

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

**Development Review Board – Panel B
Minutes–January 26, 2015 6:30 PM**

<p style="text-align: center;">Approved February 23, 2015</p>
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I. Call to Order

Acting Chair Aaron Woods 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: Aaron Woods, Dianne Knight, Richard Martens, and Shawn O’Neil. Cheryl Dorman and Council Liaison Julie Fitzgerald were absent.

Staff present: Blaise Edmonds, Barbara Jacobson, and Daniel Pauly

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. City Council Liaison Report

No Liaison Report was given due to Councilor Fitzgerald’s absence.

VI. Election of 2015 Chair and Vice-Chair:

- **Chair**

Dianne Knight nominated Aaron Woods for 2015 DRB-Panel B Chair.

There were no further nominations.

Aaron Woods was unanimously elected 2015 DRB-Panel B Chair.

- **Vice-Chair**

Aaron Woods nominated Dianne Knight for 2015 Vice-Chair.

There were no further nominations.

Dianne Knight was unanimously elected 2015 DRB-Panel B Vice-Chair.

VII. Consent Agenda:

A. Approval of minutes of November 24, 2014 DRB Panel A meeting

Approval of the November 24, 2014 minutes was postponed due to the lack of a quorum.

VIII. Public Hearing:

A. **Resolution No 296. Calais at Villebois Five (5) Year Temporary Use Permit: Jack Ross, Pacific Community Design, Inc. – representative for Calais at Villebois LLC (Polygon Northwest) – owner/applicant.** The applicant is seeking approval of a Five (5) Year Temporary Use Permit for a sales office and model homes in the Calais at Villebois subdivision, along with associated parking, landscaping and other improvements. The site is located on Tax Lot 1205, Section 15, T3S-R1W, Clackamas County, Oregon. Staff: Daniel Pauly

Case Files: DB14-0069 – Five (5) Year Temporary Use Permit

Chair Woods called the public hearing to order at 6:38 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.

Dianne Knight disclosed that she lives in Villebois.

Daniel Pauly, 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. Pauly presented the Staff report via PowerPoint, briefly noting the project's location and surrounding features, with these key additional comments:

- The application regarded a commercial use in a planned residential area, so a Temporary Use Permit was required to bring the proposed usage into conformance with the existing zoning or underlying master plan.
- Calais was an 84-lot subdivision with a mix of large homes with larger homes along the edge of Grahams Ferry and Tooze Road and a mix of homes toward the center. Construction had already begun on the homes and all roads and utilities were installed.
- The four proposed model homes included two larger, front-loaded homes on Belfast Lane, one of which had been initially proposed as a sales office, and two alley-loaded homes along Oslo Street. At the conclusion of the temporary use, all four would be sold as homes.
 - All four homes had already been approved architecturally through the City's typical process and were under construction. Model homes would be different from typical homes as extra sidewalks, fences, and landscaping were included to provide for a guided tour through the homes and to accentuate some of the options.
- One lot would also be used temporarily for extra landscaping, making the area look nicer for potential home-buyers. As a commercial use, all of the landscaping was also reviewed and all the proposed landscape materials matched the Community Elements Book and would be really attractive.
- He noted that he had just been informed that the Applicant was actually considering not moving the sales office to this area, but keeping the four model homes and using their current, previously approved sales office located near Surrey Street and Villebois Dr near the swim center.
- Ms. Connery, who was there representing the Applicant,
 - Parking was shown on Lot 3; however, with the change of not having the sales office here now, parking would need to be recalculated, so parking might be able to be accommodated on-street with no off-street parking required. If the DRB was comfortable, Staff believed parking could be reviewed administratively. If the Applicant could demonstrate that parking demand could be met on-street, which was allowed in the Village Zone, Lot 3 might be built as a for sale home during the five-year temporary use.
- When considering a five-year Temporary Use Permit, the Code states the DRB could approve any temporary use from 120 days up to five years in length. Some tests were built into the Code to determine the appropriate length of the temporary use, and that process was similar to that used for other model homes throughout Villebois and in other subdivisions in the city.
- He briefly reviewed how the factors identified in the Code, which were listed on Slide 5, justified the requested temporary use permit. Based on those factors, the Applicant had requested the maximum amount of time, which Staff supported due to the uncertainty of the market.
- The Applicant anticipated that the need of the temporary use would be much less than five years, but they did not want to be caught off-guard and have to return unnecessarily to DRB within that five year period.

Dianne Knight confirmed the Board was not deciding on exactly what was in their literature, which stated the proposed sales office would be located in a future home, but now that was not the case.

