

**RESOLUTION NO. 1750**

**A RESOLUTION DENYING AN APPEAL OF PLANNING FILE 01DB24A, ADOPTING FINDINGS AND CONCLUSIONS AND AFFIRMING DESIGN REVIEW BOARD APPROVAL AND CONDITIONS OF APPROVAL FOR A STAGE I PRELIMINARY PLAN, STAGE II FINAL PLANS, SITE AND DESIGN PLANS FOR A 59,835 SF EXPANSION TO THE EXISTING MANUFACTURING/WAREHOUSE, OREGON GLASS COMPANY FACILITY IN THE PLANNED DEVELOPMENT INDUSTRIAL (PDI) ZONE. THE SITE IS LOCATED ON 10450 SW RIDDER ROAD, WILSONVILLE, OREGON, ON TAX LOTS 3001 AND 3003, SECTION 11, T3S-R1W, CLACKAMAS COUNTY, OREGON.**

WHEREAS, an application together with planning exhibits for the above-captioned development, has been submitted in accordance with the procedures set forth in Section 4.008 of the Wilsonville Code; and

WHEREAS, planning exhibits and staff reports were duly considered by Development Review Board – Panel B in public hearings, at regularly scheduled meetings conducted on August 27, 2001 and September 24, 2001; and

WHEREAS, the Development Review Board (DRB) approved with conditions the above-captioned development plans on September 24, 2001; and

WHEREAS, Oregon Glass Company appealed the DRB decision to the City Council, who subsequently remanded the appeal to the DRB for further hearing along with a request to toll the 120-day period until a final decision, including all hearings and appeals, had been reached; and

WHEREAS, the DRB held a public hearing on November 26, 2001, at which time exhibits, together with proposed revised findings and conditions of approval, and public testimony were entered into the public record, and;

WHEREAS, the DRB adopted revised findings, conclusions and conditions of approval for the above-captioned planning file; and

WHEREAS, interested parties had an opportunity to be heard on the subject; and

WHEREAS, on December 12, 2001, Specht Wilsonville LLC filed timely an appeal on the November 29, 2001 notice of revised decision of November 26, 2001; and

WHEREAS, on January 7, 2002, the City Council by motion set a date certain of January 24, 2002 to hear the appeal on the record; and

WHEREAS, a Planning staff report regarding this appeal dated January 24, 2002 was received and considered by the City Council, and

WHEREAS, notice of these matter has been duly given, the applicable criteria stated, and the parties and interested persons have been given an opportunity to be heard; and

WHEREAS, the City Council has reviewed the record and been fully advised in this matter.

NOW, THEREFORE, THE CITY OF WILSONVILLE RESOLVES AS FOLLOWS:

1. The following Findings are adopted by City Council:

a) The findings and responses of Planning Division staff report including all attached exhibits regarding the appeal, dated January 24, 2002 attached hereto as Exhibit A and incorporated herein, are adopted.

b.) In addition, the City Council adopts the following supplemental findings:

i. Add to Planning Staff Report, p 6. Section 3. as follows: "If 4.421.01(C) did apply to forklift operations, the DRB determined that the operations were a continuing use that would be reduced in the approved plan. Exhibit 2, page 3, p. 7. *This criteria would be met as operations on the roadway would be likely to present a safety problem. (Etc.)*

ii. The road is 48 feet wide with four lanes which provides enough of a buffer for a motorist or vehicle to get around a fork lift or other obstruction.

iii. The width of the lanes allows safe movement of a forklift.

iv. The issues on appeal were addressed below by the Development Review Board.

v. If there are safety issues that arise and for some reason have not been resolved they could be addressed with traffic management and scheduling that would accommodate the use of the forklift with shift changes as put on the record.

vi. The appeal by Oregon Glass that was remanded by City Council in their prior decision of November 5, 2001 was correctly filed and no procedural error in that matter was found.

2. The Appeal is resolved as follows:

- a) The appeal of the issues raised by Specht Wilsonville LLC is not substantiated by the evidence when considered in the record as a whole and is hereby denied.
- b) The decision of the Development Review Board – Panel B Planning Case 01DB24A, rendered on November 26, 2001, is re-affirmed.

ADOPTED by the Wilsonville City Council at a special Council meeting thereof this 24th day of January, 2002, and filed with the Wilsonville City Recorder this same date.

  
CHARLOTTE LEHAN, MAYOR

ATTEST:

  
Sandra C. King, CMC, City Recorder

SUMMARY OF VOTES:

Mayor Lehan	<u>Yes</u>
Councilor Helser	<u>Yes</u>
Councilor Barton	<u>Yes</u>
Councilor Kirk	<u>Yes</u>
Councilor Holt	<u>Yes</u>

## PLANNING STAFF REPORT

**DATE:** City Council Public Hearing, January 24, 2002

**Resolution 01DB24: Oregon Glass Company. Consider an appeal of the decision rendered by the Development Review Board Panel 'B', granting an approval to modify Oregon Glass Stage I Preliminary Plan and approve Stage II Final Plans and Site and Design Plans for a 59,835 SF expansion to the existing manufacturing/warehouse facility.**

**APPELLANT:** Specht Wilsonville, LLC

**REQUEST:** "Appeal of Development Review Board Panel B decision approving Stage II final plan amendment and site and design plans."

**LOCATION:** 10450 SW Ridder Road, Wilsonville, Oregon 97070. Tax Lots 3001, 3002 & 3003 of Section 11, T3SR1W, Clackamas County, Oregon. The property is located directly west of the private road that leads to Precision Interconnect (Specht Wilsonville LLC, owner) and is directly south of Ridder Road.

**PLANNING CASE NO.:** 01DB24(A)

**DEVELOPMENT REVIEW BOARD ACTION:** Panel B of the Development Review Board approved a modified Stage I Preliminary Plan; approved Stage II Final Plans; and approved Site and Design Plans for a 59,835 square foot expansion to an existing manufacturing/warehouse facility (Oregon Glass) within the PDI zone. The Development Review Board adopted staff recommendations, Findings and Conditions of Approval on November 26, 2001, which are attached as Exhibit 1, and reflected in the Minutes of Development Review Board Panel B, dated November 26, 2001, attached as Exhibit 2.

**CRITERIA:** Section 4.022 (Appeal Procedures) of the Wilsonville Code.

The following were considered by the Development Review Board:

**Wilsonville Comprehensive Plan**

Ordinance No. 514: Public Facilities Water Strategy

Ordinance No. 463: Public Facilities Transportation Strategy

Oregon's Statewide Planning Goals

**Zoning Review Criteria:**

Section 4.008: Application Procedure

Section 4.012: Public Hearing Notices

Section 4.033: Authority of the City Council

Section 4.118: Standards Applying to All Planned Development Zones

Section 4.135: Planned Development Industrial Zone  
Section 4.140: Planned Development Regulations  
Section 4.140.07: Stage I Preliminary Plan  
Section 4.140.09 Stage II Final Plan  
Section 4.155: General Regulations – Parking, Loading and Bicycle Parking  
Section 4.171: General Regulations – Protection of Natural Features and Other Resources  
Section 4.176: Landscaping, Screening, Buffering  
Section 4.178: Sidewalk and Pathway Standards  
Section 4.179 Mixed Solid Waste and Recyclables Storage in New Multi-Unit Residential and Non-Residential Building  
Section 4.300-4.320: Underground Utilities  
Sections 4.400-4.421: Site Design Review

**STAFF RECOMMENDATION:** That the City Council deny the appeal and affirm the Development Review Board decision rendered on November 26, 2001 to approve the project. Appropriate Council action would be the adoption of Resolution No. 1750.

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#### **SUMMARY OF FACTS AND PROCEDURAL HISTORY**

1. The Development Review Board (DRB) conducted its first hearing on File No. 01DB24 on August 27, 2001, at which time exhibits, together with findings and public testimony were entered into the public record. The public hearing was continued to September 24, 2001, at which time the DRB approved the application with conditions of approval. (Exhibit 1)
2. On October 12, 2001, Oregon Glass appealed the September 24, 2001, DRB decision to the City Council in order to gain time to work with Specht Wilsonville LLC concerning the use of the shared access and meet Condition of Approval 21. That condition reads:

“This approval is conditioned on the Applicant and Specht Wilsonville LLC reaching agreement on documentation modifying the access easement in accord with plans drawn by Group Mackenzie and approval by the DRB. Such agreement shall demonstrate that the Applicant and Specht Wilsonville LLC agree to comply with the public safety issues that were raised, as well as an other such agreements or issues that the parties may agree to. The applicant shall submit written confirmation that the Applicant and Specht Wilsonville LLC have reached an agreement on easement modification no later than 14 days from the posting of the notice of decision. Upon receipt of such documentation, this decision shall be final *nunc pro tunc* as of the date of posting of notice of decision, September 28, 2001. The period to appeal to City Council under Section 4.022 shall also run from the date of posting of the notice of decision. In no event shall the City issue a Building Permit until the City Planning Division receives the written confirmation of agreement conditioned herein.”

The Council remanded the appeal to Panel 'B' of the DRB to review revised plans submitted by the applicant and to hear additional testimony by the applicant in response to issues raised by Specht of parking safety.

3. At issue throughout the land use review of this application has been the continuation of pre-existing use by Oregon Glass of its easement along the private road directly east of the property. Oregon Glass and Specht Wilsonville LLC continue to disagree over the use of this private roadway. At the September 24, 2001 DRB meeting, the applicant and Specht Wilsonville LLC stated on the record that they anticipated reaching an agreement on modified easement language that would satisfy the parking maneuverability concerns raised by Specht about the original development plan. The minutes of the September 24, 2001 DRB meeting are attached as Exhibit 2a.)

To date the use of the private road by Oregon Glass continues to be a source of disagreement between the parties and the source of Specht Wilsonville LLC's appeal of the DRB decision following City Council remand. As part of its appeal of the DRB decision, Oregon Glass had requested elimination of condition of approval #21 of the September 24, 2001, DRB decision (see page 3 of the Revised Conditions of Approval dated November 26, 2001 attached as Exhibit 1). This condition had made the Oregon Glass project contingent on successful negotiation of easement modification with Specht to address parking and maneuverability issues. To date, these negotiations have not been successful. However, the DRB eliminated on November 26, 2001 Condition 21 because it found that the applicant had met Condition 4 and thus satisfied the safety concerns raised.

***Issue: Parking Plan/Traffic Safety***

4. Oregon Glass requested DRB approval of a modified parking plan along the east side of the proposed building addition that would angle parking spaces and enclose the maneuvering area with a curb along the property line. Access and egress to this parking would be obtained from single points, removing the potential hazard of cars backing out into the roadway a concern raised by Specht. The City Engineer, Michael Stone, reviewed the proposed modifications (See October 23, 2001 memorandum from Mike Stone, Exhibit 5) and subsequently reviewed substantially the same plan (Revised Permit Set 11/14/01) and found that they substantially complied with the management steps specified in his memorandum dated September 17, 2001 (Exhibit 6). Mr. Stone also determined that the revised plan satisfied condition of approval #4 of the DRB September 24, 2001 decision. That condition states: "Prior to Building Permit approval, the applicant shall submit an access, parking, and circulation management plan in accordance with the management steps contained in the City Engineer's memo to Paul Cathcart of September 17, 2001 (Exhibit 6). The management plan shall be submitted for review and approval to the City Engineer prior to issuance of Building Permit." .
5. At the hearing on November 26, 2001, Specht expressed concerns over Oregon Glass's revised plans that were approved by the City Engineer. Specht indicated a desire to see a curb constructed along the existing Oregon Glass building to keep

forklifts from backing into the roadway. The City Engineer indicated that roadway striping in front of the existing building would be adequate to control forklift traffic and that additional curbing was not necessary.

***Issue: Landscaping***

6. The rearrangement of parking on the east side of the proposed Oregon Glass building expansion results in less available space for landscaping on this side of the building. Staff recommended to DRB an installation of columnar conifers along the east side of the proposed building to break up the façade. Condition of Approval 22 states: "The owner shall furnish the City's Planning Division with a revised landscape plan showing eight (8) foot columnar type conifer trees to be planted along the east side of the proposed building addition at the head of each parking stall."

***Action***

7. Based on the applicant's revised plans as cited in Items 4, 5 and 6 above, the DRB approved the project on November 26, 2001, with revised conditions of approval, attached in Exhibit 1.
8. On December 12, 2001, Specht Wilsonville LLC filed application with the City Recorder (attached as Exhibit 3) to appeal the DRB approval to modify the Oregon Glass Stage I Preliminary Plan and Stage II Final Plan and the Site and Design Plans for the proposed expansion to the existing manufacturing/warehouse facility. Although the appeal briefly states four points, the main thrust is traffic safety of the private roadway.
9. Staff received a letter from Todd Sheaffer, Chief Operations Officer, Specht Properties, Inc. on January 14, 2002 dealing with traffic safety. This letter is intended to be clarifying information and is listed as Exhibit 4 to this staff report.

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**STAFF RESPONSES TO APPELLANT'S APPEAL ITEMS**

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1. "The DRB decision does not explain how the "location, design, size and uses, both separately and as a whole, are consistent with the Comprehensive Plan, and with any other applicable plan, development map or Ordinance adopted by the City Council" as required by Section 4.140.09(J) of the Wilsonville Code (WC). In fact, the proposal conflicts with numerous transportation and safety elements of the Comprehensive Plan."

**Conclusionary Finding:**

Appellant's assertion is without merit. After public hearings on August 27, September 24, and November 26, 2001, and based on the materials, exhibits and testimony presented, Panel 'B' of the Development Review Board of the City of Wilsonville adopted the application as submitted and further revised and adopted additional findings, including the discussion and motion of the Development Review Board in the public hearing. Pages 15-16 and pages 35-38 of Exhibit 1

identify the review of and conclusions for applicable Comprehensive Plan sections and Statewide Goals.

2. "WC Section 4.125.07(A) provides that all "uses and operations except storage, off-street parking, loading and unloading shall be confined, contained, and conducted wholly within completely enclosed buildings, unless outdoor activities have been approved through Administrative Review or other land use approval process. The DRB decision does not explain how the applicant's use of forklifts outside the existing building and within the easement right-of-way meet this standard."

### **Conclusionary Findings:**

Staff believes that the appellant intended WC Section 4.135.07(A) rather than the section stated in Appeal Issue #2 above. This criteria reads as follows: "All uses and operations except storage, off-street parking, loading and unloading shall be confined, contained, and conducted wholly within completely enclosed buildings, unless outdoor activities have been approved through Administrative Review or other land use approval process (e.g., Conditional Use Permit, Site Development Permit)."

The existing Phase I building, manufacturing and warehouse uses, operations, off street loading and unloading, including the outdoor forklift operation, have been legal nonconforming uses for over 25 years. The appellant has not provided evidence to the contrary of this fact. The appellant did not raise any issue, or supporting evidence that the applicant did not have the right to continue existing use of the roadway, including forklift use. The Development Review Board found that the existing Phase I building, manufacturing and warehouse uses, operations, off street loading and unloading, including the outdoor forklift operation, were not subject to review in this request as they are pre-existing. The scope of the DRB decision is based upon the Stage II Final Plans and Site and Design Plans for the new Phase II expansion. Thus, WC Section 4.125.07(A) does not apply to legal non-conforming uses and development.

The subject 50-foot wide road that is adjacent to the East Side of the existing Oregon Glass building is a private road.

Oregon Glass requested DRB approval of a modified parking plan (November 16, 2001) along the east side of the proposed building addition that will angle the parking spaces and enclose the maneuvering area with a curb along the property line. Access and egress to this parking would be obtained from single points, removing the potential hazard of cars backing out into the roadway. The City Engineer reviewed the proposed modifications. He found, and the Development Review Board found, that the applicant had substantially complied with the management steps the City Engineer had laid out in his memo of September 17, 2001; thus satisfying condition of approval #4 of the DRB September 24, 2001 decision.

The City Engineer was contacted by Specht Wilsonville LLC, relating to the continuation of the planned curb, separating the proposed angled parking from the main access roadway, northward along the existing Oregon Glass building to Ridder Road. The City Engineer determined that no additional curb was required. However, if such curbs is installed the City Engineer requests the opportunity to approve its location to assure the installation with accepted engineering standards

3. "WC Section 4.421.01(C) requires that drives, parking and circulation areas be "safe and convenient." The proposal, which includes the use of forklifts for transporting plate glass within an easement right-of-way, is neither safe nor convenient. Additionally, the DRB's decision does not explain how the application meets the standards of WC Section 4.421.01(C)."

**Conclusionary Finding:**

Subsection 4.421.01(C) states:

*"Drives, parking and circulation. With respect to vehicular and pedestrian circulation, including walkways, interior drives and parking, special attention shall be given to location and number of access points, general interior circulation, separation of pedestrian and vehicular traffic, and arrangement of parking areas that are safe and convenient and, insofar as practicable, do not detract from the design of proposed buildings and structures and the neighboring properties".*

Subsection 4.421.01(C) does not pertain to forklift operations next to a private road and adjacent to a preexisting building, which is the case here. The DRB found that the proposed Phase II building expansion, site improvements and angled parking dated November 16, 2001 (with improvements to curbing) are consistent with Subsection WC 4.421.01(C). If 4.421.01(C) did apply to forklift operations, the DRB determined that the operations were a continuing use that would be reduced in the approved plan. Exhibit 2, page 3, p.7. The applicant stated that existing forklift use of the roadway would decrease due to the change in operations to suit the building expansion. Exhibit 2, page 3, p.7

4. "Statewide Planning Goal 12 requires that the City provide a safe transportation system. This proposal does not meet that standard due to the inherent conflict between traffic on the easement right-of-way and the use of forklifts in the right-of-way."

**Conclusionary Finding:**

The City of Wilsonville Transportation Master Plan dated July 12, 1991 is in compliance with Statewide Planning Goal 12, which is a plan to provide adequate public facilities and services tied to the rate of development. The Transportation Master Statewide Planning Goal 12 does not require a safe transportation system

ted to private roads. Per definition #162 of Section 4.001WC, the subject road in question that is adjacent to the forklift operation is not a public "right-of-way" but a "private street".

**EXHIBITS:**

1. Case File O1DB24(A) Conditions of Approval, , Development Review Board (Amended), dated November 26, 2001; Resolution No. 01DB24(A), dated November 26, 2001; and Adopted Staff Report dated November 26, 2001; and Notice of Decision dated November 29, 2001.
2. Minutes of the November 26, 2001 DRB meeting.
- 2a. Minutes of the September 24, 2001 DRB meeting.
- 2b. Minutes of the August 27, 2001 DRB meeting.
3. Specht Wilsonville LLC Appeal, dated December 12, 2001.
4. Letter from Todd Sheaffer, Chief Operations Officer, Specht Properties, Inc. to Mike Stone, City Engineer dated January 14, 2002.
5. Memorandum dated October 23, 2001 to Paul Cathcart, Associate Planner from Michael A. Stone, City Engineer re: compliance with safety condition.
6. Memorandum dated September 17, 2001 to Paul Cathcart, Associate Planner from Michael A. Stone, City Engineer re: Supplemental public facilities conditions of approval.

**Staff Preparers: Blaise Edmonds, Paul Cathcart, and Maggie Collins**

**DEVELOPMENT REVIEW BOARD  
(AMENDED) RESOLUTION NO. 01DB24 (A)  
(Remand)**

**A RESOLUTION ADOPTING FINDINGS AND CONDITIONS APPROVING STAGE II FINAL PLANS, SITE AND DESIGN PLANS AND REVISED PARKING LOT LAYOUT AND ASSOCIATED SITE IMPROVEMENTS AND ELIMINATING CONDITION OF APPROVAL #21 FROM DRB APPROVAL OF SEPTEMBER 28, 2001. THE SITE IS LOCATED AT 10450 SW RIDDER ROAD ON TAX LOTS 3001 AND 3003, SECTION 11, OREGON GLASS, APPLICANT.**

WHEREAS, an application, together with planning exhibits for the above-captioned development, has been submitted in accordance with the procedures set forth in Section 4.008 of the Wilsonville Code, and

WHEREAS, the Planning Staff has prepared reports on the above-captioned subject dated August 27, 2001 and September 24, 2001, and

WHEREAS, said planning exhibits and staff reports were duly considered by the Development Review Board at a regularly scheduled meeting conducted on August 27, 2001, at which time exhibits, together with findings and public testimony were entered into the public record; the hearing was continued to September 24, 2001, at which time the Development Review Board approved the application with conditions of approval and adopted as findings the City Engineer's Supplemental memo of September 17, 2001, the Assistant City Attorney's memo of September 17, 2001, the DKS report of September 10, 2001, and

WHEREAS, J. David Bennett on behalf of Oregon Class Company filed an appeal of 01DB24, and for a negotiated settlement of the appeal, requested a voluntary remand of the decision and public hearing to the DRB Panel B, having tolled the 120 day statute to allow for notice and hearing on appeal on remand, and

WHEREAS, the City Council, after proper hearing notification, at a public hearing on November 5, 2001, remanded the matter to the DRB Panel B and set the hearing date for November 26, 2001, and

WHEREAS, the Development Review Board reviewed the revised parking lot layout and associated landscaping plans submitted for the remanded hearing and the revised staff report dated November 26, 2001, 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 adopt the revised supplemental staff report dated November 26, 2001 attached hereto as Exhibit A with findings and recommendations contained therein, and approves the revised parking lot layout and landscaping plans date stamped November 16, 2001 and deletes Condition #21 from the approval granted on September 28, 2001.

ADOPTED by the Development Review Board of the City of Wilsonville at a regular meeting thereof this 26<sup>th</sup> day of November 2001 and filed with the Planning Secretary on \_\_\_\_\_ . This resolution is final on the 15th calendar day after the postmarked date of the written notice of decision unless appealed or called up for review by the council in accordance with *WC Sec 4.022(.09)*.

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Gary Betts, Chairman Panel B  
Wilsonville Development Review Board

Attest:

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Kitty Anderson, Planning Secretary

01DB24A  
Oregon Glass

Stage I Preliminary Plan,  
Stage II Final Plan, and  
Site Design Review  
Sign Plan

**REVISED CONDITIONS OF APPROVAL**  
*Amended & Adopted by the Development Review Board on November 26, 2001*

The application and supporting documents is hereby adopted for approval with the following conditions.

- 1) This action approves the proposed modification to the Stage I Oregon Glass Preliminary Plan, the Stage II Final Plans and the Site and Design Plans. The applicant shall develop the site, buildings, parking and drives in substantial compliance with the proposed DRB plans dated ~~August 27, September 24~~, date stamped November 16 2001 unless altered with Board approval or minor revisions that are approved by the Planning Director under a Class I administrative review.
- 2) The applicant shall not occupy the premises for which it has applied for development until after October 15, 2001. City water will not be available for landscaping until after the water treatment plant is producing sufficient water for this purpose as determined by the Community Development Director. However, the applicant may truck in water from a water source outside the City. The applicant is hereby requested to defer installation of landscaping, except for erosion control purposes. The applicant shall provide security equal to 110% of the cost of the landscaping as determined by the Community Development Director to be filed with the City assuring such installation within six months of occupancy. "Security" is cash, certified check, and time certificates of deposit, assignment of a savings account and written right of access to the property, or such other assurance of completion as shall meet with the approval of the Community Development Director. If the installation of the landscaping is not completed within a six-month period once the water treatment plant is occupied or within an extension of time authorized by the Board, the security may be used by the City to complete the installation. Upon completion of the installation, any portion of the remaining security deposited within the City shall be returned to the applicant.
- 3) Should the negotiations between Oregon Glass and Specht Wilsonville L.L.C. over the rights granted to Oregon Glass under the access easement result in a change to the approved plans for site access, parking, or utility access, the owner shall return to Panel B of the Development Review Board for approval of an acceptable alternative plan that meets the City's minimum code requirements.

- 4) *Prior to Building Permit approval, the applicant shall submit an access, parking, and circulation management plan in accordance with the management steps contained in the City Engineer's memo to Paul Cathcart of September 17, 2001. The management plan shall be submitted for review and approval to the City Engineer prior to issuance of Building Permit.*
- 5) Final construction plans shall be reviewed and approved by the Planning Director, City Engineer, the Tualatin Valley Fire and Rescue District, and the City Building Official prior to the project's construction.
- 6) The applicant shall obtain a Type 'C' Tree Removal Permit on the Planning Department Site Development Application and Permit form for the trees to be relocated prior to the installation of on-site landscaping.
- 7) This action approves maximum 30 PM peak hour trips for the proposed building addition.
- 8) Employee parking from this facility shall not occur on adjacent properties within the City without written consent of the property owners and the approval of the Planning Division.
- 9) The owner shall stripe a minimum of 60% of the parking stalls as standard parking spaces.
- 10) The applicant shall install bicycle racks to accommodate at least six (6) bicycle spaces. Locate the Bicycle racks within close proximity of main building and employee entrances, and if possible, under covering. The bicycle racks shall be of the design that bicyclists can provide their own locking device to secure the frame and both wheels.
- 11) The HVAC should be painted to match the main body color of the building.
- 12) All sidewalks constructed, as part of the proposed project shall be a minimum of 5 feet and concrete.
- 13) To ensure the longevity of all landscaped common areas, the applicant shall install a water wise or drip type irrigation system. Such irrigation plan shall be submitted with the Building Permit drawings and shall be reviewed and approved by the Planning Division for consistency with this approval and landscape plan. *These drawings shall indicate the source of irrigation water.* Further, landscaping shall be professionally maintained by weeding, pruning and replacing dead plant material as necessary. All landscape areas shall be professionally maintained.

- 14) All shrubs shall be well branched and typical of their type as described in current AAN Standards and shall be equal to or better than 2-gallon cans. The landscaping plan shall be planted at such a density so as to provide a minimum of 95% coverage of landscape areas with vegetation, within 3 years time period. Bark mulch and similar materials shall consist of not more than 5% of the total landscape area after the 3-year period.
- 15) All construction workers' vehicles and job shacks associated with this project shall be parked and located on site.
- 16) The applicant shall contact United Disposal Services to provide an adequate number of trash enclosures and to be consistent with City Ordinance No.426 requiring storage for mixed solid waste and recyclables. All trash enclosures shall be screened with sight obscuring fencing and landscaping. Outdoor storage is not allowed unless approved through Class II administrative review by the Planning Division.
- 17) The applicant/owner shall file with the City's Planning Division an application for any additional on-site signage.
- 18) Approval for the modifications to the Stage I Preliminary Plan, Stage II Final Plans and Site and Design Plans will expire two years after final approval if substantial development has not occurred on the property within that time unless extended by the DRB for just cause.
- 19) The applicant shall waive right of remonstrance against any local improvement district that may be formed to provide public improvements to serve the subject site. Before the start of construction, a waiver of right to remonstrate shall be submitted to the city attorney.
- 20) The applicant shall comply with the proposed conditions of approval in the reports of the City Engineer, Building Official, and Environmental Services identified in Exhibit E, F, G respectively.
- ~~21) This approval is conditioned on the Applicant and Specht Wilsonville L.L.C. reaching agreement on documentation modifying the access easement in accord with plans drawn by Group MacKenzie and approved by the DRB. Such agreement shall demonstrate that the Applicant and Specht Wilsonville L.L.C. agree to comply with the public safety issues that were raised, as well as any other such agreements or issues that the parties may agree to. The applicant shall submit written confirmation that the Applicant and Specht Wilsonville L.L.C. have reached an agreement on easement modification no later than 14 days from the posting of the notice of decision. Upon receipt of such documentation, this decision shall be final *nunc pro tunc* as of the date of posting of notice of decision, September 28, 2001. The period to appeal to City Council under Section 4.022~~

~~shall also run from the date of posting of the notice of decision. In no event shall the City issue a Building Permit until the City Planning Division receives the written confirmation of agreement conditioned herein.)~~

**22) The owner shall furnish the City's Planning Division with a revised landscape plan showing eight (8) foot columnar type conifer trees to be planted along the east side of the proposed building addition at the head of each parking stall.**

**23) The owner shall professionally maintain the "unused" landscape portion of the site.**

**24) The applicant/owner shall submit plans for the proposed curb along the east side of the proposed building expansion to the City Engineer. The plans for the curb shall show, to the satisfaction of the City Engineer, reinforcement sufficient to withstand the wear of the vehicles using the proposed parking area. (Added by Development Review Board on November 26, 2001).**

#### **ENGINEERING DEPARTMENT MEMO**

DATE: July 6, 2001

TO: Paul Cathcart, Associate Planner

FROM: Michael A. Stone PE, City Engineer

RE: Engineering Division Public Facilities (PF) Conditions of Approval for the proposed Oregon Glass Expansion (01DB24A).

