

**Development Review Board – Panel A  
Minutes–May 14, 2018 6:30 PM**

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**I. Call to Order**

**Chair Fred Ruby** called the meeting to order at 6:31 p.m.

**II. Chair’s Remarks**

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

**III. Roll Call**

Present for roll call were: Fred Ruby, James Frinell, Joann Linville, Jennifer Willard and Shanti Villarreal

Staff present: Daniel Pauly, Barbara Jacobson, Chris Neamtzu, Steve Adams, and Kim Rybold

**IV. Citizens’ Input** This is an opportunity for visitors to address the Development Review Board on items not on the agenda. There were no comments.

**V. Consent Agenda:**

A. Approval of minutes of April 9, 2018 DRB Panel A meeting

**James Frinell moved to approve the April 9, 2018 DRB Panel A meeting minutes as presented. Jennifer Willard seconded the motion, which passed unanimously.**

**VI. Public Hearing:**

A. **Resolution No. 351. Stafford Meadows Subdivision: Li Alligood, AICP, OTAK – Representative for West Hills Land Development LLC – Applicant.** The applicant is requesting approval of an Annexation and Zone Map Amendment from Rural Residential Farm Forest 5-Acre (RRF-5) to Residential Neighborhood (RN) for approximately 16 acres of property located on the north side of Boeckman Road just west of Stafford Road, along with approval for a Stage I Preliminary Plan, Stage II Final Plan, Site Design Review of Parks and Open Space, Tentative Subdivision Plat, Type C Tree Plan and Abbreviated SRIR Review for a 44 to 46-lot single-family subdivision. The subject site is located on Tax Lots 2001, 2100, 2201, and 2202 of, Section 12D, Township 3 South, Range 1 West, Willamette Meridian, City of Wilsonville, Clackamas County, Oregon. Staff: Daniel Pauly.

Case Files: DB18-0008 Annexation  
DB18-0009 Zone Map Amendment  
DB18-0010 Stage I Preliminary Plan  
DB18-0011 Stage II Final Plan  
DB18-0012 Site Design Review of Parks and Open Space  
DB18-0013 Tentative Subdivision Plat  
DB18-0014 Type C Tree Plan  
SI18-0001 Abbreviated SRIR Review

***The DRB action on the Annexation and Zone Map Amendment is a recommendation to the City Council.***

**Chair Ruby** called the public hearing to order at 6:35 p.m. and read the conduct of hearing format into the record. Chair Ruby, Shanti Villarreal, Joann Linville, and Jennifer Willard 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's participation was challenged by any member of the audience.

**Daniel Pauly, Senior Planner**, announced that the criteria applicable to the application were stated 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.

**Mr. Pauly** presented the Staff report via PowerPoint, briefly noting the site's location and surrounding features, with these key additional comments:

- Background. The subject area had long been a semi-rural area adjacent to Wilsonville. The area to the south, across Boeckman Rd, had been developed since 2002. Also in 2002, Metro added 181 acres (indicated in yellow; city limits shown in red, Slide 5) to the urban growth boundary (UGB) to accommodate future residential growth. Although there was a lot of interest in developing the site in the mid-2000s, no development occurred due to the recession. There had also been a number of other discussions regarding utilities.
  - To guide development of the UGB expansion areas and the urban reserves to the east/southeast, the City adopted the Frog Pond Area Plan in 2015 to help ensure that development on that side of Wilsonville continued the pattern of high-quality neighborhoods already present in the city.
    - Wilsonville had a long history of master planning to create a lot of high quality neighborhoods, from Charbonneau and Villebois, even Wilsonville Meadows and the surrounding area to the south.
  - In anticipation of forthcoming development, the City adopted the Frog Pond West Master Plan for the portion of the Frog Pond Planning Area within the UGB in July 2017. Many aspects of the Master Plan were intended to guide development, including details on land use, such as residential types, which were all single-family, as well unit count ranges, different residential community design aspects, transportation, parks and open space, and different community elements, including lighting, street trees, gateways, signs, and street layout. The Master Plan also included an Infrastructure Financing Plan to ensure that all roads and utilities could reach the area.
  - Throughout the Area Plan and Master Plan, a lot of public involvement included outreach to and involvement of the surrounding neighborhoods and property owners. The standard land use notification were used of the subject proposal, which included notifying all property owners within 250 ft, newspaper postings, and postings within designated public buildings, such as at City Hall and the library, as well as the site posting, and updates on the City's website.
    - In addition, it was significant to note that the Applicant had been involved in the Master Plan planning process, and Staff had made it very clear from the beginning that the Applicant was expected to follow the Master Plan as it was written with no waivers. As the neighbors involved with the Master Plan looked at the application, they would see something that was pretty true to the Master Plan.
- He provided a summary of the applications with these key comments:
  - The Annexation was pretty straightforward. The 16 acres site was contiguous to existing city limits and within the UGB. It was all master-planned and everything was in order for the area to be annexed from a city planning standpoint.