Mr. Pauly replied that Staff recommended the application be approved as presented to give the Applicant flexibility. The existing sales office had already been approved as a legal, temporary use. He was unsure of the expiration date, but that temporary use was just continuing and not being addressed tonight; although it might need to come back to DRB for renewal if the Applicant ended up keeping the sales office for a long period of time

- This application only concerned the four homes in Calais and approval would give the Applicant flexibility to use that home as a sales office or as a model home, as stated in their proposal. Nothing in the DRB's decision would be an issue if the Applicant decided not to use it as a sales office.
- He and Mr. Edmonds agreed the five parking spots were well within the balance that Code allowed for administrative review if it was determined that amount of parking was not needed.
- He reiterated that this came up last-minute, so he had been unable to run a parking analysis.

Ms. Knight stated her big concern was she did not know how to make a decision on something without all the facts.

Mr. Pauly said the Board had the choice to continue the hearing, but essentially, the four parking spaces could be accommodated on the street as there was plenty of on-street parking.

- Traditionally, the Applicant has elected to provide off-street parking at their sales offices in the past, but that was not necessarily required by Code.
- In the Villebois Code, required parking could be accommodated on the street, and he had every indication that although this change came up last minute, the Applicant would be able to do that. Staff believed it was a minor enough change that it could go either way and still meet the Code criteria equally.

Chair Woods confirmed Staff was not sure whether the Applicant was going to use Lot 3 as a parking lot.

Mr. Pauly clarified that Condition PD1 would remain, requiring an ADA parking space and ADA access, which might be via one of the driveways from the street or from an off-street parking lot.

Barbara Jacobson, Assistant City Attorney, asked if the request was being modified to provide the Applicant with four model homes and a fifth lot that might be another model home or a sales office.

Mr. Pauly replied that there were four lots. Three lots were exclusively for model homes as proposed in the packet, and the fourth lot, Lot 2, was shown as a model home/sales office.

- He confirmed there could be four model homes and no sales office, or three model homes and a model home/sales office.

Ms. Knight understood parking was still in question. She asked what Lot 3 would be if not parking.

Mr. Pauly explained if Lot 3 was not used for parking, it would be used for building since it was platted as a home lot. Lot 3 could be built as a home lot before use of the model homes was discontinued.

- The Development Code was written such that a commercial use was a commercial use, and that either model home or sales office fell under the "all other commercial" under the Villebois Parking Standards, so the parking demand was the same for a sales office or a model home.
 - The Applicant elected to put in the off-street parking, which was not mandatory, and Staff acknowledged that the combination of on-street and off-street parking clearly met the minimum parking standard.

- Now, the Applicant was saying that they might not do that off-street parking. All indications were that the minimum parking standard would still be met on-street as plenty of on-street parking was available, however, Staff needed to double-check. If the Applicant could not demonstrate through an administrative process that the parking requirement could be met, they would still have to do the off-street parking. He wanted to put that on the record for the DRB's approval tonight, but recommended that the Board approve the application as proposed and written in the report.

Richard Martens asked if the Board would be required to approve anything absent the presence of a sales office.

Mr. Pauly answered yes, because it would still be a commercial use.

Mr. Martens asked if the resolution passed tonight and the Applicant elected not to establish the sales office, but then subsequently decided to, was there a time limitation within the City's codes or policies that would require the Applicant to do so within X period of time, or would it be open for the entire five years.

Mr. Pauly responded that unless the DRB had some criteria that required a decision one way or the other, Staff's recommendation would be to just leave it so Polygon could do either one. He could see Polygon keeping the sales office where it was or moving it to this location if the initial location did not work or when that approval actually expired.

Chair Woods asked if the signage would still be needed.

Mr. Pauly replied the only one sign was a building sign, the canopy sign, which essentially was the same; if the current sales office was discontinued, the Applicant could just put that sign on this model home. Any temporary signage would be governed by the Master Sign and Wayfinding Plan, which would be the same regardless.

- He confirmed the Applicant was aware of the City's requirement for ADA parking on any commercial use, where the public would come into a commercial facility.

Chair Woods confirmed the location of the ADA parking spot was still unknown, though he assumed it would be in a spot next to one of the lots.

Mr. Pauly added that even if the application did not require DRB approval, the Building Code would still require ADA parking spot and access.

Shawn O'Neil asked what the impact would be of deferring a decision until the Board had further clarity in light of this last minute change.

Mr. Pauly deferred to the Applicant who would be able to answer the question better. The homes were currently under construction, so Applicant would likely want to have them open within the next 30 days. However, he believed deferment was viable, if the DRB really wanted to know about the parking and get clear answers, since this was a last-minute change.

Mr. Martens understood that off-street parking was not required either with or without the presence of the sales office.

Mr. Pauly confirmed that was correct, adding he understood it was more of a business and design consideration. Polygon did not want people to have to search for parking, so they wanted to provide off-street parking as an added customer convenience. As written, the Code stated that if the Applicant could

prove that on-street parking was available, then off-street parking was not required in Villebois. Conceptually, the Applicant could have a sales office and only on-street parking.

Ms. Knight asked if Polygon was conceiving of having two sales offices, one in the existing area and one in the new area.