Based on a review of the materials submitted, Staff has prepared the following Conditions of Approval. These conditions are applicable to the subject application; any subsequent modifications may require amendments and/or additions.

At the request of Staff DKS Associates has completed a Traffic Impact Analysis dated May 31, 2001.

PF 1. From the materials submitted, it appears that the storm drain, domestic water and sanitary sewer facilities will be obtained from main line connections and/or extensions. Separate engineering drawings reflecting the installation of these public utilities will be required.

No construction of, or connection to, any existing or proposed public utility/improvements will be permitted until all plans are approved by Staff, all

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EXHIBIT A

01DB24A

fees have been paid, all necessary permits, right-of-way and easements have been obtained and Staff is notified a minimum of 24 hours in advance.

- PF 2. Staff reserves the right to revise/modify the public improvement construction plans and completed street improvements to see if additional modifications or expansion of the site distance onto adjacent streets is required.
- PF 3. All public utility/improvement plans submitted for review shall be based upon a 24"x36" format and shall be prepared in accordance with the City of Wilsonville Public Work's Standards.
- PF 4. Record drawings are to be furnished for all public utility improvements (on 3 mil. Mylar) before the final punch list inspection will be performed.
- PF 5. All survey monuments on the subject site, or that may be subject to disturbance within the construction area, or the construction of any off-site improvements shall be adequately referenced and protected prior to commencement of any construction activity. If the survey monuments are disturbed, moved, relocated or destroyed as a result of any construction, the project shall, at it's cost, retain the services of a registered professional land surveyor in the State of Oregon to restore the monument to its original condition and file the necessary surveys as required by Oregon State law. A copy of any recorded survey shall be submitted to Staff.
- PF 6. Plans submitted for review shall meet the following general format:
  - A. Composite Utility Plan
  - B. Detailed Utility Plan and Grading Plan.
  - C. Public utilities/improvements that are not contained within any public street shall be provided a maintenance access acceptable to the City centered in a 15 ft. wide public utility easement and shall be conveyed to the City on its dedication forms.
  - D. Design of any public utility/improvement shall be approved at the time of the issuance of a Public Works Permit.
  - E. All proposed on and off-site utility/improvement shall comply with the State of Oregon and the City of Wilsonville requirements and any other applicable codes.
  - F. Design plans shall identify locations for street lighting, gas service, power lines, telephone poles, cable television, mailboxes and any other public or private utility within the general construction area.
  - G. All new public utility/improvements and/or utilities shall be installed underground.

- H. Any final site landscaping and signing shall not impede any proposed or existing driveway or interior maneuvering site distance.
  - I. All plans, specifications, calculations, etc., prepared in association with the proposed project shall be prepared by a Registered Professional Engineer of the State of Oregon.
  - J. Erosion Control Plan that conforms to the current edition of the Unified Sewerage Agency of Washington County "Prevention and Sediment Control Plans Technical Guidance Handbook."
  - K. Existing/proposed right-of-way, easements and adjacent driveways shall be identified.
- PF 7. The applicant will install, operate and maintain adequate erosion control measures in conformance with the standards adopted by the City of Wilsonville Ordinance No. 482 during the construction of any public utilities and building improvements until such time as approved permanent vegetative materials have been installed.
- PF 8. If required, the project shall install a manhole at each connection point to the public storm system (with City approved energy dissipaters and pollution control devices) and the sanitary sewer system.
- PF 9. To lessen the impact of the proposed project on the downstream storm drain system, and adjacent properties, project run-off from the site shall be detained and limited to the difference between a developed 25-year storm and an undeveloped 25-year storm. The detention and outfall facilities shall be designed and constructed in conformance with the standards of the Unified Sewerage Agency of Washington County.
- The proposed storm water detention facility is illustrated as being slightly within the existing detention facility adjacent to the railroad tracks. Any new facilities shall be designed and coordinated to minimize any adverse impacts on the existing facility.
- PF10. The applicant shall contact the Oregon Water Resources Department and inform them of any existing wells located on the subject site. Any existing well shall be limited to irrigation purposes only. Should the project abandon any existing wells, they shall be properly abandoned in conformance with State standards. Proper separation, in conformance with applicable State standards, shall be maintained between irrigation and public water systems.
- PF11. The applicant shall obtain written approval from the appropriate source to construct any utilities or improvements within the easement areas.

- PF12. The project shall provide pedestrian linkages from the front doors of each building to the public sidewalks. Key pedestrian crossings, within the project, should be raised to clearly identify crossings of vehicle aisles.
- PF13. The applicant shall provide adequate sight distance at all project driveways by driveway placement or vegetation control. Specific designs to be submitted and approved by the City Engineer. Coordinate and align proposed driveways with driveways on the opposite side of the proposed project site.
- PF14. Participation in the formation of a transportation management association with other 95<sup>th</sup> Avenue businesses. Elements can include (but are not limited to) flexible work hours to encourage off-peak travel to and from work, special carpool parking stalls reserved close to building entrances to share rides to/from work, scheduling deliveries outside peak travel hours and coordination of commute options information to employees (such as SMART).
- PF15. The applicant shall contact SMART regarding making the site as transit friendly as possible. This project has potential for transit ridership and measures shall be taken to enhance transit access to the site and pedestrian connections to transit.
- PF16. The project shall not obtain any public services for any portion of the project that extends beyond City of Wilsonville city limits.
- PF17. The project shall install a five-foot sidewalk along the entire property line fronting Ridder Road.
- PF18. At the request of Staff, DKS completed a traffic impact analysis dated May 31, 2001. The project is hereby limited to no more than the following impacts.

New P.M. peak hour trips	30
Trips through Wilsonville Road Interchange Area	0

**TO:** Blaise Edmonds, Manager of Current Planning

**FROM:** Martin Brown, Building Official

**SUBJECT:** DEVELOPMENT REVIEW

**DATE:** June 18, 2001

**EXHIBIT A**

**01DB24A**

The following is a list of concerns and/or conditions related to the mentioned projects. Further conditions of approval may be noted during the actual plan review of the project plans.

**01DB24A – OREGON GLASS**

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1. New public fire hydrants shall be provided with this facility in the amount as required based on the minimum fire flow.
2. The proposed addition shall be provided with the minimum number of toilet fixtures to accommodate the proposed new employees. A sewer connection fee shall be based upon the number of new fixtures.
3. The existing building is of Type II-N construction and, unless an area separation wall is provided between the new and the existing, the new is required to be not less than II-N construction.
4. The proposed addition shall be provided with an automatic sprinkler system.

**Environmental Services Plan Review**

6/19/01

Project Name: Oregon Glass / 01DB24  
Site Address: Ridder Road  
Plan Reviewer: Luke Bushman  
Stormwater Management Technician

The plan for the above-indicated project was reviewed and are acceptable as submitted subject to following comment:

1. Treatment needed for parking lot runoff. Submit plans for existing swale (include details)

**ADOPTED REVISED STAFF REPORT  
(ON REMAND FROM CITY COUNCIL)**

**ADOPTED STAGE I, STAGE II MODIFICATION  
SITE AND DESIGN REVIEW  
OREGON GLASS EXPANSION**

**01DB24A**

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**TO:** Development Review Board Panel 'B'

**DATE:** November 26, 2001 (On Remand from City Council)

**PREPARED BY:** Paul Cathcart AICP, Associate Planner

**APPLICANT:** Kari Fagerness, Group MacKenzie

**PROPERTY OWNER:** Oregon Glass Company

**SITE ADDRESS:** 10450 SW Ridder Road, Wilsonville, OR 97070

**LEGAL DESCRIPTION:** T. 3S., R. 1W., Section 11, Tax Lot 3001 & 3003

**ZONING:** Planned Development Industrial (PDI).

**NOTE:** The statutory 120-day time limit applies to this application. The application was *submitted on June 1, 2001 and* deemed complete on June 21, 2001. The applicant asked to toll the 120-day time limit by 30 days on July 16, 2001 and October 12, 2001 "to the extent necessary" to satisfy the appeal. ~~therefore a final decision must be rendered by the City, including appeals, prior to October 29, 2001~~

**REQUEST:** 01DB24A. Oregon Glass. Review and approval of proposed 59,835 SF expansion to the existing manufacturing building and associated site improvements. The applicant also wishes to remove proposed condition of approval number 21 of the September 24, 2001 decision by Panel 'B' of the Development Review Board.

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**Modifications of Staff Report:**

~~Deleted for September 24, 2001 staff report~~

*Added to September 24, 2001 staff report*

~~Deleted for November 26, 2001 staff report~~

Added for November 26, 2001 staff report

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**EXHIBIT A**

**01DB24A**

## SUMMARY

**On October 12, 2001, the Applicant appealed the September 24, 2001 decision of Panel 'B' of the DRB. On November 5, 2001, the Wilsonville City Council remanded the decision to the November 26, 2001 hearing of Panel 'B' of the Development Review Board. This staff report is response to the City Council's remand and subsequent materials submitted by the applicant. Oregon Glass is currently in negotiations with Specht Wilsonville L.L.C. over the rights granted to Oregon Glass in an access easement via the private road to the east of the property. If these negotiations result in the loss of site access, parking, or site utility access, Oregon Glass will need to return to the Development Review Board for approval of an alternative plan that meets minimum code requirements. ~~Over the last month,~~ Since the Development Review Board's decision of September 24, 2001 regarding this application, Oregon Glass and Specht Wilsonville L.L.C. have attempted to continue their negotiations regarding the uses granted to Oregon Glass by Specht Development for the private road owned by Specht and fronting the Oregon Glass facility on the eastern side. The City Engineer has further analyzed the site circulation and parking maneuverability issues and has suggested a list of management steps to be used in the development of a plan between the two parties to address some of the concerns regarding these issues (see Exhibit K). The applicant has furnished and the City Engineer has reviewed and approved a revised site plan that address the parking and maneuvering concerns of the City Engineer.**

The applicant is seeking approval to modify the Oregon Glass Stage I Preliminary Plan, Stage II Final Plans, Site and Design Plans for a 59,835 SF expansion to the existing manufacturing/warehouse facility. The proposed building expansion and 13+2 parking spaces are located in the City of Wilsonville while 62 parking spaces are located in Clackamas County and will be reviewed under the County's permitting process. The application is not proposing additional signs.

The DKS traffic report estimates that approximately 30 PM peak hour trips would be generated by this project. None of these trips are estimated to use the Wilsonville Road interchange area. Thus, the application meets subsection 4.140.09(J)(2). DKS has also provided supplemental review of the site circulation and parking concerns of this project.

The applicant is proposing 13+2 on site parking spaces within the City limits, which meets the minimum parking code requirements.

The proposed application can be processed by the DRB with the applicant's expressed understanding and approval that the owner will not occupy the premises for which it has

applied for development until after October 15, 2001. City water will not be available for landscaping until after the water treatment plant is in operation.

With the "PF" conditions recommended by the City Engineer, the location, design and size of water and sanitary sewer are such that the project is adequately served or service can be made available in the near future. Staff calls your attention to the reports of the City Engineer, Building Official, and Environmental Services.

The applicant proposes to develop an additional storm water detention facility in the southern portion of the site. The existing storm water facility was developed to serve the improvements of Local Improvement District #11.

The applicant is proposing the relocation of three trees.

***ACTION***

Approve the **revised** proposed modification to the Stage I Preliminary Plan, Stage II Final Plans, Site and Design Plans as modified with conditions of approval proposed herein.

**01DB24A**  
**Oregon Glass Company**  
**Modified Stage I Preliminary Plan, Stage II Final Plan,**  
**Site Design Review**

**Owner:** Oregon Glass Company  
**Applicant:** Group MacKenzie  
**Architect/Civil Engineer:** Group Mackenzie  
**Landscape Architect:** Atlas Landscape Architecture

**Zoning Review Criteria:**

- Section 4.008: Application Procedure
- Section 4.012: Public Hearing Notices
- Section 4.033: Authority of the City Council**  
(added at the November 26, 2001 public hearing)
- Section 4.118: Standards Applying to All Planned Development Zones
- Section 4.135: Planned Development Industrial Zone
- Section 4.140: Planned Development Regulations
- Section 4.140.07: Stage I Preliminary Plan
- Section 4.140.09 Stage II Final Plan
- Section 4.155: General Regulations – Parking, Loading and Bicycle Parking
- Section 4.171: General Regulations – Protection of Natural Features and Other Resources
- Section 4.176: Landscaping, Screening, Buffering
- Section 4.178: Sidewalk and Pathway Standards
- Section 4.179 Mixed Solid Waste and Recyclables Storage in New Multi-Unit Residential and Non-Residential Building
- Section 4.300-4.320: Underground Utilities
- Sections 4.400-4.421: Site Design Review

**Wilsonville Comprehensive Plan**

**Ordinance No. 514:** Public Facilities Water Strategy  
**Ordinance No. 463:** Public Facilities Transportation Strategy  
**Oregon's Statewide Planning Goals**

Submittal Date: June 1, 2001

Application was deemed complete on: June 1, 2001.

Applicant tolled the 120-day limit **for 30 days** on July 16, 2001.

~~120 Day Limit: October 29, 2001~~

**Applicant has tolled the 120 day limit until successful resolution of this appeal**

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EXHIBIT A

01DB24A

## ADOPTED FINDINGS

1. **Finding:** The applicant is seeking approval to modify the Oregon Glass Stage I Preliminary Plan and Stage II Final Plans and approve Site and Design Plans for a 59,835 SF expansion to the existing manufacturing/warehouse facility within the City of Wilsonville. Site improvements (parking lot) will also occur in Clackamas County and will be reviewed under the County's permitting process.

### PROJECT INFORMATION (Furnished by the applicant)

#### 2. PROJECT INFORMATION

This narrative supports the application for Stage I and II Site Development and Design Review for expansion to the existing Oregon Glass manufacturing facility located at 10450 SW Ridder Road. Oregon Glass Company's current operations are limited due to the size of their facility. They currently cannot manufacture commercial glass sizes and quantities. By expanding the facility, they will be able to incorporate commercial glass manufacturing capabilities at this site. Although this expansion doubles the size of the existing building, only approximately 10 new full time employees will be added to the existing 176 employees working at this site. In addition existing shifts run 24 hours a day, therefore, no new shifts will be added to the operation. The new employees will be added to the day and grave yard shifts as shown on Attachment Q.

The entire site is approximately 13.61 acres in size and is located south of Ridder Road and west of 95th Avenue. As shown on Attachment E, the western boundary of the City of Wilsonville runs north/south between the two existing buildings. In addition, this jurisdictional boundary is also the Urban Growth Boundary. Clackamas County is concurrently reviewing modifications to the parking area within Clackamas County as proposed by this development (See Attachment P). Oregon Glass Company's additional tax lots to the west which are legally described as T3S, RIW, Section 10 and tax lots 104 and 105, Clackamas County, Oregon. These tax lots encompass 6.72 acres of the entire site and currently are developed with a 28,045 square foot building with associated parking/loading areas. The City of Wilsonville's development review is limited to development east of the Urban Growth Boundary and Clackamas County boundary.

The subject development within the City of Wilsonville is located on 6.89 acres of the site which is partially developed with a 56,105 square foot building and is zoned Planned Development Industrial (PDI) and Comprehensive Plan Designation of Industrial. Surrounding uses consist of a railroad spur to the south and

southwest, miscellaneous industrial development to the north and east, and vacant land to the west and southwest. The legal description for the site is tax lots #3001 and 3003, Section 11, T3S, R1W, Clackamas County, Oregon.

The proposed development consists of a 59,835 square foot expansion to the existing Oregon Glass facility consisting of additional manufacturing uses, and will be approximately 30 to 32 feet in height. The proposed building expansion will incorporate and expand upon some of the design features of the existing facility. Design features will include concrete tilt up walls with some areas to have a corrugated metal siding finish matching the existing building. Windows will be located on the upper portions of the eastern walls and will consist of clear glass with a bronze frame (see Attachment Q, materials board). The proposed building coverage over the entire 6.89acre site is approximately 38.6%. Landscaping, parking and loading/unloading areas will cover the remainder of the subject parcel and are consistent with the requirements of Wilsonville's zoning code. A traffic study is being completed by DKS Consultants and will be submitted directly to the City of Wilsonville identifying traffic-related issues with the proposal.

The site is served by the following infrastructure:

<u>Street -</u>	<u>Ridder Road to the north; private road easement on property owned by Precision Interconnect along the eastern property line</u>
<u>Water -</u>	<u>an 8" line will serve the site, stubbing off from an 10" line located within the private road east of the site; the site is currently served by a private on-site well</u>
<u>Sanitary Sewer -</u>	<u>6" stub from an existing sanitary/sewer trunk line within the private road east of the site; the site is currently served by a private on-site septic system</u>
<u>Storm Sewer -</u>	<u>Existing 6" to 15" storm line along the east side of the site and existing drainage ditch to the south.</u>

The following narrative addresses the approval criteria for a Stage I and 11 Site Plan review and Design Review as identified in the City of Wilsonville Zoning Code.

The applicant's submittal documents (yellow cover) address the approval criteria of the Wilsonville Code (WC).

**Site Analysis Data:**

	SF	Site Coverage
<b>Site Data</b>		
Landscape Area	120,644	40.17%
Existing Building Coverage	56,105	18.68%
Proposed Building Coverage	59,835	19.92%
Paving and Sidewalk Area	63,720	21.22%
<b>Total Site Area</b>	<b>300,304</b>	<b>100%</b>
<b>Building Area by Use (existing &amp; proposed)</b>		
Office	3,000	
Manufacturing	65,440	
Warehouse	47,500	
<b>Impervious Area</b>		
Existing Impervious Area	99,806	
Total Proposed Impervious Surface Area	179,660	
<b>Parking Lot Landscaping</b>		
Total Parking Lot Area	37,324	
Parking Lot Landscape Area	7,832	21%
<b>Parking</b>		
Compact Spaces	131	
Handicapped Spaces	2	

**Comprehensive Plan and Zoning:**

Subsection 4.140(.09)(J) WC stipulates:

*"A planned development permit may be granted by the Development Review Board only if it is found that the development conforms to all the following criteria, as well as to the Planned Development Regulations in Section 4.140:"*

Furthermore, Subsection 4.140(9)(J)(1):

*"The location, design, size and uses, both separately and as a whole, are Consistent with the Comprehensive Plan, and with any other applicable plan, development map or Ordinance adopted by the City Council."*

**Response Findings to Subsection 4.140(.09)(J)(1) Land Use:**

- Finding:** Regarding Subsections 4.140(.09)(J)(1), the project site is designated Industrial on the Comprehensive Plan Map, and is zoned Planned Development Industrial (PDI). Resolution 89PC02 proposed a Stage I preliminary plan for a 30,165 SF expansion of Plant #1 on the property. Resolution 89PC07 approved Stage II final plans for the proposed expansion. The City also approved subsequent site and design plans, however the proposed expansion never took place. These land use and site and design approvals have since expired. The applicant is currently

seeking approval of a 59,835 SF expansion to Plant #1 in the City of Wilsonville. The proposed expansion is consistent with the City's Development Code and Comprehensive Plan.

**Planned Development Industrial Zone – (PDI)**

Section 4.135 of the WC regulates the uses within the Planned Development Zone.

4. **Finding:** Subsection 4.135 (.03)(J)(2) allows up to 20% of total site acreage for office use. The applicant is not proposing any office use for the proposed building expansion, however, the existing building does have 3,000 SF of office space which meets code.

Subsection 4.135(.07)(A,D,L) are of particular concern to this application:

*A. All uses and operations except storage, off-street parking, loading and unloading shall be confined, contained, and conducted wholly within completely enclosed buildings, unless outdoor activities have been approved through Administrative Review or other land use approval process (e.g., Conditional Use Permit, Site Development Permit).*

*D. Any open storage shall comply with the provisions of Section 4.176, and this Section.*

*L. Storage:*

- 1. Outdoor storage must be maintained in an orderly manner at all times.*
- 2. Outdoor storage area shall be gravel surface or better and shall be suitable for the materials being handled and stored. If a gravel surface is not sufficient to meet the performance standards for the use, the area shall be suitably paved.*
- 3. Any open storage that would otherwise be visible at the property line shall be concealed from view at the abutting property line by a sight obscuring fence or planting not less than six (6) feet in height.*

5. **Finding:** Based on the proposed location of the loading doors in the new addition, it appears most of the external operations associated with the proposed addition will occur on the west side of the building, away from public view.

**Building Setbacks:**

6. **Finding:** The PDI zone sets minimum 30-foot side, front and rear yard setbacks for all structures. The proposed building expansion will observe a 30-foot setback to all property lines. In this case, the north property line at Ridder Road is the front yard, the east and west property lines are side yards. The south side is the rear yard.

**Building Height:**

7. **Finding:** The PDI zone does not specify a maximum building height. The proposed building will be 32' to 35' high, which meets code and is in keeping with other structures in the area.

**Parking:**

8. **Finding:** Section 4.155 of the Wilsonville Code sets forth the minimum parking standards for off-street parking. Key subsections of the parking code, which commonly occurs in Site Development Review, are the following:

*Subsection 4.155(.01)(B): No area shall be considered a parking space unless it can be shown that the area is accessible and usable for that purpose, and has maneuvering area for the vehicles, as determined by the Planning Director.*

*Subsection 4.155(.01)( c ): In cases of enlargement of a building or a change of use from that existing on the effective date of this Code, the number of parking spaces required shall be based on the floor area of the enlarged building or changed use as set forth in this Section.*

*Subsection 4.155(.01)(E): Owners of two (2) or more uses, structures, or parcels of land may utilize jointly the same parking area when the peak hours of operation do not overlap, provided satisfactory legal evidence is presented in the form of deeds, leases, or contracts securing full access to such parking areas for all the parties jointly using them.*

*Subsection 4.155(.01)(F): Off-street parking spaces existing prior to the effective date of this Code may be included in the amount necessary to meet the requirements in case of subsequent enlargement of the building or use to which such spaces are necessary.*

*Subsection 4.155(.01)(G): The nearest portion of a parking area may be separated from the use or containing structure it serves by a distance not exceeding one hundred (100) feet.*

*Subsection 4.155(.01)(L): Artificial lighting which may be provided shall be so limited or deflected as not to shine into adjoining structures or into the eyes of passers-by.*

*Subsection 4.155(.01)(N): Up to forty percent (40%) of the off-street spaces may be compact car spaces as identified in Section 4.001 - "Definitions," and shall be appropriately identified.*

Subsection 4.155(.02)(A)(3)(a&b): *Be landscaped to lessen the visual dominance of the parking or loading area, including:*

- a. *Landscaping of at least ten percent (10%) of the parking area designed to be screened from view from the public right-of-way and adjacent properties. This landscaping shall be considered to be part of the total required for the site development.*
- b. *Landscape and shade tree - planting areas a minimum of eight (8) feet in width and length and spaced every seven (7) to ten (10) parking spaces or an aggregate amount.*

Subsection 4.155(.02)(A)(4): *Be designed for safe and convenient handicapped access. All parking areas which contain ten (10) or more parking spaces shall be provided with one handicapped parking space for every fifty (50) standard spaces. They shall be twelve (12) feet wide and open on one side to allow room for maneuvering with wheelchairs, braces and crutches. The handicapped parking symbol shall be painted on the parking space and a handicapped parking sign shall be placed in front of each space at a height of three (3) to five (5) feet above the sidewalk.*

Subsections 4.001 (105, 106, and 107) of the Wilsonville Code define the dimensions of standard parking spaces at minimum of 9 feet wide by 18 feet long, compact spaces at 8 feet wide and 16 feet long, and handicapped spaces at 9 feet wide and 18 feet long.

**Minimum Code Parking:**

Table 5 of Section 4.155 regulates the minimum and maximum number of parking spaces.

USE	PARKING MINIMUMS	PARKING MAXIMUMS	BICYCLE MINIMUMS
e. Commercial			
Office or flex space	4.0 per 1000 Sq.Ft.	4.1 per 1000 Sq.Ft.	1 per 5000 Sq.Ft. Min. of 2
F. Industrial			
1. Manufacturing establishment	1.6 per 1000 Sq.Ft.	No Limit	1 per 10,000 Sq.Ft. Min. of 6
2. Storage warehouse, wholesale establishment, rail or trucking freight terminal	.3 per 1000 Sq.Ft.	.5 per 1000 Sq.Ft.	1 per 20,000 Sq.Ft. Min. of 2

- 9. **Finding:** The applicant's revised plans dated November 15, 2001 ~~is~~ <sup>proposes</sup> ~~28~~ <sup>13</sup> **angled** parking spaces along the eastern side of the proposed addition. Access to these parking spaces is proposed via an access easement granted to

EXHIBIT A

01DB24A

Oregon Glass for access from the private road owned by Specht Wilsonville L.L.C. (Specht) running north/south along the eastern edge of the property. ~~The applicant is proposing (see Exhibit L) to The road has been striped with two travel lanes that would demarcate the area for through traffic while leaving area for parking and forklift maneuverability on the east side of the existing building. It is staff's understanding~~ At the writing of this staff report, ~~that~~ a disagreement as to the uses granted under the access agreement to Oregon Glass from Specht is *continues to be* under negotiation between the two parties. In a letter to staff dated August 17, 2001, legal representation for Specht states that ~~"Because the Access Easement is limited only to ingress and egress and cannot be used for maneuvering (including backing in and out), the proposed 28 parking spaces are not accessible nor is there adequate space on the subject property for maneuvering into and out of the parking spaces. Therefore, under Section 4.155(.01)B, the 28 parking spaces cannot be considered "parking spaces." Without these 28 parking spaces, the applicant has only proposed 191 useable parking spaces, 9 less than the 200 required by Section 4.155. For these two reasons, the application must be denied."~~

10. **Finding:** Regarding Subsection 4.155(.01)(B), ~~as access to the 28 proposed parking spaces is obtained via a private easement. In the professional opinion of staff, issues regarding the safe maneuverability in and out of these spaces will need to be negotiated between the two parties. The City Engineer has reviewed and approved the revised plans from group MacKenzie, dated October 12, 2001 per proposed Condition of Approval #4 of the September 24, 2001 staff report. Based on this review, it is staff's opinion that the proposed site plan satisfies the parking maneuverability requirement of this section of the code. recommended management steps to be used in the development of plan to address these concerns.~~ the proposed parking meets Subsection 4.155(.01)(B). Should *these ongoing* negotiations *regarding the granted use of the access agreement* result in the loss of parking that brings the total number of parking spaces below the minimum required in the WC, the owner will need to return to Panel B of the DRB for approval of a parking plan that meets code.
11. **Finding:** The application is for an expansion of existing manufacturing/warehouse building. The applicant has provided the following break down of building use that includes both the proposed and existing buildings:

Building Use	SF (Existing + Proposed)	Min. Parking Ratio	Min. Req'd Parking	Bicycle Min.	Bicycle Req'd..
Office	3,000	4.0/1,000 SF	12	1/5,000 SF Min. 2	2
Manufacturing	65,440	1.6/1,000 SF	105	1/10,000 SF Min. 6	7
Warehouse	47,500	.3/1,000 SF	15	1/20,000 SF Min. 2	3
<b>TOTAL</b>	<b>115,940</b>		<b>132</b>		<b>12</b>

EXHIBIT A

01DB24A

12. **Finding:** The applicant is proposing 13+2 parking spaces. ~~The owner will need to provide one additional parking space to meet the City's minimum requirements.~~ The DKS traffic study completed for this project compares the parking needs for the facility assuming all manufacturing and all warehouse based on the City's minimum parking requirements. This study did not benefit from the applicant's more recent calculations of building area uses. The applicant is not proposing office use in the proposed structure nor did the DKS traffic study assume office use in the estimation of parking needs. The existing building contains 3,000 SF of office.
13. **Finding:** The applicant's proposed site plan shows a dimension for all row parking spaces of nine (9) feet wide by 16 feet in length. In staff's opinion, these are compact parking spaces. Under the parking regulations of the code, up to 40% of the off-street spaces may be compact spaces. Staff believes the travel lanes provided in the proposed site plan would allow for additional stripping to accommodate standard parking spaces of 18 feet in length.

