



**WILSONVILLE**  
**OREGON**

**DEVELOPMENT REVIEW BOARD PANEL A  
MEETING MINUTES**

**August 8, 2022 at 6:30 PM**

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

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**Approved**  
September 12, 2022

**CALL TO ORDER**

A regular meeting of the Development Review Board (DRB) Panel A was held at City Hall beginning at 6:30 p.m. on Monday, August 8, 2022. Chair Jean Svadlenka called the meeting to order at 6:30 p.m.

**CHAIR'S REMARKS**

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

**ROLL CALL**

Present for roll call were: Jean Svadlenka, Daniel McKay, Kathryn Neil, Ben Yacob, Rachele Barrett.

Staff present: Daniel Pauly, Ryan Adams, Aaron Parker, and Shelley White

**CITIZENS' INPUT** – This is an opportunity for visitors to address the Development Review Board on items not on the agenda. There were no comments.

**CONSENT AGENDA**

1. Approval of minutes of April 11, 2022, DRB Panel A meeting

**Rachele Barrett moved to approve the April 11, 2022, DRB Panel A meeting minutes as presented. Ben Yacob seconded the motion, which passed unanimously.**

**PUBLIC HEARINGS**

2. **Resolution No. 405 Boones Ferry Gas Station.** The applicant is requesting approval of a Stage I Preliminary Plan Modification, Stage II Final Plan, Site Design Review, Class 3 Sign Permit, Sign Waiver and Type C Tree Plan for construction of a 2,999-square-foot convenience store with drive-thru and 12-pump fuel station.

Case Files:

DB21-0045 Stage I Preliminary Plan Modification

DB21-0046 Stage II Final Plan

DB21-0047 Site Design Review

DB21-0048 Class 3 Sign Permit

WAIV22-0002 Sign Waiver

TPLN22-0004 Type C Tree Removal Plan

**Chair Svadlenka** called the public hearing to order at 6:37pm and read the conduct of hearing format into the record. Chair Svadlenka, Daniel McKay, Kathryn Neil, and Ben Yacob declared for the record that they had visited the site. No board member, however, declared a conflict of interest, bias, or conclusion from a site visit. No board member participation was challenged by any member of the audience.

**Daniel Pauly, Planning Manager**, announced that the criteria applicable to the application were stated starting on page 2 of the Staff report, which was entered into the record. Copies of the report were made available to the side of the room and on the City's website.

**Daniel Pauly, Planning Manager**, stated the Staff report was prepared by Kim Rybold with the assistance of Ben Schonberger of Winterbrook Planning, and Associate Engineer Aaron Parker, both of whom were available to answer questions. He announced that the criteria applicable to the application were stated starting on page 2 of the Staff report, which was entered into the record. Copies of the report were made available to the side of the room and on the City's website.

**Mr. Pauly** presented the Staff report via PowerPoint with these key comments:

- The proposed gas station and convenience store was located on an undeveloped parcel at 29760 SW Boones Ferry Rd. The application also included minor modifications to landscaping and parking areas at the adjacent site to the south. Surrounding land uses included warehouse distribution across Boones Ferry Rd to the west, restaurants to the north and south, and I-5 to the east.
- The site was previously part of a larger holding that included property to the south and still shared ownership with that property. The area was rezoned in 1980 to allow commercial uses in anticipation of a hotel and restaurant development on the property. The plan enabled construction of the abutting restaurant, but the hotel was never built.
  - The Stage I Master Plan was amended in 2005 to replace the planned hotel with a mix of office, retail, and restaurant uses which have not been constructed. The subject application included a Stage I Master Plan modification to allow for the development of the 12-pump gas station and a convenience store of approximately 3,000 sq ft with a drive-thru window on the vacant parcel.
- Proper noticing was followed. The public hearing notice was mailed on July 19, and onsite notice was posted. No comments were received by Staff as of today's date.
- The Applicant's first five requests were objective in nature as they involved verifying compliance with Code standards. The sign waiver, however, involved discretionary review by the DRB.
- The proposed Stage I Master Plan Modification would change the land use to allow a convenience store and gas station on the site which were uses typically permitted within the Planned Development Commercial (PDC) zone.
- The Stage II Final Plan gave more detail about the function and layout of the site. All required services were available for the site. Frontage improvements consistent with City Standards were required, including a new sidewalk along Boones Ferry Rd and the undergrounding of adjacent utilities. The site included parking, circulation areas, pedestrian connections, and landscaping meeting or exceeding City standards.
  - The traffic study evaluated a number of adjoining intersections including Wilsonville Rd/Boones Ferry Rd and Wilsonville Rd and the I-5 northbound and southbound ramps. All intersections would remain at the minimum standard of Level of Service (LOS) D or better.
  - It was important to note for the record that the traffic study evaluated the drive-thru as a convenience store use based on information provided by the Applicant. A condition of approval required that if the drive-thru window was used for anything other than selling goods typically sold from the convenience store, it would be a change of use that would require a new land use review and additional transportation analysis.
- Site Design Review. As far as the architectural look and feel of the development, the Applicant used appropriate professional services to design the convenience store, gas station, and associated site improvements. The structures on the site used a common architectural palette that complemented each other. The proposed single-story building used neutral-colored materials, glazing, and prominent signage to direct users into and through the site. Landscaping materials met City standards.
- Class 3 Sign Permit. The property would feature multiple signs associated with both the gas station and convenience store. A free-standing pylon sign was proposed at the east property line

adjacent to the I-5 right-of-way, and a monument sign proposed on the shared entrance to the site on Boones Ferry Rd. Each sign prominently displayed a corporate logo and fuel price. The Applicant proposed digital fuel price panels on the signs, which were subject to a waiver.

