



PLANNING COMMISSION

WEDNESDAY, OCTOBER 11, 2023

ADMINISTRATIVE MATTERS

1. Consideration of the September 13, 2023 PC Meeting Minutes



**PLANNING COMMISSION
MEETING MINUTES**

September 13, 2023 at 6:00 PM

City Hall Council Chambers & Remote Video Conferencing

Draft PC Minutes are to be reviewed and approved at the October 11, 2023 PC Meeting.

CALL TO ORDER - ROLL CALL

A regular meeting of the Wilsonville Planning Commission was held at City Hall beginning at 6:00 p.m. on Wednesday, July 12, 2023. Chair Heberlein called the meeting to order at 6:01 p.m., followed by roll call. Those present:

Planning Commission: Ron Heberlein, Jennifer Willard, Andrew Karr, Kamran Mesbah, and Nicole Hendrix. Kathryn Neil was absent.

City Staff: Miranda Bateschell, Amanda Guile-Hinman, Daniel Pauly, Kimberly Rybold, Cindy Luxhoj, and Mandi Simmons.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

CITIZEN INPUT

This is an opportunity for visitors to address the Planning Commission on items not on the agenda. There was none.

ADMINISTRATIVE MATTERS

1. Consideration of the July 12, 2023 Planning Commission Minutes

The July 12, 2023 Planning Commission Minutes were accepted as presented.

PUBLIC HEARING

2. Development Code Process Clarifications (Rybold)

Chair Heberlein read the legislative hearing procedure into the record and opened the public hearing at 6:05 pm.

Kimberly Rybold, Senior Planner, presented the Development Code Process Clarifications via PowerPoint, noting the majority of the presentation was discussed at the Planning Commission work session in July, as well as with City Council to make final clarifications as well as a few additions to what was previously discussed. Her presentation was as follows with an emphasis on the key topics addressed in the proposed Code updates:

- The key goals of the project were to update the review processes, clarify application requirements, and correct Development Code inconsistencies and outdated references to provide additional certainty. The proposed changes were generally procedure in nature and made no substantive changes to policy.
- Development Code requirements regarding wireless communications facilities (WCFs) are generally found in Sections 4.800-4.814. The key issues related to certain co-locations of wireless facilities that were subject to some Federal regulations which were generally the 6409(a) application types. Federal regulations govern how much time the City has to review these applications and also required the City to approve an application if it met a certain number of standards. Currently, the Code had these applications processed as a Class 2 Review, but due to the time limits and lack of discretion the City had in reviewing these applications, a Class 2 was not the most appropriate process timewise for such applications.
 - The Code also had a number of application requirements that cover a wide variety of WCFs, but many of the application requirements were not applicable to the requests Staff saw most commonly; notably the 6409(a) applications and others regarding small wireless facilities.
 - To resolve the issues, Staff proposed changing the 6409(a) co-location review process to a Class 1 Review to better align the review limited timelines of the Federal regulations, adding some additional clarity around the types of uses that are permitted versus those that require a conditional use process, and reorganizing the application requirements to make clearer which requirements apply to co-locations that are 6409(a) versus Small Wireless Facilities (SWFs) or new WCFs. While the application requirements for WCFs would remain the same, the proposed changes were intended to clarify that many of those requirements do not apply to colocations and SWFs.
- Extension of DRB and all administrative development approvals. Some Development Code updates made in late 2000's ended up creating some conflicts between processes outlined in Sections 4.023 and 4.140, resulting in a lack of clarity about the review process, as well as some outdated language in Section 4.023 that references things happening in 2009 and 2010. To add clarity and make the process consistent, the proposed changes would clarify that extensions are approved by the Planning Director via a Class 1 Administrative Review.
 - One change made since the July work session regarded application timelines. Staff closely reviewed the 30-day application period suggested at the July work session and did not want to create a situation that could not be rectified if an applicant missed the application period but still had a valid approval. Instead of the 8 days or 30 days currently stated in Code, Staff proposed clarifying that extensions must be applied for one-day prior to the expiration, giving Staff the ability time to process that application without expiration and then once that application was processed, the extension would be valid. The goal was to codify the current process more clearly and not change it.
- Temporary Uses and Signs. Some inconsistencies exist in the current criteria applying to Class 1 versus Class 2, which are the same type of permit except they have different permit durations. Proposed changes involved cleaning up those approval criteria and adding clarity to how the days are calculated, so if someone applies for 30 days, those days do not necessarily have to be consecutive, as long as they were within the same calendar year.
 - Some clarity was also being added to clearly state that temporary signs do still require a permit even though they are temporary.

