

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

Approved
February 12, 2018

**Development Review Board – Panel A
Minutes–December 11, 2017 6:30 PM**

I. Call to Order

Chair Ronald Heberlein called the meeting to order at 6:30 p.m.

II. Chair’s Remarks

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

III. Roll Call

Present for roll call were: Ronald Heberlein, James Frinell, Fred Ruby, and Jennifer Willard. Joann Linville was absent.

Staff present: Daniel Pauly, Barbara Jacobson, Eric Mende, and Kimberly Rybold

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 September 11, 2017 DRB Panel A meeting

Jennifer Willard moved to approve the September 11, 2017 DRB Panel A meeting minutes as presented. James Frinell seconded the motion, which passed unanimously.

VI. Public Hearing:

A. Resolution No. 345. Annexation of Garden Acres Road, Cahalin Road and Clutter Street Right-of-Way: Washington County, Oregon - Owner. City of Wilsonville - Applicant. The applicant is requesting approval of an Annexation of SW Garden Acres Road, SW Cahalin Road and SW Clutter Street Right-of-Way. The property is specifically known as the right-of-way of SW Garden Acres Road extending from SW Day Road to the Clackamas County line; the right-of-way of SW Clutter Street extending from SW Grahams Ferry Road to SW Garden Acres Road, and the right-of-way of unimproved SW Cahalin Road from SW Grahams Ferry Road to SW Garden Acres Road, Sections 2 and 3, T3S, R1W, Willamette Meridian, Washington County, Oregon. Staff: Kimberly Rybold

Case Files: DB17-0027 Annexation

The DRB action on the Annexation is a recommendation to the City Council.

Chair Heberlein called the public hearing to order at 6:34 p.m. and read the conduct of hearing format into the record. All Board members declared for the record that they had visited the site. No board member, however, declared a conflict of interest, bias, or conclusion from a site visit. No board member participation was challenged by any member of the audience.

Kimberly Rybold, Associate Planner, announced that the criteria applicable to the application were stated on page 2 of the Staff report, which was entered into the record. Copies of the report were made available to the side of the room.

Ms. Rybold presented the Staff report via PowerPoint for the Garden Acres Road, Cahalin Road and Clutter Street Right-of-Way Annexation, noting the subject area's location and reviewing the annexation request with these key comments:

- The annexation request was for approximately 4.9 acres of road right-of-way, not a tax lot, within the Coffee Creek Industrial Area as well as the Coffee Creek Urban Renewal Area. (Slide 2) The industrial area master plan for Coffee Creek was established in 2007. The area would ultimately become a part of the City of Wilsonville and developed with employment uses. Tonight's annexation request would pave the way for the first step of urban level roadway improvements in the area, transferring the roadway authority for those roads from Washington County to the City of Wilsonville.
- The annexation request followed all applicable regional and State rules and statutes, including that the petitioner was the City of Wilsonville with the written consent of Washington County. The area was within the urban growth boundary and represented the minimum area needed to begin urban level roadway improvements in the area.
- Based on that information and the findings included in the Staff report, Staff recommended that the Board recommend approval of the annexation request to City Council.
- She confirmed that the right-of-way request was the same size of right-of-way that Washington County currently had under its jurisdiction.

Fred Ruby asked if the land to the east of Garden Acres Rd was also part of the future Coffee Creek development.

Ms. Rybold responded that the Coffee Creek Industrial Area incorporated areas that had already been annexed into the city, which she indicated referencing Slide 2. Coffee Creek was larger than the area along the right-of-way proposed for annexation.

Jennifer Willard asked if there were any opponents or any opposition to the annexation.

Ms. Rybold replied she had not received any comments on this particular request. Staff had conducted some outreach for other projects in that area, which included an open house in October to discuss these roadway improvements as well as some other Development Code updates in the area.

Ms. Willard asked why the annexation was being requested now.

Ms. Rybold deferred to Eric Mende on the timing, but explained that some roadway projects were part of the City's adopted Capital Improvement Program (CIP) and the first step to proceeding with those roadway projects was to transfer roadway authority to the City.

