.
  - Ms. Rybold added developers would work within a range that took into account that some traffic impacts would be higher, while others would be lower. As the area built out, adjustments might be necessary.

Commissioner Postma:

- Noted on Pages 135 and 139 of 231 of the Staff report under the Administrative Review Option, it stated that the Planning Director could require a DRB review if he anticipated that Zone Map amendments would be questioned by individuals other than the applicant. He understood this option was not available in the DRB Review Option.
  - Ms. Rybold clarified that recommendation was included in both options. Currently, the Code provided provisions for Class II reviews that allowed Staff to refer an application to the DRB if something was anticipated to be controversial, or there was a lot of public input, for example. If Staff believed there was some reason a project should be reviewed by the DRB instead of being pushed directly to City Council, this provision provided that latitude.
- Stated he was troubled by such a subjective standard because it did not provide any predictability for the applicants. He did not have a solution, but had hoped the FBC would consistently incentivize the applicant to head off any concerns themselves as opposed to receiving a number of comments and complaints. Perhaps, the recommended language achieved that; however, the Code language did not clearly indicate when a DRB review would be triggered if there were concerns.
  - Ms. Rybold stated this provision provided an additional review opportunity just in case Staff needed it. She asked how frequently Staff had recommended a DRB review under the Class II provisions.
  - Mr. Neamtzu replied he had not referred any applications to the DRB in the eight years he had worked as Planning Director. He would have to research whether any prior applications had been referred to the DRB by a prior Planning Director.
  - Chair Greenfield recalled as a DRB member, that he had the opportunity to call up a Class II application.
  - Mr. Neamtzu confirmed every action rendered by the Planning Director could be called up by the DRB, and then subsequently by City Council, and Council had called up a few applications. When the DRB called up an application, Staff was able to work through the issues by providing information to the board members who had questions. City Council liked the call-up provision because it was a powerful tool. City Council could call up an application and remand it back to the DRB for more work.
    - He described a situation that occurred in December 2017 where an applicant mistakenly failed to appear at the public hearing and the DRB denied the application. Since the applicant did not receive due process, the City Council called up the application and immediately remanded it back to the DRB.
- Asked what mechanisms would be used to call up an application for a DRB or Council hearing under the Administrative Review Process Option A. He believed this was important for everyone to understand.
  - Mr. Neamtzu explained the call up mechanism was spelled out in the administrative notice provided to the DRB when Staff rendered the decision. At City Council or Board member must make a motion to call up the application and the motion must pass by a majority. However, cities in Oregon must abide by the 120-day rule, which forced the City to move in a timely manner. Special meetings might be necessary to allow more time for City Council to review an application after being called up to DRB.
- Confirmed a public hearing would always be an option, regardless of which review process was adopted and which track was used.
- Confirmed the Pilot Evaluation process would occur under either track.
- Asked what kind of notice went out for tonight's public hearing and who received the notice, noting he wanted this stated on the record.

- Ms. Rybold confirmed notices were sent to every property owner inside and within 250 ft of the Coffee Creek Industrial Area. The same property owners were noticed about the open house held in October. The notice was also posted in several locations around the city, and an advertisement was published in *The Spokesman Review*.
- Mr. Neamtzu confirmed the City kept a current, ongoing, rolling list of interested parties on all projects, plus a list of property owners within the required geographical area for land use notices. State law required a 100-ft radius for land use development applications. There was also a list of affected and interested agencies, like utility companies and fire districts, that the City regularly engaged with.
- Asked if the 250-ft radius included property owners on the north side of Day Road.
  - Mr. Neamtzu replied yes, all of the fronting properties were included.
- Assumed that implementation of the 2007 Master Plan followed the exact same notice process.
  - Mr. Neamtzu said it was likely the same process was used. However, he was not sure the radius was 250 ft. The steering committee involved a number of property owners who lived in the area and guided the Master Plan.

Commissioner Hurley confirmed he had no questions or comments at this time.