- All of the property owners and a majority of the registered voters, living within the subject area, had consented in writing to the annexation, which enabled the annexation to move forward in the most straightforward way allowed by City Code.
- The area already had a Comprehensive Plan Designation, so there was no need for an application to change the Comprehensive Plan. With the adoption of the Frog Pond West Master Plan, the City added a new zoning district, called the Residential Neighborhood (RN) Zone, which was intended to be applied to the Frog Plan Master Plan Area and, potentially, other future urban areas within the city. The Applicant had proposed planning this Residential Neighborhood Zone consistent with the policies adopted in the Frog Pond West Master Plan.
- In the Stage I Master Plan, the general block and street layouts were consistent with the Frog Pond West Master Plan, specifically with regard to the residential land use unit count. The Master Plan divided the land into subdistricts with a defined lot type, as well as a range of the number of units. In this instance, the proposal involved the entirety of Subdistrict 3 and approximately 74 percent of Subdistrict 2; however, Subdistrict 2 did not take up the entire subdistrict. The area outside of Subdistrict 2 was almost entirely planned for street or preserved open space, so all of the residential density essentially fell within the area proposed with the application.
  - For Subdistrict 2, which was comprised of medium-sized lots, the Applicant proposed 18 units with an anticipated additional six units that combined a remnant tract of land to the west, for a total of 24 units. That number of units fell within the range of 20-25 units. For Subdistrict 3, the Applicant proposed 26 to 28 lots, and the range in the Master Plan was 26 to 32 lots.
- The Stage II Final Plan looked at site function and ensured all the utilities and services were provided. For the current application, all of the necessary facilities and services could be developed concurrently with the neighborhood. The layout, size of the blocks, and access demonstrated consistency with the applicable development standards for the RN Zone, as well as the Frog Plan West Master Plan.
- The Site Design Review included the common tracts and streetscape consistent with the Frog Pond West Master Plan, as well as the purpose statement and standards for site design review. In particular, the proposal conformed to the street tree and street lighting elements of the Master Plan, and provided for the envisioned streetscape. Substantial plantings and enhancements in the riparian area west of Willow Creek Dr were included. Among the specific elements was a wall along the Boeckman Rd frontage, as well as a 10-ft landscape area, all of which was called for in the Master Plan
- The application met all of the Tentative Subdivision Plat requirements and demonstrated consistency with the Stage II Final Plan and Master Plan, and, it did not create any barriers to the future development of adjacent planned neighborhoods within the Frog Pond area.
- Type C Tree Plan. As seen from the street, the site looked fairly flat, but the elevation varied up to 15-ft from east to west with the low point in the drainage. That slope necessitated a significant amount of earth moving to get the utilities to work and prepare adequate home sites. The extent of the grading would necessitate the removal of the vast majority of the trees on the site, many of which were Scotch Pine planted by a property owner for agricultural purposes.
  - The total of 567 trees were proposed for removal. Of the nine trees being kept, two were adjacent to the existing Whaler home: a Douglas fir would be preserved to serve as a gateway element near Willow Creek Dr and Boeckman Rd, and six Douglas firs would be kept along the property in Tract L; however, those six would likely be removed as part of a future subdivision proposal.

- Staff had looked carefully through the list of trees, identified those that were significant due to size and species, and asked the Applicant for more information on specific trees that might be able to be saved. The Applicant provided quite a bit of information regarding why different specific trees could not be cut. Therefore, Staff believed the Applicant's explanation met the threshold defined in the Code that no feasible alternative existed to keep the trees commensurate with the value of the trees themselves.
- Due to the number of trees that would be removed, a lot of mitigation would need to occur. The Tree Code established a hierarchy of how to approach mitigation. The priority was on site planting, but if that was not desirable or practical, off-site planting in an area approved by the City would be considered. If no place could be identified, Staff would look at payment into the City's Tree Fund in lieu of planting.
- The Applicant's had proposed planting 264 trees on the property, which would count towards mitigation for the 567 trees being removed. Staff had wanted a one-to-one ratio. There was no current proposal for offsite planting, which left 303 trees to be planted in lieu of; however, a memo had been received from the Applicant on Friday that requested a couple additional trees, which adjusted all of the numbers in the Staff report by two. The cost to purchase and plant a single tree, based on current bids obtained by the Applicant, was \$300, so \$300 times 303 additional trees would be a total of \$90,900 deposited into the Tree Fund.
  - With that number of trees being planted, there would be variables at the end, such as a PGE vault or other unforeseen things, as the subdivision design and construction were finalized. Therefore, there was a requirement that there be a final tally of the number of trees planted. If fewer trees were planted, the Applicant would have to pay additional monies into the Tree Fund and if more were planted the Applicant would get a partial refund.
  - This situation was also unique due to the timing of the acquisition and ownership of the property. The Applicant was in the process of acquiring a number of adjacent properties, and Staff anticipated the Applicant would come forward with a request to develop those in the coming months. Some of those sites had hardly any trees on them, so Staff believed it was reasonable and consistent with the off-site planting allowance in the Tree Code to allow trees approved for planting on those adjacent development sites by the Applicant to count as mitigation for the subject site because if that land acquisition had lined up, it would have been proposed as one subdivision with the subject site. Only the land acquisition timing prevented the two sites being one subdivision, which was spelled out and detailed in the Code and recommended by Staff.
    - When coming in for the initial construction and Tree Permit, the Applicant would pay the entire amount. If the Applicant was able to show that they would plant those trees within the same fiscal year, the \$300 per additional tree could be refunded to the Applicant.
- The Significant Resource Impact Review (SRIR) was required because there were impacts to the drainage area on the site. The impacts included building a street across the SRIR to access homes on the far west side of the site and putting in utilities and stormwater facilities. A lot of landscaping was also proposed to enhance the SRIR. Everything the Applicant planned to do was exempt, and the Natural Resource Staff had no concerns about what was proposed as they believed it would improve the drainage area in the long term.
- Traffic & Street Improvements. Traffic in any development, particularly in the subject area which had very little change in a decade-plus would be a concern. Because traffic in any development was a major concern, the City had defined clear and objective standards

