

DEVELOPMENT REVIEW BOARD MEETING

MONDAY, DECEMBER 9, 2024

6:30 PM

Public Hearing:

2. **Resolution No. 440. Frog Pond Estates Temporary Use Permit.** The applicant is requesting approval of a Five (5) Year Temporary Use Permit for use of the ICHIJO USA Model Home's garage as a sales office at the Frog Pond Estates Subdivision.

Case Files:

DB24-0011 Frog Pond Estates Temporary Use Permit
-Class 3 Temporary Use Permit (TUP24-0001)

**DEVELOPMENT REVIEW BOARD
RESOLUTION NO. 440**

A RESOLUTION ADOPTING FINDINGS AND CONDITIONS OF APPROVAL, APPROVING A FIVE-YEAR TEMPORARY USE PERMIT FOR USE OF THE ICHIJO USA MODEL HOME'S GARAGE AS A SALES OFFICE AT THE FROG POND ESTATES SUBDIVISION.

WHEREAS, an application, together with planning exhibits for the above-captioned development, has been submitted by May Morimoto, ICHIJO USA – Applicant and Masaki Narita, ICHIJO USA – Owner in accordance with the procedures set forth in Section 4.008 of the Wilsonville Code, and

WHEREAS, the subject site is located at 7035 SW Alder Street on Tax Lot 24100, Section 12DD, Township 3 South, Range 1 West, Willamette Meridian, Clackamas County, Oregon, and

WHEREAS, the Planning Staff has prepared the staff report on the above-captioned subject dated December 2, 2024 and

WHEREAS, said planning exhibits and staff report were duly considered by the Development Review Board Panel A at a scheduled meeting conducted on December 9, 2024, at which time exhibits, together with findings and public testimony were entered into the public record, and

WHEREAS, the Development Review Board considered the subject and the recommendations contained in the staff report, and

WHEREAS, interested parties, if any, have had an opportunity to be heard on the subject.

NOW, THEREFORE, BE IT RESOLVED that the Development Review Board of the City of Wilsonville does hereby incorporate as part of this resolution, as if fully set forth herein, the staff report, as adopted with any amendments and attached hereto, with findings and recommendations contained therein, and authorizes the Planning Director to issue permits consistent with said recommendations for:

DB24-0011 Five (5) Year Temporary Use Permit

ADOPTED by the Development Review Board of the City of Wilsonville at a regular meeting thereof this 9th day of December, 2024 and filed with the Planning Administrative Assistant on _____. This resolution is final on the 15th calendar day after the postmarked date of the written notice of decision per *WC Sec 4.022(.09)* unless appealed per *WC Sec 4.022(.02)* or called up for review by the Council in accordance with *WC Sec 4.022(.03)*.

Jean Svadlenka, Chair - Panel A
Wilsonville Development Review Board

Attest:

Shelley White, Planning Administrative Assistant



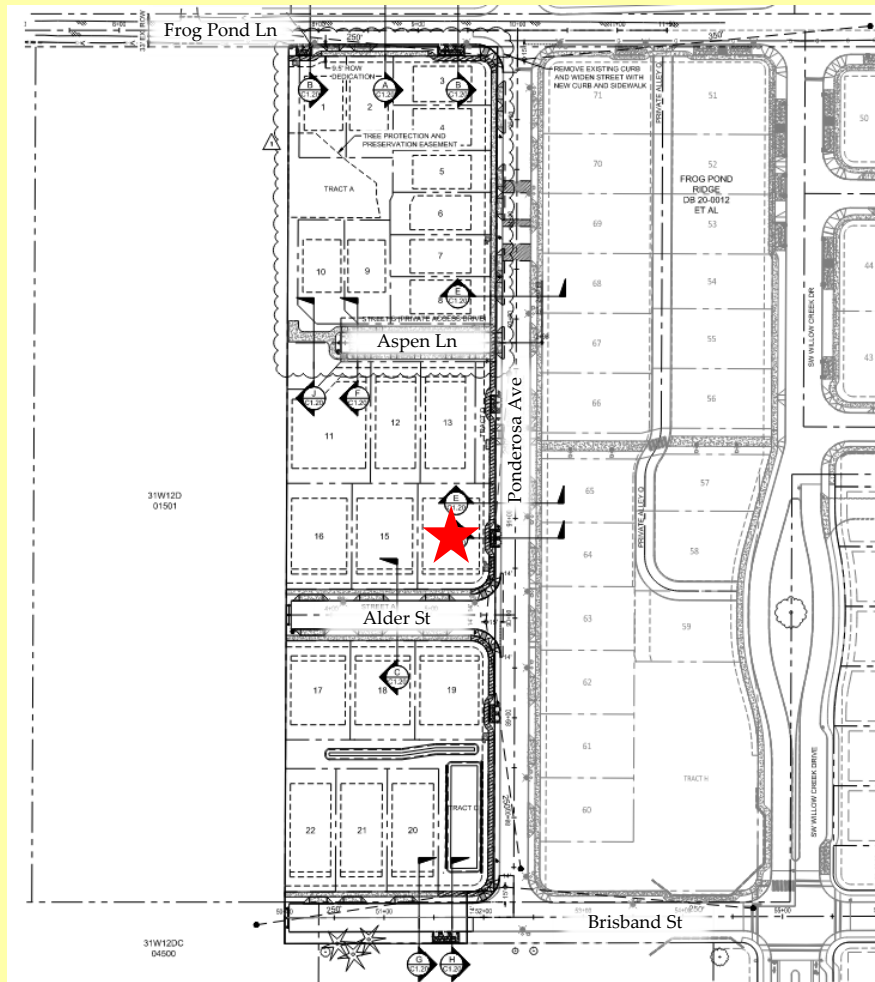
Exhibit A1
Staff Report
Wilsonville Planning Division
Temporary Use Permit for Model Home Sales Office
Development Review Board Panel 'A'
Quasi-Judicial Public Hearing

Hearing Date:	December 9, 2024
Date of Report:	December 2, 2024
Application No.:	DB24-0011 TUP for a Model Home Sales Office at Frog Pond Estates
Request/Summary:	The request before the Development Review Board includes the review of a Class 3 five-year Temporary Use Permit
Location:	7035 SW Alder Street. The property is specifically known as Tax Lot 24100, Section 12DD, Township 3 South, Range 1 West, Willamette Meridian, Clackamas County, Oregon.
Owner/Applicant:	ICHIJO USA Co., Ltd. (Contacts: May Morimoto & Masaki Narita)
Comprehensive Plan Designation:	Residential Neighborhood
Zone Map Classification:	Residential Neighborhood
Staff Reviewers:	Sarah Pearlman, Assistant Planner
Staff Recommendation:	<u>Approve with conditions</u> the requested Five-Year Temporary Use Permit.

Applicable Review Criteria:

<u>Development Code:</u>	
Section 4.008	Application Procedures-In General
Section 4.009	Who May Initiate Application
Section 4.010	How to Apply
Section 4.011	How Applications are Processed
Section 4.014	Burden of Proof
Section 4.031	Authority of the Development Review Board
Subsection 4.035 (.04)	Site Development Permit Application
Subsection 4.035 (.05)	Complete Submittal Requirement
Section 4.110	Zones
Section 4.113	Standards Applying to Residential Development in All Zones
Section 4.118	Standards Applying to Planned Development Zones
Section 4.127	Residential Neighborhood (RN) Zone
Section 4.140	Planned Development Regulations
Section 4.154	On-site Pedestrian Access and Circulation
Section 4.155	Parking, Loading, and Bicycle Parking
Sections 4.156.01 through 4.156.11	Signs
Section 4.163	Temporary Structures and Uses
Section 4.175	Public Safety and Crime Prevention
Section 4.176	Landscaping, Screening, and Buffering
Section 4.199	Outdoor Lighting
Sections 4.300 through 4.320	Underground Utilities
Sections 4.400 through 4.440 as applicable	Site Design Review
<u>Comprehensive Plan and Sub-elements:</u>	
Frog Pond West Master Plan	

Vicinity Map



Background/Summary:

ICHIJO USA Co., Ltd. seeks a 5-year temporary use permit for a model home sales office to sell homes in the 17-lot (22-unit) Frog Pond Estates subdivision. The Frog Pond Estates 17-lot subdivision was approved in 2022 within the Frog Pond West Master Plan area (DB21-0065 et seq.). In 2023, a middle housing land division was approved resulting in the creation of ten middle housing units from five parent lots on the north side of the property. The applicant proposes a sales office in the garage of the model home on Lot 14. No on-site parking is proposed pursuant to Oregon Administrative Rule (OAR) 660-012-0440. ICHIJO USA expects that within 5 years all of their homes in the subdivision will sell at which point the model home office on Lot 14 will be converted into a traditional garage.

