



*Mayor*  
Patricia Smith

*Council President*  
Mark Clark

*Councilors*  
Stanley Dirks

Timothy Clark

Scott Harden

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**REGULAR MEETING OF THE  
WOOD VILLAGE CITY COUNCIL**

**June 10, 2014**

**MINUTES**

**PRESENT:** Mayor Patricia Smith, Council President Mark Clark, Councilors Stanley Dirks, Tim Clark and Scott Harden, City Administrator Bill Peterson, City Attorney Jeff Condit, Finance Director Peggy Minter, Public Works Director Mark Gunter, and interested parties.

**ABSENT:** None.

**MAYOR SMITH CALLED THE MEETING TO ORDER AT 6:00 PM.**

**CITIZEN COMMENTS**

There were none.

**PUBLIC SAFETY REPORT**

Chief Deputy Jason Gates presented the report. Gates stated that for the month of May there were 470 incidents which resulted in 190 hours of service and 45 written reports. Gates stated that there were no injury crashes. Smith stated that there has been an increase in graffiti lately. Harden stated that he just removed some graffiti from the park. Gates stated that he will forward the information along to the investigations unit, and explained that the graffiti problem could be much worse if the City was not removing it quickly. Gunter stated that there have been groups of people hanging out in the blackberry bushes near the park, and they could be causing some of the issues.

Gates stated that there was an active shooter at Reynolds High School this morning. The law enforcement response was great, and the incident could have been much worse. Gates explained that the evacuation was a process, but it went really well. The incident is now under investigation, and the debrief will occur as more information becomes available. Gates stated that the staging area for students was at the Wood Village Town Center, and the area stores including Fred Meyer, Lowes and Buffalo Wild Wings did an outstanding job of accommodating the students, parents, and provided food and water to people as well.

The Council thanked Gates and the MCSO for their service.

**CONSENT CALENDAR**

- a. Review of bills paid in May, 2014

- b. Appointment to Fire Contract Negotiations
  - Tim Clark
  
- c. Contracts \$2,500 - \$50,000
  - Kip - SCADA Upgrades: \$3,140
  - FEI Waterworks - Water Sampling stations: \$2,741.30
  - Trail Dust Trailers – Utility Trailer - \$3,005
  
- c. Council Minutes:
  - May 13, 2014

Mark Clark asked about a payment for a new chlorinator. Peterson stated that it is a new automated chlorinator. Harden asked if there is a schedule for the fire contract negotiations. Peterson stated that the first meeting is Monday, and that meeting will sort out the schedule and additional meetings. Peterson explained that the Council will be provided updates as information becomes available.

Upon motion by Harden, seconded by Dirks and passing 5-0, the Consent Calendar was approved.

#### **RESOLUTION 21-2014: TGM GRANT APPLICATION AUTHORIZATION AND ENDORSEMENT**

Peterson presented the resolution and stated that it is to authorize a TGM grant submittal. Peterson explained that the grant application already has three endorsements from the Port of Portland, Chamber of Commerce, and EMCTC. Peterson stated that the grant would be used for the economic analysis of the Town Center, and the transportation plan update. Peterson explained that the transportation grant is \$22,000, and the Town Center grant is \$72,000.

Mark Clark asked if two resolutions were needed for the grants. Peterson stated it is not necessary to separate the grants, but the Council can if they elect to. Tim Clark stated that Peterson did a great job of presented the grant application to EMCTC.

Upon motion by Mark Clark, seconded by Dirks and passing 5-0, Resolution 21-2014 authorizing and endorsing two TGM grants was approved.

#### **PUBLIC HEARING: FY 2014-2015 BUDGET, STATE REVENUE SHARING, PROPERTY TAX LEVY**

Smith opened the Public Hearing

There were no comments.

Smith closed the Public Hearing.

Minter presented the budget, and stated that a few changes were made after the Budget Committee Meeting. Minter explained that the Budget Committee also elected to add additional items that were not in the draft budget. Minter stated that those items have been added to the budget, as well as the reallocation of reserves to complete various projects in the upcoming year.

Minter stated that some corrections were also made to the budget. \$20,000 was added to the property tax revenue, and \$1,000 was added to the Street Utility fee revenue. Minter explained that the full changes are outlined in the packet, and asked if there were any questions.