**Loading Berths:**

Subsection 4.155(.03)(A)(1&3) stipulates the following off-street loading requirements:

- A. *Every building that is erected or structurally altered to increase the floor area, and which will require the receipt or distribution of materials or merchandise by truck or similar vehicle, shall provide off-street loading berths on the basis of minimum requirements as follows:*
1. *Commercial, industrial, and public utility uses which have a gross floor area of 5,000 square feet or more, shall provide truck loading or unloading berths in accordance with the following tables:*

<i>Square feet of Floor Area</i>	<i>Number of Berths Required</i>
<i>Less than 5,000</i>	<i>0</i>
<i>5,000 - 30,000</i>	<i>1</i>
<i>30,000 - 100,000</i>	<i>2</i>
<i>100,000 and over</i>	<i>3</i>

3. *A loading berth shall contain space twelve (12) feet wide, thirty-five (35) feet long, and have a height clearance of fourteen (14) feet. Where the vehicles generally used for loading and unloading exceed these dimensions, the required length of these berths shall be increased to accommodate the larger vehicles.*

14. **Finding:** The applicant's plans show four (4) overhead doors measuring 14' wide and 14' tall at the northwest corner of the proposed building. Another overhead door measuring 12' wide is proposed near the southwest corner of the building. The distance from the proposed loading areas to the property line is approximately 35'. The existing building is equipped with five (5) loading berths that front the private drive to the east of the property.
15. **Finding:** The parking code requires interior parking lot landscaping at a rate of one 8' square landscape island for every 7 to 10 parking spaces or an aggregate amount. The applicant is proposing a landscape island with a variety of shrubs and ground cover every nine parking spaces. In addition, the applicant's landscape plan shows a 6' wide planting strip between the center rows of parking and along the perimeter of the western and eastern row of parking. The planting strips are proposed to contain tulip trees and a variety of ground cover and shrubs.
16. **Findings:** The applicant's photometric plan proposes six (6), 30-foot pole mounted, 400W Metal Halide luminaires in the landscape planting strip between the two center rows of the proposed parking lot. The plan shows the light leaving the site to be in the range of 3.6 to 0.0 foot candles which is acceptable given the surrounding industrial uses. The plan also proposes three (3) similar luminaires on the east side of the building and four (4) on the west side of the building. The owner will need to ensure that the site lighting is mounted and deflected so as not to shine onto or into adjoining properties, the path of motorists, or passersby.

**Traffic:**

**Response Finding to Subsection 4.140(.09)(J)(2) Traffic:**

Subsection 4.140(.09)(J)(2) of the Wilsonville Code sets forth traffic criteria for the Stage II, planned development. That subsection states:

*The location, design, size and uses are such that traffic generated by the development at the most probable used intersection(s) can be accommodated safely and without congestion in excess of level service D defined in the highway capacity manual published by the National Highway Research Board on existing or immediately planned arterial or collector streets and will, in the case of commercial or industrial developments, avoid traversing local streets.*

17. **Finding:** Subsection 4.140(.09)(J) WC. Traffic is measured up through the most probable intersections including the Wilsonville Interchange. The traffic study conducted for this project estimates 30 PM peak hour trips will be generated by the proposed project. None of these trips are estimated to use the Wilsonville Road Interchange area.

**Access:**

18. **Finding:** Primary access to the site is proposed from Ridder Road. Oregon Glass has an easement (see applicant's submittal documents) granting their use of the private drive abutting the eastern edge of the property for access to the property. The applicant is proposing access to the proposed expansion from this private drive. **In the public hearing of August 27, 2001, Specht Wilsonville L.L.C. submitted testimony that raised the issue of safety for vehicle movements related to parking and maneuvering and that questioned the ability of such movements on a shared access drive. DKS has submitted additional information that indicates the private drive can be used safely as proposed, and the City Engineer has proposed a list of management steps conditions in his staff memorandum of September 17, 2001 that the applicant submit an access, parking, and circulation management plan. Subsequent to the September 24, 2001 public hearing of this case, the applicant submitted and the City Engineer has reviewed and approved revised plans addressing the parking and circulations plans in the original plan (See Exhibits EE and Z). The applicant is returning to Panel B of the DRB for review and approval of these revised plans. However, if the applicant proposes changes in the site development including location and amount of parking, the applicant will need to return to the DRB for review and approval.** Should the current disagreement regarding this easement render Oregon Glass without access to the site from this road, Oregon Glass will need to demonstrate to the DRB an acceptable means of access to the site.

**Response Findings to Subsection 4.140(.09)(J)(3) Public Facilities:**

Subsection 4.140(.09)(J)(3) states *"That the location, design, size and uses are such that the residents or establishments to be accommodated will be adequately served by existing or immediately planned facilities and services."*

19. **Finding:** Regarding Subsection 4.140(.09)(J)(3): In order to assure orderly and efficient development each respective development must be provided with adequate public facilities i.e. sanitary sewer, storm drainage water and streets. These facilities must be available prior to or simultaneous with each respective phase of development. The site utility plan proposes connection to the existing water and sanitary sewer lines in the private drive. The applicant proposes to capture storm water generated from the new development in a detention facility on site.
20. **Finding:** In the event that the applicant/owner are unable to obtain utilities through the private road, the owner shall return to Panel B of the DRB for approval of an

alternative plan to obtain site utilities. A permit from the City's Building and Engineering Division will also be required for a connection to the City's utilities.

**Water:**

21. **Finding:** The DRB may review this application as the applicant has signed the "Required Authorization" agreement with the City as require by Ordinance 514, the Public Facility Water Strategy. It stipulates that under that the proposed application can be processed by the DRB with the applicant's expressed understanding and approval that the applicant will not occupy the premises for which it has applied for development until after October 15, 2001. City water will not be available for landscaping until after the water treatment plant is operating. Existing on-site public waterline; 10" will be connected to it and looped around the building. The owner has on-site well water available for irrigation purposes.

**Sanitary Sewer:**

22. **Finding:** The applicant proposes to connect to the existing 8" sewer line in the private road.

**Storm Drainage:**

23. **Finding:** The site must be designed to pass a 25-year storm frequency that will be reviewed in the Public Works Permit. The applicant proposes to install a water quality detention pond directly north of the detention facility developed to serve Local Improvement District 11. The City Engineering standards shall be met in the placement and design of this new facility. *The applicant has submitted a revised configuration for the on-site drainage basin (See Exhibit EE). These plans will need to be reviewed and approved as a part of the public works permit.*

**Sidewalks:**

Subsection 4.178 of the Wilsonville Code stipulates that "All sidewalks shall be concrete and a minimum of five (5) feet in width, except where the walk is adjacent to commercial storefronts. In such cases, they shall be increased to a minimum of ten (10) feet in width."

24. **Finding:** The revised plans do not show a sidewalk connection from the main parking area on the south side of the building along the east side of the proposed and existing buildings. Presumably, employees and others entering the building complex from the main parking area will enter through an entrance on the south side of the proposed building. The owner should work with the City's Building Division to develop internal striping or other

circulation methods to guide employees through the building complex and away from the manufacturing/warehousing processes of the facility. Alternatively, the applicant/owner may want to consider striping for pedestrians along the far eastern edge of the proposed angled parking on the east side of the proposed building addition. The proposed sidewalks on the applicant's site plan are at least ~~six (6)~~ five (5) feet wide, which meets code.

## SITE DESIGN REVIEW

### Section 4.421 Criteria in Standards and Application of Design Standards

- (.01) *The following standards shall be utilized by the Board in reviewing the plans, drawings, sketches and other documents required for Site Design Review. These standards are intended to provide a frame of reference for the applicant in the development of site and building plans as well as a method of review for the Board. These standards shall not be regarded as inflexible requirements. They are not intended to discourage creativity, invention and innovation. The specifications of one or more particular architectural styles is not included in these standards. (Even in the Boones Ferry Overlay Zone, a range of architectural styles will be encouraged.)*
- A. *Preservation of Landscape. The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soils removal, and any grade changes shall be in keeping with the general appearance of neighboring developed areas.*
- B. *Relation of Proposed Buildings to Environment. Proposed structures shall be located and designed to assure harmony with the natural environment, including protection of steep slopes, vegetation and other naturally sensitive areas for wildlife habitat and shall provide proper buffering from less intensive uses in accordance with Sections 4.171 and 4.139 and 4.139.5. The achievement of such relationship may include the enclosure of space in conjunction with other existing buildings or other proposed buildings and the creation of focal points with respect to avenues of approach, street access or relationships to natural features such as vegetation or topography.*
- C. *Drives, Parking and Circulation. With respect to vehicular and pedestrian circulation, including walkways, interior drives and parking, special attention shall be given to location and number of access points, general interior circulation, separation of pedestrian and vehicular traffic, and arrangement of parking areas that are safe and convenient and, insofar as practicable, do not detract from the*

*design of proposed buildings and structures and the neighboring properties.*

- D. Surface Water Drainage. Special attention shall be given to proper site surface drainage so that removal of surface waters will not adversely affect neighboring properties of the public storm drainage system.*
- E. Utility Service. Any utility installations above ground shall be located so as to have an harmonious relation to neighboring properties and site. The proposed method of sanitary and storm sewage disposal from all buildings shall be indicated.*
- F. Advertising Features. In addition to the requirements of the City's sign regulations, the following criteria should be included: the size, location, design, color, texture, lighting and materials of all exterior signs and outdoor advertising structures or features shall not detract from the design of proposed buildings and structures and the surrounding properties.*
- G. Special Features. Exposed storage areas, exposed machinery installations, surface areas, truck loading areas, utility buildings and structures and similar accessory areas and structures shall be subject to such setbacks, screen plantings or other screening methods as shall be required to prevent their being incongruous with the existing or contemplated environment and its surrounding properties. Standards for screening and buffering are contained in Section 4.176.*

*(.03) The Board shall also be guided by the purpose of Section 4.400, and such objectives shall serve as additional criteria and standards. They are as follows:*

- (.01) Excessive uniformity, inappropriateness or poor design of the exterior appearance of structures and signs and the lack of proper attention to site development and landscaping in the business, commercial, industrial and certain residential areas of the City hinders the harmonious development of the City, impairs the desirability of residence, investment or occupation in the City, limits the opportunity to attain the optimum use in value and improvements, adversely affects the stability and value of property, produces degeneration of property in such areas and with attendant deterioration of conditions affecting the peace, health and welfare, and destroys a proper relationship between the taxable value of property and the cost of municipal services therefor.*

- (.02) *The City Council declares that the purposes and objectives of site development requirements and the site design review procedure are to:*
- A. Assure that Site Development Plans are designed in a manner that insures proper functioning of the site and maintains a high quality visual environment.*
  - B. Encourage originality, flexibility and innovation in site planning and development, including the architecture, landscaping and graphic design of said development;*
  - C. Discourage monotonous, drab, unsightly, dreary and inharmonious developments;*
  - D. Conserve the City's natural beauty and visual character and charm by assuring that structures, signs and other improvements are properly related to their sites, and to surrounding sites and structures, with due regard to the aesthetic qualities of the natural terrain and landscaping, and that proper attention is given to exterior appearances of structures, signs and other improvements;*
  - E. Protect and enhance the City's appeal and thus support and stimulate business and industry and promote the desirability of investment and occupancy in business, commercial and industrial purposes;*
  - F. Stabilize and improve property values and prevent blighted areas and, thus, increase tax revenues;*
  - G. Insure that adequate public facilities are available to serve development as it occurs and that proper attention is given to site planning and development so as to not adversely impact the orderly, efficient and economic provision of public facilities and services.*
  - H. Achieve the beneficial influence of pleasant environments for living and working on behavioral patterns and, thus, decrease the cost of governmental services and reduce opportunities for crime through careful consideration of physical design and site layout under defensible space guidelines that clearly define all areas as either public, semi-private, or private, provide clear identity of structures and opportunities for easy surveillance of the site that maximize resident control of behavior -- particularly crime;*
  - I. Foster civic pride and community spirit so as to improve the quality and quantity of citizen participation in local government and in community growth, change and improvements;*

J. *Sustain the comfort, health, tranquillity and contentment of residents and attract new residents by reason of the City's favorable environment and, thus, to promote and protect the peace, health and welfare of the City.*

**Site Circulation:**

25. **Finding:** The applicant is proposing that primary access to the site be from the private road to the east of the property via an access easement. Primary access would be to the **proposed** south parking lot area. Access to the proposed building would also be gained from ~~28~~ **13 angled** parking spaces proposed along the eastern side of the building. Seven (7) parallel parking spaces are proposed for the north side of the existing building. As was mentioned above, a disagreement persists between Oregon Glass and Specht Wilsonville L.L.C. regarding the rights granted to Oregon Glass under the access easement. Among other elements of this plan, Specht believes that the parking **originally proposed** along their private road poses a significant traffic hazard. As this is a private road, there is little City staff can enforce in the way of code requirements or recommendations to address this potential conflict. While staff can understand the potential traffic conflict, staff also believes there are a number of options that can be worked out between the two parties to address these potential conflicts. *The City Engineer has recommended steps for the development of a management plan to address these issues. The applicant has submitted and the City Engineer has reviewed and approved revised plans that address the parking and maneuverability concerns of the original plan.* Should the disagreement between the two parties *over the uses granted in the easement* result in the elimination in the number of proposed parking spaces the applicant/owner shall return to the Panel B of the DRB for approval of a parking plan that meets code.

**Architecture:**

Section 4.421 is relative to architectural appearance and compatibility:

26. **Finding:** The applicant is proposing a 59,835 SF industrial warehouse/manufacturing building addition. The applicant states that the proposed building expansion will incorporate and expand upon some of the design features of the existing facility. The proposed building will include concrete tilt up walls with some areas to have corrugated metal siding finish matching the existing building. *This should break up the uniformity in exterior materials on the most visible side of the building. The applicant is also proposing a parapet wall with three gabled peaks along the eastern side of the proposed building and above the roofline to break up the roofline.* Windows with clear glazing are proposed along the upper

portions of the eastern building elevation. The proposed architecture meets code *and is compatible with other buildings in the area.*

**Landscaping:**

Subsections ~~4.166(1)~~ 76(.01)(D&E),(.03) of the Wilsonville Code stipulates:

(.01) *Purpose. This Section consists of landscaping and screening standards and regulations for use throughout the City. The regulations address materials, placement, layout, and timing of installation. The City recognizes the ecological and economic value of landscaping and requires the use of landscaping and other screening or buffering to:*

*D. Establish and enhance a pleasant visual character which recognizes aesthetics and safety issues;*

*E. Promote compatibility between land uses by reducing the visual, noise, and lighting impacts of specific development on users of the site and abutting sites or uses;*

(.03) *Landscape area. Not less than fifteen percent (15%) of the total lot area, shall be landscaped with vegetative plant materials. Landscaping shall be located in at least three separate and distinct areas of the lot, one of which must be in the front yard area. Such areas shall be encouraged adjacent to structures. Landscape planters shall be used to define, soften or screen the appearance of buildings and off-street parking areas. Materials to be installed shall achieve a balance between various plant forms and heights. Native plant materials shall be used whenever practicable.*

27. **Finding:** The proposed landscape plan shows quantitative information for plant species, quantity and size. The proposed landscape coverage at 40.17% exceeds the minimum 15% coverage stipulated in Section 4.176: (Landscaping). The proposed landscape treatment significantly improves existing conditions especially on the southern part of the site. The proposed landscape plan provides a good variety of trees and shrubs to provide an attractive landscape buffer along the northern and ~~eastern~~ southern portions of the building complex and throughout the parking lot. Staff is recommending the use of columnar conifer trees along the eastern side of the proposed building expansion to soften the long expanse of the building elevation.

Applicant's Response: "40% of the subject site is provided in landscaping. All parking and truck areas, storage, and mechanical equipment are landscaped as

required by the perimeter and landscape requirements. The subject site is surrounded by land within the PDI zone; there are no adjacent residential uses. All exterior, roof and ground mounted, mechanical and utility equipment will be screened from ground level-off-site views from adjacent streets and properties. No fences are proposed with this development. All proposed lighting will be hooded and shielded to minimize light exposure to adjacent properties."

#### **On-Site Trees:**

As set forth in Subsection 4.166(2)(a) WC all trees shall be well branched and typical of their type as described in current American Association of Nurserymen (AAN) Standards and shall be balled and burlapped. The trees grouped as follows:

*"Primary trees which define, outline or enclose major spaces, shall be a minimum of 2" caliper. Secondary trees which define, outline or enclose interior areas shall be a minimum 1-3/4" to 2" caliper and accent trees which are used to add color, variation and accent to architectural features, etc. shall be 1-1/4" to 1-1/2" caliper. Large conifer trees such as Douglas Fir or Deodar Cedar shall be a minimum 8 to 10 feet, medium-sized conifers such as Court Pine or Canadian Hemlock shall be a minimum 6 to 7 feet."*

28. **Finding:** Regarding the above, the revised landscape plan shows a variety of secondary trees throughout the south parking lot and next to the existing and proposed buildings with the exception of the east side of the proposed building. ~~which should provide good screening from public view for the overall complex and serve to soften the industrial look of the existing and proposed buildings.~~ Due to the reconfiguration of the parking layout on the east side of the proposed building, the area available for landscaping has decreased. The applicant is proposing a variety of shrub and ground cover between the proposed building and the head on parking proposed on the east of the existing building. In staff's opinion, this is not sufficient to screen the east side of the building. Staff recommends a columnar type conifer tree be used in these planting area to buffer the east side of the proposed building.

#### **Street Trees:**

29. **Finding:** Subsection 4.176(.06)(C)(1)(c). "Red Sunset Maple" street trees @ 2" caliper are proposed along the north frontage of the existing build with Ridder Road. Proposed street trees meet code.

#### **Shrubs:**

Subsection 4.176(.06)(1)WC states that *"all shrubs shall be well branched and typical of their type as described in current AAN Standards and shall be equal to or better than 2 gallon cans, 10" to 12" spread."*

30. **Finding:** The size, quantity and type of shrubs displays an extensive variety and mix of plant materials, which satisfies Section 4.176(.06). The proposed container sizes range from 2 gallon to 5 gallon, which meets code. Proposed shrubs meet code. Most vegetation is not found in the City of Wilsonville's Guidelines for a Water Wise Landscape".

**Ground Cover:**

Subsection 4.176(.06)(2)WC states that *"ground cover shall be equal to or better than the following depending on the type of plant materials used: Gallon cans spaced at 4 feet on center minimum, 4" pot spaced 2 feet on center minimum, 2-1/4" pots spaced at 18 inch on center minimum. No bare root planting shall be permitted. Ground cover shall be sufficient to cover at least 80% of the bare soil in required landscape areas within three (3) years of planting. Where wildflower seeds are used for ground cover, the City may require annual re-seeding as necessary."*

31. **Finding:** The proposed landscape plan uses Kinnickinnick as the primary ground cover throughout. The specified container size of 4" pot meets code.

**Parking Area Landscaping:**

Subsection 4.155(.02)(A)(3)(a and b)WC requires the following:

- a. *Landscaping of at least ten percent (10%) of the parking area designed to be screened from view from the public right-of-way and adjacent properties. This landscaping shall be considered to be part of the total required for the site development.*
- b. *Landscape and shade tree - planting areas a minimum of eight (8) feet in width and length and spaced every seven (7) to ten (10) parking spaces or an aggregate amount.*

32. **Finding:** The landscape plan shows sufficient number of shade/tree planting islands and landscape strips consistent with Subsection 4.155(.02)(A)(3)(a and b).

**Detention Facility Landscaping:**

33. **Finding:** The proposed landscape plan does not indicate plantings in the new storm water detention facility. The southern most portion of the site, including this facility, is to be re-seeded after construction. The applicant/owner will need to

coordinate with the City's Environmental Services Division regarding the need for plantings in the facility to provide water quality treatment.

Section 4.135(.07)(M) provides the following standards regarding the landscaping of unused portions of the site:

1. *Unused property, or property designated for expansion or other future use, shall be landscaped and maintained as approved by the Development Review Board. Landscaping for unused property disturbed during construction shall include such things as plantings of ornamental shrubs, lawns, native plants, and mowed, seeded fieldgrass.*
  2. *Contiguous unused areas of undisturbed fieldgrass may be maintained in their existing state. Large stands of invasive weeds such as Himalayan blackberries, English ivy, cherry Laurel, reed canary grass or other identified invasive plants shall be removed and/or mowed at least annually to reduce fire hazard. These unused areas, located within a phased development project or a future expansion cannot be included in the area calculated to meet the landscape requirements for the initial phase(s) of the development.*
  3. *Unused property shall not be left with disturbed soils that are subject to siltation and erosion. Any disturbed soil shall be seeded for complete erosion cover germination and shall be subject to applicable erosion control standards.*
34. **Finding:** As the applicant/owner appear to be using this "unused" portion of the site (south of parking lot) as site landscaping, staff recommends that this seeded area be professionally maintained on a regular basis.

**Automatic In-Ground Irrigation:**

Subsection 4.176(.07)(C) WC states:

*"The intent of this standard is to assure that plants will survive the critical establishment period when they are most vulnerable due to a lack of watering and also to assure that water is not wasted through unnecessary or inefficient irrigation. Approved irrigation system plans shall specify one of the following:*

1. *A permanent, built-in, irrigation system with an automatic controller. Either a spray or drip irrigation system, or a combination of the two, may be specified.*
2. *A permanent or temporary system designed by a landscape architect licensed to practice in the State of Oregon, sufficient to assure that the plants will become established and drought-tolerant.*

3. *Other irrigation system specified by a licensed professional in the field of landscape architecture or irrigation system design.*
4. *A temporary permit issued for a period of one year, after which an inspection shall be conducted to assure that the plants have become established. Any plants that have died, or that appear to the Planning Director to not be thriving, shall be appropriately replaced. An inspection fee and a maintenance bond or other security sufficient to cover all costs of replacing the plant materials shall be provided, to the satisfaction of the Community Development Director. Additionally, the applicant shall provide the City with a written license or easement to enter the property and cause any failing plant materials to be replaced."*

35. **Finding:** To ensure the longevity of all landscaped common areas the applicant should install water wise or drip type irrigation system. The proposed landscape plan indicates that "all plantings to be irrigated by automatic underground irrigation system." Such irrigation plan should be submitted with the Building Permit drawings and shall be reviewed and approved by the Planning Division for consistency with this approval and landscape plan. *The plan will need to indicate the source of irrigation water.* Further, landscaping should be professionally maintained by weeding, pruning and replacing dead plant material as necessary.

**Buffering and Screening:**

Subsection 4.179(.01,.06&.07) of the WC provide the following requirements for the storage of mixed solid waste and recyclables:

- (.01) *All site plans for multi-unit residential and non-residential buildings submitted to the Wilsonville Planning Commission for approval shall include adequate storage space for mixed solid waste and source separated recyclables.*
- (.06) *The specific requirements for storage area are as follows:*
  - A. *Multi-unit residential buildings containing five-ten units shall provide a minimum storage area of 50 square feet. Buildings containing more than ten residential units shall provide an additional five square feet per unit for each unit above ten.*
  - B. *Non-residential buildings shall provide a minimum storage area of ten square feet, plus:*
    1. *Office: Four square feet per 1,000 square feet gross floor area (GFA);*

2. Retail: Ten square feet per 1,000 square feet GFA;
3. Wholesale / Warehouse / Manufacturing: Six square feet per 1,000 square feet GFA; and
4. Other: Four square feet per 1,000 square feet GFA.

(.07) *The applicant shall work with the City's franchised garbage hauler to ensure that site plans provide adequate access for the hauler's equipment and that storage area is adequate for the anticipated volumes, level of service and any other special circumstances which may result in the storage area exceeding its capacity. The hauler shall notify the City by letter of their review of site plans and make recommendations for changes in those plans pursuant to the other provisions of this section.*

36. **Finding:** The existing building is served by a 400 SF trash and crate recycling area on the west side of the facility (outside of the City). The proposed site plan shows a 400 SF glass recycling dumpster on the west side of the proposed addition, between the proposed addition and the existing building. The proposed size of the dumpster meets code for the proposed addition ( $59,835/1,000 * 6 = 353$  SF). The proposed location of the dumpster should more than adequately screen it from public view.

#### **Heating, Ventilating and Air Conditioning Equipment:**

Subsection 4.176(.04)(C) further requires that:

*" All exterior, roof and ground mounted, mechanical and utility equipment shall be screened from ground level off-site view from adjacent streets or properties."*

37. **Finding:** The applicant's submittal documents do not show the location of mechanical and utility equipment. The applicant's project narrative indicates, "*all exterior, roof and ground mounted, mechanical and utility equipment will be screened from ground level – off-site views from adjacent streets and properties.*"

#### **Exterior Lighting:**

38. **Finding:** The exterior lighting plan/site photometrics is shown on Sheet EPH1.0 appears to show typical parking lot lighting and wall mounted lighting, which will be directed away from the adjacent properties. The foot-candle reading at grade level ranges from 3.6 to 0.0 at the property line, which is very low and should not impact adjacent properties.