Commissioner Mesbah:

- Noted the pilot period would include a survey of applicants. He asked how and where Staff planned to gather people who provided testimony to ensure they felt heard and that the process was fair.
  - Ms. Rybold responded that was a good suggestion and confirmed it could be built into the process. Staff usually asks for contact information from people who give testimony at public meetings.
- Confirmed that if a proposal met the standards, it must be approved. He noted that in his previous experiences with deliberative bodies that approved projects, sometimes politics and the sentiments of residents and constituents became part of the decision-making. Even though a project had to be approved by law, deliberations would drag on, making the process absolutely painful for the applicant. Such projects were sometimes denied, only to have a higher authority remind that it had to be approved.
  - Streamlining the process must be balanced. The process was not intended to stifle people; this was democracy after all; so the City needed to have enough dialogue with residents and citizens to support this process. However, the FBC was intended to keep mischief out of the approval process.
  - In this case, the FBC must also balance the inspirational aspect of the development. If the incentive was to follow the black and white standards, the inspirational potential would not be met. He hoped most developers would not take the easy route, but would choose to follow the inspirational design guidelines, even though that would require a DRB review. It would be a better project as a result.
  - He was concerned about developers taking the easy route because it would be at the expense of a much better development pattern or look in the long-run. Developers incur costs and risk while going through the approval process, so he would not blame them, but the value of the DRB review was a much better looking and better functioning development.

Commissioner Millan stated the design standards had undergone many changes and were designed to make a pleasing setting. She was not concerned about creativity being lost because the FBC was designed to create a very pleasant, campus-like environment.

Chair Greenfield referred to the book, *Timeless Way of Building* by Christopher Alexander, which included a prolonged meditation called The Quality That Cannot be Named. He believed calling the Pattern Book a set of design guidelines was an attempt to find a name that did not quite fit. When thinking about guidelines in relation to pattern, different words came to mind: demonstration, illustration, template, prototype, model, applications, examples, instantiations, realization, or compliance; none of which seemed to fit well. While these words were defective in various ways, the term 'guidelines' was defective as well.



- He was concerned that offering an alternative to clear and objective standards would open Coffee Creek up to anything a developer wished to defend. Where were the standards in the Pattern Book?
- He suggested a third adoption option, a Pattern Book of compliant designs that demonstrated a variety of interpretations and applications of the design standards. This would give a potential developer some reference as to what had been predetermined to be in compliance with the spirit and intent of the FBC without being precise about dimensions and measurements.
- He also suggested a FBC that defined the general picture, the intent of the City's Code, with a case law approach to articulating those in specific design applications. Each time a variance was approved, the City would be accumulating new cases that could be used to expand the Pattern Book within the parameters of the FBC. That would be an ideal situation.
- He was inclined toward the Administrative Review Process, which should be approved with some flexibility in its implementation, more than simply a foot and inches determination. However, flexibility was difficult to control and the spirit of the Administrative Review Process was to avoid a slippery slope by keeping the process cut and dried. He preferred a compromise between a cut and dried process and a wide open process. He did not understand why the Pattern Book could not be subject to the same kind of Administrative Review described in the FBC.
- He was also wrestling with whether the FBC could be modified to account for successful waivers, which could possibly be facilitated through the Pilot Evaluation Period. He recommended a periodic review instead of a pilot review if the Administrative Review Option (Option A) were adopted.

Commissioner Hurley recommended taking public testimony if the Commissioners had no more questions of the project team. After public testimony, the Commission can discuss and deliberate on the proposed resolutions.

Chair Greenfield called for public testimony.

Mr. Neamtzu noted the written testimony from Greg Blefgen was included in the packet and had been mentioned in the last slides of Staff's PowerPoint presentation. He asked if Mr. Blefgen still wanted to speak.

Greg Blefgen, VLMK Engineering+Design, 3933 SW Kelly Ave, Portland, OR, stated he believed Ms. Rybold had addressed many of his comments. He represented a client who was considering a property along Garden Acres Rd. They had been examining how the FBC would impact their site plan and his comments were based primarily on the geometry of the lot. Several of the lots along Garden Acres Rd were about 1,000 ft deep and narrow with approximately 300 ft of frontage. The depth impacted his site plan and the ability to create effective and efficient plans specifically for the industrial development. His comments were as follows:

- Access spacing should be increased to allow trucks to enter through one access and exit through a different access, but that would limit access spacing to approximately 300 ft. He spoke with the Engineering and Development Departments and believed they had a viable solution. Access at the back of the building was necessary for fire apparatus, so he would pursue an emergency access on one side, which would solve his concern about access spacing.
- Originally, the FBC required half of the building's width to front the property. On such a narrow lot, this requirement would limit the ability to put parking where it would be needed for the office space. That standard had been changed to require a minimum of 100 ft of building frontage, so that concern had been addressed as well.
- Putting the parking at the back of the property and the building at the front of the property provided a receptive campus-like perception. He could work with that. His client would dedicate the parking to his guests that would set up showrooms in his office space.
- He had misinterpreted the driveway width standard. Driveway widths on some industrial properties must accommodate truck turning. Truck turning templates suggest drive widths approaching 40 ft, but the standards to have 24 ft could be adjusted slightly. This impacted the ability of trucks to get in and out of drives safely. The access to his client's property was considered a secondary street, not a driveway or primary street, which addressed his concern.