Chair Heberlein called for the Applicant's testimony.

Eric Mende, Capital Projects Engineering Manager, stated he represented the Applicant, which was the City of Wilsonville, and presented the Garden Acres Road Annexation via PowerPoint with these key additional comments:

- He pointed out the boundary of the Coffee Creek Urban Renewal Area, noting Garden Acres Rd was the first major project and an incentive for future development of the Coffee Creek Urban Renewal Area. The Garden Acres Road Project was at about 30 percent designed. The proposed annexation was the first step to do that road project, and right-of-way would be acquired subsequently.
- Slide 3 depicted the annexation involving the existing right-of-way of three different roads, all of which was currently owned by Washington County. After annexation, the right-of-way would come under the jurisdiction of the City of Wilsonville.

- He reviewed the general design features of the Garden Acres Road Project (Slide 4), noting the City intended to build to a full, three-lane section in the future; however, initially, improvements would stop short of Day Rd with a detached sidewalk and bike lane on the east side and attached bike lane on the west side to avoid major acquisitions and tree removals on the west side of the road. There had been a lot of interest in properties on the east side of Garden Acres Rd where there were not many residential properties or trees.
 - With regard to opposition, he noted a number of smaller acreages with residential properties existed on the west side of the road, and many of the residents were concerned about having an industrial area as a neighbor, so they were not big fans of the development going on in the general concept of the Urban Renewal Area. Consequently, the City decided early in the project to avoid any acquisitions on the west side of the road. Therefore, a two-lane road section was being designed to stay within the existing right-of-way on the west side with all of the improvements taking place on the east side initially.
 - The intersection at Ridder Rd would be revised with the roadwork and construction project extending a bit to the east on Ridder Rd.
 - A sewer extension would also go north from the existing sewer, extending up to Day Rd initially, and eventually, through Day Rd and up past the prison.
 - The Willamette Water Supply Program (WWSP) would also install a large, 66-in diameter pipe on the east side of the road as a part of their long-term concept for water delivery to Beaverton and Hillsboro from the City's existing water treatment plant on the Willamette River.
 - There would also be undergrounding of the existing power and telecommunications, which currently, was all overhead.
- Slide 6 showed an aerial view of the existing Ridder/Clutter/Garden Acres Rd intersection, which would be revised with a smooth curve that would transition from Ridder Rd up to Garden Acres Rd. With the completion of the second phase of the project, the Garden Acres/Day Rd/Grahams Ferry Rd intersection, Garden Acres Rd would connect to Day Rd, eliminating the cul-de-sac at the end of it.
 - Yellow helped indicate what the intersection would look like in the future. The red lines indicated the new right-of-way lines. The white lines showed the future improvements for the west side of Garden Acres Rd but were not part of the subject project.
- The roadway cross sections for Garden Acres Rd for both the near and long-term were shown on Slide 7, but the pipeline locations were not spatially accurate. The near term section showed the two traffic lanes, separated bike lane, and sidewalk that would be built along the east side of the road.
- The Applicant hoped to complete the design phase by the middle of 2018. Acquisition, based on legal descriptions for the future right-of-way, would occur immediately after the annexation process was finished. Construction of the approximately \$4.8 million project would start in August 2018 and take about a year to complete.
- The project's schedule was aggressive and a significant coordination effort would be needed to get the large diameter pipe under the road without interfering with the existing water and sewer lines. Private development might come in, so the City would need to coordinate driveway locations and potentially get some improvements on that side of the road. Coordination was also required when undergrounding PGE's power lines and the telecommunications. The City would also need to stay in touch with current residents to keep them apprised of project developments and the construction timeline.

Daniel Pauly, Senior Planner, confirmed that Day Rd was brought into the city limits with the prison site, and that the private properties were not presently within the City's jurisdiction, but would be upon urban development.

Mr. Mende stated the parcels already within the city were the Republic Services parcel that bordered Ridder Rd, as well as the next parcel to the north and the properties around Commerce Circle; the remainder of the Coffee Creek Urban Renewal Area was still in Washington County. The entire project

and the annexation were all within Washington County. The county line basically ran down the middle of Ridder Rd.