## Protection of Natural Features

Subsection 4.171(.01)(B) states the City's purpose in the protection of natural features and other resources: *"To encourage site planning and development practices which protect and enhance natural features such as streams, swales, ridges, rock outcroppings, views, large trees and wooded areas."*

Subsection 4.171(.02) also provides protection measures relevant to this development proposal:

(.02) General Terrain Preparation:

- A. *All developments shall be planned, designed, constructed and maintained with maximum regard to natural terrain features and topography, especially hillside areas, floodplains, and other significant land forms.*
- B. *All grading, filling and excavating done in connection with any development shall be in accordance with the Uniform Building Code*
- C. *In addition to any permits required under the Uniform Building Code, all developments shall be planned, designed, constructed and maintained so as to:*
  1. *Limit the extent of disturbance of soils and site by grading, excavation and other land alterations.*
  2. *Avoid substantial probabilities of: (1) accelerated erosion; (2) pollution, contamination, or siltation of lakes, rivers and streams; (3) damage to vegetation; (4) injury to wildlife and fish habitats.*
  3. *Minimize the removal of trees and other native vegetation that stabilize hillsides, retain moisture, reduce erosion, siltation and nutrient runoff, and preserve the natural scenic character.*

(.04) Trees and Wooded Areas.

- A. *All developments shall be planned, designed, constructed and maintained so that:*
  1. *Existing vegetation is not disturbed, injured, or removed prior to site development and prior to an approved plan for circulation, parking and structure location.*
  2. *Existing wooded areas, significant clumps/groves of trees and vegetation, and all-conifers and oaks with a diameter of six inches or greater, and all deciduous trees with a diameter of eight inches or greater shall be incorporated into the development plan wherever feasible.*

3. *Existing trees are preserved within any right-of-way when such trees are suitably located, healthy, and when approved grading allows.*
- B. *Trees and woodland areas to be retained shall be protected during site preparation and construction according to county design specifications by:*
  1. *Avoiding disturbance of the roots by grading and/or compacting activity.*
  2. *Providing for water and air filtration to the roots of trees which will be covered with impermeable surfaces.*
  3. *Requiring, if necessary, the advisory expertise of a registered arborist/horticulturist both during and after site preparation.*
  4. *Requiring, if necessary, a special maintenance, management program to insure survival of specific woodland areas of specimen trees.*

Applicant's response to the above code sections:

The subject site currently does not contain any trees or wooded areas. Vegetation on the site is limited to a mixture of field grasses and blackberry bushes. One to two existing trees planted on the northern side of the site with the construction of the existing building, will be relocated or replaced on the site.

39. **Finding:** Staff did not observe any significant natural resources in the portion of the site where the proposed building addition is to occur. The applicant has applied for a received a grading permit (01AR42) from the City's Building Division. The owner has signed a "Hold Harmless Agreement" that recognizes that the grading permit does not grant land use approval for the proposed project. The applicant also proposed to relocate three trees on the north side of the existing building to accommodate new parallel parking spaces. The applicant will need to obtain a type 'C' tree permit for the relocation of three trees from the City prior to the installation of on-site landscaping.

#### Signs

40. **Finding:** The applicant has not proposed any additional signage for the proposed project. Additional on-site signage will require a permit from the City of Wilsonville.

#### Oregon's Statewide Planning Goals

- 1) **Citizen Involvement:** *To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.*

41. **Finding:** The review and decision to be rendered on this application will adhere to all public notice requirements of ORS 197 and WC 4.013 and will provide comment on the application through the public hearing of Wilsonville's Development Review Board on August 27, 2001 and September 24, 2001.
- 2) **Land Use Planning:** *To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.*
42. This application is being reviewed using the City of Wilsonville's Comprehensive Plan and Development Code which implements the City's land use planning process.
- 3) **Agricultural Lands:** *To preserve and maintain agricultural lands.*
43. The project being proposed is on land that is zoned Planned Development Industrial and does not propose to make use of any viable agricultural land.
- 4) **Forest Lands:** *To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.*
44. The project, as proposed, will not disrupt any forest land base.
- 5) **Natural Resources, Scenic and Historic Areas, and Open Spaces:** *To conserve open space and protect natural and scenic resources.*
45. The project, as proposed, should not disturb any open space or significant natural resource.
- 6) **Air, Water, and Land Resources Quality:** *To maintain and improve the quality of the air, water, and land resources of the state.*
46. The project, as proposed, should not degrade the quality of the air, water, or land resources of the state if the applicant/owner implement the conditions of approval of this application.
- 7) **Areas Subject to Natural Disasters and Hazards:** *To protect life and property from natural disasters and hazards.*

47. The project, as proposed, should not pose a threat of a natural disaster or hazard.

**8) Recreational Needs:** *To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.*

48. The project, as proposed, should not detract from the recreational needs of the citizens of the state and visitors.

**9) Economic Development:** *To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.*

49. The proposed project should expand the operations of a glass manufacturing facility operating in the Wilsonville area thereby providing the citizens of the City of Wilsonville and the State of Oregon with greater employment opportunities.

**10) Housing:** *To provide for the housing needs of the citizens of the state.*

50. The project, as proposed, is an expansion of a glass manufacturing operation in the City of Wilsonville and should not provide for the housing needs of the state.

**11) Public Facilities and Services:** *To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.*

51. Adequate public facilities can be supplied to the site to accommodate the development of this project. The applicant will be required to pay the applicable system development charges for the utilities that will be used as part of this project.

**12) Transportation:** *To provide and encourage a safe, convenient and economic transportation system.*

52. A traffic study was performed for this project and is entered into the record of the proposed project. The traffic report found that the transportation system of the immediate area was adequate to accommodate this project.

**13) Energy Conservation:** *To conserve energy.*

53. The applicant and owner for this project are encouraged to utilize energy efficient equipment and appliances where practicable.

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EXHIBIT A

01DB24A

**14) Urbanization:** *To provide for the orderly and efficient transition from rural to urban land use.*

54. The project is being proposed on property that is currently zoned as Planned Development Industrial in the northwest portion of the City. The proposed project will expand an existing glass manufacturing facility, which will provide a complimentary use within this industrial portion of the City.

**15) Willamette River Greenway:** *To protect, conserve, enhance, and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River as the Willamette River Greenway.*

55. The project is outside of the Willamette River Greenway and will not diminish the natural, scenic, historical, agricultural, economic or recreational qualities of lands along the Willamette River.

### Conclusion Findings

A number of site access, parking, and utility issues are involved in the current negotiations between Specht Wilsonville L.L.C. and Oregon Glass over the rights granted to Oregon Glass in the access easement for the private road east of the subject property. ***Planning Staff is recommending that a Building Permit not be issued until the applicant/owner received approval from the City Engineer for an access, parking, and circulation management plan. The applicant has received this approval via the memo from the City Engineer dated October 23, 2001 (See Exhibit Z).*** Should these negotiations result in a change to the proposed plans for site access, parking, or utility access, Oregon Glass will need to provide to Panel B of the DRB a proposed alternative that meets minimum code requirements.

The proposed project will generate 30 PM Peak hour trips, all of which will use the Stafford Road interchange.

With the "PF" conditions recommended by the City Engineer, the location, design and size of sanitary sewer and storm sewer are such that the project is adequately served or service can be made available in the near future. Staff calls your attention to the reports and recommendations of the City Engineer, Building Official, and Environmental Services Division.

The proposed project would create an additional demand on the City's water supply, therefore the owner of the facility has signed a certificate of compliance as a Category 2 water user under the City's Public Facilities Water Strategy.

Overall, the landscape plan ~~exceeds~~ meets minimum code. **Staff is recommending the plan include columnar type trees along the east side of the building.** Under Ordinance No. 514, new development is not allowed to install full landscape treatment until the City's new water treatment plant is producing sufficient water for that purpose.

The proposed building architecture meets code and is compatible with other buildings in the area.

~~The proposed parking plan meets Section 4.155 of the WC.~~ **The proposed parking plan meets Section 4.155 of the WC.**

## EXHIBITS

The following Exhibits are hereby entered into the public record by the Development Review Board as confirmation of its consideration of the application as submitted.

- A. Findings and Conditions of Approval.
- B. City of Wilsonville Comprehensive Plan.
- C. Chapter 4 of the Wilsonville Code.
- D. Applicant's submittal documents.
- E. Building Division Report.
- F. City Engineers report.
- G. Environmental Services Plan Review
- H. DKS traffic report.
- I. Letter dated August 17, 2001 from Steve Hultberg of Perkins Coie LLP.
- J. (Supplemental) Applicant submittal document dated August 6, 2001 – clarification of parking requirement
- K. Category 2 Certification - Water

Exhibits from August 27, 2001 public hearing:

- L. Letter dated August 27, 2001 directed to the Development Review Board and faxed to Paul Cathcart from Landye Bennett Blumstein, attorneys
- M. Foam board of the site plan
- N. Foam board display A3.1 showing exterior building design and elevations
- O. Letter from Kettleison & Assoc. dated August 27, 2001
- P. Proposed revision to Condition of Approval #3
- Q. Fax dated July 12, 2001 regarding sketch of parking alternative from Group MacKenzie for David Williams
- R. Foam board showing head-in parking and forklift doors facing easement (supplied by Specht Development)
- S. Materials sample board

Exhibits for September 24, 2001 public hearing:

- T. Letter from DKS Associates dated September 10, 2001
- U. Memo from Mike Stone dated September 17, 2001
- V. "Current Road Layout" submitted by the applicant
- W. Revised storm water pond configuration

New exhibits provided at meeting on 9/24/01

- X. Memo from Joan Kelsey date 9/17/01
- Y. Proposed condition of approval drafted by applicant's attorney on 9/24/01

Exhibits for November 26, 2001 public hearing:

- Z. Letter from J. David Bennett, P.C. requesting appeal of decision in Case File 01DB24
- AA. Application form 01DB24A from Oregon Glass
- BB. Memo from City Engineer to Paul Cathcart dated October 23, 2001
- CC. E-mail from Sandy King (City Recorder) to Sally Hartill (Planning Secretary): Remand of Case File 01DB24 from City Council to Panel 'B' of the Development Review Board.
- DD. Affidavit of mailing and posting
- EE. Revised Plans submitted by applicant date stamped November 16, 2001
- FF. Fax to Paul Cathcart from J. David Bennett dated November 16, 2001
- GG. Memo from Mike Stone, City Engineer, dated November 24, 2001
- HH. Pictures of roadway east of Oregon Glass taken by staff on 11/26/01
- II. Site plan and site grading plan submitted by Group MacKenzie
- JJ. Memo from Kittelson and Associates with pictures of forklift
- KK. Planting Plan supplied by Group MacKenzie

VIA CERTIFIED MAIL: RETURN RECEIPT REQUESTED

November 29, 2001

**NOTICE OF DECISION**

**DEVELOPMENT REVIEW BOARD PANEL B**

Project Name: Oregon Glass Expansion Case File No. 01DB24(A)  
Applicant/Owner: Oregon Glass Company/Group Mackenzie  
J. David Bennett, P.C.  
Proposed Action: Approval of a Stage II final plan amendment and site and design plans  
for a 59,835 sq ft expansion to existing building and elimination of  
Condition of Approval #21  
Property Description: Tax Lots 3001, 3002 & 3003 , Sec 11, T3S-R1W, Clackamas County,  
Oregon  
Location: 10450 SW Ridder Road

On November 26, 2001, at the meeting of the Development Review Board, the following decision  
was made on the above-referenced proposed development application.

Approved with conditions: XX Approved: \_\_\_ Denied: \_\_\_

Any appeals by anyone who has participated in the hearing, orally or in writing, must be filed  
with the City Recorder within fourteen (14) calendar days of the mailing of the Notice of  
Decision. *WC Sec. 4.022(.02)*.

This decision has been finalized in written form and placed on file in the city records at the  
Wilsonville City Annex this 29<sup>th</sup> day of November 2001, and is available for public inspection.  
This decision shall become effective on the fifteenth (15<sup>th</sup>) calendar day after the postmarked date  
of the written Notice of Decision, unless appealed or called up for review by the Council in  
accordance with this Section. *WC Sec. 4.022(.09)*.

Written decision is attached.

This approval will expire on **November 26, 2003**. See *WC Section 4.163 for renewal*.

For further information, please contact the Wilsonville Planning Division located at the  
Community Development Building, 8445 SW Elligsen Road, Wilsonville, Oregon, 97070 or  
write to Wilsonville Planning Division, 30000 SW Town Center Loop E, Wilsonville Oregon  
97070 or telephone at 503-682-4960.

Community Development Building  
8445 SW Elligsen Road

November 26, 2001 7:00 P.M.

Minutes

I. **Call to order:**

Chairman Gary Betts called the regular monthly meeting to order at 7:00 p.m.

II. **Chairman's Remarks:**

- A. Conduct of Hearing
- B. Statement of Public Notice

III. **Roll Call:**

Present for roll call were Gary Betts, Eric Bohard, Bill George, Bob Pearce, Michelle Ripple, and Councilman Benny Holt. Staff present were Joan Kelsey, Blaise Edmonds, Paul Cathcart, and Kitty Anderson

IV. **Citizen's Input** – None

V. **City Council Liaison Report:** None

VI. **Consideration of Minutes:**

A. October 22, 2001 meeting

**Bill George moved to approve the minutes of October 22, 2001, and Bob Pearce seconded the motion. It carried 3-0. Gary Betts and Eric Bohard abstained.**

VII. **Public Hearing:**

- A. **01DB24(A) - Oregon Glass Company** (Remand of Appeal). This hearing is a voluntary remand requested by the applicant to the Development Review Board for review of redesigned parking and access on approval granted by the Design Review Board on October 22, 2001. The appeal and request for a voluntary remand was heard and granted by the City Council at a public hearing on November 5, 2001, and the hearing date was set to this date and time certain. The applicant has tolled the 120-day statute to allow for notice and hearing on appeal on remand.

Chairman Betts called to order the public hearing at 7:03 p.m. regarding application 01DB24(A), Oregon Glass Co. The public hearing format was read into the record. All Board members said they were familiar with the application and had visited the site under consideration. None of the members formed a conclusion about the application from their site visit. No one challenged the participation of any Board member.

Paul Cathcart, Associate Planner for the City, distributed Exhibit GG, a memorandum from City Engineer Mike Stone dated November 24, and Exhibit HH, pictures of the roadway east of Oregon Glass taken this date by city staff.

- On October 12, Oregon Glass appealed this Board's September 24 decision on its request to modify Stage I preliminary plans, Stage II final plans, and site and design plans for a 59,835 sq ft expansion to the current building on Ridder Rd. This application is coming back on remand from City Council to review new plans submitted by the applicant and to hear additional testimony by the applicant regarding these revised plans.
- At the September 24 meeting of this Board, the applicant and Specht Wilsonville LLC, owner of the private road directly east of the subject property, felt they could reach an agreement on modified easement language that would satisfy the parking maneuverability concerns Specht had about the original plan. To date, this continues to be a disagreement and the source of the applicant's appeal.
- The applicant is requesting elimination of condition #21 of the September 24 decision that made approval of the project contingent on successful negotiation of easement modification with Specht to address the parking and maneuverability issues.
- The applicant is requesting review and approval of a modified parking plan along the east side of the proposed building addition that will angle the parking spaces and enclose the maneuvering area for these parking spaces with a curb along the property line. Access to and egress from this parking area would be obtained from a single point, removing the potential hazards of cars backing up into the road.
- The City Engineer has reviewed the proposed modifications and found that they substantially comply with the management steps he laid out in his memorandum of September 17, satisfying condition #4 in the September 24 decision.
- Specht Development has recently expressed concerns over the revised plans, indicating a desire to see a curb along the existing building to keep forklifts from backing into the roadway. The City Engineer has provided comments regarding this concern in a memorandum dated November 24, Exhibit GG.
- The rearrangement of parking on the east side of the proposed building expansion has made less space available for landscaping on that side of the building, compared to the plan shown to you on September 24. It is staff's belief, however, that trees are needed on this side of the building to break up the long expanse of the building, and it is recommended that columnar trees be planted along that side of the building.
- Based on the applicant's revised plans, staff is recommending approval of the project with the revised conditions of approval contained in the staff report.
- The applicable review criteria, as listed in the staff report, were read into the record.

Joan Kelsey asked whether the applicant had Exhibits GG and HH. Paul Cathcart advised he believed the applicant has the memorandum from Mike Stone.

Chairman Betts asked for clarification of the 3 photos provided in Exhibit HH. Mr. Cathcart explained that since his last visit to the site, the striping has been done. The primary reason for taking the pictures was to show Board members the location of the striping.

Blaise Edmonds added Section 4.033, Authority of the City Council, to the decision criteria.

Eric Bohard asked whether the distance was measured between the white stripe and the building. Mr. Cathcart responded that it was not measured.

David Bennett, attorney representing Oregon Glass, 1300 S.W. 5<sup>th</sup> Ave., Ste 3500, Portland, Oregon advised that his client supports the staff's report and recommendation for approval. The request for remand back to the Development Review Board was because the agreement with Specht could not

be resolved. However, the easement is not the matter before this Board to determine, except that they have the right of usage for access to the property. That right of usage has certainly not been contested. There is an issue as to how it is used. The safety concern expressed previously was about the parking area and the backing out. That has been corrected. Mr. Bennett asked that the Board approve the staff recommendation.

Mr. Bennett explained he had received the memo from the City Engineer yesterday about Specht's request. Tonight was the first time he had seen the photos, but he has seen the property. The usage they have there now is very important in that there is some lift truck use in and out of the doorways that has been going on for many many years under the existing easement. The suggestion from Specht that there be a continuation of the proposed curb northward would impact that usage.

Bill George asked staff whether the striping in the pictures gives a visual representation of the property line. Paul Cathcart said he was unsure.

Chairman Betts asked whether the curb is something being proposed by the City Engineer or by one of the two parties. Paul Cathcart explained that the curb adjacent to the angled parking is a solution the applicant brought forth and the City Engineer reviewed and found acceptable.

David Bennett advised that the curb is in front of the new development and pointed to the planting plan provided by Group MacKenzie, Exhibit KK. He clarified that Specht is requesting the curb be continued further, along the other side of the property. Mr. Bennett further explained that if the curbing were extended along the other side, it would interfere with the way the property is currently being used for maneuvering lift trucks. He reminded the Board that city staff has said this plan meets their concerns and recommended that the Board approve the plan this evening.

Eric Bohard asked about the construction of the curbing. David Williams with Group MacKenzie advised that it is a cast-in-place curb, 6" high by 6" wide, plus the depth to bury it.

Mr. Bohard asked whether the addition of the new building would decrease the volume of the lift truck traffic. David Bennett said that the volume would decrease because it will be too far around the buildings for the lift trucks to travel on the outside.

Mr. Bohard requested additional information on proposed landscape plans, and David Williams responded. The plan is to put in Hinoki Cypress trees along the parking area. It will be possible to plant them up to 5 ft from the building and not have the car bumpers hit them. The trees would be put in at every other parking space, about 28 ft apart.

Bill George asked whether the applicant is satisfied with this landscape requirement. David Williams responded in the affirmative but clarified that if the landscape area is too close to a footing, then it would need to be shifted.

Chairman Betts asked for further testimony in favor of this application, and there was none. He then asked if anyone wanted to speak in opposition, and Dick Cantlin came forward.

Dick Cantlin, 1211 S.W. 5<sup>th</sup>, Portland, attorney for Specht Wilsonville, stated that Mr. Bennett wants the central issue in this hearing to disappear, but it can't. The central issue is safety, and it has been a concern of the city's consultants, DKS, and the city staff, as stated in Paul Cathcart's September 17 memorandum. In response to Specht's original concerns, there was an amended plan. The staff report says that Mr. Stone reviewed and approved a plan dated October 12. Mr. Cantlin said he was not aware of a plan dated October 12, and went on to state: "The plan before you is

dated November 14, 2001. At a very minimum, the plan that Mr. Stone saw that we can't find isn't the one in front of you now and isn't the one that is the subject of this decision. Mr. Cathcart says it is relatively similar. That may be, but it isn't the record. The new plan shows no separation. The plan that the applicant put forth, that we were prepared to agree to following our last visit before you, shows a major separation between the existing traffic and the major roadway. Please understand that this roadway is becoming a significant roadway. There will be a thousand employees moving in and out of there every day starting in about two weeks. There will be continual heavy-duty truck traffic every day." Mr. Cantlin distributed a site plan and a site grading plan produced by Group MacKenzie, Exhibit II, for Board review.

Joan Kelsey asked whether the thousand employees would be traveling the easement road from Precision Interconnect. Mr. Cantlin confirmed this and mentioned that some of these employees would be going to and from Precision Interconnect via Freeman Court.

Mr. Cantlin questioned what Mr. Stone, the City Engineer, saw and what he understood about the site and the proposed plans. He then informed the Board that their staff talked with Mr. Stone and felt his understanding was that the forklift traffic would essentially stay on Oregon Glass property. According to a conversation their folks had with Mr. Anderson today, he said that wasn't what Mr. Stone understood. Mr. Cantlin said he asked Kittelson and Associates to look at the new plan, the November 14 plan, and he quoted from their report: "The latest plan has effectively addressed the parking conflicts. However, the latest plan does not appear to address the forklift interaction with traffic traveling on the access roadway." Also, "The continued use of forklifts within the access roadway will degrade the operations and safety of this facility and likely increase the potential for accidents as passenger car and heavy truck volumes increase due to additional development." Mr. Cantlin explained that what the Board has before them are grave concerns expressed by the city's consultant, DKS, who said that if it were a public road this would never be permitted.

Mr. Cantlin further advised that, according to Mr. Anderson, Mr. Stone's understanding of why this was going to work so well was the forklifts would always be inside the fog line. A picture of a forklift coming out of the building onto the roadway (taken earlier this day) was distributed to Board members along with a letter from Kittelson & Associates dated November 26 (Exhibit JJ).

Chairman Betts asked for clarification on what Specht Wilsonville would like the Board to do. Mr. Cantlin responded that condition #21 should remain because Specht is very concerned about the safety issue involved with this application. Constantly during the day these forklifts are backing out into the middle of this road. That is an unsafe condition. Some of the time, the forklifts are moving broken glass, and that is even more unsafe.

Mr. Cantlin read the third paragraph of Mr. Bennett's letter of October 12: "The purpose of this appeal is to request a voluntary remand for the Design Review Board with a delayed hearing date sufficient to permit the applicant to complete negotiations with the neighboring property owner, Specht Wilsonville LLC." Mr. Cantlin advised that in the 45 days since this letter was written, Oregon Glass has initiated no contact and said he felt there should be at least some good faith requirement pertaining to the negotiations. Mr. Cantlin said that the Board should impose condition #21 and require Oregon Glass to sit down and agree to a plan because the safety issue will not go away.

Chairman Betts asked about forklifts carrying glass. Mr. Cantlin responded that he has been told they often have accidents and glass is broken. If this happens in the roadway, it is a real problem.

Bill George asked whether Specht was still amenable to working out an agreement with Oregon Glass for their use of the easement, and Mr. Cantlin responded in the affirmative.

Chairman Betts gave Board members a few minutes to review the information in the exhibits provided this evening.

Chairman Betts asked for further testimony that is neutral, and there was none.

The applicant was provided an opportunity for rebuttal, and David Bennett explained that there had been considerable negotiation on the terms of the easement. Essentially there was an agreement except for one thing – that the pre-existing easements be terminated. Mr. Cantlin told Mr. Bennett that was absolutely non-negotiable and everything could be set out in the new easement. Mr. Bennett explained that in the law of easement it is very important as to when your rights began. A new agreement would make another party superior to Oregon Glass and possibly preclude their easement. Mr. Bennett felt that Mr. Cantlin was not going to change his mind, so there was nothing further to negotiate.

Mr. Bennett said it is easy to say “I think Mike Stone meant this.” However, Mr. Stone did sign off on this plan and was satisfied with the way safety issues regarding parking would be addressed. Mr. Bennett expressed concern that the Board would require something to be put on the property that wouldn't allow Oregon Glass to use the easement the way they have been using it. In fact, lift truck usage would be more intensive if this building is not put up because lift trucks are coming around the other side of the building. With the new building, there will be a doorway between the buildings so lift trucks can come in the backside of the new building into the existing building, rather than come out the front door. Also, all the glass is tempered, and though glass breaks, it will not break into little pieces. Regarding Kittelson's report, Mr. Bennett stated, “Everyone hires an expert to say what they are concerned with. The city has its own expert who signed off on this being a safe design in respect to the parking. The city staff all had the opportunity to inquire of your experts and obviously were satisfied with this. It would probably be safer if there were no lift trucks. Industry has some risk to it, and this industry has been out there a long time. Again, we have a right to use that easement area in the way we are using it, and if Specht Development doesn't want us to use it that way, the forum for that is the Circuit Court. It is critical for you to keep in mind that the proposal you have before you is a proposal for this new building. The concern over safety was related to parking. We have addressed that, and city staff and the City Engineer are satisfied with that.”

Michelle Ripple asked whether there have been any lift truck accidents. Mr. Bennett acknowledged that his client responded by shaking his head in the negative. They have been in business there for 25 years, and there have been no accidents involving property damage or someone injured.

Mr. Bennett mentioned that in the application by Specht Development it is indicated that between 5% and 7% of the cars which visit this site would be coming from an alternate location from their primary entrance, and not this back way. Tonight they have stated that over a thousand people will be using this roadway.

Joan Kelsey referred to Mike Stone's memorandum of October 23 and asked Paul Cathcart to clarify the dates of the plans. Mr. Cathcart advised that after the September 24 meeting the applicant supplied the city engineer with a set of revised plans showing the angled parking scheme and the curb to contain that parking. The plans being displayed tonight were received on the 16<sup>th</sup>. Mr. Cathcart compared the plans and felt they were substantially the same. There were a few modifications further south, some of the curbing near the main parking area had been pulled within

the property line. The plans that Mike Stone looked at were dated October 12<sup>th</sup>. The plans we are looking at tonight are date stamped November 16<sup>th</sup>.

Joan Kelsey asked whether the plans are essentially the same except for the change in the curbing in the south parking lot. Mr. Cathcart confirmed this. Ms. Kelsey asked whether the plan being looked at tonight is a new plan. Mr. Cathcart advised that the date on it is November 14<sup>th</sup> and that within the packet itself there are varying dates on the plans, and that is why he referred to the date stamp for when it was received.

Bob Pearce requested clarification about the Board confining itself to the issue of the new building. Joan Kelsey referred to page 6 of 56 that contains project information provided by the applicant. In summary, the information describes the expansion and talks about the design of the existing facility. Certainly the expansion would not exist but for the existing facility. Therefore, when the Board goes to the issue of circulation and site access, they can be connected because they are adding to an existing use. The applicant would like to narrow the scope of the application to only the additional use, which is what was looked at in terms of the traffic report. However, the wider issue of safety was raised in public testimony, and once raised, it would certainly be appropriate for the Board to address that.

Bill George stated he is ready to narrow the discussion to the new building and the proposed modifications by the applicant and abide by the City Engineer's recommendation that the striping is sufficient, and have city code enforcement work out the problems of the forklift on this easement.

Eric Bohard said it not up to this Board to resolve those issues. Rather, it is up to the courts to do that. There are two parties who do not see eye to eye on the issues, so the Board needs to stay with the merits of the application and what is happening now as an existing condition. We also heard some conflicting testimony that we have an expert witness, Mr. Stone, who is unfortunately not here, who could shed some light as to exactly what plans he saw. Mr. Bohard also said that a condition needs to be added that it be a reinforced curb. An unreinforced concrete curb is going to break out and have to be replaced. There needs to be some anchoring of that concrete curb.

Joan Kelsey asked the applicant to respond to this recommendation. David Bennett responded that the applicant doesn't have any objections to Mr. Bohard's suggestion.

Chairman Betts referred to page 35 of 56, under condition of approval #21, and asked what is meant by "*nunc pro tunc*". Joan Kelsey explained that basically you harmonize the date of decision with the formal date that may have occurred prior to your actual date.