- In general, the FBC was a great idea if it could be done through an Administrative Review Process, developers could work with Staff to work out their challenges, the standards and guidelines could be met, and there was some administrative leeway in those standards. He believed that as written, the standards and the Pattern Book painted a picture of a vision the City wanted to see. The standards were well above any current industrial standards. He supported the Code and looked forward to working with the City to submit the first pilot application.

Chair Greenfield confirmed there was no further more public testimony.

Commissioner Postma confirmed Mr. Blefgen's written testimony was included in the record as Attachment F.

Commissioner Millan agreed with Chair Greenfield that adjustments would be made as the City learned from doing the reviews. It was possible that part of the Pattern Book would become an accepted standard within the FBC. The City was doing the evaluation because it was trying something new. She trusted Staff would discuss what worked, what did not work, and how to make the process better.

Ms. Rybold noted that on Page 13 under the Administrative Review Option of the Staff report under Waivers, the Code stated, "in addition to meeting the purposes and objectives of this section, any waivers must be found to be consistent with the intent of the Coffee Creek Design Overlay District (DOD) Pattern Book" as it was codified. This provision was also replicated in the DRB Review Option.

Commissioner Postma believed that over time, developers would take the waiver track by necessity because some of the lots have significant overlay zones that must contend with limited buildable space. He was encouraged to hear a developer say these were high standards. He was looking for middle ground between hoping for a good looking project and finding a way to streamline the approval process. Economics send most businesses and developers toward the path of least resistance, which eliminated risks and reduced costs. But there were some who just want a creative project and that was preserved here. Following this FBC would result in an attractive development through a streamlined approach that allowed businesses get from Point A to Point B.

Chair Greenfield closed the public hearing at 7:33 pm.

Chair Greenfield noted the resolution that was adopted would be forwarded as a formal and official document. Therefore, he believed the language in Attachment A needed to be very carefully crafted, and he was conflicted about the language.

- Section 4.134(.06)C.3 on Page 12 of 231 stated, "Adjustments to Development Standards may be granted by the Planning Director for quantifiable provisions," etc.
- Section 4.134(.06)D at the top of Page 13 stated, "The Coffee Creek DOD Pattern Book provides supplemental design guidelines which are intended to allow additional design flexibility than the Development Standards while satisfying the purpose of the Coffee Creek DOD."
  - As an English teacher, he did not believe the use of the word 'than' provided good collocation. He suggested alternate wordings with slightly different meanings, such as "flexibility *consistent with* or *within* the Development Standards". 'Than' suggested 'other than', in which case, the Pattern Book would contain design guidelines 'different from' the Development Standards.
- He reiterated he was still unclear about the relationship between the Pattern Book and the Development Standards. He preferred that the Pattern Book be "**consistent with** the Development Standards **and** satisfy the purpose of the Coffee Creek DOD." He was not sure how to handle this. As it stood, approving an application found consistent with the intent and letter of the FBC implied a DRB review and created precedent for future cases. He was interested in those precedents and how they worked in this system. He wanted to know if an application could refer to a previously approved waiver as a precedent, and, if so, would the waiver then become part of the Pattern Book.

Ms. McInelly explained the relationship between the design guidelines and the Pattern Book, noting that they were not black and white or separate from each other. Page 47 of 231 in the Staff report gave two example applicant pathways through the approval process:

- Example 1 was an applicant using only the clear and objective track and all of the Development Standards. This was the least discretionary process and as noted by the asterisks, the project followed all the Development Standards.
- Example 2 on the right of the page showed each set of design guidelines that related directly to each issue. For example, site design had both design guidelines and Development Standards. Building design had Development Standards and design guidelines. Each category had a bridge and connection between both the standards and the guidelines. Example 2 showed what would happen if an applicant wanted to meet the clear and objective standards for street design, connectivity, district-wide planning, and landscaping, but wanted to use the waiver track or design guidelines for site design and building design. They were very closely related.
- The intent of the design guidelines was to provide inspiration for how to interpret the Development Standards, which were above and beyond typical industrial, land-use based codes. For example, not many industrial codes required buildings to face the street at all. However, these objective standards required a minimum presence of the building to face the street. If someone wanted to go beyond that minimum, they would use the design guidelines which offered choices, like which 100 ft of frontage would a developer put their building on, and which landscape treatments would be used on the rest of the frontage to satisfy the requirement that the entire frontage must have a design-focused treatment. The Development Standards provided a lot of flexibility in how they were applied and interpreted, and they tied very closely to and were inspired by the design guidelines.