- Building signage was proposed on the south- and west-facing sides of the store structure. The canopy over the gas pumps would have brand-identifying signage on all four sides of its fascia. The Applicant also proposed directional signage indicating traffic circulation. The sign area for each sign was less than the maximum allowance for each sign type. The landscape design avoided conflicts between trees, shrubs, and signs.
- The Type C Tree Removal Plan proposed the removal of three trees along the Boones Ferry Rd frontage which required mitigation. The Tree Protection Plan showed nearby landscaping trees to remain as protected with tree protection fencing.
- Overall, changeable copy signs were prohibited; however, Sign Waivers provided conditional sign approvals to digital changeable copy signs that adhered to certain conditions, which included a 15-minute minimum hold time, inclusion of automatic dimming technology that adjusts to the sign's brightness in direct correlation with ambient light, and limits on the luminance depending on the time of day.
  - Based upon the sign waiver criteria, (Slide 11) granting the waiver would result in:
    - Improved function and aesthetic design. The price signs are required, and the alternative was a plastic changeable sign where a pole was used to change the numbers. Aesthetically, digital price signs looked better and were definitely more functional for the operator to change digitally.
    - Signs more compatible with and complementary to the surrounding modern commercial area and was consistent with other fuel price signs, including the nearby 76 Station at the I-5 Interchange.
    - No negative impact to traffic safety as the signs would not be flashing or overly bright.
    - While the DRB was not considering content, it should be recognized that changeable signs would be present regardless of the technology used.
  - Staff recommended that the Sign Waiver was approvable.
- He entered the following exhibits into the record which were distributed to the DRB members earlier today (Slide 12):
  - Exhibit A3: Staff memorandum dated August 8, 2022, modifying Condition of Approval PDB 2 to clarify changes of use should the drive-thru use be modified, and adding Condition of Approval PDB 6 to limit fuel delivery times if necessary permissions could not be secured for plan modifications on the adjacent site.
  - Exhibit B4: Letter from Applicant regarding fuel delivery, which related to new Condition PDB 6.
  - Exhibit B5: Additional information on the underground fuel tank.

**Chair Svadlenka** clarified that Exhibit B5 was the letter from the Applicant, and Exhibit B4 was the underground fuel tank information.

**Shelley White, Planning Administrative Assistant**, confirmed that was correct.

**Rachelle Barrett** asked if pharmaceuticals were something a convenience store could offer via a drive-thru.

**Mr. Pauly** replied that to his knowledge, none of Wilsonville's current convenience stores offered prescription pharmaceuticals, although over-the-counter type medicines might be offered. He noted that had not been specifically discussed.

**Chair Svadlenka** called for the Applicant's presentation.

**Mark McKechnie, Oregon Architecture, Inc.,** stated Staff had done a complete and excellent job on their analysis and presentation, so he had little to add, but was happy to answer any questions. He urged the DRB to vote in favor of the application.

**Daniel McKay** noted that the night illumination for the signage included the Shell logo and the background text of the food mart. He asked if that would be the same for the pylon signs and the main entrance sign.

**McKechnie** confirmed that was correct, adding the candle power would be within limits prescribed by the City. He noted the development team and developers had reviewed all the conditions of approval and had no issue with any of them.

**Kathryn Neil** noted that traffic studies had been conducted in 2016 and 2019 under the assumption of development. She asked if all of the change of businesses in the area had been considered because traffic on Boones Ferry Rd had been horrible since the Employment Department moved in, and with traffic exiting the freeway and coming onto Boones Ferry Rd making a left-hand turn into the other market was a mess, especially from 4 pm to 6 pm. Were any existing conditions looked at and was anything planned to improve the area?

**Aaron Parker, Associate Engineer,** replied he did not know if the traffic study had been updated since 2019 for current businesses. The City preferred the more northerly driveway as an ingress/egress point for delivery trucks to enter closer to the gas station without having to circulate around the restaurant and be farther from Wilsonville Rd/Boones Ferry intersection to create fewer backup issues. Ingress for the fuel trucks coming in was not an issue for outgoing traffic and would not hold up traffic on Boones Ferry Rd. He noted the ODOT approval for the off/on ramps on the north side of Wilsonville Rd heading westbound for southbound I-5, there was a somewhat close vehicle storage availability. Ultimately, ODOT had no comments about storage although it was somewhat close. ODOT also noted the traffic volume anticipated from the subject development was approximately 1 percent of total traffic volume in the area, and that was a more current conversation than the traffic study. He noted he was not a traffic engineer, nor had he reviewed the traffic study, adding he would get back to the Board if there was concern about storage.

**Mr. Pauly** added he had not read the traffic study either but knew it was not glossed over. Amy Pepper had invested substantial time reviewing the study, including the turning movements and impacts, and had engaged in substantial discussion and review with the Applicant about the traffic impacts. Staff had invested a lot of time to ensure the project functioned the best it could and was satisfied with DKS's Traffic Report.

**Chair Svadlenka** asked if the additional 106 trips represented the 1 percent increase in traffic volume.

**Mr. Parker** said he recalled about 1,000 to 1,500 trips, so that sounded about right, but was not completely sure.

**Chair Svadlenka** stated anticipating the overall use of the drive-thru and the traffic conditions it would generate was difficult.

**Mr. Pauly** replied that was correct, which was why the condition of approval to limit the drive-thru to what was normally found at a convenience store was inserted. Any additional use of the drive-thru, such as for food service, would require an additional traffic study and land use review.