related to traffic. It looked at PM Peak performance at the intersections that would probably be used the most.

- A Traffic Impact Analysis performed by the City's consultant, DKS Associates identified the four most-probable used intersections as the Boeckman Rd/SW Parkway Ave, Boeckman Rd/Canyon Creek Rd, Boeckman Rd/Advance Rd/Stafford Rd/Wilsonville Rd and Boeckman Rd/Willow Creek Dr. Of the studied intersections, three would continue to perform at Level of Service (LOS) D or better without additional changes with the exception being the four-way stop with stop signs at Boeckman Rd/Canyon Creek Rd that would fall to a LOS E and not meet City standards.
  - However, the City identified fully signaling the Boeckman Rd/Canyon Creek Rd intersection in the Transportation Systems Plan (TSP), which would allow the intersection to then function as a LOS A because there would then be more through put because traffic control lights could be controlled to get more cars moving better through the intersection.
- The City had identified funding for design and construction in the budget for fiscal year 2018-2019 and fiscal year 2019-2020. The Development Code allowed measuring LOS based on existing and immediately planned streets, which were defined as being a part of the Capital Improvement Program, which the new signalized intersection would be, and being funded for completion within two years. Based on the budget, that future signalized intersection could be used as an immediately planned street in terms of determining LOS for the subject project, so the City was able to apply LOS A in terms of the subject project meeting the Traffic Standards.

**Steve Adams, Development Engineering Manager**, reviewed how traffic would flow out of the subject area with these key comments (Slide 24):

- In the early analysis of the Frog Pond Area, DKS' modeling showed most of the traffic generated from the area would use Stafford Rd. The next most would be on Boeckman Rd, and that would split between Canyon Creek Parkway and various other roads. The Traffic Study report showed a certain percentage on Wilsonville Rd. The theory behind that was that most residents in Wilsonville who had jobs in Portland tended to go north to their jobs, not south.
  - From this midpoint, the traffic modeling showed that most of the traffic would either take Stafford Rd to I-205, or Stafford, Canyon Creek, or Parkway up to Elligsen Rd to access I-5, which was why the traffic report stated so little traffic was expected through the Wilsonville Rd/I-5 interchange, which generated the most of the concern in the city.
- He confirmed the Traffic Analysis had looked at traffic coming and going from the neighborhood, and it still showed that most of the traffic was anticipated to come from the northern parts of Wilsonville by connecting to either I-205 or I-5.

**Chair Ruby** asked if the funding for the signalization of the Boeckman/Canyon Creek intersection identified in that two-year window was a solid commitment to have that signalization done within the timeframe of the proposed development.

**Mr. Adams** responded yes, as long as Council approved the budget, which identified the project for next year, and it was also included in the 5-Year Forecast; so, as long as Council approved and did not cancel it, the funding would be there.

**Jennifer Willard** asked how the completion of the signal would overlap with the completion of the neighborhood.

**Mr. Adams** replied it would be great to tie it in with the Boeckman Bridge project, for which Council had approved \$14 million in urban renewal funding last week. Staff's goal was to find a consultant in late 2018/early 2019 to do the bridge and signal design, hopefully, as a single package. The City hoped to design Boeckman Rd adjacent to Frog Pond West later this year and into next year. As soon as 130 or so building permits were issued, the City would have enough funding to construct Boeckman Rd.

- He was not sure if the signal would ultimately be tied to the Boeckman Rd construction. It would depend on how the traffic loading came out. If it started to get pretty heavy, the City might have to move the signal up in time, but currently it would be best built with the bridge, resulting in one contract on the west end of Boeckman Rd, and a second, earlier contract for the bridge landing over to Stafford/Wilsonville Rd.

**Shanti Villarreal** asked about the impact to traffic due to construction vehicles during construction.

**Mr. Adams** responded the City would have to work pretty closely with that because the subdivision right in the middle of the Arbor Crossing only had one exit point. Currently, the City was thinking of dividing the Boeckman Rd construction into a Phase I East Half and Phase II West Half, so Arbor Crossing had access in and out. A couple other homes were just west of Arbor Crossing on fairly large lots that had been there for quite awhile. The City owned a third property that was currently rented out in Arbor Crossing itself, and whether the City would continue to rent it out or cancel the lease had not been discussed yet. Access would also need to be maintained to the Frog Pond Church during the construction on the east half of Boeckman Rd. And, there might be one other home that got access from Boeckman, all of which would be worked on and a part of the Traffic Study. The construction process would put more traffic on Wilsonville, Elligsen, and Canyon Creek Rds, and drivers would find ways around it. There was really no other way to do a full road construction without detouring traffic for a period of time.

