

**RESOLUTION NO. 2458  
AND ORDER**

**RESOLUTION TO ISSUE AN ORDER BY THE CITY COUNCIL CONCERNING THE APPEAL OF THE STAGE II FINAL PLAN REVISION, SITE DESIGN REVIEW, AND MASTER SIGN PLAN REVISION AND SIGN WAIVER OF A NEW 450 SQUARE FOOT DRIVE-THRU COFFEE KIOSK AT THE CORNER OF 95<sup>TH</sup> AVENUE AND BOONES FERRY ROAD. THE SUBJECT SITE IS LOCATED ON TAX LOT 302 OF SECTION 2DB, T3S, R1W, WASHINGTON COUNTY, OREGON. APPLICANT/APPELLANT/OWNER WILSONVILLE DEVCO, LLC. APPLICATION NOS. DB 13-0046, DB 13-0047, AND DB 13-0048.**

WHEREAS, City Council received a timely filed appeal from Appellant/Applicant Wilsonville Devco LLC of the decision of the Development Review Board, Panel A (“DRB”), denying the above captioned project applications (“Applications”) made pursuant to Wilsonville City Code 4.022(.02), following a denial of said Applications at the public hearing held on February 2014; and

WHEREAS, after granting the Appeal at a public meeting held on March 3, 2014, setting the date for public hearing of the appeal for March 17, 2014, and limiting the record on appeal to evidence already in the DRB record and limited new evidence and testimony relating only to on-site traffic congestion; adequacy, efficiency, and safety of on-site pedestrian and vehicle circulation, inclusive of delivery vehicles and other larger format vehicles; and Section 4.154, Subsections 4.155(.03)A, 4.400(.02)A, and 4.421(.01)C of the Wilsonville City Code requirements; and

WHEREAS, having conducted the appeal hearing and having reviewed all of the evidence in the DRB record, including DRB member reasoning and findings for denial or approval; and having heard new evidence, as allowed, from both the appellant/applicant and opponents to the Applications at the appeal hearing; and

WHEREAS, having considered all of the foregoing evidence and following all applicable requirements of the Wilsonville Development Code pertaining to the Applications and appeal, the City Council hereby orders as follows:

1. The City Council hereby orders that the decision of the DRB on the above referenced Applications is hereby remanded to the DRB for further consideration

of new evidence placed on the record, and the City Council's Findings of Fact, Determinations, and Conclusions is attached hereto as **Exhibit A**.

2. This Order is subject to the rights of appeal, as set forth in Oregon law. If you desire to appeal this decision to the Oregon Land Use Board of Appeals you must make application stating the grounds for appeal with the Land Use Board of Appeals, as proscribed by State law and within the timeframe proscribed by State Law.

IT IS HEREBY ORDERED by the Wilsonville City Council at a regular meeting thereof this \_\_\_ day of \_\_\_\_\_, 2014, to be effective immediately and filed with the Wilsonville City Recorder on this date.

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TIM KNAPP, MAYOR

ATTEST:

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Sandra C. King, MMC, City Recorder

**SUMMARY OF VOTES:**

Mayor Knapp  
Council President Starr  
Councilor Goddard  
Councilor Fitzgerald  
Councilor Stevens