Commissioner Springall believed the language on Page 13 of 231 stating, "...which are intended to allow additional design flexibility than the Development Standards" indicated that the design guidelines in the Pattern Book were more flexible than the Development Standards; not within, but above and beyond the Development Standards.

Chair Greenfield said as an English editor, he would change the wording to preserve what he believed was the intention, which was to allow more flexibility in design than the Development Standards and satisfy the purpose of the Coffee Creek DOD.

- He read his proposed language changes to Item D on Page 3 of Attachment A – Administrative Review Option Documents, as follows, "The Coffee Creek DOD Pattern Book provides supplemental design guidelines, which are intended to allow more flexibility in design than the Development Standards while satisfying the purpose of the Coffee Creek DOD."

Staff confirmed there were no issues with the language recommended by Chair Greenfield.

Chair Greenfield cited language in the Executive Summary on Page 2 of 231 stating, "For applications that require waivers to standards of the Form-based Code, a Pattern Book with design guidelines that correlate with the Code's clear and objective standards would be utilized to encourage high-quality site and building design." He was not clear on what this meant as the word correlate was a strange word to use. He recommended that correlate be replaced with manifest, illustrate, or exemplify, adding was still struggling to find an ideal relationship between the Pattern Book and the clear and objective standards. He believed it was like Alexander's quality that could not be named.

Commissioner Springall said a picture paints a thousand words and the graphic from the Pattern Book helped illuminate the relationship, so perhaps it could be included earlier in the Code. In the final analysis, the Pattern Book would become its own document and hopefully, the applicants would consider the relationship between all of the documents to determine which ones they should comply with. The Commission had 300 pages and the Pattern Book was in the middle, but he believed applicants would read through the Pattern Book early in the process.

Commissioner Mesbah added that the Pattern Book was trying to achieve a performance the City was interested in. The clear standards were one way of achieving that performance, but there were other ways of achieving the same goal. The flexibility prevented a cookie cutter approach to achieving the performance standards. Once a few projects were reviewed by the DRB, new ways of achieving the intent would become clear and maybe even become a precedent and by de facto, part of the Pattern Book.

Chair Greenfield:

- Believed that ideally, the Pattern Book should relate to the Form-based Code as examples of pretested compliance, which he also believed should be susceptible to administrative review just like compliance with the FBC.
  - Ms. McInelly said that was how it worked. The design guidelines go above and beyond. The minimum was represented by the Development Standards.
- Stated the Administrative Review, as written in Option A, did not allow the administrator to make a determination based on Pattern Book compliance, just on the strict clear and objective standards.
  - Ms. McInelly explained the process was designed in such a way that if a project were compliant with the Pattern Book, it would not only meet, but go above and beyond the Development Standards.
  - Ms. Rybold clarified that in many cases, projects would meet the numbers in the clear and objective standards, but those numbers did not design the development. While it was not written in black and white that developers would need to use the Pattern Book, they would need to refer to it to get a sense of what the numbers meant. Staff would provide applicants with a link to the Pattern Book at preapplication meetings and let them know the Pattern Book would influence how the property was landscaped and provide ideas about how a building could fit on the site. The numbers were a projection of what was in the Pattern Book, which gave Staff a way to articulate the Development Standards. Applicants would be given both documents and an explanation about how they could be used to create a great place.
- Asked if an application would be approved administratively if the developer could prove the project complied with the Pattern Book.
  - Ms. Rybold answered yes, if the project also met the numbers in the clear and objective standards. She confirmed that presumably, everything in the Pattern Book met the numbers. However, the Pattern Book also supported waivers. There could be situations where a developer could not meet the building frontage requirements, so all of the other elements of the Pattern Book would help them determine whether or not the project would be supported. The numbers in the clear and objective standards determine whether or not a project could be reviewed administratively.

Commissioner Millan noted all of the Commissioners who had served on the DRB had dealt with pattern books. In this case, the Pattern Book was being used a bit differently, which she believed was the reason it was difficult to understand the relationship between the Pattern Book and the Development Standards. The Pattern Book was a way to achieve the clear and objective standard, instead of suggesting what could be added to a project once the standards had been met. The FBC Pattern Book provided more clarity about how to meet the objective standards.