**Mr. Pauly** described the Boeckman Rd cross section (Slide 25), which was the build-out the City envisioned. As Mr. Adams mentioned, Boeckman Rd was a City project, so it was not required from the Applicant. The Applicant would pay an added fee per door to help fund it, but once sufficient funds were in the bank, the City would proceed to build the project.

**Ms. Villarreal** asked if the City planned to have the Boeckman Rd project done concurrently with the first houses being built, as there were currently no sidewalks in that area.

**Mr. Pauly** explained the City had required a series of interim improvements to ensure pedestrians could safely exit the neighborhood and that the development connect to the current Boeckman Rd improvements. Subdivisions had to pull permits before enough money would be available to build the road. As called for in the Master Plan, it was the Applicant's responsibility to align with Willow Creek Dr to the south, which would be a new portion of Willow Creek Dr to serve as a collector level street with bike lanes, sidewalks, and a planted median. Willow Creek Dr should be a nice entry boulevard into the Frog Pond neighborhood. For the local streets, the Applicant was following the design established in the Master Plan.

**Joann Linville** understood LOS E would result without a signal at Canyon Creek/Boeckman Rd and requested an example of another intersection at LOS E.

**Mr. Adams** clarified that without the signal at Canyon Creek/Boeckman Rd, the existing trips plus the project would be at LOS D, whereas the existing, plus the project, plus Stage II, assuming

everything in Stage II got built, it would be at LOS E, which meant the delay would be about 40 seconds to get through during the PM Peak Hour.

- He could not provide an example of another intersection that was currently at LOS E because when that LOS was reached, the City was required to upgrade it. The Parkway Ave/Boeckman Rd intersection was at LOS D and rapidly heading towards LOS E, but that was just for a couple of movements at southbound Parkway and eastbound Boeckman. A couple of right-hand turn lanes at that signal would reduce it to a lower LOS.

**Ms. Linville** asked if the Canyon Creek/Boeckman Rd intersection would get to a Level E within the two-year period that was planned for the signalization.

**Mr. Adams** replied he did not know. When responding to an earlier request from Ms. Villarreal, he explained that if it did get to a LOS E, typically that meant that during the PM Peak Hour there would be some times when the traffic waits would back up a bit beyond that 40 seconds; that did not mean it would fail, only that there would be some additional traffic wait times. It would not be seven days a week, only certain days of the week. He did not know at what point that would be triggered or how many homes would have to come in. It would also depend on how much of the other Stage II development occurred.

- He was not familiar with what other Stage II plans might impact the intersection, but if only the subject project was built, the intersection would still be at a LOS D.
- He confirmed LOS E would trigger a need for the City to look at an intersection, design plans, and have funding for design and construction within two years.

**Mr. Pauly** continued with the Staff report and PowerPoint presentation with these comments:

- Subdivision Design. The southeast portion of the subject area was a large lot area and many of the lots were similar in size to the lots in the part of Wilsonville Meadows along Willow Creek Dr just to the south. Consistent with some negotiations with one of the property owners, one lot was a little over 30,000 sq ft; the other lots ranged from 11,000 sq ft down to just over 8,000 sq ft, which was the minimum lot size, so a wide variety of larger lot sizes was provided in that portion of the neighborhood.
  - The subdivision would have the typical sidewalk and planter strip design, and as required by the Master Plan, a number of pedestrian connections from Street B through to Boeckman Rd.
  - Tract M in the east portion of the site contained Lots 45 and 46. Currently, the future of those lots was uncertain. The Applicant was working with the adjacent property owner, a church, to potentially swap land or make a transaction in which the church would end up owning the land. In that case, it would not be developed as lots. If ownership of the land was transferred to the church, a specific condition of approval required the Applicant must come up with a comparable alternative to the hammerhead turnaround shown above Tract K, as it was critical for emergency and other vehicles to turn around.
  - He confirmed the Frog Pond Master Plan envisioned houses being built on Lots 45 and 46.
  - Also in the southeast corner of the site, a temporary sidewalk would extend from the pathway through Tract K over to the Stafford/Boeckman intersection and then connect to the pedestrian network to Meridian Creek Middle School, Boeckman Creek Primary, as well as Wilsonville High School, and the rest of the City's bike/ped network. It was a critical connection for pedestrian access to the remainder of the city. As the City obtained funding in the future for the Boeckman Rd improvements, it was important not to have to remove the temporary sidewalk while the road was being built. Eventually, the road would have all of the pedestrian improvements, but in the meantime, the temporary pedestrian improvement needed to function until construction was complete. For that

reason, the City required that the Applicant obtain an easement from the church to keep the sidewalk out of the right-of-way to allow for future construction. (Slide31)