**Chair Svadlenka** asked if any additional traffic studies were required would new ones be conducted for all three intersections or would information be pulled from past studies like the subject application did.

**Mr. Pauly** responded that depended on the timeline, if the Applicant changed something during development or if a user was added five years from now. He was not familiar with the criteria used by the traffic engineers to consider the validity of a count, but he knew they looked at it.

**Ben Schonberger, AICP, Senior Planner, Winterbrook Planning** stated the dates for the traffic studies were correct for when the counts were taken, but the Traffic Engineer at DKS had factored up to 2021 traffic conditions by assuming a yearly growth rate, so he had extrapolated towards today with annual growth rates. One could disagree with whether that was the correct growth rate, but when those counts were taken were not frozen in time.

**Mr. Pauly** stated that whether that decision was also made based on past conditions and assumed operations, not considering things like reduced traffic due to telecommuting or conditions around the pandemic, they had done their best. Neither DKS nor Staff had glossed over the Traffic Study or ignored its details, based on the time spent on it and the discussions he had been a part of.

**Ms. Neil** asked if the City was aware how congested that intersection was and if there were any plans for improving it in the future.

**Mr. Pauly** assured the City was aware. A solution that had been discussed involved adding capacity on I-5 to get traffic across the bridge faster, and City Staff and Council continued to advocate for those I-5 improvements. The City Engineer could be contacted for specific updates and any exact actions. Generally, nothing more could be done on the local network without addressing the I-5 issues.

**Ben Jacob** stated he occasionally lunched at the shopping center across the street from the subject development and noticed traffic started around noon, although he did not know if it died back down after the lunch hour. He had to pass through two lanes of traffic to access the left turn lanes heading north on Wilsonville Rd from Boones Ferry Rd. Additionally, there was a do-not-turn sign on Boones Ferry Rd south of Wilsonville Rd because traffic became congested on the one lane that turned south once on Wilsonville Rd. Farther down Wilsonville Rd, the Fred Meyer gas station had a large area for cars to back up and park, but he did not know if that had been reviewed for the subject application. There would be a lot of congestion and a 1 percent increase did not sound right for 12 additional gas pumps and a convenience store.

**Mr. Parker** replied that the 5<sup>th</sup> St to Kinsman Capital Improvement Project was underway to alleviate traffic for those eastbound on Wilsonville Rd heading south on I-5. Although unsure of the exact timeline, he believed it should be completed within a few years.

**Mr. Jacob** stated that starting about noon, he saw a lot of semitrucks and passenger vehicles in those double lanes. He did not think the semitrucks on Boones Ferry Rd north would be alleviated by Kinsman.

**Mr. Pauly** responded that Boones Ferry Rd/Wilsonville Rd was an intersection of interest for virtually every person that worked, visited, or lived in Wilsonville. The Engineering Staff had made several additional modifications over the years to alleviate traffic in the area, like adding lanes, since the improvements were completed with the Fred Meyer development in 2010, and it continued to be a focus. He asked if the Board had any specific concerns with this particular traffic study such that more information was needed to address those concerns or if the Board was comfortable moving forward based on the current traffic study and the answers already received.

**Chair Svadlenka** stated she had questions about the drive-thru that might impact her comfort level with the traffic study, such as whether the drive-thru would have a dedicated cashier or attendant in addition to the cashier or attendant for walk-in customers.

**Deepak Arora, DAR USA**, stated the convenience store was a quick-serve location with the drive-up window located behind the cashier, enabling the cashier to serve both the drive-thru and walk-in customers simultaneously. Drive-thru customers would only be able to purchase items the cashier could easily and quickly access without leaving the window area.

**Mr. McKechnie** added if a drive-thru customer had an extensive list of items, they would be directed to park and wait until their items could be brought to them or to walk in for their purchase.

**Mr. Arora** confirmed the drive-thru could only be utilized for a few basic items within reach of the cashier, and the one cashier would service both drive-thru and walk-in customers. Their brand name was Family Mart and focused on families, such as a mother with children in the vehicle for whom it was easier to use the drive-thru to grab a few things and be on their way.

**Chair Svadlenka** confirmed only one cashier would service both drive-thru and walk-in customers. She understood the cashier would have to leave the window/register area to go around the store and gather items for drive-thru customers.

**Mr. Arora** replied their stores were stocked in such a way that impulse items were in front of the cashiers along with a small refrigerator with milk and sodas. He clarified that if a drive-thru customer wanted items not in reach of the cashier, they would be instructed to park and come inside, and he confirmed the cashiers would be instructed not to leave their station to get items for drive-thru customers. Additionally, the Applicant calculated high-traffic times and staffed the store appropriately with more than one employee.

**Chair Svadlenka** noted the report stated there was approximately seven cars' worth of queuing space for the drive-thru and she was concerned that if it took too long to service customers, the line of cars could flow onto Boones Ferry Rd.

**Mr. Pauly** pointed out if the queue was longer than seven cars, it was no longer a convenience and people would likely park and go inside as that would be faster.

**Chair Svadlenka** believed people would wait forever to not leave the convenience of their vehicle, especially if it was hot outside.

**Mr. Pauly** stated Amy Pepper had looked at that, as it was a concern, and there had been an extensive conversation. From the City Engineer's perspective, there was comfort with what was proposed to be served through the drive-thru, and it had been looked at extensively.

**Mr. McKechnie** added the site had a dedicated entrance and dedicated exit, and the entrance closest to Boones Ferry Rd was actually the exit only and signed as such. The entrance was on the far east side of the site next to I-5, and any backup would occur on the east side before backing up on the access closest to Boones Ferry Rd. He confirmed vehicles would enter via the RAM Restaurant parking lot, turn left at the east end of RAM, and then either enter the gas station, park in front, or loop around into the gas station and exit via the opening closest to Boones Ferry Rd, which was an exit only.