Tim Clark asked where the \$20,000 in additional property taxes came from. Minter stated that it comes from the County for the collection of delinquent property taxes. Minter explained that staff formulated the current year's property taxes, but had not included the collection of delinquent taxes.

**RESOLUTION 22-2014 ADOPTING FISCAL YEAR 2014-15 WOOD VILLAGE BUDGET AND MAKING APPROPRIATIONS**

Upon motion by Tim Clark, seconded by Dirks and passing 5-0, Resolution 22-2014 adopting the fiscal year 2014-15 Wood Village budget and making appropriations was approved.

**RESOLUTION 23-2014 LEVYING AND CATEGORIZING AD VALOREM TAXES FOR FISCAL YEAR 2014-15**

Upon motion by Dirks, seconded by Tim Clark and passing 5-0, Resolution 23-2014 levying and categorizing ad valorem taxes for fiscal year 2014-15 was approved.

**RESOLUTION 24-2014 FOR RECEIPT OF STATE SHARED REVENUE**

Upon motion by Harden, seconded by Mark Clark and passing 5-0, Resolution 24-2014 for the receipt of state shared revenue was approved.

**FUELING STATION AND PLAZA DESIGN REVIEW**

Smith read the hearings disclosure statement, and asked if there were any conflicts of interest, ex-parte contacts, or personal biases. There were none. Smith asked if there was anyone that wanted to challenge the impartiality of the members of the Council. There were none.

Peterson asked Condit to make a few comments regarding the handling of this matter. Condit stated that the Council has not had to deal with too many appeals, and wanted to go through the procedure for an appeal. Condit explained that this is a quasi-judicial procedure, and not a legislative matter. The standards and criteria are being judged to determine if the application has met the qualifications. Condit stated that questions and comments should relate to the criteria only. The applicant has the burden of proof, but it only has to be substantial in the record. Condit stated that

means it would have to be accepted by a reasonable person, and does not have to be beyond a reasonable doubt. Condit explained that this is also a de novo hearing, so new information can be presented for consideration. Condit stated that all parties get an equal opportunity to present and refute evidence.

Condit explained that the Council has a series of choices to select from. The Council can deny, modify, attached conditions to the approval, or remand the decision back to the Design Review Board. Condit stated that in a quasi-judicial matter there is a 120 day time period; otherwise the item is automatically approved. That deadline is in July. Condit asked if there were any questions. There were none.

Contract City Planner Carole Connell presented the report. Connell presented an overview of the process, and stated that this appeal is looking to overturn the Design Review Board's decision to deny a fueling station at the Fred Meyer location. Connell stated that the full Design Review decision and findings are in the packet. Connell explained that the applicant has come back with a revised application to address a number of the concerns raised by the Design Review Board. Connell stated that the revised application addresses traffic concerns, traffic flow, and does not totally eliminate a building pad for additional parking. Connell explained that the key features and location of the facility have remained essentially the same.

Connell stated that this process started in December of 2011. The Design Review Board denied the project at the March 24, 2014 meeting. Connell explained that the applicant offered an extension to the 120 day deadline, and the new deadline is July 26<sup>th</sup>. Connell explained that the review criteria is the Town Center Zone Development Standards. Connell stated that the pedestrian standards are still an issue, and the facility is not a pedestrian use, and does not attract pedestrians. Connell stated that the transportation system standards are supposed to be at a D grade or better. Current levels are at a C in some areas, but could drop with this facility. Connell explained that Multnomah County has a new exhibit for the record, and they will present that information shortly.

Connell stated that parking and loading were issues with the original submittal, but a lot of those concerns have been addressed with the revised plan. Connell explained that the design standards are still an issue. There are nine design criteria for the Town Center, and there are at least three sections that are still an issue. Connell stated that the Town Center is to feature pedestrian features, and a non-auto related transportation system. This project is in conflict with those standards. The Town Center is to provide a sense of place with an architectural style with wood and timbers, and a mix of styles. Connell stated that this development is in conflict with those standards.

Connell presented an aerial view of the Town Center, and the proposed layout for the development. Connell explained that electric vehicle charging stations will be located at the former bottle return facility. The fueling station will be located on the south end of the parking lot, and pad P8 will be

mostly converted into parking for the area restaurants. Connell presented the fueling station layout, and stated that it has 16 pumps, and one way traffic flow.

Connell stated that the pedestrian standards, transportation standards, and architectural details are still an issue with this project. Connell explained that some issues are irrelevant, or will be resolved during construction. Those items include buffering and handicapped access.