- While working with the church, the Applicant was concerned about what would happen if they could not obtain the easement; however, the City believed it was likely that the easement could be obtain and that the sidewalk was the best alternative. Staff continued to recommend this alternative as it would provide the most direct pedestrian access from this neighborhood to the rest of the city.
- The lots on the southwest portion of the site were primarily in the 8,000 sq ft range. A couple of Frog Pond Code requirements drove the orientation of some of the lots on the western portion, including a requirement that backyards not abut or face either a school or park. In this case, a pathway and a future primary school would be immediately to the west, and likely, a future city park to the north. So, for example, Lots 1 and 6 must have their front doors facing the future park parcel and their side lots facing the school. Those lots had orientations with private drives in order to meet those criteria.
- The north portion of the site contained medium lots in the 6,000 sq ft range at 60 ft by 100 ft. Tract L was the land that would be incorporated with land to the immediate west for future lots as part of a future proposal.
- The Boeckman Rd wall was a component of the Master Plan. It was important to note that currently another subdivision was under review by the City that also fronted Boeckman Rd, and Staff had required that the Applicant work with the other developer to ensure that materials used to build the wall were consistent along the entire Boeckman frontage. Material information had been provided as required and it was all consistent with the Master Plan. Adjacent to the wall would be plantings, including low-lying shrubs against the wall and ground cover. There was a 10-ft-wide tract that would be HOA-owned. The proposed ground cover and shrubs were consistent with what was shown in the Master Plan.
- The drainage area enhancements were a significant portion; a lot of native trees that would be planted to enhance the area and become more of a natural, as well as an aesthetic amenity for the neighborhood.
- Street trees were another element addressed in the Master Plan and included both primary street and neighborhood street tree types. The goal was to meet the specific list contained in the Master Plan, as well as the requirement to have consistency along the streets and similar streets. The Applicant had proposed street trees consistent with those standards. In particular, on what was labeled Street P5, the City had ensured that the Applicant work with the other developer to utilize the same street trees on this primary street that extended throughout the neighborhood.
  - The Street Tree Plan showed the Applicant had proposed Northern Red Oak on Willow Creek Dr. Other proposed trees included Katsura, Yellow Wood, American Linden, as well as other varieties. (Slide 39)
- Street and Pathway Lighting. The Applicant had proposed Phillips Westbrook lights, the lighting fixtures required in the Master Plan. The Applicant did not show lighting in their pathway plans, which was required, so an additional condition required the pedestrian-level Westbrook lights on pedestrian paths.
- A neighborhood gateway was another component discussed extensively in the Master Plan. There were only two neighborhood gateways, one at Willow Creek Dr, and one at the future Frog Pond Ln/Stafford Rd intersection. It would not be a subdivision gateway, but a gateway for the entire Frog Pond neighborhood, so there were conditions that the branding and any signage emphasize the collective Frog Pond neighborhood rather than an individual subdivision. There was quite a fair amount of detail about the design in the Master Plan. The Applicant only proposes some of the components, so there were conditions that required



consistency with what was shown in the Master Plan. He displayed the proposed gateway looking from Boeckman Rd up Willow Creek Dr. (Slide 41)

- Planter strips were the 7-ft-wide, but many of the required design elements competed for space or could not exist together, so the Applicant with Staff to ensure everything could fit. Driveways, street trees, and storm water facilities all needed to be accommodated. Street trees could not go in a storm water facility as the facility's media had to be dug up and replaced every once in a while because pollutants got into it and it lost its ability to treat stormwater. Also, it was not the best media for a tree to grow in and stay upright in. The Applicant collaborated with Staff to get the street trees and street lights in as required by the Master Plan, while accommodating as much of the stormwater as possible between those areas. There areas for trees and street lights would be raised, with stormwater swales in between, but no conflicts with water meters, water lines, or other utilities. The Applicant would also make sure no street trees were planted under preserved trees. A lot of thought and detail went into the designs, which was significant because it changed how the neighborhood would function and look over time. The Applicant had been good at working with Staff and ensuring that they were thoughtful about the layout and design of the planter strips.

**Ms. Willard** stated she was surprised to see in the report that trees took precedence over stormwater, because water tended to go where it wanted. She asked if planning for trees first and stormwater second would compromise drainage.

**Mr. Pauly** replied that it came down to design. On some lots, more planters had been added outside the right-of-way as well, which just acknowledged that stormwater had more flexibility as to location. To have a tree canopy over a street, a critical mass of street trees with proper spacing would be needed to meet the design intent, so locating trees was more restrictive. With stormwater, the standards wanted the facilities to be as close to the source as possible, and in this case that was a combination of in the right-of-way, as well on the individual lots.

- He entered the following additional exhibits into the record that were created or received since the Staff report published:
  - Exhibit A3: Staff memorandum dated May 10, 2014 regarding changes to the Staff report.
  - Exhibit A4: Staff memorandum dated May 11, 2014 regarding Staff report changes related to a potential future alley.
  - Exhibit B5: Memorandum from the Applicant dated May 11, 2018 requesting Staff report changes related to the removal of two additional trees.
- Staff recommended that the DRB recommend approval of the annexation and Zone Map Amendment to City Council, and approve with conditions the six other component applications contingent on Council's approval of annexation of the Zone Map Amendment.
- He confirmed the Staff report was amended to include the removal of the other two trees. Staff recommended all of the amendments discussed in those three memorandums, including the additional two tree removals.