Public Comments and Responses:

No public comments were received during the comment period.

Conclusion and Conditions of Approval:

Staff has reviewed the applicant's analysis of compliance with the applicable criteria. The Staff Report adopts the applicant's responses as Findings of Fact except as noted in the Findings. Based on the Findings of Fact and information included in this Staff Report, and information received from a duly advertised public hearing, staff recommends that the Development Review Board recommend approval to City Council or approve, as relevant, the proposed application (DB24-0011) with the following conditions:

Planning Division Conditions:

Request: DB24-0011 Five-Year Temporary Use Permit

PD 1.	All construction, site development, and landscaping shall be carried out in substantial accord with the Development Review Board approved plans, drawings, sketches, and other documents. The Planning Division may approve minor alterations through the Class I Administrative Review process.
PD 2.	The applicant shall provide at least two bicycle parking spaces meeting the access, spacing, and other standards in Section 4.155.
PD 3.	The applicant or their successors shall convert the sales office/model home to a for-sale residential home within 5 years of the date of decision.

The following Conditions of Approval are provided by the Engineering, Natural Resources, or Building Divisions of the City's Community Development Department or Tualatin Valley Fire and Rescue, all of which have authority over development approval. A number of these Conditions of Approval are not related to land use regulations under the authority of the Development Review Board or Planning Director. Only those Conditions of Approval related to criteria in Chapter 4 of Wilsonville Code and the Comprehensive Plan, including but not limited to those related to traffic level of service, site vision clearance, recording of plats, performance standards, and concurrency, are subject to the Land Use review and appeal process defined in Wilsonville Code and Oregon Revised Statutes and Administrative Rules. Other Conditions of Approval are based on City Code chapters other than Chapter 4, state law, federal law, or other agency rules and regulations. Questions or requests about the applicability, appeal, exemption or non-compliance related to these other Conditions of Approval should be directed to the City Department, Division, or non-City agency with authority over the relevant portion of the development approval.

Building Division Conditions:

BD1.	<u>Prior to Occupancy:</u> New and existing buildings shall have approved address labels. Building numbers or approved building identification shall be placed in a position that is plainly legible and visible from the street or road fronting the property, including monument signs. These numbers shall contrast with their background. Numbers shall be a minimum of 4 inches high with a minimum stroke width of 1/2 inch. (OFC 505.1) Where vehicle access is from a private drive or alley, provide a physical address on the new home, as well as near the intersection of the private drive
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and public road. The address must be visible from any approaches by a monument, pole or other sign used to identify the structure. (ORSC R319)

BD2. **Temporary Permit Use:** Building Division will require a temporary use permit for the sales office. A permit to remove any storefront will be needed to change the building back to residential use. A final inspection is required for each stage of the process.

Master Exhibit List:

The entry of the following exhibits into the public record by the Development Review Board confirms its consideration of the application as submitted. The exhibit list below includes exhibits for Planning Case File DB24-0011. The exhibit list below reflects the electronic record posted on the City's website and retained as part of the City's permanent electronic record. Any inconsistencies between printed or other electronic versions of the same Exhibits are inadvertent and the version on the City's website and retained as part of the City's permanent electronic record shall be controlling for all purposes.

Planning Staff Materials

- A1. Staff report and findings (this document)
- A2. Staff's Presentation Slides for Public Hearing (to be presented at Public Hearing)

Materials from Applicant *(Available Under Separate Cover)*

- B1. Development Permit Application Form
- B2. Narrative
- B3. Plan Set

Procedural Statements and Background Information:

1. The statutory 120-day time limit applies to this application. The applicant first submitted the application on October 10, 2024. On November 1, 2024, the application was deemed complete. The City must render a final decision for the request, including any appeals, by March 1, 2025.
2. Surrounding land uses are as follows:

Compass Direction	Zone:	Existing Use:
North	RN	Residential (Under Construction, Frog Pond Vista)
East	RN	Residential (Under Construction, Frog Pond Ridge)
South	RN	Future Primary School and Neighborhood Park
West	RRFF5	Rural Residential/Agriculture (Clackamas County)