Connell stated that as Wood Village Blvd. connects with Halsey there will be more service and traffic. This facility has a lot of frontage near Wood Village Blvd. Connell explained that this facility is not supportive of pedestrian use from a land use perspective. Connell stated that summarizes the staff report.

Smith asked if the applicant would like to present any information. Jim Coombs from Fred Meyer, and Lee Leighton from West Lake Consultants stated that they have made significant revisions to the project since the Design Review Board decision. Coombs stated that the fueling center was separated from other uses in the Town Center, and improved the access point off of Wood Village Blvd. Building space was also added back to parcel P8, and the bulk of the facility is on Fred Meyer's property.

Coombs explained that there is clear pedestrian access, and the access is mainly for Fred Meyer employees. Coombs stated that they have addressed a lot of the concerns, and they would like to have a fueling center at this location.

Leighton presented the location of the proposed facility. Leighton explained that the fueling center will be located on an existing parking lot that currently does not have pedestrian access in the area. Leighton stated that with some rearrangement there can be access for vehicle fueling, but it is not taking away from a new pedestrian oriented facility or area.

Leighton stated that the fueling station will have direct access to Wood Village Blvd, and customers can exit back into the Town Center, or out back on to Wood Village Blvd. There is traffic control out of the facility, but not into the Town Center or parking areas. Leighton explained that parcel P8 will be partially developed to add 51 parking spaces, and there will still be enough room to add a building at some point in the future. Leighton stated that the foot print of the facility was also modified to be narrower which will allow an additional 40 parking spaces in the area as well. Leighton explained that the electric vehicle charging stations were part of the requirements, and they will be located in a convenient location for shoppers.

Leighton presented a traffic flow diagram of the site, and stated that fuel delivery can occur, and vehicle queuing should not overflow into public areas or driveways. The facility can fit four vehicles deep, and any queuing should not affect the overall site. Leighton explained that a

pedestrian walkway will be added off of Wood Village Blvd. and it will lead to an existing pedestrian pathway towards the shopping areas. Leighton stated that there were concerns about having a pedestrian pathway closer to the fueling center, and how that may lead to more conflicts with vehicles.

Leighton stated that the current plan eliminates parking spaces that had been to the east of the facility. Those spaces had been seen as a potential conflict with traffic so they were eliminated, and the area turned into a drive area. Leighton explained that they have worked hard to address the items of concern raised by the Design Review Board, and they have a much better site plan.

Leighton presented the landscaping plan, and proposed improvements to the public plaza area. Leighton stated that the driveway area near the plaza will be removed, and the plaza area expanded. New benches, lighting and plants will also be added to the plaza area. Leighton explained that the new lighting is solar powered, and will be decorative as well as improve the safety at night. Leighton stated that plantings will also be added to the fueling center for screening.

Leighton stated that the kiosk is not really a building, and is only about the size of a parking space. The kiosk is almost immaterial to the development, and will probably not be visible to many people. Leighton explained that the fueling center will have a gable roof on all four sides, and other design options are available as well. Leighton stated that the structure has a good scale for the area.

Smith thanked Leighton and Coombs for their testimony.

Smith asked if there were any other presentations by the proponents of the development. There were none.

Smith asked for testimony of opponents of the development.

Balwaht Bhullar stated that he owns a gas station on 223<sup>rd</sup> and Halsey. Bhullar stated that Fred Meyer has a lot of resources to put together a good plan, but if the plan is approved he will probably be out of businesses. Bhullar stated that it is up to the Council to decide the fate of small businesses in the community.

Smith thanked Bhullar for the testimony.

Smith asked for any neutral testimony.

Rachel Ferdaszewski a Transportation Planner with Multnomah County presented two memos from Multnomah County in response to the most recent transportation analysis. Ferdaszewski stated that in general the comments have remained unchanged, and they do not have any particular objections

to the proposal. Ferdaszewski explained that a road variance permit would be needed to enlarge the driveway onto Wood Village Blvd. The second comment relates to the traffic impact analysis on the driveway to Glisan Street, and the potential for an F level rating.

Ferdaszewski stated that the impact analysis provided by the application makes assumptions about drivers being self-mitigating and selecting the easiest exit. Ferdaszewski explained that there are some concerns regarding that assumption, and they would like a requirement for monitoring that section for one year after the project is developed. If the service level drops, then mitigation measures would have to be implemented.

