



**DEVELOPMENT REVIEW BOARD PANEL B
SPECIAL MEETING MINUTES
April 24, 2024 at 4:00 PM**

Approved
June 24 2024

City Hall Council Chambers & Remote Video Conferencing

CALL TO ORDER

A special meeting of the Development Review Board Panel B was held at City Hall beginning at 4:00 p.m. on Monday, April 24, 2024. Vice Chair Alice Galloway called the meeting to order at 4:00 p.m., followed by roll call.

CHAIR'S REMARKS

The Conduct of Hearing and Statement of Public Notice were read into the record.

ROLL CALL

Present for roll call were: Alice Galloway, John Andrews, Kamran Mesbah, and Megan Chuinard. Rachelle Barrett was absent.

Staff present: Daniel Pauly, Stephanie Davidson, Kimberly Rybold, Miranda Bateschell, Cindy Luxhoj, and Shelley White

PUBLIC HEARINGS

1. **Resolution No. 432 - Planning Director's Referral of a Continuation of Non-Conforming Use Determination:** The Planning Director has referred Case File AR23-0031 to the Development Review Board for determination regarding the continuation of an existing Non-Conforming Use.

On April 8, 2024, the Development Review Board moved to keep the record open until April 15, 2024. This item will be for deliberation and decision only based on the evidence in the record. No further testimony or written comments will be accepted.

Vice Chair Galloway called the public hearing to order at 4:00 p.m. She noted that although some Board members had not attended the prior hearing on the subject matter, they could participate tonight so long as they had reviewed the recording of the hearing and the materials. She stated she was not present at the April 8, 2024 meeting but had listened to the entire recording of the hearing and had reviewed all of the materials.

Megan Chuinard stated she was also not present at the April 8 meeting but had listened to the full recording and had reviewed all materials related to the application.

Vice Chair Galloway confirmed that no Board member had any conflict of interest, bias, or ex parte contact or had gained any information outside of the hearing. She noted with the public hearing and the record closed, the Board should entertain a motion to deliberate on, and make a decision on, the application. She highlighted the motion making process, noting the need to amend the Staff report by adding Exhibits B3, B4, B5, and D1, D2, D3, and D4.

John Andrews moved to adopt the Staff report with the following amendments, adding Exhibits B3, B4, B5, D1, D2, D3 and D4. Megan Chuinard seconded the motion.

Vice Chair Galloway called for any discussion among the Board members.

Kamran Mesbah asked if Staff had any additional comments regarding the materials received yesterday from the Applicant.

Mr. Pauly noted that the hearing was at a point of discussion for the Board.

Mr. Mesbah stated he wanted to talk about the bifurcation of the application. The Applicant had stated the City had required the bifurcation when he had very clearly offered for the Applicant to withdraw their first application and combine all of their efforts in the current one, but they had refused. He felt miffed that the Applicant blamed the City for their decision and wondered what benefit the bifurcation would have had for the Applicant. There must have been some strategic advantage to doing it the long way. The Applicant was not present to respond, but if the Board were to believe that the Applicant had made a good faith effort to work with the City, this kind of gaming of the system was not consistent with that approach. As a member of DRB, he felt it was an affront.

Vice Chair Galloway agreed. It had taken a lot more time, Class I and Class II had to be differentiated, and it was confusing why both were being done. Additionally, the Board was back to the same position after already making a decision about Class I.

Mr. Andrews noted the last submittal was more like a legal brief rather than material for the DRB, or even City Council, the next group likely to review the application, and that was not very satisfying.

Ms. Chuinard stated there was quite a lot to review, a lot of the materials were duplicative of previous packets and a bit confusing as to how the germaneness to the argument. She found the additional documents inconclusive.

Mr. Mesbah noted the other aspect of the Applicant's approach that was reinforced over several meetings, in his opinion, was their clear effort to over-generalize on one hand, whitewash differences on the other hand, and create a kind of nebulous environment where anything from a Super Walmart to the corner grocery store with rows, aisles, signage, and shelving was in the same category and acceptable.

- The traffic count statement had been generalized to suggest that Home Depot would have less impact on traffic than Fry's, a very universal statement. As a civil engineer, he understood that wear and tear on streets was a function of the weight of the vehicles, not the number. The number of trips indicated if there would be traffic jams.
 - When shopping at Home Depot, he drove his SUV and trailer and filled it with lumber, rocks, and bark dust, for example, which was a heavier load on the street than when he went to Best Buy to pick up a computer wire. A generalized statement about traffic count to indicate less impact by Home Depot shoppers in the hopes no one would pay attention to the details indicated to him that the Applicant was not transparent and forthcoming with their proposal.
- Showing beautiful photos of what the development could be like was a promise that once their foot was in the door, would probably be an entitlement like their approach had been. Overall, the provided materials did not satisfy him and were not at all convincing.

Vice Chair Galloway believed there was a disregard for the time, energy, and input that Wilsonville citizens had to the Town Center Plan. A lot of people worked for a long time to come up with the vision that the citizens wanted for their community, and she had not heard much from the Applicant on how important that vision was to a city or town.

Mr. Andrews noted the Applicant had described a vision of all sorts of other buildings, including housing, but he had seen nothing in the form of a commitment to actually doing those things. They were just dangled in front of the DRB as a possibility, rather than fact, because that was not in the Applicant's proposal.

Ms. Chuinard stated she did not believe the additional documents from the Applicant addressed the legal cases the City had provided as direction for why the City's conclusory findings as listed in the original packet from the City.

- Additionally, she believed there was a grand use of the commercial/retail building description, even in the 1991 documents. And, while irrelevant to today's discussion, those documents called out an electronics-related retail store use. She believed arguments were made by picking whatever wording one wanted.
- Per the Applicant's description of the use of the building, it was very clear it would be a home improvement warehouse. The Applicant's PowerPoint had described a use of products that was very similar to what was in the current occupant's space, but those items were broad and could apply to many stores; therefore, she did not believe the Applicant had clarified that better in their additional commentary.

Vice Chair Galloway confirmed there were no further comments and called the question.

The motion passed 4 to 0.

Kamran Mesbah moved to adopt Resolution No. 432. Megan Chuinard seconded the motion.

Vice Chair Galloway called for any further discussion.

Mr. Mesbah noted a date of filing was still open in the resolution he had and asked what the date should be and if it would be filled in.

Shelley White responded the date would be the date the resolution was mailed out, which would be today or tomorrow.

Vice Chair Galloway confirmed there were no further comments and called the question.

The motion passed 4 to 0.

Vice Chair Galloway read the rules of appeal into the record.

STAFF COMMUNICATIONS

There were none.

ADJOURNMENT

The meeting adjourned at 4:19 p.m.

Respectfully submitted,

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