- Language was also struck in the Code section with temporary sign permit criteria so the Sign Code would be the only place for such criteria to avoid any potential inconsistencies in the future should those standards change.
- Development Applications and Appeals. In Sections 4.011 and 4.022, Staff proposed adding language to clarify what is required for applications and appeals to be considered filed which was consistent with the City's current practice.
- The proposed Development Code amendments were included within the meeting packet as an attachment to Resolution No. LP23-0002. Staff recommended adoption of the Resolution, which recommended the adoption of the proposed Development Code amendments to City Council.

Commissioner Hendrix stated she supported adding clarity and ensuring Federal regulations were followed. She asked what outdated language was referenced in the slides.

- Ms. Rybold noted on Page 2 of 21 of Attachment 1, Section 4.023(.05) included language for a period beginning June 1, 2009 and ending June 1, 2010 that required Staff to approve extensions and that they did not count against the number of extensions allowed. The language was added in light of the fact that the economic crash at the time had an impact on the ability of development to move forward.

Chair Heberlein: question on permit expiration...

- Asked whether the Temporary Use and Sign permits expired at 12:01 am on the day of the permit or at 11:59 pm, at the end of the day.
 - Ms. Rybold clarified that historically, the expiration has been at 11:59 pm, at the end of the day.
- Confirmed the expectation was that the Applicant would submit the request in writing one day before, as long as it was at any time during that day; but if provided on the day of the expiration, it would not be considered even if submitted first thing in the morning.
 - Ms. Rybold added the intent was to avoid getting in to questions of time, and that one day gave Staff the ability to verify everything related to the application being filed and whether something is missing before processing. If submitted at 5:05 pm, City offices were closed, and Staff was trying to allow one day for review.
- Understood the expectation was when an application is received, Staff would perform an immediate review to make sure the application is complete so it would not fall out of the timeline.
 - Ms. Rybold noted the Code had language stating that if Staff did not issue the decision that day, submitting the request by the deadline would keep the permit from expiring until the decision is processed.

Commissioner Hendrix understood what might be approved could conflict with old Code pieces and asked at what step in the process would Staff go back to review the old Code to avoid the same conflicts.

- Ms. Rybold responded that the subject update was an attempt to avoid such conflicts to a degree; however, more things always come up. Staff noticed conflicts when adopting new Code and had the ability to use the City's processes to make clarifications. Historically, the City has done similar updates and had the ability to do larger Code updates; sometimes it was a matter of determining if a scrivener's error needed addressed versus a Code update.
- Scrivener's errors could be made without a hearing process, but Staff was trying to be mindful and make such changes more often as needed.

Chair Heberlein confirmed there was no public comment and closed the public hearing at 6:19 pm.

Commissioner Willard moved to adopt Resolution NO. LP23-0002. Commissioner Hendrix seconded the motion.

A roll call vote was taken, and the motion passed unanimously.