Smith asked for some examples of mitigation options. Ferdaszewski stated that there are several options, and they would be developed between the developer and the County. Options could be discussed ahead of the development as well.

Mark Clark asked if the County reviewed the traffic flow on the site, or just the roads adjacent to the site. Ferdaszewski explained that the County did not conduct a separate study. The County evaluated the submitted study, and reviewed the impacts to the roadways and access points. Ferdaszewski stated that they did not review traffic flow within the site. Mark Clark asked what the impact would have been if the site were moved across Wood Village Blvd. Ferdaszewski stated that she can only comment on the proposal as presented, and cannot speculate on other options.

Harden asked about the likelihood of the wider driveway being approved by the County. Ferdaszewski stated that the roadway variance permit has a high bar to meet, and the applicant must prove that there is a hardship caused by something other than their own development. Ferdaszewski explained that generally these variances are granted for safety related reasons, but cannot comment on the likelihood of this request being granted.

Harden asked about the purported self-mitigation, and how some areas may be at a level F rating during peak hours. Ferdaszewski stated that allowances have been made in the past, but cannot comment on this particular situation. There is a gray area that can be up to interpretation, but that would be determined by the Traffic Engineer.

Peterson asked if other County road segments would be impacted if the traffic movements into and out of the Glisan driveway were restricted. Ferdaszewski stated that would change the characteristics of the flow, but cannot comment on any details without an impact analysis.

Peterson stated that he does not feel that the service level of the Glisan driveway to be a big issue, but the variance item does seem to be a big issue. Ferdaszewski stated that there are several options for mitigation at that location. Ferdaszewski explained that the variance can be granted for

safety related reasons, topographical concerns, existing conditions, or another compelling arguments.

Smith asked if the applicant had any rebuttal.

Brent Aaron a Traffic Engineer with Group Mackenzie stated that the initial concept for the fueling station was to have it located across Wood Village Blvd. Aaron explained that Transportation Planner Joanna Valencia from Multnomah County raised concerns about the traffic moving across the roadway, and the facility was moved to the current proposed location. Aaron stated that the traffic volumes at each entrance and exit location were analyzed, and there are about 300 vehicles per hour at any one location. Aaron explained that there are no concerns about the internal movement of traffic for the facility, and it should function well.

Aaron stated that there is a wait to turn left out of the Glisan driveway. Waiting times depend on the traffic volume, and anything over 60 seconds is an F rating. Aaron explained that there are multiple access points available and there are about 160 left turns at the signal on Wood Village Blvd. Another 41 turns per hour are projected with this development. Aaron stated that he would not recommend limiting access to the Glisan driveway because it would reduce the number of options available for vehicles.

Aaron stated that they have no issues with the County's comments. Aaron explained that he feels drivers will self-mitigate during peak hours, and off peak times should not be an issue. Aaron stated that they are requesting a wider driveway to accommodate their fuel trucks, but they can make 35 feet work.

Mark Clark stated that he feels the site layout is commendable, but has concerns about several parking spots that appear to be in conflict with the fueling station. Mark Clark stated that the parking on the periphery seem to be in conflict with the station, and is concerned about the safety in that area.

Leighton stated that there is a buffer around the fueling station including landscaping. The vehicle queuing should all be kept on site, and should not interfere with adjacent parking. There is also an escape lane inside the fueling station as well. The lower parking lot section to the south is similar to the other parking areas in the Town Center, and is a lower order for circulation. Leighton explained that there are also stop points exiting the fueling station as well. Aaron stated that parking on the south end will mainly be for restaurant customers. The majority of people exiting the fueling station will exit to the east, and parking has been eliminated in that area.

Mark Clark stated that he was thinking about the worst case scenarios, and on major shopping days. Mark Clark stated that he feels the parking spaces to the west of the facility are an issue as well.

Leighton stated that there is some separation for those spots, and they have existing pedestrian access to both the store and plaza area.

Harden stated that he understands that about 85% of the traffic for the fueling center will come from the Town Center. Harden asked if the traffic counts were based on that assumption. Aaron stated that internal trips were estimated at 35%, and bypass trips were estimated at 50% to get to the 85% trip generation.

Leighton stated that their engineer just noticed that the driveway sections across Wood Village Blvd. are already 40 feet wide, so it should not be a problem for their driveway. Leighton stated that Fred Meyer is used to going through that process, and does not have a problem adding that as a condition of approval.