Michelle Ripple referred to page 6 of 56, under the subsection headed "Street" and asked whether the property is really owned by Precision Interconnect. Paul Cathcart clarified that Precision Interconnect is the tenant of the building owned by Specht.

Ms. Ripple also asked which access road is more convenient for Precision Interconnect from I-5. David Williams advised that the front door to Precision Interconnect is on Freeman Court, which is the most direct route. The easement road was always considered a back door, strictly a truck access, which is why Specht and Precision Interconnect are labeling it as "truck access".

Todd Sheaffer with Specht Development, 15400 S.W. Milliken Way, advised that the front door for the facility is located off of Freeman Court, but most of the parking is located on the north part of the facility. Also, Freeman Court is not currently signalized. The intersection on Ridder is signalized. DKS did the traffic study, and they made some estimate of how many trips would be

coming through Ridder Road versus Freeman Court, but when you look at the situation today, there is a high probability that a significant number of these trips will try to avoid Freeman Court, especially exiting the facility.

Joan Kelsey asked whether Specht has a transportation plan to deal with the traffic to Specht and Precision Interconnect. Mr. Schaeffer responded that they have the plan that was prepared by DKS, and if the conditions have changed since the time they did that traffic study, he is not going to try to overrule DKS and the conclusions that they reached.

Joan Kelsey asked, "So DKS concluded that most of the employees are going to use Ridder Rd. instead of Freeman Court?" Mr. Schaeffer advised that he does not have the traffic report with him that DKS completed.

Michelle Ripple asked whether employees need to make a right turn to get to I-5 from Freeman Court. Mr. Schaeffer advised that the most direct route would be to make a left turn which would take them to Stafford Road.

Eric Bohard referred to earlier testimony that in just a few weeks there will be a big influx of traffic along the easement and asked whether the Precision Interconnect building was occupied right now. Mr. Schaeffer responded that construction has been occurring over the past 11 months and there have been no accidents during the construction period. But the facility is now complete and will be fully occupied by early January.

Blaise Edmonds asked whether a traffic management plan has been provided to the City Engineer to acknowledge the change in traffic patterns indicating that traffic is now going predominately more on the private access road versus Freeman Court. Mr. Schaeffer responded, "We have not provided a new traffic management plan. We had provided a traffic management plan that was approved. I am not certain of any change in conditions that exist." Mr. Edmonds referred to his testimony that more traffic will be using the private easement, and Mr. Schaeffer explained this was his speculation.

Chairman Betts referred to page 19 of 56 where it states in the middle of paragraph 25, "As this is a private road, there is little city staff can enforce in the way of code requirements or recommendations to address this potential conflict" and asked for clarification on whether the Board can address this because safety concerns have been raised. Joan Kelsey explained she was not talking about the conflict about the use of the easement or the use of access. The issue that was raised that the Board can address is the issue of the safety of that access.

Chairman Betts discussed the option of deleting condition #21. The applicant may be given approval if the Board agrees, but whether the site is usable for what the conditions of the easement are going to be will still have to be worked out between the parties. However, the Board can consider safety issues related to the application.

Michelle Ripple asked the applicant how many times a day lift trucks will be maneuvering outside the building once the new addition is built. David Bennett responded that the use of lift trucks in and out of the building will continue as it is currently, but the use of lift trucks coming around the outside of the building will be diminished.

Michelle Ripple asked for a specific number of trips per day. Leon Anderson, General Manager at Oregon Glass, responded that use of the fork lifts once the new building is up could be lessened by as much as 50%. When asked to be more specific, Mr. Anderson estimated once every 30 minutes.

Chairman Betts asked the purpose of the lift trucks and was advised that they transport crated glass from one end of the building to another. The operation has run this way for the past 25 years.

Bill George asked whether the easement had always been paved, and Mr. Anderson advised that Oregon Glass paved part of it several years ago, and the remainder was paved when Precision Interconnect construction began. Previous to that it was a dirt surface.

Chairman Betts asked for clarification on the anticipated reduction of forklift traffic. David Bennett explained there would be a doorway between the buildings, which will eliminate the long circuitous route around the outside of the building.

Bob Pearce referred to condition #4 on page 33 of 56 and asked whether a circulation management plan would be submitted if the application were approved. Paul Cathcart advised that the applicant has submitted plans dated October 12 that Mike Stone, the City Engineer, has approved. Mr. Stone felt these plans met the concerns outlined in his memorandum dated September 17. It doesn't appear that condition #4 is specific enough to address the forklift traffic. The City Engineer told Mr. Cathcart he felt that the striping was adequate to do that.

Bill George identified the area on both sides of the striping as work area on a private road. Employees entering the easement to Precision Interconnect as well as or the people who are working on the forklifts know where they are going. Inside the building is tight, confined space, and they have to work with other moving objects. These people know the risks they are entering into when they operate this machinery within that confined space. Since this is not a public road, and the people who will be transiting it know what they are entering, then it is a known risk and a known hazard to them, and therefore not our concern.

Chairman Betts expressed concern that if the Development Review Board becomes involved in the safety issues then approves the application, the Board may be incurring some liability because it is private land.

Bill George clarified that all the Board is approving is the building of the extension and parking. Other Board members expressed agreement with this statement.

The applicant declined further comment, and Chairman Betts closed the public hearing at 8:21 p.m.

**Bill George moved that the Board approve 01DB24(A) with the revised proposed conditions of approval. Eric Bohard amended the motion to include proposed condition #24: "The applicant/owner shall submit plans for the proposed curb along the east side of the proposed building expansion to the City Engineer. The plans for the curb shall show, to the satisfaction to the City Engineer, reinforcement sufficient to withstand the wear of the vehicles using the proposed parking area."**

Joan Kelsey suggested rewording of the resolution, paragraph 4, to read: "Whereas, J. David Bennett on behalf of Oregon Glass Company filed an appeal of 01DB24, and for a negotiated settlement of the appeal, requested a voluntary remand of the decision and public hearing to the DRB Panel B, having tolled the 120 day statute to allow for notice and hearing on appeal on remand". This was accepted by general consensus.

**Bill George re-entered his motion that the Board approve 01DB24(A), as recommended by staff, with the modifications from Eric Bohard of an additional line item to #24 regarding the curbing along the proposed new parking, wording to be provided by Paul Cathcart. Michelle**

Ripple seconded the motion, and the motion as amended carried 5-0.

The process for filing for appeal was read into the record.

**VIII. Board Member Concerns and Communication: None**

**IX. Reports from staff:**

Paul Cathcart reported that there would be a meeting this Wednesday evening to review the draft transportation plan. The meeting will be held at the community center from 7:00 to 9:00 p.m.

Blaise Edmonds advised that last Monday the City Council approved annexation of the Coffey Creek Prison property and several streets adjacent to it. Now awaiting Metro's final approval of the jurisdictional boundary of the urban growth boundary. If there is no appeal, the property will soon be part of the city.

**X. Adjournment:**

The meeting was adjourned at 8:30 p.m.

Respectfully submitted,

---

Kitty Anderson, Planning Secretary

**Bill George moved that the Board approve 01DB24(A) with the revised proposed conditions of approval. Eric Bohard amended the motion to include proposed condition #24: "The applicant/owner shall submit plans for the proposed curb along the east side of the proposed building expansion to the City Engineer. The plans for the curb shall show, to the satisfaction to the City Engineer, reinforcement sufficient to withstand the wear of the vehicles using the proposed parking area."**

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**Bill George re-entered his motion that the Board approve 01DB24(A), as recommended by staff, with the modifications from Eric Bohard of an additional line item to #24 regarding the curbing along the proposed new parking, wording to be provided by Paul Cathcart. Michelle Ripple seconded the motion, and the motion as amended carried 5-0.**

~~DRAFT~~ Approved 10/22/01 KA

City of Wilsonville  
Development Review Board  
PANEL B

Exhibit  
2a

Community Development Building  
8445 SW Elligsen Road  
September 24, 2001 7:00 P.M.

Minutes

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- I. **Call to order:** Chairman Gary Betts called the meeting to order at 7:00 p.m.
  - II. **Chairman's Remarks:** The Conduct of Public Hearing and Statement of Public Notice were read into the record.
  - III. **Introduce New Board Member:** Michelle Ripple was welcomed.
  - IV. **Roll Call:** Present for roll call were Gary Betts, Bill George, Michelle Ripple, Eric Bohard, Bob Pearce, and Councilor Benny Holt. Staff members present: Joan Kelsey, Blaise Edmonds, Paul Cathcart, Michael Wheeler, and Kitty Anderson.
  - V. **Citizen's Input:** None
  - VI. **City Council Liaison Report:** None
  - VII. **Consideration of Minutes:**
    - A. August 27, 2001 meeting

Bob Pearce noted that the fifth paragraph on page 12 is attributed to him and it should be changed to Eric Bohard.

Bob Pearce moved that the Board approve the minutes of August 27, 2001 as revised. Bill George seconded the motion, and it carried 5-0.
  - VIII. **Consent Agenda:**
    - A. **01DB27 – Valley Christian Church.** Applicant requests approval of Stage I and Stage II plans and design review for a 1,792 sq ft building for use as classroom space. The site is located at 11188 SW Wilsonville Road on Tax Lot 13401, Section 22AC (Supplemental), T3S-R1W, Clackamas County, Oregon. Staff: Chris Neamtzu. This item has been rescheduled to the October 22<sup>nd</sup> meeting date.
    - B. **01DB30 – St Cyril Catholic Church.** Applicant requests an extension of a one-year temporary use permit to use a modular classroom building for meeting space. The site is located at 9210 SW 5<sup>th</sup> Street on Tax Lot 300, Section 23AC, T3S-R1W, Clackamas County, Oregon. Staff: Michael R. Wheeler.
    - C. **01DB28 – Grace Chapel.** Applicant requests approval of Stage II final plan, and site and design approval to occupy the existing 2,830 sq ft office building. The existing building and 23 parking spaces are located on the site. An existing sign is centrally located along the frontage of the site on

Boberg Road. The site is located at 28925 SW Boberg Road on Tax Lot 1604, Section 14A, T3S-RIW, Clackamas County, Oregon. Staff: Michael R. Wheeler. This application was continued to this date and time certain at the August 27<sup>th</sup> meeting.

Item A, Valley Christian Church, was rescheduled to the October 22, 2001 meeting, and Item C, Grace Chapel, was been moved to the Continued Business Section of this meeting because a public hearing took place at the August 27<sup>th</sup> meeting, to be continued this date.

**Bill George moved to approve 01DB30, St. Cyril Catholic Church. The motion was seconded by Bob Pearce, and was carried unanimously, 5-0.**

#### **IX. Public Hearing: Continued Business**

- C. 01DB28 – Grace Chapel.** Applicant requests approval of Stage II final plan, and site and design approval to occupy the existing 2,830 sq ft office building. The existing building and 23 parking spaces are located on the site. An existing sign is centrally located along the frontage of the site on Boberg Road. The site is located at 28925 SW Boberg Road on Tax Lot 1604, Section 14A, T3S-RIW, Clackamas County, Oregon. Staff: Michael R. Wheeler. This application was continued from the August 27<sup>th</sup> meeting to this date and time certain.

Chairman Betts called to order the public hearing regarding application 01DB28 for Grace Chapel at 7:09 p.m. The public hearing format was read into the record. All Board members said they are familiar with the application and had visited the site under consideration. None of the members formed a conclusion about the application from their site visit. No one challenged the participation of any Board member.

Michael Wheeler, Associate Planner with the City, presented the staff report. On August 27, the Board was presented with the entire staff report and criteria that was applicable, with the exception of the Statewide Planning Criteria, and all of that information remains applicable. The Statewide Planning Goals have been added to the report, with brief responses to each on pages 16-18 of the report. There were no significant findings that would suggest the recommendation be changed. There are two errors in reference to the square footage of the building. On page 1 and 15, the reference to 2,830 sq ft should be corrected to be 2,518 sq ft. The recommendation from staff is for approval of this application.

On August 27, the applicant requested that the language of condition #2 on page 19 in reference to landscaping be changed from "removed" to "diminished". Also, #5 needs to be clarified to state that landscaping be installed to surround the existing trash enclosure at the existing location. The site plan shows it being moved to the west line, and there was testimony and concern about the removal of trees that would result from the relocation.

Applicant, Lyle Fisher, 8605 SW Wilson St., Wilsonville, OR 97070 referred to item #30 on page 15 of 26 that states existing landscaping is "deficient" of the 15% minimum, and reminded the Board they already meet the requirement by 22%.

Blaise Edmonds clarified that the minimum code is met in terms of 15% landscape covering, but there is still a landscape requirement for parking in terms of a shade tree island, which is a separate section of the code. Discussion of this can be found on page 7 of the staff report.

Chairman Betts asked Mr. Fisher if he was aware of the additional provisions of the code regarding parking landscaping.

Mr. Fisher replied that he was aware but understood that parking landscaping is included when the overall percentage is calculated. This pertains to the issue of changing the wording of condition #2 from "removed" to "diminished".

Eric Bohard noted that in the submitted site plan there is no location identified for the additional tree in the parking lot and asked Mr. Wheeler if he would be working with the applicant to establish the location for the tree.

Mr. Wheeler responded that the landscape island would take the place of one of the parking spaces and would be easily designed. Staff has no problem with changing the wording from "removed" to "diminished".

Mr. Fisher referred to item #30 on page 15 of 26 and asked that the word "not" be struck.

Joan Kelsey suggested revised wording to state: "The applicant is proposing to utilize the existing landscaping, unchanged. However, this landscaping does fully comply with the requirements of Section 4.155(.02)(A)(3)(b); the area of existing landscaping is in excess of the 15 percent minimum by 7.6 percent, and there are no landscaped islands in the parking area at the intervals required. The applicant should be required to break up the 15 parking spaces on the south by installing a planter island midway along their length, in place of one of the existing parking spaces. In addition, the existing landscaping shall not be removed."

Chairman Betts summarized that a change is being made to strike the word "not" in the statement "the landscaping does not fully comply" and change "landscaping is deficient" to "landscaping is in excess".

Joan Kelsey asked whether the conditions of approval were agreeable to Mr. Fisher, and he advised they were agreeable.

Chairman Betts asked Mr. Fisher if he was agreeable to the parking lot landscape requirement for the trees. Mr. Fisher responded that he saw that as a requirement and not a matter of choice. Large trees bound the property and to put one additional small one inside the current boundaries seems like a lot of work for nothing. There is so much greenery there already that it would not significantly add to the beauty of the area, but if it is a requirement of the city, they will cooperate.

Eric Bohard referred to condition #3 that a maximum of 22 parking spaces is required and asked whether this would apply to the applicant. Michael Wheeler responded that there are currently 23 spaces, and one will be lost in the median installation.

Chairman Betts asked for further testimony on this application, and there was none.

Bill George commented that he tended to agree with the lot having a huge surrounding of trees and would seek a waiver for acceptance as it is, rather than have the applicant lose a parking space to plant one tree, when they are already greatly in excess of the minimum requirements.

Joan Kelsey advised that the parking lot landscaping can't be waived under our code. This application comes to the Board in a different way than a planned development. The fact that there is 22% existing on the site doesn't waive the condition for landscaping in the parking lot.

Bill George remarked that he has observed that the parking lot has only short periods of full sunlight, and he feels that the site meets regulations already. He asked staff to be creative in their requirements.

Eric Bohard said that he is glad the city has taken a stance and that the ordinances are defensible and unwaivable. He would like to see the parking lot broken up as part of condition #2. Mr. Bohard supports the application with the conditions of approval as they stand, without any waiving.

Michelle Ripple agreed that the parking lot is very well shaded as it is and the additional tree would provide no benefit.

Bob Pearce also agreed that the additional tree as required won't provide any real benefit, but it sounds like there is no alternative to the requirement.

Chairman Betts inquired whether anyone was concerned that this was presented as a business office request when weekly and quarterly meetings will be held, including worship service, with up to 75 people attending on a quarterly basis.

Joan Kelsey advised that she could not recall testimony that there was any worship at the site. Use was going to be office space and meetings that might be of a variable size. If the use is allowed as office use, then we would be required to approve it if the request meets the current criteria. Within the last year there has also been a new federal law that pertains to religious land use that says you have to treat religious use the same as any other use in your application of criteria. It is an anti-discrimination statute based on worship or religion. Our code is neutral on this subject.

Bill George asked staff whether there have been any complaints from the community about this facility and the use of it. Blaise Edmonds responded that he knew of no complaints about this facility. He also clarified that the applicant testified last month that the location for worship services is at Orepac office building.

Eric Bohard asked whether there are provisions for parking when 40 or more people are expected for meetings. Blaise Edmonds responded that Boberg Lane is designed with bike lanes on both sides and parking is unlikely on side streets except along the frontage of the mobile home park. Joan Kelsey advised that this kind of use is considered incidental use, and the city probably wouldn't want a code criteria that says an applicant must put in all this impervious surface for a use that is not regular.

Lloyd Fisher was asked whether he had addressed the parking issue for larger meetings. Mr. Fisher responded that in the past there may have been occasions when 35-40 people attended a meeting, but there is no meeting planned for this quarter or this year with that many people involved. He also advised that in the past there has been sufficient parking on the street.

Chairman Betts referred to previous testimony that weekly meetings are held on a weeknight from 7:00 to 9:00 p.m. with approximately 20 people in attendance and a larger meeting is held quarterly with about 75 in attendance in the evening.

There being no further discussion, Chairman Betts declared the public meeting closed at 7:36 p.m.

**Eric Bohard moved that 01DB28 be approved with the proposed conditions of approval as stated by staff and the corrections and revisions. Bob Pearce seconded the motion, and it carried unanimously, 5-0.**

**(Note: Corrections and revisions are as follows:**

- 1. The second sentence of Conclusion Finding #29 is changed to state "2,518 SF office".**
- 2. Conclusion Finding #30 is changed to state: "The applicant is proposing to utilize the**

existing landscaping, unchanged. However, this landscaping does fully comply with the requirements of Section 4.155(.02)(A)(3)(b); the area of existing landscaping is 15 percent in excess of the minimum by 7.6%, but there are no landscaped islands in the parking area at the intervals required. The applicant should be required to break up the 15 parking spaces on the south by installing a planter island midway along their length, in place of one of the existing parking spaces. In addition, the existing landscaping shall not be removed."

3. The last sentence of Condition of Approval #2 is changed to state: "The existing landscaping on the site shall not be diminished."
4. Condition of Approval #5 is changed to state: "The applicant shall design and install a landscape or structural screen to surround the existing trash enclosure at the existing location. If composed of plant materials, such screen shall provide a minimum of four feet (vertical) of screening at installation."

Chairman Betts read the statement regarding appeal of the decision.

- A. **01DB20 - W & H Pacific/Pro Grass.** The applicant requests site and design approval for a 5,400 sq ft warehouse building shell with a mezzanine storage area. The site is located at 29759 SW Kinsman Road on Tax Lots 307 and 311, Section 14C, T3S-R1W, Clackamas County, Oregon. Staff recommends approval of the Stage II and site and design and requests that the applicant resubmit a revised landscape plan. Staff: Paul Cathcart. This item was continued at the July 23, 2001 meeting to this date and time certain. The applicant has tolled the 120-day time frame.

At 7:37 p.m., Chairman Betts called the public hearing to order regarding application 01DB20 for W&H Pacific/Pro Grass. The public hearing format was read into the record. All members said they are familiar with the application and all except Chairman Betts had visited the site under consideration. None of the members formed a conclusion about the application from their site visit. No one challenged the participation of any Board member.

Paul Cathcart, Associate Planner with the City of Wilsonville, reminded Board members that the staff report and conditions of approval had been presented at the Board's meeting on August 27.

The applicant has made a number of changes to the proposal to develop a new warehouse and outdoor storage area at 29759 S.W. Kinsman in response, largely, to the Board's comments at the July 23, 2001 meeting, and these changes are summarized as follows:

- The designation for the access drive on the south side was changed from a private to a public drive;
- The access drive was moved 15 ft farther to the north, so only 15 ft of the proposed drive will expand into the easement area of TL 307, to the south;
- Parking spaces were moved to the east side of parcel 1, versus along the south side;
- Fifteen continuous parking spaces are now being proposed;
- The 16,800 sq ft of outdoor storage area is now shown with site obscuring fence directly to the west of the proposed building;
- The compactor and the push bins are located closer to the building;
- An 18 ft metal canopy was added over the push bins and compactor area (not supplied for review in this packet);
- Access to these bins is now in the west, and will be accessed from outside the parameter fence of the outdoor storage area;
- Wildflower mix is proposed for the landscape buffer along the western parameter of phase I. This buffer, combined with other increases, now brings the landscape coverage up to the 15% required by code;

- A gravel-based storage area for containerized plants is proposed immediately to the west of the outdoor storage and activity area;
- Two bike racks are shown along the southwest corner of the building; and
- There are additional sidewalks from the building gaining access to Kinsman Rd.

The applicant has been working with the neighbor to the south, Mr. Randall Boese, to find a solution agreeable to both parties. A letter from Mr. Boese dated September 20 (Exhibit AA) was distributed that indicated that he had reviewed the updated plans for the project and is supportive of the project and grading plan as proposed.

Staff recommends approval of the revised plans with the following exceptions:

- A planting island shall be installed in the parking area. Code requires a shade tree planting island every 7-10 spaces;
- The outdoor storage area be limited to a total of 16,000 sq ft. DKS recommended this in testimony from the July 23 meeting based on a trip generation rate that would maximize the number of trips allowed with this project;
- Additional landscape coverage around the parameter of the building is recommended by staff to soften the edges; and
- Staff is asking for authority to review and approve the proposed 18 ft metal canopy that will cover the push bins and compact area.

Chairman Betts asked about the things staff will be looking at to grant approval of the 18 ft metal canopy, and Paul Cathcart advised that a review will be made of the type of materials, whether the roof is pitched, and whether the structure will have any visual impact to the neighbors.

Jeff Wellman, with WPH Architecture, 513 N.W. 13<sup>th</sup> Ave., Portland, OR, referred to the new and revised site plan (on the easel) and stated that the applicant has concurred with the conditions of approval, however, there are two items that need to be reviewed. First, he asked whether the canopy design is something that needs to be reviewed at this meeting. Paul Cathcart advised that this is something that can be worked out next week or sometime in the future, should the Board want to grant staff that authority. Mr. Wellman acknowledged that these areas need to be covered, and there is a pre-manufactured metal canopy designed in good taste that could be used.

Matt Simpson, with W&H Pacific Landscape Architecture, advised that his firm concurred with the conditions of approval related to landscape. However, on item #23, staff recommend that the applicant work with them on a way to soften the building edges. The site plan doesn't show an actual in-ground or delineated landscaping around the building. There is landscape screening on Kinsman that buffers the parking, but there are circulation issues on the south and the east sides. Would like to propose planter pots of varying sizes at the entrance of the building. Within those pots they would be able to introduce both ornamental shrubs and ornamental trees that can be swapped out for a seasonal look continually on the south side. That would be easy to do with drip irrigation. The size of the pots could also be changed to accomplish a different look.

Regarding item #25, adding a parking island in the middle of the parking stalls, they also concur with this and will work with staff as to the actual location to accommodate the storage door situated in the middle of the building.

Jeff Wellman questioned why only 16,000 sq ft total of active storage is being allowed, and Paul Cathcart explained that farther to the west a gravel-based area is proposed for containerized trees, and all the outside areas are being lumped together and considered outside storage area. Staff proposes to limit all that space to 16,000 sq ft.

Jeff Wellman pointed out the area on the eastern half of the chain link fence line that is all paved. It is delineated as 16,800 sq ft, but have changed it to 16,000 sq ft, based on the conditions of approval. This is what is being considered as the active storage area. On the western side of the fence is the push bin area. It is being proposed that the pad in that area be graveled, and it will become just a maneuverability area for the loader to come in and load up with material from the push bins. It would be more practical to have this gravel base. That would allow a sub-base for all the asphalt work and the parking for Phase II.

Blaise Edmonds asked whether there would be any storage of any vehicles, employee vehicles, or potted plants, fertilizers, or chemicals in the graveled area, and Mr. Nibler advised that only potted plants would be stored here.

Blaise Edmonds explained that the traffic in here will only allow 16,000 sq ft of outside storage equivalent to vehicle trips for the Wilsonville/I-5 interchange, until such time more capacity is created. At that time, Pro-Grass can come back and approach the city for additional storage use.

Chairman Betts asked whether testimony from the applicant is that west of that fence line there would be no storage of any kind but it would be graveled for convenience and maneuverability. Jeff Wellman confirmed this was so and that the area would serve as a sub-base for future asphalt work.

Eric Bohard inquired about the height of the building and was told it is 26 ft, 4 inches.

Mr. Bohard asked what would be planted in the containers. Jeff Wellman responded that there was no specific plan, but they would obviously use small ornamental trees such as maples in the Japanese family and a variety of shrubs. Primarily will start off with a mix of annual seasonal perennial coloring in there.

Eric Bohard stated that the maximum height of the materials that can go in these pots would probably be 12 ft. Jeff Wellman responded that eventually that would be the height of the trees plus the container height would make it approximately 15 ft. The containers will be of benefit to ProGrass too. People will see the plantings at the front entry, which will be constantly changing.

Bob Pearce asked for clarification of whether the planters would be on both the south and east side, and Jeff Wellman advised that on the east side there is a door in the middle of the building, and larger pots could be put along the building in groups of 2 or 3, instead of in a regimented row. Along Kinsman there is also a 24 ft landscape buffer.

Bob Pearce inquired whether the planting or pots along the eastside will encroach on the access to the parking spaces. Jeff Wellman responded that the planting would not encroach on the parking, but he wouldn't want the pots along the other side where the bigger trucks have access and are likely to hit the pots.

Eric Bohard asked whether vines are suitable for softening the building structures, and Paul Cathcart advised that this possibility had been discussed. Jeff Wellman reported that care has to be taken because the building is masonry with grouted joints in the northwest climate. Vines really look good but play havoc on the building.

Bill George asked staff what is needed to soften the building. Does the applicant meet the minimum required landscaping for this project with their current landscaping? Paul Cathcart advised they do.

Bill George asked whether the requirement of item #23 is strictly architectural, and Paul Cathcart responded that it is a new building and the landscaping being installed will take time to reach maturity. Hopefully, that suggestion will help to soften the edges of a 26 ft building that is approximately 80 ft long.

Bill George asked whether there is a code requirement. Blaise Edmonds responded that the code is 4.176 (.03): "Not less than 15% of the total lot area shall be landscaped of vegetated plant materials. Landscaping shall be located in three separate and distinct areas of the lot, one of which must be in the front yard area. Such areas shall be encouraged adjacent to structures. Landscaping plants shall be used to define, soften and screen the appearance of buildings and off street parking areas. Materials to be installed shall achieve a balance between the various plant forms and height, and native plant material shall be used whenever practicable." Mr. Edmonds explained that it is designed to be a balance of the building and the architecture, so landscaping is introduced adjacent to the building.

Joan Kelsey advised that the applicant has responded that the length of the building is 90 ft. She suggested that the issue being addressed is the scale, and that is where the softening effect is important.

Bill George asked for a topical picture of the building or any picture of the building, and Jeff Wellman passed out a rendering, identified as a picture dated April 2, 2001. Paul Cathcart asked whether this rendering reflects the applicant's revised plan, and Jeff Wellman advised it does not, that it is a rendering of just the building.

