



**DEVELOPMENT REVIEW BOARD PANEL B  
MEETING MINUTES**

**August 22, 2022, at 6:30 PM**

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

**Accepted as Presented**

January 23, 2023

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**CALL TO ORDER**

A regular meeting of the Development Review Board Panel B was held at City Hall beginning at 6:30 p.m. on Monday, August 22, 2022. Chair Nicole Hendrix called the meeting to order at 6:30 p.m., followed by roll call.

**CHAIR'S REMARKS**

**ROLL CALL**

Present for roll call were: Nicole Hendrix, Katie Dunwell, John Andrews, and Michael Horn. Jason Abernathy was absent.

Staff present: Daniel Pauly, Amanda Guile-Hinman, Amy Pepper, Cindy Luxhoj, and Shelley White

**CITIZENS' INPUT**

This is an opportunity for visitors to address the Development Review Board (DRB) on items not on the agenda. There were no comments.

**CONSENT AGENDA**

1. Approval of minutes of July 25, 2022, DRB Panel B meeting

**Katie Dunwell made a motion to approve the July 25, 2022, DRB Panel B meeting minutes as presented. John Andrews seconded the motion, which passed unanimously.**

**PUBLIC HEARINGS**

2. **Resolution No. 406 Frog Pond Terrace Subdivision.** The applicant is requesting approval of Annexation of approximately 11.17 acres and Zone Map Amendment from Rural Residential Farm Forest 5-Acre (RRFF-5) to Residential Neighborhood (RN) of approximately 10.94 acres, a Stage 1 Preliminary Plan, Stage 2 Final Plan, Site Design Review of parks and open space, Tentative Subdivision Plat, Type C Tree Plan, Abbreviated SROZ Map Verification, and Abbreviated SRIR Review for a 19-lot residential subdivision.

Case Files:

DB22-0003 Frog Pond Terrace  
-Annexation (ANNX22-0002)

- Zone Map Amendment (ZONE22-0003)
- Stage 1 Preliminary Plan (STG122-0003)
- Stage 2 Final Plan (STG222-0003)
- Site Design Review of Parks and Open Space (SDR22-0003)
- Tentative Subdivision Plat (SUBD22-0002)
- Type C Tree Plan (TPLN22-0002)
- SROZ Map Verification (SROZ22-0005)
- SRIR Review (SRIR22-0003)

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

**Chair Hendrix** called the public hearing to order at 6:35 p.m. and read the conduct of hearing format into the record. Chair Hendrix, Michael Horn, and John Andrews 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.

**Cindy Luxhoj, AICP, Associate Planner**, 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.

**Ms. Luxhoj** presented the Staff report via PowerPoint, briefly noting the site's location and reviewing the requested applications with these comments:

- The City adopted the Frog Pond Area Plan in November of 2015 to guide development of the 2002 Urban Growth Boundary Area (UGB) of Frog Pond West and the Urban Reserve Areas in Frog Pond East and South and to help ensure the continued development of high-quality neighborhoods in Wilsonville. As a follow-up to the Area Plan, and in anticipation of forthcoming development, in July 2017 the City adopted the Frog Pond West Master Plan for the area within the UGB. To guide development and implement the vision of the Area Plan, the Master Plan included details on land use, including residential types and unit count ranges, residential and community design, transportation, parks, and open space, and community elements such as lighting, street trees, gateways, and signs.
- Proper noticing was followed for this application with the public hearing notices mailed to property owners within 250 ft of the subject property, on-site posting, and publication in the *Wilsonville Spokesman*. No public comments were received during the comment period for the project. (Slide 4)
- Of the nine requests before the DRB tonight, the Annexation and Zone Map Amendment were recommendations to City Council. The remaining seven requests were objective in nature, as they involved verifying compliance with the Code standards. No requests in the current application required discretionary review.
- The area proposed for annexation included Tax Lots, 2800, 2801, and 3500, and a portion of the SW Frog Pond Lane right-of-way, together comprising roughly 11.17 acres, indicated by the hatched pattern on the map on Slide 6. The City Council public hearing for the Annexation and Zone Map Amendment was scheduled for September 8, 2022.