**Ms. Willard** noted a condition on the Stage II Final Plan and asked what a waiver of remonstrance against formation of a local improvement was.

**Mr. Pauly** replied that if there was a Local Improvement District (LID), the Applicant had to participate. However, the chance of there being an LID in the subject area was pretty slim since there was the Master Plan and financing, but it was a Code criteria and the easiest way to meet it was with a condition of approval.

**Chair Ruby** called for the Applicant's testimony.

**Michael Robinson, Land Use Attorney, 1211 SW 5<sup>th</sup> Avenue, Suite 1900, Portland, OR, 97204** stated he was representing the Applicant and that he and the project team, who he introduced, were present to answer any questions from the Board or the public about the application. He asked that any such questions be asked before the record was closed so they had the opportunity to address them. He agreed with the amended Staff report and recommended conditions of approval, adding he believed the Staff report was thorough and met its burden of proof by substantial evidence. He hoped that the Board would approve the applications and recommend approval of the annexation and Zoning Map Amendment to City Council.

**Li Alligood, Land Use Planner, OTAK**, said she appreciated how thorough Mr. Pauly's report had been so the Applicant's presentation would be brief. She presented the Stafford Meadows Subdivision via PowerPoint with these comments:

- West Hills, or the client under various names, had been involved in Frog Pond since 2002, and worked closely with City Staff throughout that time to develop a vision for this area of the city, and were now looking forward to implementing that vision. The Applicant had a history of many projects in Wilsonville, most recently Villebois.
- The development was intended, per the Master Plan, to mirror the development pattern south of Boeckman Rd, so the medium and large lots were similar to those developments that faced them across the street so they would complement each other, rather than being a wholesale shift in development type.
- As stated in the Master Plan, the vision for Frog Pond West was to have: a great neighborhood, a cohesive place, walkable and active streets, high quality architectural and community design, and visual and physical access to nature. (Slide 6)

**Steve Dixon, OTAK**, continued the PowerPoint presentation, describing how the Applicant's proposal implemented the Frog Pond West vision, with these comments:

- The Frog Pond West Plan established the framework and the guidelines for a great neighborhood and cohesive place that was quite walkable with streets, pedestrian access ways, and access to public spaces and nature. The overriding concept for the subject portion of Frog Pond West was the creation of the green spine that moved north from Boeckman Rd and was essentially the extension of Willow Creek to the south. One major tenet of the Master Plan was the extension of Willow Creek Dr and creating a public edge for that so that both sides would be visually and physically accessible, and crossed in a few strategic places.
- The proposed project basically adhered to the street layout of the Master Plan with multiple pedestrian accessways, which were also recommended by the Master Plan, so it was extremely walkable, and worked to create an almost estate-like quality, especially to the south in the large R10 Zone lot.
- He reiterated the presence of walkable and active streets, displaying the Boeckman Rd cross section (Slide 9) with the existing neighborhood on the left and the additional 10-ft buffer and proposed wall along the new Frog Pond West neighborhood on the right.
  - The Landscape Plan did not show trees within the 10-ft buffer because of the transmission line above, but ultimately, there would still be three rows of street trees.
- With regard to high quality design, he noted West Hills built beautiful homes and displayed examples of other larger homes built by West Hills. (Slides 10 & 11) Many would be single story in the subject project, quite possibly, due to the 10,000 sq ft lot sizes.

- The walkability aspects and eyes on the street design were also part of the high quality design. Slide 11 showed designs reflective of homes in the R-7 on 6,000 to 7,000 sq ft lots.
- **Ms. Alligood** added the displayed designs were all representative elevations that would go through a separate permitting process when it was time to build them.
- Regarding the access to nature, he noted the existing drainage through the fields and the proposed mitigation and enhancement on both sides, which would effectively create a corridor 100 ft wide at the north and about 240 ft wide along Boeckman Rd that would increase visibility and openness.

**Ms. Villarreal** asked how the Applicant made all of the lots fit in terms of house design and streetscapes given that one lot was 30,000 sq ft and the rest were of varying sizes.

**Mr. Dixon** replied that technically speaking, the large lot would be a through lot from block to block. The size and dimension were such that from a design standpoint, he did not believe it would be awkward. At this point, the design suggested access would be taken off the north side, the broader side, and the lot would narrow and slope down to the south. It had a large, single-story home with nice views to the south. The dimension from the rear of the house and the backyard was such that he did not think having the home on a through lot would be awkward. The lot was big enough that someday perhaps, it could be divided, but at this time it was proposed to be a large house with a circular drive. How that would work had been the impetus for some of the additional tree removal.

**Ms. Willard** asked for clarification about the condition of approval regarding the future access to Tract L.

**Ms. Alligood** responded the site plan showed Tract L as two lots, Lots 45 and 46. Currently the street would continue to the edge of the property. As she understood the condition of approval, if those lots were transferred to the church, the Applicant would need to provide a turnaround further back for emergency and other vehicles.