Blaise Edmonds stated that the staff doesn't think this building needs to look like the other Pro-Grass building since the fire station is between this site and the existing Pro-Grass building. There are a variety of architectural forms along Kinsman Road. Bill George said he likes the idea of having the neighborhood tied together with a complimentary building.

Mr. George also said he understands that the code asks for adjacent plantings, and the building is not going to lend itself to simple window boxes. He noted that condition #23 asks for shrub and tree beds and the applicant is countering this and suggesting planters. When asked how many planters, Jeff Wellman responded there would be maybe 6-8 up front and 2-3 on the east side.

Bill George asked whether there will be sufficient room for maneuverability and parking if containerized plants are put along the east side of that building. Jeff Wellman replied there would be enough room as long as the pots are skinny and not fat. If there is a problem with maneuverability, the pots can be shifted a little. Bill George advised that he is satisfied.

Chairman Betts asked about condition #17 and whether the applicant has any problems with the "Fully Sight Obscuring Fence Standard" being applied to the perimeter chain link fence. Jeff Wellman responded that there is no objection.

Chairman Betts asked for further testimony on this application, and there was none.

Eric Bohard stated he liked the idea of the pots. It is a very creative solution, and it gives the applicant an opportunity to market what their business does. It is a good solution to providing screening along the building.

Chairman Betts agreed the pots are a good idea. His one concern is for the maximum height of the trees in the pots. If they are 15-16 ft high the purpose would be served. Could end up with actually more vegetation and softening with the flexibility of pots than with plantings.

Bob Pearce noted that since the rendering does not include landscaping he doesn't have a good feel for it. The trees and shrubs out front would tend to leave the building fairly clear and doesn't break up the building to a large extent. There is a need for a few larger plantings along the east side. It seems if they are large enough, 15 ft tall along a 24 ft building, that would be an adequate site planting along the east side.

Michelle Ripple asked whether there would be any outside storage of plants and was informed that there will be 16,000 sq ft.

Blaise Edmonds advised that a temporary permit use for a storage area was previously given because the business is growing so well they need additional storage. The problem is that additional storage can't be given because of traffic that is measured in terms of outdoor storage.

Joan Kelsey clarified two points. On page 26 of 77, under conclusions, it should say that the parking regulations do allow for a waiver of parking maximums provided the applicant demonstrates that the additional parking spaces will not violate "applicable" rather than "applicant" clean air standards. Also on page 18, the second to last sentence of finding #34, should have the word "shows" inserted, to read: "The revised landscape plan shows an increase in width of the landscape buffers along the eastern and southern portions of Phase I."

Chairman Betts asked whether there are any 6 inch diameter trees on the site. Staff responded that none were observed.

Eric Bohard noted the applicant is changing the right of way designation from private to public and asked if that is permitted by the city. Joan Kelsey advised she has not been asked to render a legal opinion on that easement language. The applicant may have a record of this, but as far as Ms. Kelsey knows it is not an issue tonight for this application.

Paul Cathcart suggested the wording: "The applicant shall install a minimum of four planter pots along the south side of the building and at least three along the east side of the building. Planters shall contain, at a minimum, one 2 inch caliper tree and an assortment of annual and perennial vegetation."

Mr. Cathcart was asked why he used the size of a 2 inch tree, and he responded that it is the standard size.

Joan Kelsey inquired whether staff is expecting a height of 15 ft and within what period of time, and Paul Cathcart advised that it depends on the species of tree. It may be possible to find something that is fast growing.

Chairman Betts noted that there appears to be a conflict between the height of trees and the rapid swapping back and forth of the pots that was previously mentioned.

Blaise Edmonds acknowledged that the pots appear to be small and this could be a real restriction. He recommended that the applicant work with staff for what they would like to present along the building seasonally. The Board could pass on the authority to work with the landscape architect. Even the type of planters being proposed is uncertain, i.e., wood, ceramic, concrete, etc.

Matt Simpson responded that he would definitely show the actual location of the pots, their size, and the planting materials and can work with staff regarding this. Mr. Simpson was in favor of not putting a minimum limit of 2 inches on a tree. They would look at trees that would get to be 10-15 ft tall and change the tree or shrubs every five years.

Chairman Betts asked how trees in containers can fair better than trees in a planting area, and Matt Simpson advised that the containers were an idea for breaking up the monotony and they just wanted to be a little more creative.

Chairman Betts asked whether there are any 6 inch trees on the site, and Mr. Simpson responded that there aren't.

Chairman Betts also asked whether there are any employees who ride bikes and if there was a way for ProGrass to put a bike rack under cover.

Jeff Wellman, WPH Architecture, 550 NW 13<sup>th</sup> Ave., Portland, Oregon, advised that the bike racks are currently on the SW corner of the building, and they are not covered. In the past they have had an area available inside the warehouse so the bikes are monitored.

Blaise Edmonds supported that idea because bicycles are expensive, and it is good for them to be indoors.

Jeff Wellman stated that there would be no problem with eliminating the outside bike rack and just have the inside bike area.

Paul Cathcart asked Matt Simpson what the diameter would be of the 10-15 ft ornamental tree and was told 1 to 1½ inch.

Chairman Betts asked about the change from private to public drive, and Mr. Simpson stated that the road is actually plotted and written as a public access easement, and that is the reason for the change. Blaise Edmonds advised that it doesn't meet the public street standard that requires sidewalks on both sides of certain widths and certain construction. The question then is do we allow a private street-type section on a public easement. Jeff Wellman stated he thought it would be preferred by the owner to be considered private because, realistically, the only people who will be using it will be people who are coming into that facility.

Chairman Betts declared the public hearing closed at 8:31 p.m., and Board discussion followed.

Eric Bohard asked whether a condition is needed for the public versus private issue, because the existing site plan is not up to standards for a public road.

Ms. Kelsey stated that is basically in the application and no public street standards have been applied to it. The document was actually brought in by Bergeson Boese who raised the issue of public use. It may be a discordant note in the record, but we are not applying public street standards to this project.

Chairman Betts asked if there was Board consensus on the planting beds. Bob Pearce and Michelle Ripple agreed that a few large pots would be more logical than planting beds. Gary Betts stated he is concerned about how much good a 1 inch tree could do to break up the long character of the building. Eric Bohard said that if a good grouping of trees is placed, such as vine maple or Japanese Maple, each trunk as a multiple-trunk group, 1 inch caliper is quite large. They get to a nice height. The caliper size as stated is appropriate, the one to one and one-half inch. Staff can determine if the species is appropriate. He would agree with using the pots as well. Bill George stated that the architecture is suitable for the industrial neighborhood. He likes the building and does not see the need for more pots or trees. However, the applicant is not opposed.

Paul Cathcart recommended the following wording for a revised condition: "The applicant shall install a minimum of four planter pots along the south side of the building and at least three along the east side of the building. The planters shall contain, at a minimum, a one-inch to one and one-half inch caliper tree and an assortment of annual and perennial vegetation. The applicant shall work with staff in the design of the pots and specification of tree and plant types."

**Bill George moved to approve Item 01DB20 with the changes and corrections that have been entered into testimony here. Eric Bohard seconded the motion, which passed 5-0.**

The process for filing an appeal was read into the record.

A short break was taken, and the meeting reconvened at 10:10 p.m.

- B. 01DB24 – Group MacKenzie/Oregon Glass.** Applicant requests a Stage II Amendment and Site and Design Review for a 59,835 sq ft expansion to their existing manufacturing warehouse building. The site is located at 10450 SW Ridder Road on Tax Lots 3001 and 3003, Section 11, T3S-R1W, Clackamas County, Oregon. Staff: Paul Cathcart. This item was continued to this date at the August 27, 2001 meeting. The applicant has tolled the 120-day time frame.

Chairman Betts called to order the public hearing regarding application 01DB24 for Group MacKenzie/Oregon Glass at 8:50 p.m. The public hearing format was read into the record. All members said they are familiar with the application and had visited the site under consideration. None of the members formed a conclusion about the application from their site visit. No one challenged the participation of any Board member.

Paul Cathcart, Associate Planner with the City of Wilsonville, presented the staff report: Oregon Glass is returning before this Board to address modified plans. This is a continued item, so the staff report and recommended conditions of approval will not be read into the record again. Negotiations have been ongoing with this applicant and a neighboring business. Plans have been formulated this evening and will be presented with ideas that staff has not had an opportunity to review. Also, Joan Kelsey, Assistant City Attorney, has written a memo to the Board with recommendations to revise several of the conditions of approval.

Joan Kelsey reviewed her memorandum to the Board dated September 17, 2001 (Exhibit X), which was distributed at the meeting. She recommended deletion of condition #4 as the applicant has already demonstrated a legal right of access. A replacement condition #4 was recommended that requires a management plan to address access, parking, and site circulation management issues to be submitted to the City Engineer prior to issuance of a Building Permit. Also, revisions to Findings #18 and #25 and to the Conclusion Findings were recommended.

Bob Pearce referred to Exhibit U (page 51 of 53), a memorandum from Michael Stone, City Engineer, and asked for clarification of the terms "through traffic" and "inter-building traffic" and how they would be separated.

Joan Kelsey responded that staff has identified multiple accesses for a relatively small area and proposed some criteria to separate traffic and improve safety. These criteria include installation of curbing, striping, and/or signage to separate through traffic and the proposed parking area adjacent to the Oregon Glass building, and agreement by property owners to assure long-term maintenance of the installed measures. These criteria can be adopted as conditions of approval.

David Bennett, attorney for Oregon Glass, with Landye Bennett Blumstein, 1300 SW 5<sup>th</sup> Ave., Ste. 3500, Portland, Oregon 97201 advised that the staff report as modified, the suggested modifications

by the City Attorney presented this evening, and the criteria recommended by the City Engineer are acceptable to the applicant. Some of the traffic diversion plans require the approval of the owner of the access road, but it is believed that Oregon Glass and Specht Development can reach an agreement. In fact, about a half an hour ago, the parties reached an agreement but have not had an opportunity to draft language. Mr. Bennett stated he believed that issues regarding safety have been addressed. There are some issues regarding the diagonal parking, and a diagram of what that parking would look like has been included in this meeting's packets. (The parking diagram referred to was supplied by Specht's attorney as part of their testimony at the August 27, 2001 public hearing.) Mr. Bennett advised he has a proposed condition for the Board to add to the application so it could be approved this evening.

Chairman Betts asked whether Mr. Bennett had read the memorandum from Joan Kelsey with the revised conditions of approval and was told that Mr. Bennett and his client found the modifications acceptable.

Mr. Bennett read the proposed condition as he and Mr. Cantlin, attorney for Specht Development, had agreed to:

Approval conditioned on Applicant and Specht Wilsonville LLC reaching agreement on documentation modifying the easement pursuant to plans drawn by Group MacKenzie. No building permit shall be issued until the City Planning Department receives written confirmation from the Applicant and Specht that agreement on the easement modification has been reached. The Application shall be continued for one month without prejudice to the positions of Applicant or Specht if agreement regarding the easement modification has not been reached by 10/15/01. (Exhibit Y)

David Bennett repeated his statement for the audio record, as follows: "I am David Bennett, an attorney. My address is 1300 SW 5<sup>th</sup> Ave., Ste 3500, Portland, Oregon. I represent the applicant, Oregon Glass, in this matter tonight. This is a continuation of the hearing from last month. At that time, the Board was concerned about some safety issues, which were raised by some members of this Board as well as the neighboring property owner, Specht Wilsonville LLC, who owns land over which Oregon Glass has an easement for access. The matter was continued until this month for a review by the traffic consultant for the city and the City Engineer. That has been done. The city engineer has suggested some steps to be taken for traffic safety purposes. Last month we presented to you an alternate plan for some diagonal parking. That is part of what the city engineer wants, and we can do that. So, there was some difference of viewpoint between Specht Development, who is the property owner with the easement, and Oregon Glass. Those differences have been worked out by discussions between us tonight, and we are asking for approval tonight of this application subject to documentation of modification of the easement in a manner which would be acceptable to both Specht and Oregon Glass, and confirmation to the Planning Department that we have reached such agreement. So, we would like the application approved tonight, but the building permit would not be issued until the Planning Department receives written confirmation from both parties that we have a modified easement that is acceptable to both. Obviously, you already have the condition in there from the engineer in respect to the traffic plan. We believe that the proposal of Group MacKenzie which we were working on, that I think is acceptable to Oregon Glass and Specht Wilsonville, will be acceptable to the city's engineer. That is our request. I have read the condition of approval we are proposing concerning the additional agreement between Oregon Glass and Specht Development."

Joan Kelsey addressed Mr. Bennett. "It seems to me that what you are asking for is an approval tonight with the caveat that you are going to agree to agree within a month and that this approval

can be conditioned on your reaching agreement on modifying the easement. So, you are talking about actually recording in written form changes to that easement that both parties will agree to."

Mr. Bennett advised that this is correct.

Ms. Kelsey stated, "The question I have is that you are asking for the application to be continued for a month without prejudice. Here is the problem: You get an approval tonight and one of those conditions reads that you will come back with an agreement and that will be modifying this easement. But you have already received an approval, so you are not needing a condition of that approval is the way I would understand it. In other words, if you come back for a modification because you can't reach an agreement on parking, for an example or whatever that might be, and you want to come back in and therefore change your application, do you still need to have a live application to do that?"

Mr. Bennett responded, "You are much more familiar with the nuances of this than am I. The principle thing that everyone is struggling with is that we have two property owners who had a disagreement over traffic circulation. We have reached agreement as to that. It is simply a matter of documenting it. I don't want to be in a position where if we can't reach agreement, that I can't keep this application going."

Joan Kelsey said, "I understand what you want. Let me explain that the legal effect of the condition as I see it is that you have asked for an additional condition that says that at the time you get a building permit you will have submitted this agreement to the city. So then the potential is you don't reach agreement so you don't have something at the time you want to apply for the building permit. So what does that mean? You come back in for a modification?"

Dick Cantlin, attorney for Specht replied. "Yes. It is a condition subsequent to the approval. I think it shouldn't impose a particular legal problem. What would occur is that you would approve but it would be subject to a condition to be satisfied later. If that condition were not to be satisfied, the approval effectively would be reversed because of the failure of the condition subsequent. The parties would then come back before this group because the approval would have in effect gone away by its terms, and the parties would proceed without prejudice to either side to continue before this body. I don't think there is a problem legally with this."

Joan Kelsey advised that she realizes this is a contract theory. "I have never done that type of condition with the city. It presents other problems. I have asked the question, you have answered the question. I will ponder it."

Mr. Bennett said, "The situation we are obviously in is we have to comply, obviously, with the land use laws. We have to have legal theories that are well accepted; I suppose. But we also have the practicality of property owners who have a disagreement then reached agreement, a business owner who wants to expand and apparently has complied with all of your ordinances and is ready to fly and who wants to get started before we get into the rainy season. And we have tried to come up with something that we believe fits everyone's needs. I very strongly believe that we are going to have this agreement made. We don't want to waste your time by continuing to come back, and we don't want to waste our client's money, I guess, by paying us to have to come back here. But we also understand that we need to fit within your ordinances. We hope we have done that, and we hope you will give us a little bit of flexibility to work this out. One of the nicest things that can happen is that people can sit down and mediate their differences, and that is what we have done tonight. Having done that, we hope you will honor that in allowing us to proceed with this development."

Dave Williams, architect with Group MacKenzie, 0690 SW Bancroft, Portland, Oregon, referred to a site plan and showed where the existing Oregon Glass building was located and identified where the city/county boundary line comes across the property. He explained that Oregon Glass takes large sheets of glass, cuts them into smaller ones for residential site windows, and the new expansion would allow them to do commercial size pieces. The plan calls for keeping the city's required parking all within the city, and the drainage goes off toward the existing pond. An additional pond is being added that has been redesigned, as requested, to be more S-shaped to fit around the existing pond. The site has been fully landscaped. Currently there are no trees on the site, just grass.

A little parking is up front on Ridder Road, which is not used because the service station across the street has trucks that make large swings. Parallel parking is planned along Ridder Road, on the applicant's property, to accommodate the trucks. All the office functions are up in the front corner, and that is where parking is needed for staff and visitors. So trying to get as much parking as close to that corner as possible. For the employees of the manufacturing plant, the entrance is in the back, where the break room and check-in areas are located. That is a short distance from all the parking in that area. In addition, there is a secondary door for office staff to use in order to park in the back and go through the plant.

Mr. Williams continued. "Part of the questions we have now resolved with Specht Development is how do we safely partition off access to those doors from traffic. With that, we have come up with the landscape island to separate it. So now there is a 5-foot buffer between the road and the forklifts, so everybody is happy. Parking here we changed the angles, as detailed in the staff report, and that is acceptable. The give on Specht's property is that they allowed us to move that landscaping back onto their property. It will be on their grounds, and that allows us to meet the safety factor."

"As far as the building goes, these two buildings are both metal-sided buildings. This one is a straw color. This one is actually a rather dark, greenish brown. The doors and some of the insets on the office were a lighter shade, so we matched that lighter shade so the building wouldn't be so heavy and massive looking. We put the lighter shade over most of the building, but copied some of the metal siding. We put it right on top of the tilt-up. So we carried some of the materials through. We put a parapet up here to match part of the peak and give some interest to this side, which is really the only one that is ever visible. Then we wrapped just this corner with the metal. The rest of the building goes back to tilt-up. "

"There is one little section here that winds up being metal siding for structural reasons that the tilt-up turned out to be too strong and it was trying to take the load of the building. So, we put it back to metal siding that somehow seems counter intuitive, but that is what the engineers assured me we needed to do. Otherwise the two buildings will be directly connected, and the existing overhead doors, which went from that end of the building out, now will feed directly into this building. So, the process lines just go straight out the door and into a new building. That was part of the critical issues of how far we could push the building back, besides having the limitations of the city/county line. But we pushed it back as far as we could push it to the edge of the door to keep the flow running through the plant."

"We looked at a whole variety of options for the parking, even so far as to look at whether I could take out part of this building, to add parking, so that I could get closer. Unfortunately, all the power supply for the whole building is in major panels along the wall. So we couldn't even do that."

"There is currently some storage on the outside of the back side of this building, and the new building allows us the space so we can put things inside and handle them. The recycling of the

glass occurs in this little alley, which is back here and hidden. It is just a big dumpster where you put all the broken glass. That worked out well for hiding those things and gives us a rather clean site all the way around.”

Chairman Betts asked whether that area is paved and was reassured that it is.

Mr. Williams continued. “Otherwise, we have an assortment of additional man doors that are around the building which are fire exit doors we need to have every 100 ft., but the only access doors for employees are this door where there is an outdoor area for employees with picnic tables. It is the main access for employees. There is also this door, and we have some sidewalks along there. Otherwise we have kept a 24 ft clear inside height for processing and have tried to minimize the height as much as we could elsewhere with the exception of building these parapets up so that it would look more like the existing building with its peaks.”

Bob Pearce asked about the door on the east side for access to the front office area, and Mr. Williams replied that employees would go through that door and then go through the plant. Both of these colors are what matches and goes with the existing building.

Michelle Ripple inquired about the parking spaces along old Ridder Rd. being on the property rather than on the road and was reassured this is correct.

Mr. Williams advised that people could park there now. They are perfectly fine parking spaces but they make people nervous because of the big double trailer trucks going through there making wide swings.

Chairman Betts asked whether covered bicycle parking could be provided.

Mr. Williams responded that the preference is to keep bicycle parking inside. There is space set aside right by the break room where the time clock is located. Additional bike parking is also located outside.

Joan Kelsey requested time to confer with Mr. Bennett.

Chairman Betts asked for public comment in favor of this application, and there were none.

Chairman Betts asked for comments in opposition, and Dick Cantlin, attorney representing Specht, 1211 SW 5<sup>th</sup>, Portland, Oregon 97204 came forward. Joan Kelsey asked that Mr. Cantlin delay his comments a few minutes while she conferred with Mr. Bennett.

After a short pause, Ms. Kelsey reported that there is a proposed condition from David Bennett, attorney for Oregon Glass, that she has modified to read as follows:

“This approval is conditioned on the applicant and Specht Wilsonville LLC reaching agreement on documentation modifying the easement pursuant to plans drawn by Group MacKenzie and approved by the city. No building permit shall be issued until the city planning department receives written confirmation from the applicant and Specht that agreement on easement modification has been reached. If agreement cannot be reached such that the applicant can develop in accordance with approved plans and conditions, the applicant may return to the DRB with a proposed revised application provided that the applicant agrees in writing to toll the 120-day period until such time as the hearing on revised application is held.”

Ms. Kelsey explained that she modified the language to provide an avenue for the applicant to come back with a revision and not be penalized to start a whole new process. On the other hand, we still need to give notice of that public hearing, so it is a time issue for the city. However, the applicant will not have to pay an additional fee. In effect, what we are saying is that if they fail to reach agreement, then we still have a live application that would come back to you. If they reach agreement, then the application would be finished; they would not be coming back.

Chairman Betts clarified that if they do have to come back, then the clock won't be reset for the 120-days. Ms. Kelsey said that they would have to toll in writing the 120-day period.

Bill George confirmed that the Board can approve tonight, and Ms. Kelsey agreed.

Chairman Betts asked whether this last condition would affect any of the condition revisions listed in her memorandum of September 17, and Ms. Kelsey advised that all the conditions would actually be in accord with this suggested additional condition.

Dick Cantlin, counsel for Specht, stated: "If the last condition read by Ms. Kelsey is in any way at odds with any of the other conditions, my suggestion would be that the last condition, just read, would prevail. So, if you look back tomorrow morning and feel you are not sure that the proposed conditions in the September 17 memorandum are completely consistent with what we have just done, what we have just done will prevail. With that, my understanding of what we are saying is we are going to hopefully reach an agreement on the proposed, revised easement. Assuming we do so, and assuming you approve it subject to that condition, they can go ahead and build. If we can't, we are back here on a revised application with no prejudice to either party. On behalf of Specht, we strongly urge you to accept that, and we are in favor."

Eric Bohard asked a procedural question. "Assuming that he said that the last condition would supercede other conditions, don't all conditions carry equal weight?"

Joan Kelsey answered, "What I think he was suggesting is that if this last condition cannot be met, then the application would fail. But I don't think it is appropriate for me to comment on that. This whole process has been trying to work out and enable this project to move forward. In terms of procedure, if you decide to approve this project, for purpose of appeal, that would be an approval tonight. I want to make that clear because we have an awkward situation in that we are asking you to toll the time on 120-days, but you basically would have an approval for the applicant tonight, and if for some reason that approval could not be met then the applicant could come back with a resubmittal that in effect would be a new application. That would be a new 120-day time period that I think the applicant is suggesting would be prejudicial to the applicant since he is making efforts to reach an agreement with the property owner. That is my read on the 120-days."

Bill George said that it was suggested that the agreement be reached by October 15<sup>th</sup> and asked if that was correct. Joan Kelsey responded, "I am assuming it is the understanding to do it earlier than that." Mr. George asked whether this would give us two weeks to the next DRB, so we can publicly announce that it will be held in October if they cannot reach agreement, and Ms. Kelsey advised that she didn't think the hearing would be October 15. If there is a revised application, then staff needs time to review that and we need time to do a public notice.

Mr. George asked when the date of the next DRB would be in October, and that will be October 22 for this panel. Ms. Kelsey clarified that we are not talking about bringing an application to you at your next meeting. Mr. George explained that he was thinking of subtracting 14 days and have that be the deadline. Ms. Kelsey said that she would not recommend it and that it was up to the applicant.

Blaise Edmonds also reported that having a revised application brought back in October was not enough time. It would need to be brought back in November. Joan Kelsey agreed that it wouldn't be a day certain at this time.

Chairman Betts called for neutral comments, and there were none.

Bill George responded that he was happy with the plans for landscape.

Eric Bohard said he felt the new pond design is quite adequate.

Bob Pearce advised he doesn't have any residual considerations.

Michelle Ripple stated that her questions had been answered.

Chairman Betts acknowledged that the applicant would have covered bicycle parking.

Chairman Betts asked Joan Kelsey for the latest version of the additional condition for approval. Ms. Kelsey responded that she was still struggling with the 120 days and sees where Mr. Bennett has tried to help that out by asking for a deadline of October 15, 2001 for their agreement to be provided. She thought that should be included in the conditions. Chairman Betts acknowledged that Joan Kelsey needed a few minutes to work through the final wording, and declared a recess until 9:55 p.m.

Chairman Betts called the hearing back to order at 9:55 p.m.

Ms. Kelsey asked whether Board members were finished with their discussion and was advised that it appeared so. She then advised that she is trying to meet our code and state law regarding the application process, the 120 day time period, and the requirements for finality. "It seems that the parties have, as a practical matter, decided that they are going to figure out how they are going to agree, hopefully in a short period of time so this project can move forward. I think despite the efforts of the attorneys to submit conditions since they might have sensed that I was fine with part of it, but not the other part because it impacted the city's ability to either accept a revised condition and/or have a final condition. They seemed to be mutually exclusive. So, this is the language that I am proposing..."

Chairman Betts interrupted and asked for an explanation of the concept of finality as it relates to the Board. Ms Kelsey advised, "Assuming you make a decision tonight approving or denying an application, that decision is a decision in fact as of this day. But our code provides for an appeal period. I think it is 14 days to City Council, and once that appeal period has expired and the applicant has accepted the conditions of approval... while I am not sure about the acceptance of the conditions, but it is final after that appeal period has expired. The difficulty, as a practical matter, when you want to allow an opportunity for an applicant to return, that opportunity cannot always be protected and still have a final approval. I think as a practical matter, my understanding is that the applicant wants to move forward, assuming he gets an approval, as quickly as possible. In order to do that, he needs an approval tonight. The condition that I would recommend is that this will be a final approval subject to the applicant submitting their easement agreement which shows that they agree to comply with the public safety issues that were raised and any other such agreements or issues that the parties may come to terms on. And that be submitted no later than 14 days from this decision tonight. If that is done, then this decision basically will be final as of tonight's date, even though we are allowing 14 days for that to be submitted, which will correspond to the appeal period. If for some reason it were not submitted, that would not be your final approval... You would still

have final approval, but you would not have that compliance with the final approval. The applicant would have to resubmit. It would be a new application and a new 120 day time period. I think now, at this time, the applicant, even though you have a conditional approval, could go ahead and submit for the plan check, could go ahead and start processing the application because he has a final approval. Are there any questions?"

David Bennett advised that he thought he had made his points earlier. "Obviously the city attorney is the one in the best position as to putting our request in a form which is acceptable to the city and which works for this process. So, we want to have this approval so we can proceed. We are confident we can memorialize the agreement that we struck in the hallway, and we would very much like for you to approve this application with the conditions that are suggested that we believe we can comply with."

Eric Bohard asked whether 14 days is sufficient, and Mr. Bennett responded that 14 days is sufficient for the lawyers. "I think the plan is essentially done and presumably the city engineer has to approve that as part of your deal. I think he has looked at all this. From our perspective as lawyers and our planning and architectural staff, we can provide that. We do need the city to review that as well. That 14 days will get this thing going right away with respect to the easement in the next 3-4 days, and I suspect that we will reach agreement very shortly."

Dick Cantlin, attorney for Specht, advised that 14 days is fine. "My understanding is that we have to reach agreement within that 14 day period or this decision is dissolved."

Joan Kelsey requested that she draft the actual language of the condition in accordance with what she has put on the record tonight and not take the time to actually word that condition.

Chairman Betts agreed with Ms. Kelsey's request and in the absence of further discussion declared the public hearing closed at 10:12 p.m.