3. Previous City Planning Approvals:
DB21-0065 et seq – Frog Pond Estates Subdivision Annexation, Zone Map Amendment, Stage I Preliminary Plan, Stage II Final Plan, Site Design Review of Parks and Open Space, Tentative Subdivision Plat, Type C Tree Removal Plan
AR23-0013 – Frog Pond Estates Middle Housing Land Division
AR23-0014 – Frog Pond Estates Tentative Plat Revision
TREE23-0035 – Frog Pond Estates Type B Tree Removal
4. The applicant has complied with Sections 4.013-4.031 of the Wilsonville Code, said sections pertaining to review procedures and submittal requirements. The required public notices have been sent and all proper notification procedures have been satisfied.

Findings:

NOTE: Pursuant to Section 4.014 the burden of proving that the necessary findings of fact can be made for approval of any land use or development application rests with the applicant in the case.

General Information

Application Procedures-In General Section 4.008

The City's processing of the application is in accordance with the applicable general procedures of this Section.

Initiating Application Section 4.009

The application has been submitted on behalf of the property owner, ICHIJO USA Co., Ltd. and is signed by Masaki Narita, an authorized representative.

Pre-Application Conference Subsection 4.010 (.02)

A Pre-application conference was not required.

Lien Payment before Approval Subsection 4.011 (.02) B.

No applicable liens exist for the subject property. The application can thus move forward.

General Submission Requirements Subsection 4.035 (.04) A.

The applicant has provided all of the applicable general submission requirements contained in this subsection.

Zoning-Generally Section 4.110

This proposed temporary uses are in conformity with the applicable zoning district and general development regulations listed in Sections 4.150 through 4.199 have been applied in accordance with this Section.

Request: DB24-0011 Model Home Garage Sales Office

As described in the Findings below, the applicable criteria for this request are met or will be met by Conditions of Approval.

Regulations in the Residential Neighborhood Zone

Permitted Uses in the Residential Neighborhood Zone Subsection 4.127 (.02)

1. The Residential Neighborhood zone does not explicitly permit commercial development, such as sales offices. Section 4.163 allows for approval of temporary uses not otherwise allowed, which is the request of the applicant.

Permitted Accessory Uses in the Residential Neighborhood Zone Subsection 4.127 (.03)

2. The temporary use for sales and display of new homes is accessory to the planned residential subdivision, subject to review pursuant to Section 4.163.

Lot Development Standards Subsection 4.127 (.08)

3. The proposed sales office will be within the garage of a dwelling that is currently under construction, and which meets the setbacks of the Residential Neighborhood zone. Modifications to the structure necessary for its use as a sales office will be reviewed as a part of required building permits.

On-site Pedestrian Access and Circulation

On-site Pedestrian Access and Circulation Section 4.154 (.01) A.

4. The Frog Pond neighborhood was designed to be pedestrian-oriented. The existing and planned sidewalk network provides access to the model home sales office.

Continuous Pathway System Section 4.154 (.01) B. 1.

5. The sidewalk will provide a continuous path between any on-street parking in the right-of-way and the model home sales office. A pedestrian pathway connecting the public sidewalk to the front door of the residence and to the garage sales office is proposed.

Safe, Direct and Convenient Pathways Section 4.154 (.01) B. 2.

6. Each lot in the Frog Pond Estates subdivision has direct access to the comprehensive sidewalk network which ICHICJO USA Co., Ltd. will utilize along with the pathway to the front of the house and the paved driveway to the garage sales office. The Applicant does not propose designated on-site parking spaces. The sidewalk and driveway are at least 5' wide and ADA compliant.

Vehicle /Pathway Separation

Section 4.154 (.01) B. 3.

7. The sidewalk is vertically and horizontally separated from vehicular lanes. No designated, on-site, vehicle parking is proposed related to the sales office use.

Crosswalks

Section 4.154 (.01) B. 3.

8. The applicant does not propose new crosswalks across private parking areas or driveways.

Pathway Width and Surface

Section 4.154 (.01) B.

9. The planned public sidewalks are one of the primary pathways and are concrete, 5' sidewalks.

Parking

Minimum and Maximum Parking

Subsection 4.155 (.03) G.