**Ms. Neil** noted the diagram showed traffic both ways.

**Mr. McKechnie** clarified it would be a one-way around the site, which was what the Applicant had promised to the City, and the City had evaluated it that way.

**Chair Svadlenka** understood any traffic backup at the drive-thru would block pumps and parking spaces for the convenience store.

**Mr. McKechnie** acknowledged that could happen if there were 14 to 15 cars in line; however, that was highly unlikely.

**Mr. Pauly** added Staff agreed that scenario was unlikely based on how those businesses operated as opposed to a fast-food restaurant or coffee shop.

**Mr. McKechnie** replied the drive-thru was similar to a Walgreen's drive-thru, where maybe one to two vehicles lined up, not a long line like at a Starbucks.

**Chair Svadlenka** stated there was no precedence to compare the drive-thru to, so she had to make assumptions.

**Mr. McKechnie** responded that was why Staff included a condition of approval that stated if it was handled differently or became an issue, another traffic study would be required. Staff had done an excellent job managing the suppositions related to the project.

**Chair Svadlenka** asked where cars would queue up waiting for gas pump access. She had seen cars extremely backed up at the Fred Meyer gas station, but there was a lot of space there.

**Mr. McKechnie** replied Family Mart had a number of these entities already in operation. The subject business was not a Fred Meyer and would not get the same levels of traffic.

**Mr. Arora** responded there was a huge price and quality difference between unbranded and branded gas. As such, every Fred Meyer everywhere would have a line backup because they carried unbranded gas. The Family Mart was a dealer, and the pricing difference was too much, resulting in mostly premium cars and highway traffic buying their gas, while Fred Meyer catered more to local traffic.

**Mr. Pauly** added the Family Mart might also get overflow from people in a hurry who did not want to wait in line at Fred Meyer.

**Chair Svadlenka** asked how much more expensive the Family Mart gas would be from a percentage standpoint.

**Mr. Arora** replied generally it was a 50 to 60 cents difference minimum per gallon.

**Chair Svadlenka** stated the traffic entering the gas station via the RAM Restaurant could be potentially significant. She asked if there would be a pedestrian walkway or some kind of markings from the nine RAM Restaurant parking spaces located closest to the new gas station to the restaurant.

**Mr. McKechnie** responded those nine spots were away from the front door of RAM. The front door of the restaurant was on the south end of the building facing Boones Ferry Rd. The south end had parking that restaurant customers were more likely to use. The nine spots in question were more appropriate for restaurant employees, not short-term guests unfamiliar with what was happening. The parking lot was similar to a mall lot where pedestrians had to navigate through moving cars and the lot itself to get from their car to the mall entrance.

**Chair Svadlenka** said she understood that, but this lot used to be solely for the restaurant and now a flow of traffic not previously present would be introduced. She asked if any considerations had been made for guests or employees of the restaurant.

**Mr. McKechnie** replied the City had stated the subject site could not have an entrance onto Boones Ferry Rd, so unless it was a parking lot for RAM, whoever was there would potentially have traffic conflicts.

**Rachelle Barrett** asked if the subject application had been discussed with the owners of the RAM Restaurant, noting she had not seen anything in the record.

**Mr. McKechnie** responded the owner of the property had been notified, and the owner had notified RAM. They were free to provide any comment to the City regarding the subject application but had not.

**Mr. Pauly** confirmed both the property owner and their tenant, RAM Restaurant, were aware of the application and had provided no comment.

**Daniel McKay** understood the landowner was the same for both businesses, and it was just a tenant situation. He assumed that was why the parking lot had been restructured.

**Mr. Pauly** confirmed that was Staff's understanding as well.

**Mr. McKechnie** thanked everyone for their time and urged the Board to approve the application.

**Chair Svadlenka** called for public testimony regarding the application.

**Joe Angel** stated he was the owner of property and would provide some history and context for the site, which he did with the following comments.

- He had purchased the property in 1984. There had been a small real estate office on the site, which was donated to the Chamber of Commerce, who moved it across the freeway.
- He had first developed a Burger King on the site. Subsequently, a small gas station on the corner was replaced by the office building. There had been a Chili's Restaurant on the site, which was now the RAM Restaurant.
- Each of the parcels was separately owned in different LLCs, but he had developed the common vision in the Master Plan way back when. He had had a lot of ideas for the property, but the market had dictated otherwise so those plans were abandoned. They were now going forward with the Shell station.
- He had been on the Portland Planning Commission for seven years, so he applauded the DRB for giving service to their community. He had attended many meetings that went late into the night/early morning, so he understood what went on, appreciated what they did, and was happy to answer any questions.
- He noted as someone who had developed around the Metro area, and as it related to traffic, Wilsonville was the most thorough jurisdiction; the data was always current as the City did not rely upon the ITE manual, but instead went out and obtained current data and put applicants through the paces if they wanted to do something.

**Ms. Barrett** asked where the pedestrian walkways were for the subject property and if a photo was available so she could visualize it. She confirmed Mr. Angel did not own the pizza parlor to the north.



**Mr. Pauly** displayed the Stage II Final Plan and indicated where the crosswalk was from the sidewalk up to the entrance of the RAM Restaurant, which was the most direct route from the public sidewalk on Boones Ferry Rd to the front entrance of the restaurant on the south side of the building. (Slide 6)

**Mr. McKay** understood that the label “VFG” indicated low shrubs near the crosswalk in the island in between the round driveway and drive-thru window.