Mr. Pauly replied if the current application was approved as proposed and if both approvals overlapped, then conceptually Polygon could continue both sales offices. From a practical standpoint, they did not have a large sales staff, but if home sales were going so fast that they needed multiple sales offices then conceptually, they could be running two sales offices at the same time. However, he did not believe that would happen.

Chair Woods called for the Applicant's testimony.

Stacey Connery, Pacific Community Design, 12564 SW Main St, Tigard, OR 97225 apologized for the last minute change, adding she was just informed about it this afternoon. Polygon did not intend to move the existing sales office to this location, but retain that sales office in its current location across from the swim center and keep the model homes they had in operation there. The intent was to open these four homes for model homes because they were a different type of product than what currently existed in the rest of Villebois. These homes were larger and had a higher price point. Polygon did not intend to have two sales offices open at the same time.

- Potential buyers could start out at the sales office across from the swim center, and if interested in these homes, a sales representative would take them up to see them. They could either park in the street, in a driveway or a garage if Polygon chose to open the garages of those two homes for parking. After touring the homes, they would go back to the sales office and complete any paperwork or respond to any design questions there. There would not be the need for long-term or multiple parking spaces off-street at this location.
- Polygon understood that they must comply with ADA requirements. There were two potential front-loaded driveway options that Polygon would like to have the option to evaluate for ADA parking instead of doing the off-street parking lot.
- To help the Board with its decision, Polygon was okay not having the option of sales office versus model home because they decided not to open a sales office in this area.

Ms. Jacobson confirmed with Ms Connery that Polygon wanted to amend the resolution to provide for the temporary right to have four model homes, period.

Chair Woods confirmed there were no questions of the Applicant and noted for the record that no one was present in the audience. He closed the hearing at 7:03 pm.

Dianne Knight moved to continue Resolution No. 296.

Mr. O'Neil understood from the testimony that Polygon was not going to realize that space as a sales office; it would only be four model homes. He proposed amending the motion to have the temporary use permit be only for those four model homes so Polygon could move forward in that fashion. He understood initially, before testimony, that there might be an option and if so, then the motion would stand.

Ms. Jacobson clarified the motion had not been seconded yet to continue, and she did not know if that was based on leaving the motion as is or to change the motion to have only four homes instead. If the Board would still want to continue notwithstanding that, then a second on the motion should be sought. If not, then the motion could be withdrawn to allow another motion to come forward.

Mr. O'Neil agreed and explained that maybe that new information would impact whether his colleague wanted to proceed.

Ms. Knight responded that was fair if that was the direction of the Board.

Dianne Knight withdrew her motion.

Shawn O'Neil moved to accept the Staff report with the amendment to authorize a five-year Temporary Use Permit for four model homes but no sales office. Richard Martens seconded the motion.

Mr. Pauly clarified his intention was not to give Polygon the option, but his experience had been that if flexibility could be built in that did not affect compliance, then flexibility was often better than not. While the calculations in the Code were the same, having or not having an office would affect parking and impact any neighbors nearby.

Mr. Martens added he was open to retaining that option, but because the Applicant's representative testified that the Applicant clearly did not intend to have a sales office, it would be appropriate to amend the report accordingly.

Mr. O'Neil noted his proposed motion seemed to solve the appropriate concerns of some of his colleagues about parking and congestion. If the Applicant was willing to keep the sales office as is that would solve the problem.

The motion passed unanimously.

Mr. Pauly noted the amendment to the Staff report resulted in Lot 3 no longer being affected, so that change would need to be made to the resolution to avoid confusion.

Staff and the Board briefly confirmed the changes to be made to the resolution.

Shawn O'Neil moved to adopt Resolution No. 296, amending the resolution to remove any references to the sales office and to Lot 3. Richard Martens seconded the motion, which passed unanimously.

Chair Woods read the rules of appeal into the record.

IX. Board Member Communications None

- A. Results of the December 8, 2014 DRB Panel A meeting
- B. Results of the January 13, 2015 DRB Panel A meeting

X. Staff Communications

Blaise Edmonds, Manager of Current Planning, invited Shawn O'Neil and Richard Martens to introduce themselves.

Shawn O'Neil said he had lived in Wilsonville for about seven years, after living in downtown Portland and working for the Oregon Department of Justice. He now has a solo practice in town and looked forward to serving the community and working with his colleagues on the Board.

Richard Martens said he has lived in Wilsonville for almost two and a half years, having lived mostly in Lake Oswego and the Portland area for the past 20 years, and California prior to that.. After a three-year escape to the East Coast he returned to Oregon and decided to settle in Wilsonville. He was a recently retired banker and had been involved in real estate from a financing standpoint for many years. He wanted to be active in the community during his retirement. Serving on the Board seemed like a good fit and he was pleased to be there.

Ms. Jacobson welcomed the new members and commended the Board for its work.

XI. Adjournment

The meeting adjourned at 7:19 pm.

Respectfully submitted,

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