- Ms. Rybold agreed the pattern books were not the same, adding that perhaps the chart from the Pattern Book should be given to applicants so they could clearly see the relationship. The Pattern Book corresponded to the standards in the Code, which were all used together. If applicants could meet all the numerical standards, they could go through the clear and objective review.

Commissioner Mesbah said the clarification was very insightful because he could not understand what his colleagues were having difficulties with. He suggested changing the name from Pattern Book to Design Framework to prevent confusing Coffee Creek DOD with Villebois. Villebois was a cookie cutter development, but Coffee Creek was not.

Chair Greenfield explained he was coming from the framework of Christopher Alexander, the grandfather of the idea of pattern language. He did not believe the Pattern Book was a substitute or an alternative to the Form-based Code as he would like to see it work out. However, he was prepared to vote in favor of Option A with the understanding that the Planning Department would exercise its review in a fair and consistent interpretation of the intent of the Form-based Code, and that the interpretation include some flexibility.

Commissioner Mesbah agreed the FBC would not create a spirit of space in Coffee Creek, but this approach would put together the pieces to create a good looking development. The City was not creating the kind of organic space Christopher Alexander might want; perhaps developing an industrial area began with the most difficult of exercises.

Commission Millan asked for confirmation of the preferred language on Page 13 before voting because she believed there a change to Chair Greenfield's specific recommendation.

Ms. Rybold confirmed the language in Item D on Page 3 of Attachment A – Administrative Review Option Documents was to be revised to state, "The Coffee Creek DOD Pattern Book provides supplemental design guidelines, which are intended to allow ~~additional~~ **more flexibility in** design flexibility than the Development Standards while satisfying the purpose of the Coffee Creek DOD."

**Chair Greenfield moved to adopt Resolution No. LP18-0001 "A," revising Item D on Page 3 of Attachment A as read into the record. Commissioner Millan seconded the motion, which passed unanimously.**

Commissioner Hurley thanked Ms. McInelly and her team for the years of hard work.

Chair Greenfield added that he recognized that a great deal of hard work had gone into this project, as well as reflections of the input received. He thanked Staff and the consultants, noting the FBC was a tremendous piece of writing.

### III. INFORMATIONAL

#### A. Metro Area Value Pricing (Kraushaar)

Miranda Bateschell, Planning Manager, introduced Nancy Kraushaar and Judith Grey, noting they would be discussing the feasibility analysis on the Portland Metro Area Value Pricing.

Nancy Kraushaar, Community Development Director, said Ms. Grey recently took on a huge project in response to House Bill 2017 (HB2017) which passed last year. The Legislature asked the Oregon Department of Transportation (ODOT) to study congestion pricing, also called value pricing, for the Portland Metro Area. Currently, federal law did not allow tolling the existing Interstate 5 (I-5) and Interstate 205 (I-205) facilities, and this could be changed, but first ODOT needed to determine if would be a good idea for the region as well as any positive and negative impacts. She and Ms. Grey had been colleagues for many years on various projects, most recently having served together on Metro's Transportation Policy Advisory Committee (PAC) Board, where Ms. Grey represented both the City of Portland and she represented the cities in Clackamas County.

Judith Grey, Project Manager, ODOT, stated she had been working in transportation in this region for about 20 years, 12 years with Kittleson & Associates, 5 years with the City of Tigard, and then the City of Portland. About two months ago, she moved to ODOT to be the project manager for this project. Although a challenging project, it was also a good opportunity for the State. She explained that congestion pricing and value pricing meant the same thing, that the pricing of the roadway would be adjusted according to the peak traffic period. Congestion and value pricing fit underneath the broader topic of tolling, because tolling could apply to any roadway fee charged to traveling vehicles. Traditionally, those charges have been for the purpose of paying for infrastructure, whereas the purpose of congestion pricing was primarily about managing traffic congestion.