**Mr. Pauly** stated he was not that familiar with the Landscape Plan and asked if Mr. McKay was concerned about blocking visibility.

**Mr. McKay** replied it appeared people at the drive-thru window would only have a couple of feet of visibility and have trouble seeing pedestrians.

**Mr. Parker** clarified that would be a rain garden, and the regresses that treat the stormwater were required to be maintained low per City standards. The highest plant would be 1.5 ft tall.

**Ms. Barrett** understood no pedestrian walkway or additional sidewalks would be added from the nine parking spots to the RAM Restaurant.

**Mr. Pauly** confirmed that was correct and explained that Code standards did not require connection to adjoining sites. It only required a connection to the public sidewalk, which was provided. The entrance to the restaurant was pointed at the sidewalk, so that was the most direct route barring and creative walking routes invented by pedestrians.

**Ms. Barrett** stated her concern was the additional traffic flow being a danger to pedestrians walking from those nine parking spots on the edge of the property to the restaurant.

**Chair Svadlenka** agreed that was also her concern, which was why she asked if paint or anything would be put on the ground to indicate where pedestrians should walk.

**Mr. Pauly** explained it was a standard 24 ft to 26-ft crossing; similar to walking across a drive aisle at Fred Meyer or Costco.

**Mr. Parker** reiterated that due to the distance of that peripheral parking, most restaurant patrons would park close to the door with the farther nine spaces likely being utilized as employee parking.

**Chair Svadlenka** asked if it made sense to err on the side of caution. Would it take that much to put paint on the road?

**Mr. Pauly** replied they could always interpret what a site plan could be, but in terms of clear and objective standards and required pedestrian circulation, it was not a special situation that would trigger any additional pedestrian infrastructure. He offered to pull up the Code standards and walk through them.

**Mr. Angel** offered his insight, explaining that typically these businesses required their employees to park in the spots farthest from the front door and in his experience that was, in fact, how it worked. Pedestrians crossed typical 24-ft drive aisles all the time at Fred Meyer, Costco or any other retail establishment. He acknowledged the concerns, but for as long as he had owned the property, there had never been an accident involving a pedestrian. In his experience over the last 40 years, both pedestrians and drivers were careful.

**Mr. Pauly** added that oftentimes, a crosswalk lowered a pedestrian's caution. Additionally, it was apparent to drivers upon turning right into the lot that they were entering a parking lot, a shared area, where more caution would be exercised by the driver.

**Mr. McKay** asked if it would be feasible to add a speed bump.

**Mr. Pauly** replied he saw no criteria that would trigger a speed bump, which fuel trucks would also have to drive over. Nothing indicated speeds in the parking lot would be excessive or otherwise to trigger further controls.

**Mr. McKay** said he did not think he shared the same level of concern but understood parking lot speed limits were often 10 miles per hour, though most people drove faster, which a speed bump would prevent, thereby increasing safety. He did not know if that would address any of the Board members' concerns, but it seemed to be a potential solution.

**Mr. Angel** stated they had tried a speed bump in the past, but it created more problems than it solved.

**Mr. Pauly** explained a speed bump would cause drivers to slow down too close to the parking lot entrance, causing backup onto the street. Based on typical traffic levels of similar parking lot areas in the city's commercial areas, a similar situation would not trigger any of those treatments either.

**Mr. McKechnie** noted that zooming out on the image would show lots of parking at the RAM Restaurant. (Slide 5)

**Mr. Pauly** added it was a standard double-loaded drive aisle in a standard commercial parking lot, so it would not indicate to a driver that they should speed up.

**Ben Schonberger** added the design challenge was that the nine parking spaces were fairly dispersed across that distance and each driver would exit their car and presumably head straight to the front of the RAM restaurant, which faced Boones Ferry Rd. Locating a crosswalk to funnel everyone towards the drive aisle would be difficult.

**Mr. Pauly** said most people would just cut through the cars like everyone did when walking through a parking lot. Even if there was a sidewalk on the north side to walk all the way down and across, people likely would not use it.

**Mr. Angel** stated the RAM Restaurant sidewalk led out to the bus stop. When developing the site back in the 1980s, a system of three curb cuts and cross-easement agreements were used throughout the entire property so that the circulation and the cross-easements matched up with three driveways. There was no curb cut on Boones Ferry Rd for the northern property because an agreement with the City of Wilsonville at the time stated that all vehicles would use the three curb cuts located on Wilsonville Rd. At that time, parking was available on Wilsonville Rd, so a condition of approval had been to take parking off Wilsonville Rd so that the lanes could be used for the turning movements down at the corner.

**Mr. Pauly** confirmed the City did not want additional access.

**Ms. Barrett** asked if any additional signage would go onto Boones Ferry Rd regarding the entrance/exit or if the current signage was sufficient.

**Mr. Pauly** replied once a vehicle turned into the lot, there were a series of signs that directed the flow of traffic, including an exit only sign.

**Mr. McKay** recalled the area behind the convenience store next to the pylon sign facing the highway contained various uncontrolled bushes like rose bushes. He understood the area was purposely left unplanted and asked if that was to lower the maintenance costs for the building so it would not have to be maintained or if there was a maintenance plan for that area. (Slide 6)

**Mr. McKechnie** replied the area between the building and freeway was scheduled to have manicured and maintained shrubs, and was essentially, the most public-facing side of the entire project. Another client had commented that the landscaping was the lipstick on the building, so it would be thoughtfully landscaped and fully maintained.