**Ms Willard** interjected that Ms. Alligood was describing Tract M.  
Revised alley access...

**Ms. Alligood** clarified that due to restrictions on access from Willow Creek Dr for the Tract L lots, there was some concern about how to guarantee that the future development tract and the land to the west could be accessed appropriately. Initially, there was a condition requiring that half of an alley be provided; however, they determined that the alley did not need to be mid-block, so if those lots needed to be alley-loaded, the entire alley could be located on that tract. There was no need for the alley to be located on other lots that would not need to use it.

**Mr. Pauly** added that Willow Creek Dr was a collector. The Frog Pond Master Plan contained criteria regarding the Residential Neighborhood Zone that medium and small lots fronting Willow Creek Dr should not take driveway access from Willow Creek Dr unless there was no feasible alternative. An alley might be a feasible alternative, but ultimately, it was decided that an alley all the way on Tract L would line up better to a driveway to the south, so they could design lots with an alley completely on Tract L to meet that Code criteria. The decisions on whether there would be an alley or the exact access for those homes would be made with that future subdivision because those would be a new set of homes and would not affect the homes in the current proposal.

**Ms. Alligood** commented it was always interesting to be the first project through a new Code because it helped identify tricky issues. She thanked Mr. Pauly and Mr. Dixon for their professional and helpful assistance through what had been a very complex process.

**Ms. Willard** thanked Ms. Alligood and stated that the Board appreciated the Applicant's work because it was very consistent with the Master Plan and made their job easier.

**Chair Ruby** called for public testimony in favor of, opposed and neutral to the application.

**Ron Heberlein, President, Arbor Crossing Homeowners Association (HOA), 7325 SW Iron Horse St, Wilsonville, OR, 97070** thanked Chair Ruby and the DRB as well as Staff. One of the main concerns he had heard from the HOA was potential noise, especially along Boeckman Rd, and the criteria used to evaluate noise impacts with adjacent residential developments. In reviewing the application and Staff report, he realized the criticality of having conversations now as this application was the first one to go through and would set precedents for future applications.

- From his standpoint, there were not clear criteria for how noise impacts would be assessed with adjacent neighboring developments. If it was commercial versus residential, there would be better criteria. Specifically, with that lack of clear and objective criteria, the concern regarded the potential for increased noise due to the addition of the 4-ft brick wall, and the sound that could potentially be bounced back to the Arbor Crossing neighbors directly adjacent on Boeckman Rd, as well as the neighbors near Willow Creek Dr and on the other side of Boeckman. In reviewing the Code earlier today, Mr. Pauly had referenced Code Sections 4.176.02 and 4.137.5, but he was not able to see any clear and objective criteria for how to assess whether noise impacts were acceptable or unacceptable.
- Given all of that, he was not opposed or in favor of the development, but rather, wanted to request that the hearing be continued to a date that would allow the City and the Applicant to work with neighboring homeowners to verify that the noise would not be significantly increased. He completely understood that there would be some impacts. It was a matter of not understanding how it was being quantified at the moment. There would be noise, but nobody knew what the increases would be, so it was difficult to determine if there would be an issue one way or another.

**Ms. Villarreal** confirmed Mr. Heberlein was referring to long-term noise levels once construction was finished.

**Ms. Willard** understood Mr. Heberlein was also concerned that the 4-ft wall could increase noise due to it being a surface off which noise could bounce.

**Mr. Heberlein** replied yes, adding challenges existed with there being a concrete road, which generated enough noise on its own, and the addition of a brick wall would act as a reflector over to his neighborhood in Arbor Crossing. Additionally, the neighbors along Boeckman Rd only had arborvitaes for sound protection from the road. Their backyards were already practically unusable and there was concern that it would be worse as the proposed development was built out.

**Ms. Willard** noted they would also gain three rows of street trees along Boeckman Rd.

**Mr. Heberlein** said he understood, but he was concerned that there had been no sound analysis, or any analysis, to show that the additional street trees would mitigate potential noise increases. He was concerned about the overall lack of information.

**Mr. Pauly** confirmed no noise study was required for the proposed development. He was not sure how a study could even be conducted at this point.

**Ms. Willard** asked what the success criteria would be for a study.

**Mr. Pauly** replied Staff did not know what decibel level would be acceptable. There were many variables when it came to noise levels, but there was a proposed wall and shrubs, and it was a fairly common subdivision treatment. He was not aware of any other noise complaints being made after new walls were built in subdivisions, although he understood there were a number of more rural neighbors around Villebois that had been critical of some of the Villebois noise. The proposed treatment was similar to that used at Villebois.

**Mr. Heberlein** stated that he understood the challenges due to his unique position of being on a DRB, but he had to ensure that he communicated the concerns of his neighborhood's residents, and he hoped the Board would consider that in its review of the criteria.

**Doris Wehler, 6855 SW Boeckman Rd, Wilsonville, OR** stated that she was the culprit of the 30,000 sq ft lot as she owned the middle section upon which 11 or 12 houses would be built. She had lived there for 45 years and was not used to having neighbors, so she had wanted a big lot. She explained that she planned to plant a whole forest of trees in the narrowed back part of her lot and believed it would look pretty good.