10. Pursuant to Oregon Administrative Rules (OAR) 660-012-0440 parking mandates, or the minimum vehicle parking requirements in Table 5, are not applicable due to the site being within ½ mile of SMART Routes 2X and 4, the City's most frequent transit routes. With no minimum or maximum vehicle parking requirements, the number of total vehicle parking spaces is at the complete discretion of the applicant, so long as the total number of spaces does not exceed the maximum and other non-parking minimum requirements are still met. In addition, for any vehicle parking spaces provided, the applicable design standards as well as percentage of and similar requirements for certain types of spaces still apply.

The Applicant's Narrative states that "parking will be available on and around the project site for visitors to the temporary model home sales office use." The Applicant clarified that no designated, on-site parking is proposed as a part of this application, but that adjacent, on-street parking will be available.

Bicycle Parking Requirements

Subsection 4.155 (.04)

11. Table 5 establishes a minimum bicycle parking requirement of two spaces for office use. There is no minimum requirement for single-family homes. The applicant proposes a 4' x 6' bicycle parking area in the driveway adjacent to the sales office entrance. Condition of Approval PD 3 ensures that provided bicycle parking meets the standards of this subsection.

Signs

Temporary Signs in All Zones – General Allowance Subsection 4.156.09 (.02)

12. The applicant proposes one to two free-standing signs totaling 24 square feet or less as allowed by this subsection to direct visitors to the sales office. The signs will be removed at the conclusion of the sales office use in conformance with this subsection.

Temporary Structures and Uses

Temporary Use Permits-Generally Section 4.163

13. While the Residential Neighborhood zone permits some commercial development subject to approval of a conditional use permit, it does so only in locations master planned for the use. The Frog Pond West Master Plan and land use approvals for the subject properties do not allow commercial uses. Thus, the applicant requests a temporary use to allow a temporary commercial use on residential land. The model home sales office will be located on a lot planned to be developed into single family homes. The applicant is requesting a Temporary Use Permit for a model home sales office up to five years to allow for a flexible time frame to construct and sell the homes in on the lots owned by ICHIJO USA, Co., Ltd..

Temporary Use Permits-Temporary Use Does Not Involve Substantial Structures Subsection 4.163 (.01)

14. While the proposed temporary use will utilize a single-family home structure planned for the subject lot, the applicant does not propose any substantial structures not planned for eventual approved residential use.

Application Requirements, Restoration to Pre-TUP Conditions Subsection 4.163 (.02)

15. The applicant has submitted the required information including a clear description of the planned use, a statement the duration is up to five years, and a site plan (see Exhibit B2). Condition of Approval PD 5 will ensure restoration of the site to pre-TUP conditions or to conditions as a single-family home subject to the approval of the Frog Pond Estates subdivision.

Just Cause for Temporary Use Subsection 4.163 (.03)

16. **Availability of Appropriate Zoned Land:** While sufficient commercial land and tenant spaces exist in the City for real estate sales offices, it is typical to have an on-site sales office as part of a model home in a new large subdivision. Such uses have existed elsewhere in residential subdivisions.

Availability of and need of property for allowed used: Upon conclusion of the temporary use, the applicant will convert the subject lot to a residential home for sale, which is the approved use.

Market Conditions, etc.: There are no market conditions that result in a lack of appropriately zoned land. The use is simply complementary to the allowed use during the sale of lots and homes in the adjacent subdivision.

Due diligence to relocate use: Not applicable. The use is only necessary during the sale of lots and homes in the adjacent subdivision.

Circumstances of applicant: The applicant owns the adjacent land on which they are developing residential homes. They wish to increase their effectiveness of marketing and provide greater convenience for customers by providing an on-site sales office along with a model home.

Other: The proposed temporary use is a typical limited duration accessory use for new residential subdivisions.

Other Development Standards

Public Safety and Crime Prevention Subsection 4.163 (.02)

17. Staff finds no evidence and has not received any testimony that the proposal would lead to crime or negatively impact public safety.

Outdoor Lighting Sections 4.199.20

18. The applicant does not propose any additional outdoor lighting. Certain pathway lighting and entryway lighting is exempt from these standards. If the applicant wishes to add anything but exempt lighting, additional review by the City will be necessary.

Underground Utility Installation Sections 4.300-4.320

19. The applicant must install all new utilities associated with the temporary use underground. No indication of overhead utilities is shown in the submitted materials and there is no evidence that the proposal will cause conflict with underground utilities.