**Mr. Pauly** confirmed that a small area of that space would remain open for maintenance staff.

**Mr. McKechnie** clarified there would be sufficient space for maintenance staff to walk through and maintain the landscaping. Additionally, there was an access door in the back of the building for the electrical room that needed to be accessible.

Staff briefly advised on motion making, noting a motion to amend the Staff report as outlined in the memo would include the condition regarding the drive-thru restrictions.

**Chair Svadlenka** asked how the 2 percent yearly growth rate was calculated, if it had been vetted, and how she could get more information on the traffic report.

**Mr. Pauly** acknowledged Chair Svadlenka had been out of town and otherwise would have asked most of these questions ahead of time. These were questions that Amy Pepper could answer outside of tonight's meeting, as she was not present. If Chair Svadlenka believed her questions raised substantial enough doubt that rendered her unable to make a decision, the hearing could be continued to allow for further discussion with Staff on that matter. If she simply wanted to understand in general how traffic reports worked, but was otherwise comfortable with the subject application, the Board could move forward tonight, and she could discuss how traffic reports were generated with Ms. Pepper at another time. He advised that it came down to whether Chair Svadlenka believed it would have a substantial impact on whether the project was approvable as presented.

**Chair Svadlenka** understood, adding her questions were not general, but pertained to the subject project, because the traffic situation was a bit precarious in the area. She wanted to ensure that if a business like this went into place, everything had been taken into consideration and all assumptions regarding traffic had been made appropriately, based on how Wilsonville was growing and with the situation for that area.

**Mr. Jacob** stated that he also shared Chair Svadlenka's concern, in part because the traffic anticipated to come into the gas station would be from the freeway, and the only way back to the freeway was a left turn out from the site onto a street that was already congested for a good portion of the afternoon.

**Mr. Pauly** understood there were traffic concerns for that area, and everyone acknowledged that. However, did the Board believe additional information could be gained that would indicate that any of the subject intersections fell below LOS D. That was not to say traffic would be perfect, but whether it would change something that would cause one of the subject intersections to fail, and based on the percentage of traffic, that was unlikely. He asked the Board to keep in mind he was not referring to

every traffic detail, but rather the clear and objective standard of whether the project would trigger any of the subject intersections to fall below LOS D.

**Ms. Neil** believed the Board's concern was that traffic would go above the anticipated 1 percent increase due to the nature of proposed business because a convenience store and gas station would result in more vehicles flowing in and out in a shorter amount of time than a restaurant or lower-traffic business would, especially with the drive-thru.

**Mr. Pauly** asked Mr. Parker if he had anything to add regarding how much the traffic report would have to be off before it triggered a failed intersection. He wanted the Board to be conscientious, but it would have to be a huge mistake, not a minor one, before the subject intersections would start failing in terms of the traffic study, which was unlikely. He advised the Board to be mindful about costing someone money and a month of construction time, possibly, which was fine if the Board really believed the traffic study was so off that it would result in failed intersections.

**Ms. Neil** asked what caused an intersection to fail, because at times, she had sat at that intersection for 20 to 30 minutes, so was that considered a fail or still LOS D.

**Mr. Parker** replied he did not have technical specifics, but understood an intersection failed once cars had to wait several signal cycles to get through; however, he was unclear on the distinctions and the [inaudible] However, with the trip generation for this specific study being so small, combined with two left-turn lanes heading onto Wilsonville Rd West, it seemed that a left turn movement would not be as restricted, and the LOS would not be as impacted.

**Mr. Jacob** asked if there would be signage on the property to navigate traffic to Wilsonville Rd to avoid Boones Ferry Rd.

**Mr. Pauly** replied theoretically, even if the site doubled the traffic in the area, it would still be a fairly low percentage of total traffic in the area.

**Mr. Parker** explained the intersection in question had a lot of traffic passing through from areas farther to the north, east, and west. He anticipated a lot of traffic passing through the area, and the traffic study took that into account.

**Chair Svadlenka** asked what number of trips would trigger a fail. The traffic report had taken 106 total trips into account because of a 56 percent pass-by trip reduction. However, if that was not accurate, it could be up to 240 trips to the gas station.

**Ms. White** noted an attendee had requested to address the Board, which Chair Svadlenka approved.

**Peter Angel** asked if the Board members were aware that the DKS study was commissioned by the City and to the City's specifications. It was not done by the tenant or the landowner.

**Chair Svadlenka** replied the Board was aware of the City's relationship with the third-party traffic study company.

**Mr. Pauly** stated they were specifically looking at the southbound, double-turn lane on Boones Ferry Rd, which was at a .73 volume to capacity ratio. He asked Mr. Parker how many trips were noted during the PM Peak Hours.

**Mr. Parker** noted Figure 7 Existing + Stage II + Project PM Peak Hour Traffic Volumes

of the traffic report on Page 124 of 345 of the meeting packet, and the Summary Table that showed compliance with the City Standard was on Page 125.

**Mr. Pauly** noted that currently, the left turn had 527 trips, and adding the subject project resulted in 543 trips during PM Peak Hours, which represented a difference of 3 percent. The information could be found on Pages 123 and 124 of the meeting packet. Even doubled, it was still only 6 percent difference, which was a key thing to consider. In his experience, there was a tendency in these conversations to think any additional traffic was undesired and bad. The DRB was right to be concerned about increased traffic; however, it was a relatively small percentage that would not trigger much of a difference no matter what with the subject project.