WORK SESSION

3. Coffee Creek Assessment (Luxhoj)

Miranda Bateschell, Planning Director, explained the crux of the project was to revisit the Form-based Code after five years or after a certain number of applications. She noted the City received grant funding and was currently seeking additional grant funding to do additional work for the Basalt Creek Planning Area which still had a few items to adopt to get to the full master planning level and Zoning Code amendments. Staff would also be considering whether to apply the Form-based Code within the Basalt Creek Planning Area, which both the Planning Commission and City Council wanted to have in the concept plan and for Staff to consider moving forward. This work was critical not only to revisit what was adopted five years ago, but also potentially in a new work program item next year, the Basalt Creek implementation work, which would involve looking at the Coffee Creek Form-based Code to see what should apply to Basalt Creek.

- She confirmed Coffee Creek was the first and currently the only Form-based Code area in the city, and it was the first example of an industrial Form-based Code. Form-based codes were often seen in urban areas where use is less important than form and to drive a pedestrian orientation. ~~so~~ [sentences not connected] Originally, Coffee Creek had an overlay district along Day Rd, but some of that Code was not in line with what the City wanted to do, so a Form-based Code was used to not only reflect that certain design standards were wanted in Coffee Creek, but also for Coffee Creek to support a multimodal system and have the human design element.

Cindy Luxhoj, Assistant Planner, presented the Coffee Creek Code Assessment update via PowerPoint, noting Staff sought input and direction on possible Development Code amendments to the Coffee Creek Industrial Design Overlay District. She briefly reviewed the location and background of the Coffee Creek Master Plan Area and Coffee Creek Form-based Code and explained that the Coffee Creek Assessment enabled the City to determine warranted adjustments to achieve the overall objective of providing a clear and quick development review process that fosters creation of the desired connected, high-quality employment center in Coffee Creek. She highlighted the key metrics used in the assessment and summarized the results to date.

- To make compliance more achievable for applicants, Form-based Code modifications were suggested to the Parcel driveway width on a supporting street; Parking location, design, extent on an addressing street; and required Canopy height at the primary building entrance. (Slides 8-10)
- Most of the applicant feedback in focused discussions was positive, and the assessments showed that the review tracks and process were working overall, so Staff's preliminary recommendations included no modifications to review tracks or processes.
- She concluded by asking if the Commission agreed with the suggested Development Code amendments that would maintain the review process and focus on adjusting the Form-based Code standards to reduce the need for waiver requests.

Commissioner Karr:

- Said he liked that the assessment solicited feedback from the applicants, not only on the process, but on the Code itself and amendment that would make the process smoother.
- Noted the Form-based Code was for an industrial area, but it did not seem to have been designed for an industrial area due to the obvious limitations for trucking, such as the 26-ft driveway, which was impossible to turn an 18-wheeler in.
 - Ms. Luxhoj added she had three focused discussions with various applicants and a follow-up discussion with one particular applicant last week who shared their insights on each of the design standards which she made detailed notes on and was very helpful.
 - Some standards did seem to be designed for different development than what the City was getting; she noted larger speculative industrial buildings were being developed that have full loading bays, so it did become challenging.
- Noted none of the projects were storefront-type developments, so employee parking encroaches on customer parking if there was not enough. Many developments in Coffee Creek appeared to be more industrial distributors without storefronts.
 - Ms. Luxhoj agreed three out of four of the developments did not have storefronts. Precision Countertops, which was a corporate headquarters, would have more customers given the retail showroom and offices at the front.
 - One challenge of the more speculative buildings was that the office endcaps were at the front of the building, but employee parking was required to be at the side or back of the building where trucks are, creating conflicts between employees, the security around the back of the building, etc.
 - Depending on the type of development, there was a desire to allow more employee parking at the front of the building so employees could access their place of work, rather than having to go through a building.