- She clarified that HB2017 had passed and that the work was ongoing. She reviewed page 8 of 8 in the Staff report, that provided an overview of the very comprehensive transportation bill with these additional comments:
- She noted Funding Investments should be called Funding Commitments because the diagrams reflected where the Legislature had dedicated \$5.3 billion for those investments over about a 10-year timeframe. This funding would come from many sources, such as increases in gas taxes, vehicle registration and title fees, a new privilege tax for the sale of new vehicles, and a new bicycle tax.
- With regard to the Accountability Policy, all cities and counties, as well as ODOT, would have new reporting requirements for any funds received.
  - As an economist and engineer, she believed the Value Pricing Policy action was a way for the State to make the funds being spent work harder.
- She presented the Portland Metro Area Value Pricing Feasibility Analysis via PowerPoint, which included the details of the Legislature's direction, the value pricing decision process, initial concepts used for testing and learning, and next steps. During the presentation, she also reviewed the Draft Initial Value Pricing Concepts, which was included in the meeting packet. She also had fliers available on the upcoming open house events.
- She clarified that although there was already a lot of talk about tolls in the local media, no tolls would be coming this year. The analysis year was 2027, but tolling was anticipated to begin in 2022, which was used on the graphic. However, the exact time would come down to PAC recommendations, OTC requests of the Federal Highway Administration (FHA), and the FHAs response to those requests.
  - The value pricing was part of a very bold package and involved bold policies, and legislators had varying views, so it was difficult to determine the impetus for the bill.

Ms. Kraushaar hoped to keep the Commission engaged, adding that any questions could be answered via City Staff or the contacts provided in the PowerPoint. She added that this project was about figuring out how to manage highways in the region. The Portland Metro Area has grown a lot recently and that growth would continue. The topic was complicated because people were concerned about affordability and equity. She was looking forward to hearing ideas and solutions and getting answers to questions.

Commission Springall said it was clear that certain cities in the area would be significantly affected by pushing traffic off the freeways, and he wanted to know why other non-freeway pricing strategies, like cordon pricing, parking, or other mechanisms were not being considered.

- Ms. Grey replied Portland might consider some of those strategies, but the biggest issue with those tools was that ODOT would not have jurisdiction over arterial and connector roadways. Following this scope, there could be an increment that looked at other freeways or surface arterials. However, ODOT would be working very closely with the affected cities, and she understood Portland was considering its own complementary or supplementary tools to deal with congestion.

Chair Greenfield believed people would ask many detailed questions and the answers would depend a lot on how people felt about the proposal. It was a cart and the horse situation since questions could not be answered in the hypothetical very well, and yet those hypothetical answers would influence how people regarded the proposal.

- Ms. Grey she noted County Commissioner Paul Savas, or others, would represent Wilsonville on the Project Advisory Committee (PAC). She explained that the PAC had been directed to identify the type, location, and potential mitigation strategies. Because ODOT would only get so far within the timeframe, the mitigation strategies might provide the direction needed. For example, some might absolutely oppose adding capacity, others, including the Clackamas County Board of Commissioners, might oppose using value pricing instead of capacity; some might want revenues to be used toward potential equity impacts. Hearing such policy priorities would be appropriate for the OTC at that stage of the process, but the OTC would not be able to answer every detailed question.

- Despite the existing unknowns, it was not too soon for Wilsonville to be aware of its priorities regarding the proposal and how the transportation system functioned. She encouraged the Commissioners to look at the project website, attend the open house, and provide feedback about how congestion affects their lives, businesses and the community. Hopefully, people would take time to learn a bit about value pricing and share their opinions and concerns with the OTC. That input would be forwarded to the PAC.

Ms. Kraushaar confirmed Staff would send out an email reminder about when the online open house went live.

B. City Council Action Minutes: (Dec. 4 and Dec. 18, 2017)  
There were no comments.

C. 2018 Planning Commission Work Program

Chris Neamtzu, Planning Director, highlighted the Work Program, noting the public hearing on the Water Treatment Plant Master Plan was to be held in February; however, Eric Mende had accepted a position with the Eugene Water and Electric Board and had submitted his resignation from City Staff. He was not sure who would take over work on the Master Plan, but the public hearing was being noticed and was on February's agenda. Other items on the Work Program were expected to continue as scheduled.

Miranda Bateschell, Planning Manager, announced that the Town Center Master Plan Open House had been scheduled for February 8<sup>th</sup> at City Hall from 5:30 pm to 8:00 pm. Public comments would be taken on the community design concept that City Council and the Planning Commission reviewed in December. The online survey would be launched January 19<sup>th</sup> and would run through President's Day.

III. **ADJOURNMENT**

Chair Greenfield adjourned the regular meeting of the Wilsonville Planning Commission at 8:33 pm.

Respectfully submitted,

By Paula Pinyerd of ABC Transcription Services, Inc. for  
Tami Bergeron, Administrative Assistant-Planning