- Based on the information presented by DKS, a company that had worked with Wilsonville on traffic studies for a very long time, and an engineering team that had worked with the Applicant for more than a year, the traffic impacts had been combed through in great detail. The likelihood that one of the intersections would fail was minimal. Based on his professional understanding of the data, he did not believe any of the subject intersections would fail nor was there any criteria, based on the traffic study, that would be grounds for denial of the application.
- He acknowledged the subject project did add traffic to an area that already had less than ideal levels of traffic, but it met the clear and objective criteria, even if it was off a bit. DKS had studied untold numbers of gas stations. This was not a unique use that they were unfamiliar with or did not have data on. He believed the Board could have a high level of confidence in the traffic report as provided. He acknowledged the traffic science was not easy to understand for the layperson. That said, it was up to the Board to determine if they were comfortable with the traffic report as is or if they needed more information to come to a conclusion, but the likelihood that any additional information would change the determination of whether the subject intersections met LOS was nearly zero.

**Mr. Yacob** asked if the traffic study took into account semitrucks or solely passenger vehicles.

**Mr. Pauly** replied part of the analysis was heavy traffic, which included semitrucks, so the study did look at the level of semis and heavy truck traffic because that was a substantial component of the traffic at this intersection. A lot of freight already moved through it presently.

**Chair Svadlenka** asked if Mr. Pauly could make a general estimate of how many PM Peak Trips would trigger a failure at the intersection of Boones Ferry Rd and Wilsonville Rd.

**Mr. Pauly** responded it would take some time to crunch those numbers so late at night and asked Chair Svadlenka if there was a certain turning movement she was most worried about.

**Chair Svadlenka** stated she was most concerned about vehicles turning left onto Wilsonville Rd from Boones Ferry Rd going south during PM Peak Hours trying to access I-5 southbound because that was where a lot of backup occurred.

**Mr. Parker** replied that existing PM Peak Hour traffic volumes on Boones Ferry Rd turning left onto Wilsonville Rd with the double-left turn lanes, generated [inaudible] while the through lane generated one trip. With the project, it would generate one through and 306 taking a left, so four additional at peak times, a 1.3 percent increase.

**Mr. Pauly** stated a good graphic indicating where the trips were coming from could be found on Page 121 of the packet. There were 26 trips plus pass-by trips, which were trips assumed to be driving by anyway for another reason but happen to stop at the gas station. Even 50 vehicles coming off the

freeway as new trips, just to go to the gas station, would have a fairly minimal impact on the overall traffic.

**Mr. Parker** confirmed he was still searching for the current PM Peak volume to capacity at the subject intersection.

**Mr. McKay** believed the appendix with the data could be found on Page 137, which broke down the service levels by lane and direction. He understood the eastbound left lane was the biggest concern, coming from Boones Ferry Rd, which had a delay of 53.7 seconds, dangerously close to LOS E, as well as the lane that traveled straight and then right, which was also close to LOS E. However, the number provided on Page 125 was fairly safely not, and he asked if that was because the information on Page 125 was an aggregate of all the lanes and directional choices.

**Mr. Parker** stated the average daily traffic volume represented an average traffic day in a year.

**Mr. McKay** asked how the average day was determined.

**Mr. Pauly** responded it was always a Tuesday, Wednesday, or Thursday.

**Mr. McKay** noted there was only one data point, which prompted his question about how that was done.

**Mr. Parker** replied the Federal Highway Administration provided formulas.

**Mr. Pauly** asked what the Board's current level of comfort was regarding the traffic report and if it was prepared to move forward or continue the hearing to a date certain next month.

**Mr. McKay** noted Page 125 listed a current traffic volume number as well as future volume and a rate of vehicles per hour. He remembered someone stating there was an assumed increase in future vehicles; however, the Appendix showed the same for current and future. He wanted to ensure the calculations included the inflation factor.

**Mr. Pauly** replied it was as determined appropriate, but he did not know every factor that was considered.

**Mr. McKay** asked if the number was the inflated number or the number from the traffic study.

**Mr. Pauly** responded that was not clear to him. He confirmed Development Engineering Manager Amy Pepper was not present nor was any DKS representative available to answer questions.

**Mr. Parker** confirmed he was comfortable with the traffic study. As a Stormwater Engineer, he understood a stormwater study would show rainfall runoff; essentially there were graphs that estimated rainfall, which could vary, even in a sub-watershed per rain event, as no rain event was similar to another. Therefore, estimation and statistical techniques were used to analyze those in terms of potential flood risk from various storm events. There was no way to fully predict the future, but he believed traffic engineering could be localized with a traffic study, even from a one-day point of data, because there were formulas for estimating traffic. He acknowledged everyone had their own experiences with traffic levels of service, but he believed the traffic study was fair, DKS was an excellent consultant, and he was comfortable with it.

**Allison Reynolds, Land Use Attorney, Stoel Rives, LLP, 760 SW 9th Ave., Portland, OR, 97205** asked that if the Board determined a continuance was necessary, she would like clear guidance from the Board to both the Applicant and Staff as to what additional information the Board needed on traffic to avoid reconvening in a month only to find there were even more questions that required even more study because that would lead to additional delays.

**Ms. Barrett** stated she did not personally have any conditions of approval to add, but she did not want to make a bad traffic situation worse. She was struggling with the subject application but did not know what clear guidance to give.

**Mr. Pauly** replied that he understood Ms. Barrett's position, but reiterated the decision had to be made based on the clear and objective standards. He acknowledged traffic would get worse, but the Board had to make a decision based on if the standard was met.

**Mr. McKay** stated the level of detail on the traffic report exceeded what he had seen on other projects, so it appeared the Applicant anticipated traffic impacts would be an issue. He knew this Board had struggled with traffic concerns for other resolutions. He recommended either a representative from DKS who could explain the reasoning and logic of the traffic study appear at the next hearing or an updated traffic study be conducted because going through this again for hours would not be fruitful for either party.