**Chair Ruby** called for the Applicant's rebuttal.

**Mr. Robinson** noted the City had received a request for a continuance, and under State law the Board had to grant that or keep the written record open. He confirmed the next DRB Panel A meeting would take place on June 11<sup>th</sup>.

- He explained that as Ms. Jacobson would advise, the Board had an obligation under State law to grant the request, either by a continuance or keeping the written record open. Due to the schedule, the Applicant's preference was to continue the issue to the June 11<sup>th</sup> meeting but, under State law, it was the Board's choice. Even if the Board kept the written record open, they would still have to come back on June 11<sup>th</sup> and deliberate to a tentative decision, so his thought was to continue the public hearing until June 11<sup>th</sup>, come back, close the public hearing, and deliberate.
- The Applicant appreciated Mr. Heberlein's concern, and wished they had had a chance to discuss the issue prior to tonight's meeting. The wall was an element of the Master Plan, and he understood that the structure of the approval criteria required the Applicant to implement the Master Plan. In the few seconds that he had had to look at the criteria cited, he did not see an obligation for an applicant to conduct a noise study or any approval criteria whatsoever for noise. While the Applicant appreciated Mr. Heberlein's testimony, he believed that per the Master Plan they were required to build the wall. He reiterated that it was the Board's choice as to what to do with Mr. Heberlein's request but he believed the Applicant's preference was to continue the hearing to June 11 at which time the Board could hold the hearing and make a tentative decision if it wished.

**Barbara Jacobson, City Attorney**, confirmed that Mr. Robinson was correct that although the Master Plan had no development criteria related to noise, because there had been a request to continue the hearing, the Board was obligated to hold it open. She suggested a brief recess to enable the Applicant to discuss the issue with Mr. Heberlein.

**Mr. Robinson** agreed, adding that was an excellent suggestion. He asked Chair Ruby and the Board to entertain that request so he could speak briefly with Mr. Heberlein.

**Chair Ruby** called for a brief recess and reconvened the meeting at 8:00 pm. He called for comments from Mr. Heberlein.

**Mr. Heberlein** thanked Chair Ruby and stated that he and another Arbor Crossing resident were able to talk with the Applicant and City Staff and came to the conclusion that the Applicant would give Arbor Crossing residents the opportunity to talk through some of the plantings to see if any potential noise impacts could be mitigated. Based on that discussion and verbal agreement, he withdrew his request for a continuance.

**Chair Ruby** thanked Mr. Heberlein for his input and was pleased that the discussion was successful. He called for any comments from the Applicant on the issue.

**Mr. Robinson** stated that on behalf of the Applicant, he appreciated Mr. Heberlein's withdrawal of his request for a continuance. The Applicant would speak with Mr. Heberlein and his neighbors in an attempt to reach a resolution.

**Ms. Willard** understood the street and plantings were a part of the City project as opposed to the Applicant's project.

**Mr. Pauly** replied there were two components to the project, the 10-ft tract, and anything beyond what was planted in that tract was a part of the subject project. Staff had also encouraged the Applicant to be involved with the City when looking at the planting designs for Boeckman Rd in the next couple of years.

- He confirmed it would be a collaborative effort, but was outside the scope of tonight's hearing.

**Chair Ruby** noted that the request for a continuance had been withdrawn. He confirmed that there were no further questions from the Board and closed the meeting at 8:03 pm.

**Jennifer Willard moved to approve Resolution No. 351 as conditioned and with the addition of Exhibits A3, A4, and B5. Joann Linville seconded the motion.**

**Ms. Willard** commented that the application was pretty straight forward and consistent with the Master Plan. She believed anything that was worked out for the noise would come from the plantings and perhaps in adjusting the speed limits. She did not believe the wall would contribute.

**The motion passed unanimously.**

**Chair Ruby** read the rules of appeal into the record.

## **VII. Board Member Communications**

### **A. Recent City Council Action Minutes**

**Barbara Jacobson, City Attorney**, noted City Council did approve urban renewal for the Boeckman Bridge Project, which would impact the Stafford Meadows Subdivision. The new bridge would span the "Boeckman Dip" which would eliminate some speeding in the area. The only other recent, exciting item at City Council was a new garbage franchise agreement, the first revision since 1982; its second reading was coming up

**Chair Ruby** asked what would be underneath the bridge and if there would still be pedestrian access underneath.

**Dan Pauly, Senior Planner**, clarified the Regional Trail that connected to Frog Pond would be underneath the bridge.

**Mr. Frinell** asked if there was any information from the County regarding the roundabout at the 65<sup>th</sup> Ave/Stafford Rd/Elligsen intersection.

**Ms. Jacobson** understood there was no funding for roundabout currently. The County had asked if the City had any money, but it was a County project. When the County had to give concurrence to extend the urban renewal district in order to allow for that bridge to be built, one of the County's pitches was an attempt to include Elligsen Rd, but it was not within the bridge area.

#### **VIII. Staff Communications**

**Dan Pauly, Senior Planner**, thanked everyone for their hard work on tonight's project. Staff anticipated a hearing on another project, possibly two, next month.

#### **IX. Adjournment**

The meeting adjourned at 8:09 p.m.

Respectfully submitted,

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