Commissioner Mesbah:

- Commented the design standards were intended to achieve what was envisioned, and changing the design because some other use wanted to modify the design standards in order to make a different design possible was not exactly visionary.
- Asked if the City was starting to see some economic or use information to indicate that what was envisioned for this light industrial commercial area was not being viable, which would support the need to reevaluate the design and use.
 - Ms. Luxhoj understood that the design or desired environment envisioned in Coffee Creek was for smaller buildings or multiple buildings on a site, more like a corporate headquarters or office building. She did not know if it was market dynamics or what was currently in demand, or some other factor, as she was not a market expert. The developments were more of the bigger warehousing and distribution type uses that require extensive flat floors to accommodate racking, etc.
 - The question about how to find the balance between what is being developed and what was envisioned in the Coffee Creek Plan and how it meshes with the current and future market would be addressed through conversations about which Code standards need to be changed, the resulting implications, and whether that was consistent with the vision for Coffee Creek.

- Recalled the Planning Commission had not envisioned big box warehousing, but rather gathering places for employees, walking trails, etc., more like an office campus with industrial mixed in. Though big box commercial was being phased out and there were a lot of empty spaces, this was not about big box commercial.
- Hoped there would be a more thorough reimagining of what the City wanted Coffee Creek development to look like because it was a special opportunity for Wilsonville to develop a 21st Century type of industrial campus and it seemed the City was perhaps, jumping the gun.
 - Daniel Pauly, Planning Manager, responded the process has been going on for a while. The market has shifted in terms of the vision of corporate or high-tech office, which were different markets now, and warehouse was often new commercial where everything is delivered to the consumer's door, so market forces were at play. Additionally, the design standards as written had not disallowed warehousing, but those projects had to go through more process, so it was not really changing the use, but creating more process.
 - Large warehouse buildings seen on Tualatin-Sherwood Road and elsewhere were adaptable. As was the former paper plant/warehouse/church on Boeckman Road which is now DW Fritz. The large, tilt-up concrete building had shown a lot of adaptive reuse over time.
 - Unless tilt-up concrete buildings were outlawed in the Zoning Code, the market was likely revealing that warehousing would continue to develop in Wilsonville. The question was whether to add more processes, which did not really stop it, or allow it through a Class 2 review.
- Noted if the market got skittish about high-density or middle housing, the City would stick with it. Rather than making warehousing difficult as part of the process, perhaps the City should have thought about prohibiting warehousing outright.
 - Mr. Pauly clarified the City did not make it that difficult, but just added another month or two to the process.
- Asked if the City should make it easy or go the other way of not allowing warehousing all over the place and require a higher use. Perhaps Coffee Creek was on the wrong side of the Metro area for what had been envisioned. Being a blank slate, he was not sure why the City would be less insistent.
 - Ms. Bateschell added the Coffee Creek Industrial Area was designated a Regionally Significant Industrial Area (RSIA) by Metro's Title 4, so it was more industrial in nature than other areas where one might see a lot of office in a downtown area or a campus/office environment, which can occur in an RSIA, but by its nature, RSIA would allow manufacturing, warehousing, distribution, so those uses were always allowed and envisioned for the Coffee Creek area. The key issue was how those uses/buildings would look, which was why the City went through a Form-based Code to utilize design standards that create a more inviting, industrial area that may have manufacturing and industrial uses, so it was a question of how those uses would be designed and made to interface with other kinds of RSIA expectations and standards for an industrial area. Obviously, an office or office/manufacturing campus could also locate in Coffee Creek and would likely be able to meet some of the design standards more easily than some warehouse distribution types. However, the Form-based Code would still dictate the size of the buildings and the length of the frontage, which were very important throughout the Form-based Code process.