Chairman Betts stated, "We have some revisions from Joan Kelsey's memorandum, and I don't believe there are any other amendments except that we are deferring the wording of the final amendment."

Joan Kelsey clarified that the Board will not be deferring. The approval would be with the condition as has been read into the record, but the actual wording of it will be attached to the notice of decision. The wording would be substantially the same.

Bob Pearce asked whether that condition would be in lieu of #4, and Ms. Kelsey advised that #4 would still stand as written. The condition she has suggested would be an additional condition. Mr. Pearce clarified that all the conditions in Ms. Kelsey's memorandum of September 17 would be in addition to the one she put into the record. Joan Kelsey agreed this was so.

**Motion: Eric Bohard moved that we approve 01DB24 with the amended conditions (proposed by Joan Kelsey, memo dated September 17, 2001, Exhibit X, attached hereto) and the added additions (Mike Stone's memo dated September 17, 2001, Exhibit U attached hereto, and Joan Kelsey's changes to Findings #18 and #25 and Conclusionary Findings as identified in Exhibit X). (Also adopted by this motion is new condition #21 finalized by Joan Kelsey on September 26, 2001 that reflects what Ms. Kelsey put on the record at the public hearing on September 24, 2001 and is included as Condition of Approval #21.) The motion was seconded by Bill George, and carried 5-0.**

**X. Board Member Concerns and Communication: None.**

**XI. Reports from staff:**

- A. Metro GreenScene Special Edition, August 2001: Blaise Edmonds referred to the special edition of *Metro GreenScene*, August 2001 that was provided for Board review.
- B. Memorandum from Stephan Lashbrook, Former Planning Director, regarding Standards and criteria for development review:

**XII. Adjournment:**

The meeting was adjourned at 10:18 p.m.

Respectfully submitted,

  
Kitty Anderson, Planning Secretary

City of Wilsonville  
Development Review Board  
PANEL B

Community Development Building  
8445 SW Elligsen Road  
August 27, 2001 7:00 P.M.

**DRAFT**

Approved by DKB 9/24/01  
w/ change to page 12.  
KA

Exhibit  
2b

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**MINUTES**  
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- I. **Call to order:** Chairman Gary Betts called the meeting to order at 7:00 p.m.
- II. **Chairman's Remarks: The Conduct of Hearing and Statement of Public Notice were read into the record.**
- III. **Roll Call:** Present for roll call were Gary Betts, Eric Bohard, Bill George, Bob Pearce, and Councilor Benny Holt. Staff present: Joan Kelsey, Blaise Edmonds, Sally Hartill, Paul Cathcart, and Kitty Anderson.
- IV. **Citizen's Input:** None
- V. **City Council Liaison Report:** Councilor Benny Holt provided minutes from the City Council meeting and advised that Stephan Lashbrook, Planning Director, is leaving to work for the City of Lake Oswego.
- VI. **Consideration of Minutes:**
  - A. June 25, 2001 meeting  
**Bill George moved to accept the minutes as published. Bob Pearce seconded the motion, which passed 4-0.**
  - B. July 23, 2001 meeting  
  
Chairman Betts and Bob Pearce were not present at the meeting and will abstain from voting.  
  
**Eric Bohard moved to forward the approval of the July 23, 2001 minutes to the next regular meeting, and Bill George seconded the motion. Discussion brought out that the motion could be passed with two votes because a quorum is present. Eric Bohard changed the motion to approve the minutes of July 23, 2001, and Bill George seconded. The motion, as changed, carried 2-0, with Betts and Pearce abstaining.**
- VII. **Consent Agenda:**  
  
Blaise Edmonds advised that 01DB20, W & H Pacific/Pro Grass, has submitted a letter requesting continuance, and he asked that this item be moved to the consent agenda.
  - A. **01DB27 – Valley Christian Church.** Applicant requests approval of Stage I and Stage II plans and design review for a 1,792 sq ft building for use as classroom space. The site is

located at 11188 SW Wilsonville Road on Tax Lot 13401, Section 22AC (Supplemental), T3S-RIW, Clackamas County, Oregon. Staff: Chris Neamtzu. The applicant has requested a 30-day continuance to the September 24, 2001 meeting; the 120-day time frame has been tolled.

- B. 00DB36 – Dale Farr.** Applicant requests a one-year extension to Conditional Use Permit for a home site within Secondary Open Space and site and design plan approval. The site is located on Lot #11 on Montgomery Way on Tax Lot 1100, Section 24A, T3S-RIW, Clackamas County, Oregon. Staff: Blaise Edmonds.

Eric Bohard clarified that the Secondary Open Space, which allowed the building of single-family dwellings, was an old zoning code that is now the Special Resource Overlay Zone that doesn't allow the building of single-family dwellings. He questioned whether the original conditional permit would carry over with the sale of this property. Blaise Edmonds responded that this would be the case. However, the approval is very site-specific relative to a hundred year flood plain, trees, how the driveway is to be constructed, etc., and new owners would have to match the conditions of the original permit.

- C. 01DB20 - W & H Pacific/Pro Grass.** The applicant requests site and design approval for a 5,400 sq ft warehouse building shell with a mezzanine storage area. The site is located at 29759 SW Kinsman Road on Tax Lots 307 and 311, Section 14C, T3S-RIW, Clackamas County, Oregon. Staff recommends approval of the Stage II site and design and requests that the applicant resubmit a revised landscape plan. Staff: Paul Cathcart. This item was continued to this date and time certain at the July 23, 2001 meeting. The applicant requested a further continuation to the next Panel B meeting date on September 24, 2001 at 7:00 p.m. The applicant has tolled the 120-day time frame.

**Eric Bohard moved to approve the consent agenda items 01DB27, 00DB36, and 01DB20. The motion was seconded, and it carried 4-0.**

#### **VIII. Public Hearing: Continued Business**

Chairman Betts proposed that item 01DB28, Grace Chapel, be moved from new business to continued business, to be the next item to be considered. There were no objections from anyone in the audience and none from Board members.

- A. 01DB28 – Grace Chapel.** Applicant requests approval of Stage II final plan, and site and design approval to occupy the existing 2,830 sq ft office building. The existing building and 23 parking spaces are located on the site. An existing sign is centrally located along the frontage of the site on Boberg Road. The site is located at 28925 SW Boberg Road on Tax Lot 1604, Section 14A, T3S-RIW, Clackamas County, Oregon. Staff: Mike Wheeler.

Chairman Betts called the hearing to order at 7:14 p.m. The conduct of public hearing format was read into the record. All Board members declared site visits but stated they had formed no conclusions from their visits. No Board member participation was challenged.

Blaise Edmonds presented the staff report:

- The review criteria, as presented in the staff report, were read into the record.
- Correction was made to page 16, finding #30. The statement that "this landscaping does not fully comply with the requirements of Section 4.1.55(.02)(a)(3)(B)" needs to

be changed to "does fully comply". Also, the statement that the area of existing landscaping is "deficient" of the 15 percent minimum needs to be changed to "compliant".

- The applicant has a temporary one-year use permit for this site to be used for administrative purposes. At the time of granting an extension to this temporary use permit, the Board requested that the applicant work with staff to find a long-term solution for this usage. There is a provision in the code, under section 4.140.09J1, that allows up to 20% of the total site acreage for office use, and this is what the applicant is proposing tonight. Most of their use is administrative offices and meeting space. Their actual church activity is conducted at the office building at Orepac Industrial Park.
- Staff recommends approval of the proposed office and meeting room use as modified by the proposed conditions of approval.
- There are eight conditions of approval being proposed.

Joan Kelsey asked whether the Statewide Planning Goals also apply to this application, and Mr. Edmonds responded that they did. Reference to the planning goals will be added to the staff report.

Board members asked for the size of the proposed planter island and clarification of the term "substantial development" referenced in item #6, and Blaise Edmonds provided this information.

Applicant, Lyle Fisher, 8605 S.W. Wilson St., Wilsonville, OR 97070: Mr. Fisher said that the only concern he has is the statement for item #30 on page 16 of the Staff Report which states, "the existing landscaping shall not be removed." It would provide more flexibility if it was stated that the existing landscaping shall not be "diminished". Present landscaping is determined to be 50% greater than required, and additional landscaping will be added as a result of the island to be installed.

Blaise Edmonds asked why the location of the trash enclosure was being moved from the current location on the west side of the building to the new location. Mr. Fisher responded it was the requirement of the trash removal company. His preference is to keep the trash enclosure where it currently resides, on the west side of the building. Mr. Edmonds noted that the proposed location change would require removal of a tree and loss of a parking space. Also, the location would make the trash collection area visible from the street.

Bill George asked whether the trash is being rolled out to the curb from the present location. The applicant confirmed this is the current practice, which has been satisfactory to the trash removal company up to this time.

Blaise Edmonds stated that he had no problem with changing "removed" to "diminished" in item #30, considering that the applicant is already 50% over required and will be adding more landscaping to accommodate the new curbing and planting areas.

Chairman Betts asked whether the evening meetings from 7:00 to 9:00 p.m. with approximately 20 people and the quarterly meetings of about 75 people were business meetings or worship services. The applicant responded that the latter meeting occurs during the week on a weekly basis and is a casual get together over coffee. Chairman Betts asked if the meeting involved singing, and the applicant responded that to his knowledge it didn't. The

meetings on a quarterly basis would typically be the Board members and would involve a meal. Chairman Betts asked if this meeting was business or worship, and the applicant responded that the majority of the meeting would be business but would not preclude singing being part of it, although it would not be the norm. The conventional worship meetings are held at the Orepac building.

Bill George clarified that the applicant has been using the Valley Christian Church for the past two years in the same manner as described in this application.

Bob Pearce questioned the landscape design of the site provided on page 20. Blaise Edmonds responded that it is the original approved site landscape plan from approximately 15 years ago. The map is provided in this packet to identify the parking spaces.

Blaise Edmonds advised that staff is concerned that the Statewide Planning Goals were not included as part of the findings for approval and recommend that this item be continued until next month so the appropriate findings can be prepared.

**Bill George moved to continue the hearing on this item to September 24, 2001 (date and time certain) in order to include the Statewide Planning Goals.**

Eric Bohard fully supported the findings of staff to leave the landscaping alone. The refuse container has been in the current location for quite a while and it seems that precedent has been set that the removal company will continue to pick it up. To maintain the character of the site, it is important to keep the tree buffer along the edge.

Bill George doesn't have a problem changing one word of Exhibit A, section 30, to state "diminished" instead of "removed". This would allow the applicant to apply for tree removal, if that became necessary.

Gary Betts said that he would like to see the tree retained. He also expressed concern that the application was worded that this site would be for office use only, and if there were people nearby who would object to worship services going on until 9:00 p.m. or potentially later, they were denied the opportunity to be present at the hearing.

**The motion to continue the hearing to September 24, 2001 was seconded by Eric Bohard, and it carried 4-0.**

**B. 01DB18 – Glen Gregg Trust – The Wilsonville ALF Phase II.** Applicant requests approval of revised landscaping plans for the approved 25-patient Alzheimer/assisted care facility. The site is located at 7626 SW Vlahos Drive on Tax Lot 9200, Section 13CA, T3S-R1W, Clackamas County, Oregon. Staff: Blaise Edmonds. This item was continued at the June 25, 2001 meeting. The applicant has tolled the 120 day time frame.

Chairman Betts called the hearing to order at 7:43 p.m. regarding application 01DB18, the Glen Gregg Trust. The conduct of public hearing format was read into the record. All Board members except Chairman Betts declared site visits and stated they had formed no conclusions from their visits. No Board member participation was challenged.

Blaise Edmonds, Senior Planner, provided a summary of the staff report:

- The revised landscape plans are the only thing being reviewed at this time.
- There is a staff recommendation for approval of the proposed revised landscape plan.
- Existing well water can be used on this site for any expansive lawn areas and any type of landscape materials planned on this site.
- There are some marginal trees the applicant proposes to remove as part of a future parking expansion on this site.
- Review criteria, as listed in the staff report, were read into the record.

Applicant, Craig Smith, 5331 SW Macadam, Suite 200, Portland, OR 97201 advised the landscape plan has been revised and subsequently submitted for review. The plan is to remove some small trees in the back and build additional parking area around the largest tree.

No Board members had questions of the applicant.

Blaise Edmonds requested that a deletion be made to page 4 of the staff report. The last line of section 4, Parking, states "Total parking: 103 spaces, which exceed code by 18 spaces." This sentence will be removed. Total parking is actually 59 spaces on site.

No member of the audience spoke in opposition, no one spoke in favor, and no one spoke who was neutral.

Chairman Betts closed the hearing at 7:50 p.m.

**Bill George moved to approve 01DB18 with proposed conditions of approval (as modified by removing the last line of section 4 in the staff report). The motion was seconded by Eric Bohard and carried 4-0.**

Chairman Betts read the statement regarding appeal of the hearing.

- C. 01DB20 – W & H Pacific/Pro Grass.** This item was handled under the Consent Agenda section of this meeting.
- D. 01DB24 – Group Mackenzie/Oregon Glass.** Applicant requests a Stage II Amendment and Site and Design Review for a 59,835 sq ft expansion to their existing manufacturing warehouse building. The site is located at 10450 SW Ridder Road on Tax Lots 3001 and 3003, Section 11, T3S-R1W, Clackamas County, Oregon. Staff: Paul Cathcart. This item was continued to this date at the July 23, 2001 meeting. The applicant has tolled the 120-day time frame.

Chairman Betts called the hearing to order at 7:51 p.m. The conduct of public hearing format was read into the record. Board members declared site visits, but stated that they have formed no conclusions from their visits. No Board member participation was challenged.

Paul Cathcart, Associate Planner, distributed a materials sample board (Exhibit S) showing samples of the outside colors, the clear glass, and bronze windows. He also provided copies of a two-page letter faxed August 27, 2001 from Landye Bennett Blumstein, Attorneys (Exhibit L). Mr. Cathcart summarized the staff report as follows:

- The applicant is Oregon Glass. Group Mackenzie, architects, and Mr. David Bennett,

attorney, represent the applicant.

- The review criteria, as presented in the staff report, were read into the record.
- Oregon Glass is requesting review and approval of modifications to their Stage I preliminary plan and Stage II Final Plans, as well as Site and Design Plans for a 59,835 sq ft expansion to the existing manufacturing/warehouse building and associated site improvements located at 10450 Ridder Road in Wilsonville. The Oregon Glass facility straddles the City/Clackamas County. Site improvements are also planned for a portion of the site located in Washington County. Those improvements are undergoing concurrent land use review with the County.
- The DKS Traffic report conducted for this application estimates 30 new PM peak hour trips will be generated by this project. None of these are estimated to use the I-5/Wilsonville Road interchange.
- The applicant is proposing the primary access to the facility be taken from the private road running north/south along the eastern edge of the property. This road belongs to Specht Wilsonville LLC and also acts as the primary access for the Precision Interconnect site, to the south of the subject property. Oregon Glass has easement to use this road for access. There is currently a disagreement between Specht and Oregon Glass as to the uses granted under this easement. Specht's concerns are outlined in the letter contained in your packet (Exhibit I) from Perkins Coie, legal representative for Specht. If the outcome of this disagreement results in the loss of access to the site by Oregon Glass, staff is recommending Oregon Glass return to Panel B of the DRB to demonstrate a satisfactory alternative for site access.
- The applicant is proposing 131 parking spaces on the City side of the project. The applicant will need to stripe for one additional parking space to meet the minimum parking requirements. An additional 62 parking spaces are proposed on the County side of the project.
- Twenty-four of these parking spaces are proposed along the eastern access road. The applicant is proposing access to these spaces from the access road to the east of the property. Specht has expressed a concern over the safe maneuverability in and out of these spaces as these parking spaces back out onto the access road. As this is a private road, there is little City staff can enforce in the way of code requirements or recommendations to address this potential conflict. While staff can understand the potential traffic conflict, we also believe there are a number of options that can be worked out between the two parties to address this conflict. Again, staff would recommend that the owner return to panel B of this DRB should the current disagreement result in the loss of parking available to the project.
- The original site plan for this application showed improvements in the form of curbing and landscaping extending into the private drive, primarily from the new parking lot expansion area. The revised landscape plan shows these improvements being limited to the subject property.
- The applicant's plans show five 14-foot overhead doors on the west side of the new addition for loading.
- The architecture for the proposed addition is similar to the existing building. Building materials include concrete tilt-up wall with some having corrugated metal siding, plus clear glazing along the upper portions of the eastern building elevation.
- The proposed landscape plan shows landscape coverage in excess of 40%. This percentage includes the remainder of the site to the south that will not receive any site improvements. The proposed landscape palate of trees, shrubs and ground cover meets code requirements. The plan does not show a planting plan for the new storm

water detention facility. Staff recommends that the applicant and/or owner coordinate with the Environmental Services Division of the City on suitable water quality of plantings for the new detention facility.

- The applicant is not proposing any additional signage as part of this application.
- Staff is recommending approval of the proposed modifications with the proposed conditions of approval attached.

No Board members had questions of staff.

Kari Fagerness, planner with Group MacKenzie, and Dave Williams, architect with Group McKenzie, 0690 SW Bancroft Street, Portland, OR 97201. Kari Fagerness stated that she has reviewed the staff report extensively with Oregon Glass, and all are happy with what the staff report indicates. They accept the findings and also the conditions of approval that are recommended.

Dave Williams advised that this addition would about double the size of the business. Oregon Glass brings in large sheets of glass and cuts them into residential-size sheets, which are sold to window companies. The new addition will allow them to bring in bigger pieces of glass. Mr. Williams displayed a foam board of the architectural design for the proposed expansion (Exhibit M) and indicated how the primary access is off of Ridder Road, not off of the easement. The city/county line, also the Urban Growth Boundary line, goes through the middle of the property. Landscaping is planned around both the new section and the existing section. The proposed design adds seven spaces for parallel parking along Ridder Road, close to the front door of the business. Several small trees in that area will need to be removed to accommodate these parking spaces. Approximately 40% of the site is in landscaping, and most of that will remain in grass. There is an existing retention pond that is hooked up to the public drainage system, and the planned retention pond would go adjacent to it. There is access to utilities on both sides. Currently the water comes off of a well that is located in the middle of the site for the new building. The well will be decommissioned after the site is hooked up to city water.

Mr. Williams displayed a foam board showing the exterior building design and elevations (Exhibit N). He described how the existing building colors would be carried over to the public view side of the new edition. The locations for vents and skylights were identified and described.

Blaise Edmonds inquired whether the outside storage of glass and pallets would be contained within the structure. Mr. Williams advised that the pallets would be transitioned to the backside of the building where there is some maneuverable space. The glass is either reshipped or put into the recycling bin. That is one of the items they hope to put indoors with the building of this project.

Chairman Betts reviewed the types of recycling being done. He asked whether the trash and crate recycling would continue to be outdoors. Mr. Williams explained that part would be done inside. Chairman Betts asked about the glass recycling, and Mr. Williams responded that the dumpster for that would be outside in the alleyway.

Bob Pearce asked about the parallel parking on the north side. Mr. Williams identified the area, adjacent to Ridder Road.

David Bennett, attorney with Landye Bennett Blumstein, 1300 SW 5<sup>th</sup> Ave., Ste. 3500, Portland, Oregon 97201, representing Oregon Glass read his letter to the Development Review Board dated August 27 (Exhibit L) and discussed the 24 head-in parking spaces proposed on the east side of the development. These are the spaces that Specht says will interfere with their use of the easement. He reminded the Development Review Board that it is not their job to determine whether or not someone's use of the easement exceeds that which is granted by the document. In the unlikely event that Specht would be able to have those parking spaces terminated from use of the area, there are other parking areas available on the property that could be substituted. Also, Oregon Glass is not using any portion of this access road for use by their forklifts. Mr. Bennett requested that the Board move along with granting his client use of this property and leave it to the parties as to whether or not overuse or abuse of the easement exists.

Chairman Betts responded that the Board must accept the application in good faith and leave it up to legal interpretations regarding easement rights to the property. He asked Mr. Bennett whether at this time he would like to address safety concerns, sight-line concerns, or other usage issues related to this property. Mr. Bennett used the foam board to show how other vehicles would enter the parking lot of Oregon Glass, and described the 400-foot of sight-line in addition to the 60-feet of depth on the easement—a considerable distance to see ahead.

Blaise Edmonds clarified that the foam board actually shows the old segment of Ridder Road. The newer segment of Ridder Road was realigned north of the Oregon Glass property. The segment on the foam board labeled Ridder Road as a dead-end street.

Mr. Bennett indicated where additional parking could be incorporated on the site should Oregon Glass lose their ability to put in the head-in parking on the easement road.

Chairman Betts called for proponents to come forward. There were none.

Chairman Betts called for opponents to come forward.

Dick Cantlin and Steven Hultberg, attorneys with Perkins Coie, 1211 SW 5<sup>th</sup>, Portland, Oregon 97204, representing Specht Development, provided copies of: Exhibit O, a letter from Kittelson & Associates dated August 27, that addressed several transportation safety issues; Exhibit P, a proposed revision to Condition of Approval #3; Exhibit Q, a design dated July 12, 2001 from Group Mackenzie describing a parking alternative; and Exhibit R, a foam board indicating curb and landscape encroachment. Steven Hultberg advised that they have raised a number of issues with this application and focused on parking and safety issues. They do not believe that the application meets the relevant parking access and safety standards as set forth in the development code. Section 4.421 of the code mandates that "special attention shall be given to location and number of access points", and it is believed that their application does not satisfy this point. This standard applies regardless of whether the access road is a public or private road. Also, the August 27<sup>th</sup> letter from Kittelson and Associates states that in their professional opinion, this plan does not satisfy the above quoted standard and that the proposal is not safe or adequate in this regard. The private roadway off of Ridder Road is designed for 800-1500 car trips a day, about 5-8% of those trips will be truck traffic from the Precision Interconnect site down the street, in addition to whatever Oregon Glass happens to use. This proposal adds 28 parking spaces with cars pulling in and out. Also, forklifts go in and out of their site loaded with glass. Cars and trucks traveling down this road will have to maneuver around 28 access points, plus 4 additional access points, plus forklifts going in both lanes of

traffic. Kittleson concludes that this would be a hazardous condition and, thus, does not meet the safety requirements of the code.

Mr. Hultberg acknowledged that Oregon Glass has additional parking ability along the access road. Exhibit Q shows a design by Group MacKenzie that shows parallel parking that goes in at one access point and out of a second access point. This would reduce 28 access points to 2 and would be a much more favorable proposal. Mr. Hultberg referred to the proposed revision to Condition of Approval #3 (Exhibit P) that would require Oregon Glass to come back before the Design Development Review Board to seek alternative approval should their plans for parking on the easement road be denied.

Mr. Hultberg also discussed the storage activities that would be located inside the building. This is a concern with the existing operation, with pallets and materials being left outside. He requested that this condition be added so that all activities like this are located within the building.

Mr. Cantlin said that just because the applicant has the ability to create alternative parking on the site doesn't necessarily satisfy the criteria this city has for the determination of an application for development. In addition, under existing conditions the forklifts come in at a site that will be eliminated when the new building is constructed right next to the old building. The forklifts will, therefore, not be able to operate in the same manner they currently do, and probably under conditions that are even less safe.

Blaise Edmonds asked Mr. Cantlin whether he felt the traffic report by DKS Associates is inadequate in terms of addressing safety along that entire easement road, and Mr. Cantlin responded that it was either inadequate or wrong.

It was mentioned that the report states the easement roadway is 48-feet wide. Todd Sheaffer, with Specht Development, 15400 S.W. Millikan Way, Beaverton, Oregon 97006 advised that the roadway is 48-feet in width and approximately 6 to 10-feet off the western property line. Specht has no problem with the applicant connecting into that roadway. It is just the number of connections and making sure there are no safety issues.

Chairman Betts inquired about the traffic assessment that was done on behalf of staff. Mr. Cantlin advised that the DKS report didn't really consider the things that Kittleson looked at. Kittleson looked at the safety requirements and determined that they apply to a private roadway just the same as to a public one, and came to the conclusion that the plan doesn't meet the necessary safety requirements.

Chairman Betts asked for further comments in opposition, and there were none.

Chairman Betts asked for neutral comments, and there were none.

In rebuttal, David Bennett stated that additional parking is available on the Oregon Glass site, should it become necessary to use it instead of the head-in parking shown in the plan. This should make the Review Board feel comfortable in approving the proposal tonight that the city code will still be met. Also, Mr. Bennett had been told that an earlier report made by Kittleson of this property indicated that there would be at peak 256 cars coming to this facility, only 5% of which will use Ridder Road. The potential maximum of 750 cars is not currently happening. There is a lot of head-in parking around the city of Portland now to enable an

effective use of property. The head-in parking suits this site very well. Architects have provided a drawing that shows, from the edge of the property to the edge of the pavement, there are 22-feet of backup space with plenty of view to see traffic that is coming. In addition, there is a 400-foot sight line from Ridder Road to the first parking space.

Mr. Bennett continued by stating there is not a problem with the proposed revision to Condition of Approval #3 being suggested in terms of Oregon Glass coming back to the Review Board to modify or amend the plans. That shouldn't stop the Board from approving this application. The area designated for parking will need to be paved in any event for occasional loading berths for equipment. The area in the back that could be used for additional parking is paved, and any needed landscape modifications can easily be done.

Mr. Bennett explained that the access of forklifts is not part of this application. However, the plan is for the forklifts to go in one door and out another on the side of the easement roadway. There is no intention of having forklifts go around on Ridder Road on any kind of regular basis.

Chairman Betts asked about the amount of space between the edge of the building to the north and the edge of the paved road. Mr. Bennett advised there are 10-feet to the 60-foot line and 16-feet to the edge of the pavement, but this is not part of the application.

Joan Kelsey asked Mr. Bennett about the second paragraph of the August 27<sup>th</sup> letter from Kittleston and Associates pertaining to the estimation of vehicles per day at full build out. Mr. Bennett responded that his comments contrasted the number of vehicles per day in Kittleston's letter of August 27<sup>th</sup> to their previous statements regarding the number of vehicles per day.

Chairman Betts referred to the diagonal parking design and asked why the decision was made to go to head-in parking. Mr. Bennett thought this was probably because more parking spaces were desirable. Dave Williams, architect with Group Mackenzie, advised that a number of options for that parking area were reviewed. The proposal for 28 spaces was the best because diagonal parking would reduce the number of parking spaces to 10, and the loss of 18 parking spaces was unacceptable to Oregon Glass.

Blaise Edmonds asked whether going from 28 parking spaces to 10 is unacceptable, then losing the entire parking area would be unacceptable as well? Mr. Williams responded that this was correct. Mr. Edmonds continued by asking whether this is so, contrary to Mr. Bennett's statements saying that 28 spaces could be found in another area of the property. Mr. Williams explained that the problem is the distance to the front door. Having office staff park several hundred yards away is a long distance in the rain. Mr. Edmonds asked about one of the mitigation measures in the DKS report that there be a sidewalk connection from parking spaces to building entrances and asked how it would work if staff parked along that side of the building. Mr. Williams responded that a sidewalk would be put alongside the existing building all along the entire length. When asked whether a sidewalk and awning could be put in along the western edge of the construction if the 28 spaces were lost entirely, Mr. Williams responded that it would be possible except for the awning area in front of the 16-foot doors.

A ten-minute recess was declared at 9:00 p.m., and Chairman Betts reminded the audience that members of the Board couldn't discuss this issue with anyone.