James Frinell understood that if a property owner wanted to develop their property, they would work through the County unless they asked to annex into the city.

Mr. Pauly clarified if property owner were to develop their property under the current rural zoning, they could still work through the County, who would then solicit comments from the City, particularly related to traffic impacts. However, any urban industrial development would require annexation and need to be reviewed by the City.

Mr. Ruby understood urban renewal was basically a tax incentive for business development in the area and that the proposed project was to get the roadways and infrastructure in place, but the affected land owners had no obligation to sell. He asked how practically the transition occurred when the time came to sell their land and if the property owners were simply just offered a lot of money to sell what was traditionally used as farmland due to market factors and the tax incentives for businesses and commercial interests.

Mr. Mende replied he was not an expert on urban renewal areas, but the tax increment for parcels within the urban renewal area would go towards the City's Urban Renewal Funding Strategy.

Barbara Jacobson, City Attorney, confirmed there was no requirement for a property owner to sell, but urban renewal allowed the land to be upzoned, which was an incentive for a property owner to sell. If enough neighbors sold their land, property owners who did not want to sell might get uncomfortable being surrounded by other uses they were not used to and losing the pastoral look of the area.

Chair Heberlein called for public testimony in favor of, opposed and neutral to the application. Seeing none, he closed the public hearing at 6:54 pm.

Jennifer Willard moved to approve Resolution No. 345. James Frinell seconded the motion, which passed unanimously.

Chair Heberlein read the rules of appeal into the record.

VII. Board Member Communications

- A.** Results of the September 25, 2017 DRB Panel B meeting
- B.** Results of the October 23, 2017 DRB Panel B meeting

Daniel Pauly, Senior Planner, noted the September and October Panel B meetings involved the same project, but at the first meeting in September, not even the Applicant was in attendance and the Board had some questions. The application ended up going to City Council, was sent back to the DRB, and approved at the second hearing in October where the Applicant was present. The September meeting was the first time he could recall that an applicant had not shown up for a hearing. Subsequently, Staff implemented a process to confirm that future applicants would be at meetings, which showed respect for and was helpful to the DRB, as the applicant could address questions and share useful information about their proposal. The project proposed adding hundreds of additional parking spots to the DW Fritz project on Boeckman Rd.

C. Recent City Council Action Minutes

Mr. Frinell asked about the Old Town Single-Family Standards, noting that last year, the Board had hearing on a residential building being built.

Mr. Pauly explained that previously, every single-family home in Old Town had come to the Board, which was unique because the rest of the city's single-family homes went to Planning Staff as a part of the building permit to be approved, even in Villebois. A pattern book was developed for Old Town, along with some revised Code language, which City Council had approved and would be going into effect soon. The pattern book gave property owners and potential future builders in Old Town to choose from three architectural styles that fit in with the Old Town neighborhood for development. If the owners or builders elected to do something different, there was still a path to go to the DRB, but those were expected to be few and far between in the future. The pattern book also helped with compliance with State law regarding the need to have clear and objective standards for residential development.

VIII. Staff Communications

Daniel Pauly, Senior Planner, noted that 2017 had been fairly unique in terms of the small number of applications that had come before the Board, adding the larger gaps between meetings than in recent years. He expected at least a dozen or more applications in 2018 due to everything being in place for Frog Pond applications to come in and other projects currently in the pipeline. The Board would have a hearing on January 8th for an application he recently deemed complete.

Chair Heberlein asked if work on the Boeckman Bridge would start in 2018.

Ms. Jacobson replied that currently, financing for the bridge project was being worked on, but it was complicated and involved extending the duration of the urban renewal district. It would take a while for the funding to come together, but work should start within the next five years.

Chair Heberlein asked if any Frog Pond developments had come through yet or was Staff just anticipating them in the future.

Mr. Pauly understood one would be submitted next month.

Chair Heberlein asked if most of the property had transitioned over from the current ownership.

Mr. Pauly replied not yet, but some large chunks were definitely in the works.

IX. Adjournment

The meeting adjourned at 7:03 p.m.

Respectfully submitted,

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