- The City acknowledged some warehousing would be built, though maybe not to the extent it has given the stronger market right now, but the goal was to ensure it was not a mile or half-mile long as seen in other places.
- Perhaps the Commission would want the waivers to remain part of the process. She believed some design standards around trucking may have been written a bit too stringent initially, knowing trucks were likely going to be coming to all those spaces, even if it was a campus environment.
- Added perhaps the sample population was not large enough with only one of three developments going in the direction the Commission preferred and the other two going the other way, so maybe it was an okay mix thus far.
 - Ms. Bateschell confirmed that was possible, noting the area was highly parcelized, so without any aggregation it was hard to know.
 - Ms. Luxhoj added that every development has a wayside and is very pedestrian-oriented, providing a place for people on bikes or walking to sit and relax. While most of the buildings were tilt-up concrete, the architecture and design of the buildings were exceptional.
 - The Black Creek project had an insane number of reveals on all sides of the building, which was beautiful; the ceiling heights within the office areas were consistent with the canopy, and when she toured the building, there were so many skylights that the building was perfectly lit even with no lights on. The building was really well done.
 - Ms. Bateschell encouraged the Commissioner to go down Garden Acres Road to see how some buildings were being built, noting two were either complete or near complete.
 - She commended Ms. Luxhoj for her work with the Applicant to preserve trees on the Black Creek site, noting the building was very large for the area and the City's standards as the applicant had definitely maximized the footprint on the property which resulted in a lot of trees being removed; however, some very significant trees were preserved on the corner of the parcel which was where the wayside was created for residents or pedestrians walking in the area in the future.
 - She noted some standards should be maintained, like not allowing parking to overtake a building's frontage, which could block a beautiful building or the wayside. At the same time, the parking standard could potentially be modified in a way to not trigger the Development Review Board (DRB) review. Staff had worked very hard with applicants who did increase the number of parking spaces to do additional screening to the mid- to high-screen standards; not allowing the increase to be an indefinite increase, but up to a certain percentage which could be written into the Code to allow the flexibility for a project to go through a Class 2 process.
 - The Commission could still have the original standards, but then have an adjustment that the Planning Director could make if other standards were met, which was similar to the DRB where the intent of the Form-based Code still had to be met when additional items were proposed/waivers requested.
 - A process could be written into Code that if the initial standards are not met, x, y, z must be done to get an extra allowance; and if those could not be met, or if they were looking for a considerable versus a modest adjustment. it might trigger the waiver process at DRB.
- Stated he had always favored giving Staff the ability to problem solve with the applicant, so that direction was fine, especially given the current Planning Director, adding there had to be trust in

who was negotiating on the City's behalf. Some standards were positive, but some, like an 18-ft retaining wall against a landscape resource was not in line with the vision, part of which was to meet the existing landscape in a way that embraced it and did not turn its back to it. He was also alarmed by other potential negatives, like an ocean of parking in front of a building, which brought Fry's to mind.

- Commended Ms. Luxhoj for her work, noting that some things applicants were pushing for were not what the Commission had in mind. He wanted to consider ways to problem solve and keep the vision.

Commissioner Willard thanked Ms. Luxhoj for her first Planning Commission presentation and the City for having the diligence to follow up with the pilot as planned. She stated she was directionally aligned with reducing the need for waivers with Form-based Code applications.

Commission Hendrix:

- Appreciated the follow-through with the applicants to get feedback and the update on the pilot.
- Asked whether Staff anticipated more variety in the waiver requests and how was that accounted for in the discussion or was it based on the waivers seen to date.
 - Ms. Luxhoj responded it was difficult to know what future applications would be received but given the configuration of the undeveloped properties in Coffee Creek, which were long and skinny, she did not believe warehouse/distribution buildings could be built, unless properties were combined.
 - The most waivers had been requested by bigger buildings, so corporate headquarters with smaller buildings would likely get really close to getting through the process without big waivers. Precision Countertops was very close except for the driveway width, which required a waiver. The Black Creek site had the most with a total of seven waivers, which could be because it had two addressing streets and a supporting street.
- Stated she was definitely open to having more discussion on what changes could be made or not.
 - Ms. Luxhoj believed having possible adjustments to the standard 24-ft driveway width, which was an issue when there were two driveways off the supporting street. Black Creek and Precision Countertops were able to meet the standard on driveways to the passenger vehicle parking areas, but the second driveway for truck access required a wider width so trucks could make the turn. A suggested change was in instances with a second driveway off a supporting street to a truck loading/unloading area, a wider driveway would be allowed.