After reconvening, Board discussion followed:

Bill George referred to page 10 of 60, finding #10, regarding the 28 proposed parking spaces, and asked whether those parking spaces meet the requirements for Subsection 4.155(.01)(B). Blaise Edmonds responded that the application was taken on good faith, and the applicant has demonstrated they have access to this site in view of the easements. Based on this access, it was found that those parking spaces do meet the criteria.

Joan Kelsey advised that because the issue of safety has been raised, the Board does have an obligation to respond in some manner. The recommendation could be made that because we have new information tonight that staff has not had time to go through we would like to have the opportunity to go through it and possibly provide additional findings for that particular criteria. On page 3 of 60, the Oregon Statewide Planning goals are listed as criteria, but no findings for those goals were included. Ms. Kelsey recommend that the public hearing be continued for 30 days to allow staff to provide those findings. Ms. Kelsey also recommended some changes to the proposed revision to Condition of Approval #3, Exhibit P, as follows:

“Should the negotiations between Oregon Glass and Specht Wilsonville L.L.C. over the rights granted to Oregon Glass under the access easement result in a change to the approved plans or conditions of approval for site access, parking, or utility access, or should a court of competent jurisdiction determine that Oregon Glass does not have the authority under its easements to proceed with the proposed site design plan, the applicant shall return to Panel B of the Development Review Board for review of any modification or amendment to the approved plans.”

Eric Bohard commented that he is in favor of a continuance to give staff an opportunity to review the safety issues and the proposed revision to condition of approval, specifically, safety along the private roadway where the 28 parking spaces are proposed.

Chairman Betts also expressed concern over safety issues and requested a more detailed drawing that would show exactly how much space there would be between the building and paved area, also typical turnarounds of a large vehicle versus a compact vehicle. Also, there are two traffic consultants who have different findings, and this needs to be reviewed. It was mentioned that the actual pavement is not centered on the easement, and identifying the exact location of the actual pavement and where there is room for adjustment would be helpful.

Chairman Betts referenced Subsection 4.421(.01)(C), Drives, Parking and Circulation. In respect to vehicular and pedestrian circulation he felt that this requirement has not been fully reviewed. Subsection (.01), page 16 of 60 regarding excessive uniformity, inappropriateness or poor design of the exterior appearance of structures, may need to be reviewed further. Only swatches of materials were provided for review, and he would like the Board to have more discussion about this long array of rooflines.

Chairman Betts stated he has questions about access along the east side of the building, both about the parking spaces and how cars would come back into the street, and how people walking along that side might be channeled. The findings for #10 on page 10 of 60, regarding Subsection 4.155(.01)(B), state that safe maneuverability will need to be negotiated between the two parties. However, on page 15 of 60 the requirements in 4.421(.01)(C.) are outlined regarding drives, parking and circulation, which the Board needs to be concerned with. More detail should be provided in this regard.

Bill George referred to testimony that the well would be discontinued entirely and asked whether that means the applicant would be using city water for taking care of the landscaping? Blaise Edmonds explained that the expansion would be built over the site of the well so it would no longer be available to use.

Mr. George also stated that the design is industrial, but appears to be well done and maintains uniformity. He is happy with the plans.

Eric Bohard felt the landscape design is well done. He questioned how landscape requirements are worked out when a site is dealing with two different counties and with the city. Blaise Edmonds advised that he assumes Clackamas county is doing their own site plan review. The applicant is showing a continuation of the parking lot landscaping into the county portion. No additional landscaping is shown for plant #2, presumably because it is not undergoing any redevelopment. At this point, the Wilsonville Planning Department has not had any discussion with Clackamas County regarding this application.

Dave Williams advised that the only difference between the county and city requirements is a 1-foot length in parking stalls. The county had no problems. They just wanted to see the landscape match both sides.

~~Bob Pearce~~ *Eric Bohard* questioned the landscape plans showing 50-foot trees being planted 5½ to 6-feet from the building. Mr. Williams responded that 40-feet is probably the maximum the trees will reach. The height of the building is 32-feet. Mr. Pearce also stated that the engineered retention ponds look unnatural. He would prefer to see more of a natural edge rather than a rectangular design. Mr. Williams advised that there would be no problem in adjusting the design.

Joan Kelsey recommended that the public hearing be continued in 30 days so staff can come back with additional findings related to safety and responses to the six items that were brought up by Board members. The record would still be open if someone wanted to submit information. However, it is very helpful if written information is submitted in time for the packet to go out, and the packet has to be prepared at least 7 days in advance of a public hearing.

**Eric Bohard moved that the Board continue this application, 01BD24, for 30 days (to date and time certain to the September 24 meeting) for further information, as outlined above. Bob Pearce seconded the motion, and it carried 4-0.**

Joan Kelsey cautioned Board members not to discuss this application among themselves or with the applicant or any other party until the public hearing at the next meeting.

## **IX. Public Hearings: New Business**

**A. 01DB28 – Grace Chapel.** This item was handled under the Public Hearing/Continued Business section of this agenda.

**X. Board Member Concerns and Communication:**

Eric Bohard asked about the status of the parking lot ordinance. Joan Kelsey responded that there are several issues being dealt with having to do with storm water, microclimate, etc. The Planning Commission has held a workshop and a public hearing. An additional public hearing will be held September 12. The Council requested several revisions, and a new draft ordinance will be provided. Board members asked for copies of the new draft.

**XI. Reports from staff:**

- A. Planning Division Monthly Report for June/July 2001
- B. Memorandum from Stephan Lashbrook Planning Director, regarding Improving Public Involvement
- A. The City Council has appointed Michelle Ripple to the Development Review Board. She has engineering experience and is committed to the community.
- B. Kitty Anderson was introduced as a new Planning Secretary who will probably be covering meetings for Panel B.

**XII. Adjournment:**

Eric Bohard moved for adjournment at 9:40 p.m. The motion was seconded and carried 4-0.

Respectfully submitted,

  
Kitty Anderson, Planning Secretary

**Specht Wilsonville LLC**  
**Appeal of Development Review Board Decision**  
**Casefile 01DB24(A)**

Specht Wilsonville LLC ("Specht") appeals the Development Review Board ("DRB") approval to modify the Oregon Glass Stage I Preliminary Plan and Stage II Final Plans and the DRB approval of Site and Design Plans for a 59,835 sq. ft. expansion to the existing manufacturing/warehouse facility. Specht appeals the DRB decision for the following reasons:

1. The DRB decision does not explain how the "location, design, size and uses, both separately and as a whole, are consistent with the Comprehensive Plan, and with any other applicable plan, development map or Ordinance adopted by the City Council" as required by Section 4.140(.09)(J) of the Wilsonville Code (WC). In fact, the proposal conflicts with numerous transportation and safety elements of the Comprehensive Plan.
2. WC Section 4.125(.07)(A) provides that all "uses and operations except storage, off-street parking, loading and unloading shall be confined, contained, and conducted wholly within completely enclosed buildings, unless outdoor activities have been approved through Administrative Review or other land use approval process." The DRB decision does not explain how the applicant's use of forklifts outside the existing building and within the easement right-of-way meet this standard.
3. WC Section 4.421(.01)(C) requires that drives, parking and circulation areas be "safe and convenient." The proposal, which includes the use of forklifts for transporting plate glass within an easement right-of-way, is neither safe nor convenient. Additionally, the DRB's decision does not explain how the application meets the standards of WC Section 4.421(.01)(C).
4. Statewide Planning Goal 12 requires that the City provide a safe transportation system. This proposal does not meet that standard due to the inherent conflict between traffic on the easement right-of-way and the use of forklifts in the right-of-way.

# CITY OF WILSONVILLE

8445 S.W. Elligsen Road  
 Mail: 30000 S.W. Town Center Loop East  
 Wilsonville, OR 97070-0220  
 Ph: 503/682-4960  
 Fax: 503/682-7025  
 Web: www.ci.wilsonville.or.us

## PLANNING DEPARTMENT SITE DEVELOPMENT APPLICATION AND PERMIT

File No. Casefile 01DB24(A) 1/4 Sec. \_\_\_\_\_

Final action on application or zone change is required within 120 days in accordance with provisions of ORS 227.175

A preapplication conference normally is required prior to submittal of an application. Please contact the Planning Department at (503) 682-4960 for an appointment.

Pre-App: \_\_\_\_\_  
 Mo. Day Yr.

### APPLICANT - COMPLETE

Owner's Name Specht Wilsonville LLC Authorized Representative Richard A. Cantlin  
 Address 15400 SW Millikan Way Address 1211 SW 5th Ave., Suite 1500  
Beaverton, OR 97006 Portland, OR 97204  
 Phone: (503) 646-2202 Fax: (503)626-8903 Phone: (503) 727-2000 Fax: (503)727-2222  
Specht Wilsonville, L.L.C. an Oregon Limited Liability Company  
 Owner's Signature: By: Specht Properties, Inc. its Manager  
 Property Description: T 35 R 1W Map Sec 11 Tax Lot(s) 3001, 3002 & 3003  
 Request Appeal of Development Review Board Panel B decision approving Stage II  
final plan amendment and site design plans. See Appeal Narrative.

Please attach a plot plan (scale 1" = 40') and any other documents to this application. Please review the Planning Department submittal requirements to ensure that your application is complete.

Received: 12/12/01 Act

### OFFICE USE ONLY

Complete Application Accepted: \_\_\_\_\_ Public Hearing Date: \_\_\_\_\_

Staff Signature: \_\_\_\_\_

Class I  Class II  Class III

- |  |  |   |
|--|--|---|
| <input type="checkbox"/> PLAN AMENDMENT      | <input type="checkbox"/> MAJOR PARTITION | <input type="checkbox"/> DESIGN REVIEW  |
| <input type="checkbox"/> ZONE CHANGE         | <input type="checkbox"/> MINOR PARTITION | <input type="checkbox"/> TEXT AMENDMENT |
| <input type="checkbox"/> PRELIMINARY PLAT    | <input type="checkbox"/> CONDITIONAL USE | <input type="checkbox"/> SIGN REVIEW    |
| <input type="checkbox"/> FINAL PLAT          | <input type="checkbox"/> VARIANCE        | <input type="checkbox"/> TEMPORARY USE  |
| <input type="checkbox"/> PLANNED DEVELOPMENT | <input type="checkbox"/> OTHER _____     |   |

### SITE FINDINGS

1. Zoning: PD1 5. Building Area: 28,045 sq. ft.  
 2. Area of Lot: 13.61 acres 6. Access to Property: private easement  
 3. Building or Sign Height: \_\_\_\_\_  
 (Max) \_\_\_\_\_ 7. Other: \_\_\_\_\_  
 4. Zone Code Minimum Setbacks: \_\_\_\_\_  
 Front \_\_\_\_\_  
 Side \_\_\_\_\_  
 Rear \_\_\_\_\_

Approved  Denied  Approved with Conditions (see attached)

Conditions of Development

\_\_\_\_\_

\_\_\_\_\_

Approval of this development permit, as submitted, is based on information submitted by the applicant as outlined above. Any change of plans or incorrect information submitted may result in revocation of permit. This decision may be appealed in accordance with the provisions of the Wilsonville Code and ORS 227-180.

Fee Amount Paid \$ 500.00 Act Check No. 1315  Cash

Permit Approval/ Planner's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

City Council or Development Review Board Approval  Yes  No

Order/Resolution \_\_\_\_\_



# SPECHT

Exhibit

4

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**Date:** 1/14/02

**To:** City of Wilsonville  
Mike Stone

**Phone:** 503-682-4960  
**Fax:** 503-682-7025

**CC:** City of Wilsonville, Joan Kelsey  
City of Wilsonville, Paul Cathcart  
Perkins Coie, Richard Cantlin

**Fax:** 503-682-1015  
**Fax:** 503-682-1015  
**Fax:** 503-727-2222

**From:** Joe Curran  
Senior Project Manager

**Phone:** 503-646-2202  
**Fax:** 503-626-8903

**Pages:** 6 (including cover)

**Subject:** Oregon Glass – Traffic Safety

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Specht Properties, Inc. / Specht Development, Inc. ♦ 15400 SW Millikan Way ♦ Beaverton, Oregon 97006

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01/14/02 MON 17:13 [TX/RX NO 9110]

SPECHT PROPERTIES  
SPECHT DEVELOPMENT15400 S.W. Millikan Way • Beaverton, OR 97006  
503/646-2202 Fax 503/626-8903

January 14, 2002

Mike Stone  
City Engineer  
City of Wilsonville  
30000 SW Town Center Loop E  
Wilsonville, OR 97070**Via: Facsimile 503-682-7025****Re: Oregon Glass – Traffic Safety**

Dear Mike:

Based on testimony offered at the Oregon Glass DRB Hearings, there appears to be confusion about the estimated traffic on the Ridder Access Rd. once the Precision Interconnect ("PI") Project is completed. I have enclosed several pages from the DKS Associates ("DKS") Precision Interconnect Transportation Impact Study ("Traffic Study"), which was distributed to the Design Review Board regarding Case File 00DB 37 and offer the following clarification based on discussions with DKS.

While many trip numbers have been offered in testimony, page 12 of the Traffic Study notes that the (PI) project would add about 1,550 daily trips including about 260 during the PM Peak Hour.

During testimony at the November 26, 2001 DRB Hearing, representatives of Oregon Glass pointed to a "5%" figure as proof that the Traffic Study only contemplated 5% of PI trips would be using the Ridder Access Rd. The enclosed Figure 3 from the Traffic Study shows a "5% " with arrows figure near the Oregon Glass site on Ridder Rd. However, in a conversation between Joe Curran of Specht Development, Inc. and Reah Beach of DKS on December 10, 2001, DKS confirmed that the referenced "5%" in the Traffic Study pertains to PI's estimated use of the Ridder Access Rd. to travel West on Ridder Rd. to Grahams Ferry Rd. Further, DKS confirmed that the Traffic Study estimated that an additional 27% of total PM Peak Hour Trips would use the Ridder Access Rd. to travel East to 95<sup>th</sup> Avenue. (The 27% figure is calculated by adding the 50 "Project Only" trips turning left from Ridder Rd. to 95<sup>th</sup> Avenue to the 19 "Project Only" trips turning right from 95<sup>th</sup> Avenue to Ridder Rd. shown in the enclosed Figure 4 and dividing the sum by the 260 PM Peak Hour Trips noted on the enclosed Page 12 of the Traffic Study.)

As representatives of Specht Wilsonville, L.L.C. have stated in testimony, which is consistent with the Traffic Study, a significant amount of traffic from Precision Interconnect will be using the Ridder Access Rd. With the addition of employee, truck and forklift trips from Oregon Glass, we believe that a traffic safety problem exists. This belief has been verified by professional traffic analysts including the City's own engineering staff. Oregon Glass has offered insufficient evidence to the contrary.

We believe that that in order for the Ridder Access Rd. to maintain a safe traffic environment, a physical buffer must be placed between the documented on-street traffic (noted in the Traffic Study) and the forklift equipment used by Oregon Glass in their operations. We have previously offered to allow that buffer to be placed on our property and continue to extend that offer to our neighbors. However based on our safety concerns, without such buffer, we must continue to oppose the expansion of the Oregon Glass building.

Please call me if you have any questions.

Best Regards,



Todd Sheaffer  
Chief Operation Officer  
Specht Properties, Inc.

Encl.

C: Joan Kelsey, Assistant Attorney, City of Wilsonville  
Paul Cathcart, Assistant Planner, City of Wilsonville  
Leon Anderson, Oregon Glass

## Chapter 3

# Impacts

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This chapter reviews the impact of the proposed project on the existing transportation system. The analysis includes assessment of trip generation and distribution, capacity analysis of study intersections with existing and projected future traffic loadings, site circulation, and pedestrian/bicycle access.

### TRIP GENERATION AND DISTRIBUTION

Trip generation was estimated based on standard transportation planning trip generation rates for manufacturing and office land uses.<sup>10</sup> Information provided by the project sponsor was used to determine the quantity of each type of land use.<sup>11</sup> Although the project would generate traffic throughout the day, the weekday PM peak hour was analyzed since this is when project traffic is generally greatest and when traffic is highest on adjacent streets. Project trip generation is shown in Table 5.

Two project development scenarios were considered, as follows:

- Scenario A: 200,000 SF Manufacturing and 60,000 SF Office
- Scenario B: 240,000 SF Manufacturing and 60,000 SF Office

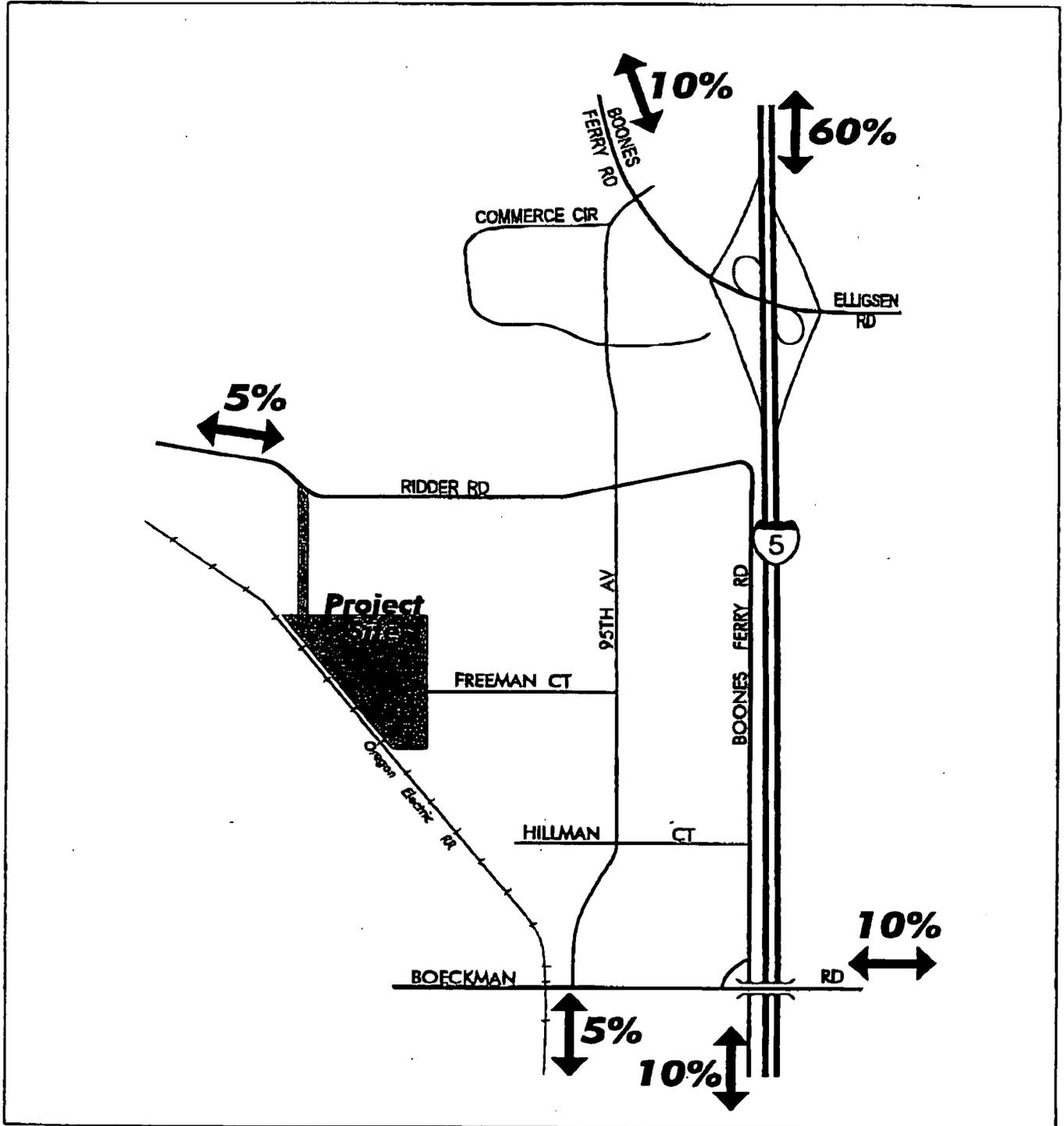
For scenario A (low intensity), the project would add about 1,550 daily trips, including about 260 during the AM peak hour and about 260 during the PM peak hour. For scenario B (high intensity), the project would add about 1,700 daily trips, including about 290 during the AM peak hour and about 290 during the PM peak hour. The total daily trip generation shown in the table is used for descriptive purposes only. All analysis is based on PM peak hour trip generation, since PM trip generation is the highest of the day.

Trip distribution was based on existing traffic patterns at the study area intersections, a demographic breakdown of current Precision Interconnect employees' home zip codes and Metro's regional travel demand model. Figure 3 shows the assumed distribution of project traffic on the existing

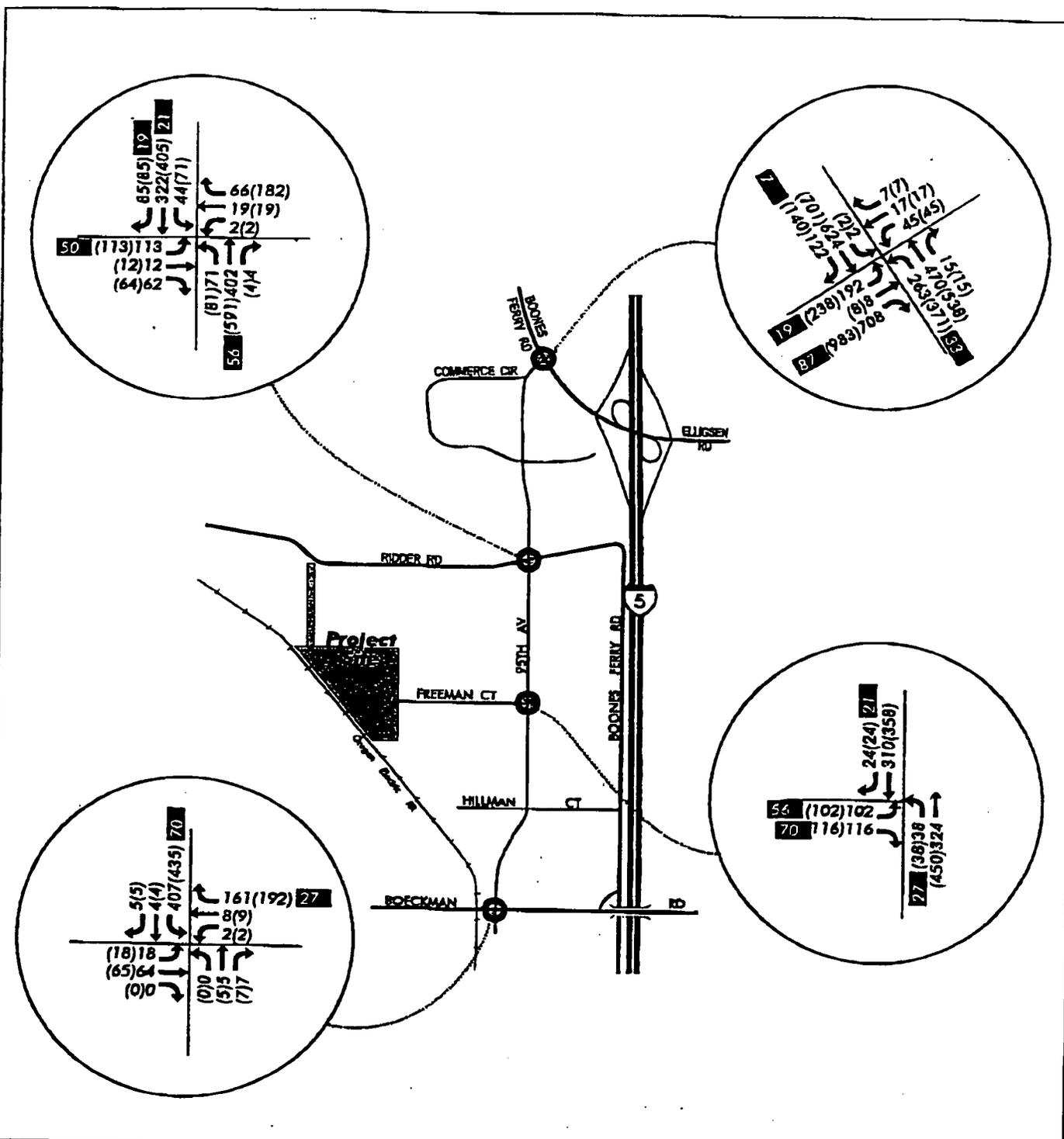
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<sup>10</sup> *Trip Generation Manual, 6th Edition*, Institute of Transportation Engineers, 1997, Codes 150 and 710.

<sup>11</sup> Per letter provided by project sponsor, dated August, 1, 2000 (see appendix).



**Figure 3**  
**PROJECT TRIP DISTRIBUTION**



**LEGEND**

- - Study Intersection
- 000 - Existing Plus Project
- (000) - Existing Plus Project Plus Stage II
- 000 - Project Only

**Figure 4**  
**LOW INTENSITY FUTURE**  
**PM PEAK HOUR TRAFFIC VOLUMES**

MEMO

TO: PAUL CATHCART, ASSOCIATE PLANNER

FROM: MICHAEL A. STONE, CITY ENGINEER

SUBJECT: OREGON GLASS COMPLIANCE WITH SAFETY RELATED CONDITION

DATE: OCTOBER 23, 2001

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In association with the condition approved by the Design Review Board, I have had the opportunity to review the updated site plan provided by the Applicant and the recently completed striping along the Precision Interconnect/Oregon Glass access roadway.

I have found that the Applicant has substantially complied with the referenced condition.

(44 of 56)

**ENGINEERING DEPARTMENT**  
**MEMO**

**DATE:** September 17, 2001

**TO:** Paul Cathcart, Associate Planner

**FROM:** Michael A. Stone PE, City Engineer

**RE:** *Supplemental- Engineering Division Public Facilities (PF) Conditions of Approval for the proposed Oregon Glass Expansion (01DB20).*

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Precision Interconnect is located at the west end of SW Freeman Court just off SW 95<sup>th</sup> Avenue. Access is provided by a driveway off SW Freeman Court and a 60-foot wide strip of land (the 'panhandle'), owned by Specht Properties, extending northward to SW Ridder Road. Oregon Glass is located just off SW Ridder Road and east of SW Garden Acres Road. Access is provided by the 'panhandle' to SW Ridder Road via an access easement secured from Specht Properties.

It is the combination of the relatively small area, multiple accesses (which is relatively unusual for industrial developments of this size within Wilsonville), traffic volumes, and the possibility of 'cut-through' traffic between SW 95<sup>th</sup> Avenue and SW Ridder Road that raises Staff's concern. Staff continues to discuss our concerns with the respective property owners and each has been willing to try and develop a solution. Due to the ongoing nature of these discussions, Staff does not have a specific 'plan' to present to the Board at this time. However, Staff is recommending that the Board adopt the following **criteria management steps** to be used in it's development:

1. Separate through traffic along the 'panhandle' by installing curbing/stripping/signage.
2. Substitute angle parking for the proposed perpendicular parking adjacent to the proposed Oregon Glass building expansion. Install curbing/stripping/signage to delineate these movements.
3. Separate through traffic from inter-building traffic. Install curbing/stripping/signage to delineate these movements.
4. The respective parties agree on a means to assure the long-term maintenance of the installed measures.
5. The plan shall be prepared and submitted to the City Engineer for final approval.