

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

Development Review Board – Panel B
Minutes–July 24, 2017 7:30 PM

Approved
October 23, 2017

I. Call to Order

Chair Shawn O’Neil called the meeting to order at 7:35 p.m.

II. Chair’s Remarks

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

III. Roll Call

Present for roll call were: Shawn O’Neil, Richard Martens, Aaron Woods, and Samuel Scull. Samy Nada was absent.

Staff present: Daniel Pauly 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.

VI. Consent Agenda: None

VII. Public Hearing:

A. Resolution No. 338. Annexation of 63rd Avenue Right-of-Way: West Linn-Wilsonville School District—Owner/Applicant. The applicant is requesting approval of an Annexation of 2,206 square feet of territory on the south side of Advance Road at SW 63rd Avenue. The subject property is specifically known as an eastern portion of Tax Lot 2100 of Section 18, Township 3 South, Range 1 East, Willamette Meridian, Clackamas County, Oregon. Staff: Kimberly Rybold

Case Files: DB17-0019 Annexation

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

Chair O’Neil called the public hearing to order at 7:38 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.

Kim 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 with these key additional comments:

- The 2,206 sq ft of right-of-way being requested for annexation was along SW 63rd Ave at the Meridian Creek Middle School site, which was currently under construction. This particular right-of-way was dedicated to the school district to accommodate an additional turn lane needed in the area and to allow for construction of a sidewalk on that side of the road. The road would provide access to the Meridian Creek Middle School, as well as a future city park that would be located east of the road.

- This area was brought into the urban growth boundary (UGB) through a minor UGB amendment earlier this year. Upon completion of the project, the road would be dedicated to the City of Wilsonville.
- The proposed annexation met applicable state and regional rules and statues, including the petitioner for the annexation being the owner of the right-of-way dedicated for the roadway construction; the land was in the UGB; and was the minimum area needed to complete the multi-modal roadway improvements in the area.
- Staff recommended approval of the annexation request with no additional conditions.

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

Tim Woodley, Director of Operations, West Linn-Wilsonville School District, 2755 SW Borland Rd, Tualatin, stated he had read the entire Staff report. He and the school district had been involved on this particular project for many years. Through the design and permitting for the new school, it was discovered that the subject sliver of property was necessary, as noted in the Staff report. He concluded that the District fully supported and appreciated the DRB's actions.

Chair O'Neil noted there was no one was in the audience except for the applicant and their consultant, and closed the public hearing at 7:44 pm.

Chair O'Neil moved to approve Resolution No. 388 recommending approval to the City Council of an annexation of 2,206 square feet of territory on the south side of Advance Road at SW 63rd Avenue and adopting the July 17, 2017 Staff report with the attached findings included in Exhibit A1. Aaron Woods seconded the motion, which passed unanimously.

VIII. Board Member Communications

A. Results of the July 10, 2017 DRB Panel A meeting

Dan Pauly, Senior Planner, discussed the public hearing held for a park design in Villebois, noting some residents who recently moved in across from the proposed park had some concerns, primarily that the sales brochure did not show the future park across the street. Polygon was going to do some continued outreach to those neighbors and others. DRB Panel A would reconvene on September 11 to further consider the matter.

- He updated that the landscaping for the skate park was in and the bathroom was slowly coming together. No noise or traffic complaints had been received thus far, but there had been a few break-ins. The police were involved and the City had been responsive to neighbors as that issue came up.

B. Recent City Council Action Minutes

Barbara Jacobson, City Attorney, noted the DRB-Panel B's approval of the Subaru development had went smoothly and the Applicant seemed happy with the approval and conditions. Subsequently, however, the Applicant became dissatisfied with the amount of the Systems Development Charges (SDCs) imposed and appealed to have the majority of those refunded. In a preliminary motion, City Council agreed with Ms. Jacobson that the appeal was not timely and it was dismissed. The Applicant now had 60 days from that dismissal date to apply to Circuit Court for a writ of review. She briefly described the City's various SDCs and how they were assessed.

Chair O'Neil stated he had an issue with that because the Board had approved the application and there was pushback from citizens who had not bothered to show up to the hearing to voice concerns about issues, including traffic. Subaru had done an excellent job of communicating with the citizens. Now, they were going to go back on contributions related to traffic and everything else. It seemed like a bad PR move on Subaru's part.

Ms. Jacobson said she did not know why Subaru waited so long. Crunching the numbers to come up with the charges involved a long process, so there was ample time for an applicant to look at the numbers and question them or suggest alternatives if they believed the calculations were incorrect.

- She confirmed the SDC figures were generated on the front end of the project, but the numbers were not firm when DRB Panel B had reviewed the applications. The basic charges were addressed in the Staff report, but the traffic studies and everything else would have to be done to come up with the numbers. Although that did not happen until a few months after the DRB approval, it was certainly completed months in advance of when the building permits were issued.
- She reviewed the process for applicants wanting to challenge SDCs and described two examples involving Costco and Café Yumm, noting both processes occurred prior to the issuance of building permits.

Mr. Pauly added the Frog Pond Code and Master Plan had been adopted and Staff had already held a preapplication meeting for a development there. One of the DRBs would be reviewing some residential development subdivisions out in Frog Pond.

Ms. Jacobson noted it would be like starting Villebois all over again. She announced that Jon Gail, author of the Boones Ferry Messenger, had died suddenly over the weekend. He was very active in the community, and was a great, dedicated employee who always had a positive attitude and very excellent skills that he contributed to the City. He was the affordable housing guru and advocate, in addition to authoring the Boones Ferry Messenger.

IX. Staff Communications:

X. Adjournment

The meeting adjourned at 7:57 p.m.

Respectfully submitted,

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