Ms. Bateschell confirmed the limited driveway width standard was to ensure the apron was not too wide for pedestrians to cross. She acknowledged that the consultants at the time did more urban and less suburban style development, so there may have been a tendency to present standards that might fit better in an urban environment, including an industrial area in Portland, though she was not certain. While Wilsonville Staff may have understood the reason for reducing the widths to achieve the connectivity and pedestrian-oriented nature more prevalent than in other areas, the numbers might not have been scrutinized to a great degree.

Commissioner Mesbah suggested a solution that the driveway would have 24-ft pavement with two, 8-ft aprons of lattice concrete/pervious pavement with grass, which would look like lawn, yet support a semi-truck driving over it. He wanted to clarify if the intent was to avoid having huge expanses of

paved roads coming into the frontage, or if the driveway width was related to some function, like stormwater runoff, which would be reduced by pervious pavement.

Chair Heberlein:

- Agreed overall with the direction and looked forward to seeing how the modifications progressed and what would be proposed.
- Confirmed with Staff that there was no requirement for applicants to post signs that parking in front of the building was short-term, an hour or less. When visiting a business, he tends to stay more than an hour, so he would not expect visitor parking spaces to have a one-hour or less time limit. He understood the intent of rule was that it was not a long-term parking area to store commercial vehicles for days at a time.
- Noted that given the low traffic volumes for most of the developments, he did not anticipate a 40 ft driveway entrance being unsafe from a pedestrian standpoint, so when considering that standard, he suggested making sure the City was comfortable with the potential traffic loads to make sure it is safe or consider a flexible space, as mentioned by Commissioner Mesbah, to allow for the transit while still retaining a smaller visual appearance.

INFORMATIONAL

4. City Council Action Minutes (July 17 and August 7 & 21, 2023) (No staff presentation)
5. 2023 PC Work Program (No staff presentation)

Miranda Bateschell, Planning Director, reminded the first development application was just approved in the Wilsonville Town Center that would construct a building and part of a local street consistent with the Wilsonville Town Center Vision and Plan. No designation had been made regarding a street naming scheme in Town Center, so Staff inquired with the Diversity, Equity, and Inclusion (DEI) Committee about engaging with the community in brainstorming an inclusive street naming guide, scheme, and list for the Town Center. Staff presented at the DEI Committee last night, asking them for direction on a street naming scheme and would work with them on developing an actual street name list that would accompany that scheme. Staff hoped to have the street naming project completed by the beginning of the calendar year in line with when the developer would need that information.

Commissioner Hendrix:

- Asked if the City or Planning Department used an equity analysis or a set process like a standard set of questions to ensure that all disparities, mapping, and data were considered.
 - Ms. Bateschell replied the City had not established a formal questionnaire or assessment that each department or division would go through for each project. Staff was working with the DEI Committee to look at different projects and processes internal to the City, so that analysis or process might result from that work. She could also pose the question to Staff members who liaison with the DEI Committee to see if they would be interested in discussing it further.
 - The Planning Department tries to think about those issues and be knowledgeable about the history of their profession and the impact of the City's policies and bring in information and data where possible, as well as realizing Staff's limitations. In the street naming project, Staff realized it was not a job Staff needed to do and it was something that could be broadened within the community and involve a more inclusive process. Currently, no process was set, but hopefully there would be in the future.

- Stated if the City or Planning Department was interested in discussing the possibility of establishing a set process, she would love to at least listen in on the conversation.

ADJOURN

Commissioner Willard moved to adjourn the regular meeting of the Wilsonville Planning Commission at 7:15 p.m. Commissioner Karr seconded the motion, which passed unanimously.

Respectfully submitted,

By Paula Pinyerd of ABC Transcription Services, LLC. for
Mandi Simmons, Planning Administrative Assistant