Pam Coombs the Real Estate Manager for Fred Meyer stated that they have been working on the project for years, and have spent over \$300,000 on this plan. Coombs stated that they are not trying to put anyone out of business, but to improve their facility. Leighton stated that while Bhullar was articulate, the testimony did not address any approval criteria for the facility.

Smith asked Connell to come forward. Mark Clark asked Connell about the items the Design Review Board listed as not being met, and what items still do not meet the standards and if those are reflected in the findings. Connell stated that the findings in the staff report are based on the updated plan. The issues are around parking and traffic circulation has been met, but the other findings were essentially repeated from the Design Review Board.

Connell stated that while the layout of the facility changed, the design has not. None of the design features were changed from the original Design Review Board's findings. Connell stated that the facility is not pedestrian oriented, and that is even mentioned in the applicant's traffic analysis.

Harden stated that he would argue the current use as a parking lot is not pedestrian oriented either. Harden stated that he does not see much difference between a parking lot and a fueling station as far as pedestrians are concerned.

Leighton stated that the issues raised at the Design Review Board are why they are appealing the decision. Leighton stated that he sympathizes with staff because they have to present those findings, and it is his job to convince the Council otherwise. Leighton stated that he is willing to work with the Council to come up with new findings and conditions of approval to bring back a final order.

Condit stated that the Council can go into deliberation, or the hearing can be continued to a later date. Harden asked if there was any legal obligation for a decision. Condit stated that unless there was a specific request, the Council may decide on the next steps.

Smith closed the hearing.

Tim Clark stated that he feels the applicant presented a good case, and he is trying to have an open mind. Tim Clark stated that he was concerned about the location, but feels the applicant addressed the concerns, and feels the facility will add value.

Mark Clark stated that there are still a lot of areas that do not meet the Town Center Plan, and the project was denied by the Design Review Board. Mark Clark stated that there are a lot of details that can get complicated quickly. Mark Clark explained that items such as shape, color and style have to be taken into consideration.

Harden stated that Leighton mentioned that there is not a set of findings ready for the Council to approve, which can make it harder for a decision to be made. Harden stated that the Town Center zone was modified to allow a fueling center. It is not a question of if, it is a question of where.

Mark Clark asked about the kiosk structure. Harden stated that he would like to see some wood on the kiosk, but no other development in the Town Center has the look and feel of the original Town Center concept so it would not be fair to put an undue burden on this applicant. Harden stated that he would be okay with adding some additional wood details or features as a condition of approval. Harden stated that the focus should be on the design, not on the idea of a fueling center because that decision has already been made.

Mark Clark stated that he likes the location of the facility. Tim Clark stated that the kiosk will probably not be noticed, but would not mind adding conditions for wood features or details. Tim Clark stated that he feels the overall design is good, and likes the canopy design.

Smith stated that she feels this does not fit the vision of the Town Center. Smith stated that she also has concerns about traffic, and issues during peak times. Smith stated that the Design Review Board did their work, and she would go with their decision. Tim Clark stated that the Design Review Board may be holding on to an outdated concept, and the Council has to correct that.

Tim Clark stated that he would advocate for a vote this evening, so at least a decision is made. Harden stated that the text amendment for fueling stations was adopted, and now the Council has to act on that.

Condit stated that the motion can include conditions for approval, or the motion can deny the application based on the Design Review's findings with some additional explanation. Condit stated that this can be the preliminary decision with the vote on the final findings at a later date. Condit explained that can all be added in the motion. Harden stated that he would like to see additional wood features in the design, and for the applicant to monitor the intersection for one year after the project is developed. Tim Clark stated that regardless of the vote, he would like the Council to continue to work together.

Upon motion by Tim Clark , seconded by Harden and passing 3-2 with Mark Clark, Tim Clark and Harden Yea, and Smith and Dirks Nay, the Council conditionally approved with conditions the Fred Meyer Fueling station. Conditions of approval include adding additional wood features, a one year evaluation of the intersections with mitigation for not functioning at an E level or better, all of the Multnomah County's conditions as outline in the June 10, 2014 memo, and all other standard conditions for development.

**ADJOURN**

With no further business coming before the Council, and upon motion by Dirks and passing 5-0, the Council adjourned at 8:32pm.



Patricia Smith  
Mayor

7-8-14  
Date

ATTEST:

  
Greg Dirks