

**DEVELOPMENT REVIEW BOARD MEETING**

**MONDAY, MAY 23, 2022**

**6:30 PM**

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Consent Agenda:

2. Approval of minutes from the April 25, 2022 DRB  
Panel B training session



**DEVELOPMENT REVIEW BOARD PANEL B – TRAINING SESSION  
MEETING MINUTES**

**April 25, 2022 at 6:30 PM**

**City Hall Council Chambers & Remote Video Conferencing**

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**CALL TO ORDER**

A regular meeting of the Development Review Board Panel B was held at City Hall beginning at 6:30 p.m. on Monday, April 25, 2022. Chair Nicole Hendrix called the meeting to order at 6:32 p.m.

**ROLL CALL**

Present for roll call were: Nicole Hendrix, Katie Dunwell, and John Andrews. Michael Horn and Jason Abernathy were absent.

Staff present: Daniel Pauly, Ryan Adams, Kimberly Rybold, and Shelley White

**WELCOME AND INTRODUCTION**

**Daniel Pauly, Planning Manager**, introduced the training sessions, noting the primary purpose was to prepare the Board for its first application in the Coffee Creek Industrial District, where the design overlay, waivers, and other Code components work a bit differently than in other projects and master planned areas in the city. The other training on motion making would highlight some suggested language to make the process smoother for the Board members.

**TRAINING TOPICS**

**Motion Making (Pauly)**

**Mr. Pauly** reviewed the two-step process used to adopt the Staff report and accompanying resolution for development review projects with two separate motions. The Staff report includes the Findings of why the decision is being made and needs to be adopted first in order to support the resolution approving the plan for development. Mr. Pauly reviewed the recommended motion language for different scenarios of a hearing decision via PowerPoint. He noted that draft language for making motions would be provided in the form of a script to reference during hearings. His key additional comments included:

- If an application was being denied, the Board should explain why with a Finding stating which criteria were not met as grounds for denial. Alerting Staff with concerns ahead of time would allow staff to craft conditions supporting the denial or provide potential language for an applicable Finding for the Board's consideration at the hearing.

- Board members should never correspond with other Board members directly but email Staff about any issues or with ideas to share with other Board members to avoid violating public records law.

Using the draft language presented, Board members practiced various motions that would be used in the different scenarios often seen in development review hearings, and Mr. Pauly responded to clarifying questions with additional comments from Mr. Adams and Ms. Rybold.

### **Coffee Creek (Rybold)**

**Kim Rybold, Senior Planner**, highlighted the background, purpose, and timeline of the City's Industrial Form-based Code, along with its desired outcomes and the key components and standards used in its distinct, two-track review process. Because the Form-based Code involved a unique overlay that applied only to Coffee Creek, most of which was outside of the city and in Washington County, any development request would be accompanied by annexation and Zone Map amendment requests. She responded to Board member questions as follows:

- State grant funds helped pay for the development of the Form-based Code, as well as some of the documentation. The City paid for the adoption fees. The urban renewal district was created to help fund infrastructure projects identified within the district. The City took out a loan to build Garden Acres Rd anticipating the additional property tax revenues.
- The development south of Clutter Rd was already within the City of Wilsonville.
- Frog Pond West Master Plan laid out specific requirements and the associated Development Code section employed clear and objective standards. The adopted 2007 Coffee Creek Master Plan did not include the same level of specificity, in terms of how the area was to be structured, aside from some key infrastructure investments. The Form-based Code development process was a way to create some of those standards. Although not the same, the intention was similar in that Form-base Code attempted to use very clear and objective Development Code standards to help implement what was envisioned for the area.
- The Form-based Code applied to the shaded area shown on Slide 5 which included Residential land that would need to be rezoned.
- Except for the southern portion in Clackamas County, the majority of the area, which was in Washington County had a Future Development-20 (FD-20) Zone, essentially a holding zone for future development. While some residential uses exist, the intention of Washington County's current zoning standards reflected the fact that the area was planned for future urban level development as the city expands into the Coffee Creek area.
- The Transportation System Plan (TSP) was considered in that Day Road was a major arterial and Garden Acres Rd, a minor arterial, resulting in access restrictions along those streets. These restrictions would not likely be a point of emphasis during a review hearing because the Code was very specific about where access points were supposed to be, and Engineer Staff would ensure access was provided in a way that was consistent with the City's standards.
- The Staff report would typically recommend approving Staff's recommendation as City planners; however, the applicant still had the burden of justifying the reason for a requested waiver. In this case, an adopted document, the Coffee Creek Pattern Book, served as the basis for those findings. One example was the 15-ft canopy height limit in the Code and requests from a couple applicants for a 12-ft canopy, noting it would align better with their overall design based on work requirements for other parts of the building. While not an

adjustment the Code allows, the waiver request might still meet the design intent and be consistent with the Pattern Book.

- The Board's role included reviewing the City's recommendations, findings and plan set, and if something did not seem to check the box as far as meeting the standard, to question why Staff believed it did.
- As a quasi-judicial board, subjective opinions, such as color preferences, would not be applicable considerations during the review.
- Staff anticipated an application using Form-based Code at the May DRB-B meeting. Another application using the Clear and Objective Track had been withdrawn due to timing issues, and if resubmitted using the same track, the application would likely use the administrative review process. Recently, another Coffee Creek application had been submitted that requested waivers, but the DRB review was likely months away. Staff was seeing increased development activity pick up in Coffee Creek.
- Board members with specific questions about the May application prior to the hearing should email Associate Planner Cindy Luxhoj and could copy Ms. Rybold, who would also address more Code specific questions.

## DISCUSSION AND CONCLUSION

The Board was asked to share or email Staff with more ideas for training. Comments and ideas from the Board and Staff were as follows:

- Panel A had requested training on waivers, even beyond Coffee Creek. A joint training could be held, or Panel B members could attend the training with Panel A. The training could also be done during a meeting with a light agenda.
- Any trainings were helpful, especially with the long time between meetings.
- Receiving the notes and PowerPoint about the motion training would be helpful.
- Receiving a lot of public comment often confused things, likely due to the emotion involved. The Board had to make a decision based on the written standards, so how could the request for public comment be better phrased because citizens seem to expect the Board to deny based on their feelings rather than Code. How could the Chair's comments be phrased to better frame the process and the connection to the Code for those giving public testimony?
  - **Mr. Pauly** replied each step was important and Staff has discussed trying to provide a better explanation in the public noticing; that the City was seeking comments on a proposal and then set the expectations about what citizens could not influence; acknowledging that the application was likely to be approved, so comments should focus on the interface between the citizen and the new project.
- Clarifying the DRB's role for the public was suggested, as that was misunderstood at a previous hearing.
  - A strong statement at the beginning of the meeting/hearing to get people's attention and set the stage would be helpful. Staff would work with the Chair to craft that statement.
  - Citizens have a sense of what they are going to say before the meeting, so giving them the information ahead of time would be beneficial. By the time citizens arrive at the meeting, it could be too late because they are primed to give their testimony, which could get quite emotional for some people, understandably.

**Chair Hendrix** said she appreciated the gifts received at the Volunteer Appreciation event.

**Mr. Pauly** responded that the City sincerely appreciated all of its volunteers.

The meeting concluded at 7:45 p.m.

Respectfully submitted,

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