**Chair Svadlenka** agreed.

**Ms. Neil** stated her concern was not necessarily with the subject project, but future projects that would just keep adding more and more traffic. She believed the traffic study was fine, the questions were answered, but the issue was ensuring the Board did its due diligence and did not make a bad situation worse.

**Mr. Pauly** responded the Board could not consider future projects which would be evaluated as they came in. The subject project could not be held up because of potential other development in the area. The Board could only consider whether the subject project plus what already existed or previously approved met LOS D at the most probable used intersections.

**Ms. Neil** understood the Board could not hold up the subject project, as they had done their due diligence, but she wondered what the City and Board would do when the next project came around and a 1 percent increase in traffic was still showing, but it felt like a lot more than that. She realized feelings did not matter, and numbers did, but traffic had gotten a lot worse.

**Mr. McKay** said if the Board disagreed or was uncertain about the findings Staff had presented from the DKS Report, that would be one thing and would warrant a continuation. He assumed if the meeting was kept open it would continue. If there was not an issue, the Board could move to address all the requests, but he had not heard a lot of concerns about the waiver that required discretionary review, so he did not know if it made sense to move forward on the waiver request.

**Ryan Adams, Assistant City Attorney**, advised the Board to consider everything together. To the extent the Board was going to move forward tonight, it should move forward with everything. Conversely, if it was not going to move forward on anything, the record should be kept open, and the Board would vote on everything at the next meeting.

**Chair Svadlenka** stated her main concern was understanding the traffic report with regard to the subject project and obtaining answers to outstanding questions, such as the current and future traffic volume being the same, which she agreed was really odd.

**Mr. McKay** believed that could be easily answered if someone was present who could explain it, but the Board had to base its decision on what it knew tonight, so it was unfortunate such questions could not be answered tonight.

**Mr. Pauly** replied that he would share the Board's comments with the Engineering staff and DKS. He thanked Mr. Parker for the expertise he was able to bring this evening. He advised that at this point, the Board should consider a motion one way or the other, noting that Staff anticipated another item on the agenda next month as well, so it would be a full night with a continuance.

**Chair Svadlenka** declined further comment from the Applicant, as the Board had heard all the available information at this point. The only issue were the questions that could not be answered by Staff or the Applicant.

**Mr. Parker** interjected that he saw no requirement or standard for future build out [inaudible] He stated he had nothing further.

**Mr. Pauly** clarified that if the Board wanted to continue the hearing, it should be left open. He suggested seeing what the Board desired.

**Mr. Jacob** stated that even though Staff and the traffic report analysis was a bit reassuring, he still had concerns because it was all based on analysis, so it would be good to receive feedback from the people who prepared the analysis.

**Chair Svadlenka** asked if Mr. Jacob was in favor of continuing the hearing in order to hear from DKS.

**Mr. Jacob** replied he was in favor of continuing if other Board members agreed. Otherwise, he was willing to vote tonight.

**Mr. Adams** advised that procedurally, a motion needed to be made either way from one of the Board members.

**Mr. Jacob** stated traffic in the two left-turn lanes was already bad and it was better to get clarification on what 1 percent and 1.3 percent would look like. Board members had joined the DRB to make things better in Wilsonville, not worse.

**Ben Jacob moved to continue the public hearing on Resolution No. 405 to September 12, 2022, date certain. The motion was seconded by Kathryn Neil and passed 4 to 1 with Rachelle Barrett opposed.**

**Ms. White** clarified that the exhibits as shown in the Staff PowerPoint presentation were correct. Exhibit A3 referenced the fuel letter as Exhibit B4 and the fuel tanks as Exhibit B5. She would relabel both, upload them correctly, and apologized for the error.

**Mr. Pauly** stated Staff would ensure everything, including the Staff report was updated for the next hearing.

**Board Member Communications:**

3. Results of the May 23, 2022 DRB Panel A meeting



**Daniel Pauly, Planning Manager**, noted the approved Black Creek Project was a substantial project that would continue the development of the Coffee Creek Industrial Area. The Board would see this large development being built along Garden Acres Rd that would change the area. He understood construction permits were being pulled this week, so work on Black Creek was expected to commence shortly.

4. Results of the July 25, 2022 DRB Panel A meeting
5. Recent City Council Action Minutes

## **STAFF COMMUNICATIONS**

**Daniel Pauly, Planning Manager**, announced that construction was completed at City Hall, but no decisions had been made about the Board about returning to City Hall for in-person meetings; however, he would keep the Board updated. He appreciated the Board's service and looked forward to seeing them again next month.

**Daniel McKay** asked if it would be helpful for both Staff and the Applicant if Board members submitted their questions on items about which they sought clarification.

**Mr. Pauly** replied the record contained clarity about the Board's areas of concern, and Staff would certainly bring that back; however, if there were any other concerns the Board wanted to ensure DKS and the Engineering Staff addressed, such as what triggered a failing intersection, certainly Planning Staff could forward those inquiries.

**Ryan Adams, Assistant City Attorney**, encouraged Board members to reach out to Staff with any questions, but cautioned them against discussing anything amongst themselves or sending any emails copied to all Board members for public records reasons.

**Rachelle Barrett** stated she wanted more numbers and less percentages from DKS. A percentage of cars could seem like a drop in the bucket, but when that translated to actual number of additional vehicles on the road, it could be significant.

## **Adjournment**

The meeting adjourned at 8:44 p.m.

Respectfully submitted,

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