- The proposed Zone Map Amendment would rezone Tax Lots 2800, 2801, and 3500, comprising approximately 10.94 acres, from Clackamas County Rural Residential Farm Forest 5-Acre to the City's Residential Neighborhood Zone. The rezone was consistent with the Comprehensive Plan Map designation of Residential Neighborhood, as well as with the Frog Pond West Master Plan.
- The Stage 1 Preliminary Plan generally established the proposed residential use, number of lots, preservation of open space, and block and street layout consistent with the Frog Pond West Master Plan. Specifically with regard to residential land use unit count, the proposed Stage 1 Preliminary Plan Area included portions of medium lot Sub-district 4 and large lot Sub-district 7. The subject property was outlined in red on Slide 8.
  - The Applicant proposed 16 lots in Sub-district 4, two greater than the maximum allowed, and 3 lots in Sub-district 7, one lot fewer than the minimum proportional density calculation. However, the total number of 19 lots proposed was within the proportional range of 16-19 lots for the entire site.
  - Regarding Sub-district 4, Section 4.127 (.06) A.2., the City may allow an increase in the maximum density up to a maximum of 10% of what would otherwise be permitted based on an adjustment to the SROZ boundary which was consistent with Section 4.139.06. As a result of SROZ map verification in Sub-district 4, the maximum of 14 lots may be increased by one lot to 15. The Applicant proposed 16 lots in Sub-district 4, one greater than the maximum with the allowed additional lot.
  - Regarding Sub-district 7, for Section 4.127 (.06) B., the City may allow a reduction in the minimum density for a Sub-district when it is demonstrated that the reduction is necessary due to topography, protection of trees, wetlands, and other natural resources, constraints posed by existing development, infrastructure needs, provision of nonresidential uses, and similar physical conditions. One fewer lot than the minimum density was proposed in Sub-district 7 due to a combination of factors related to topography, infrastructure needs, and provision of nonresidential uses.
  - The proposed development of one fewer lot in the Sub-district 7 portion of the site allowed for future development that met all dimensional standards for lots in that part of the site. Because the Sub-district 4 portion of the site had substantially fewer development constraints, it could easily accommodate the one additional lot needed to satisfy the minimum density requirement for Sub-district 7. As proposed, the total number of lots met the overall minimum proportional density for the site when the two Sub-districts were combined.
  - The configuration of lots as proposed, which met all dimensional requirements for the individual lots, would allow for buildout of the sub-districts consistent with the Master Plan recommendations.
- Stage 2 Final Plan. The Applicant proposed the installation of necessary facilities and services concurrent with development of the proposed residential neighborhood. The Stage 2 Final Plan addressed the general development pattern within the subject property, including lot layout and size, block size, access and street layout, and consistency with the Street Demonstration Plan. These elements of the Frog Pond Terrace subdivision generally demonstrated consistency with development standards established for the RN Zone and Frog Pond West Master Plan.
- Site Design Review addresses elements of the public realm for consistency with the Frog Pond West Master Plan but focused primarily on proposed parks and open space within the proposed subdivision. The Applicant provided a large open space in Tract A in the western part of the site.

Tract A included the Boeckman Creek Trail and a trailhead park. Tract A also included the SROZ with Boeckman Creek, numerous mature trees that would be preserved, and a large stormwater facility.

- As proposed, the Boeckman Creek Trail connected to the existing trail in Morgan Farm to the south and the proposed trail in the Frog Pond Overlook subdivision, currently in review, to the north. The enlargement of the proposed trailhead park and renderings on Slide 11 provided more detail about proposed park amenities, including benches, picnic tables, a decorative concrete inlay, ornamental planting bed, and seat wall. Conditions of approval ensured the trail continued through Tract A to connect with the Morgan Farm and Frog Pond Overlook subdivisions, and that the final alignments of the connections to the south and north were coordinated at the time of construction.
- The Tentative Subdivision Plat met technical platting requirements, demonstrated consistency with the Stage 2 Final Plan, and thus the Frog Pond West Master Plan, and it did not create barriers to future development of adjacent neighborhoods and sites.
- Type C Tree Removal Plan. Of the 250 on-site trees and one off-site tree which inventoried as part of the proposed development, the off-site tree and 101 on-site trees were proposed to remain. The 149 on-site trees outlined in red on Slide 13 were proposed for removal due to the construction of public streets, residential lots, and the trailhead park.
  - The Applicant proposed planting 105 new trees in the form of 30 street trees, 41 trees along Boeckman Creek Trail and adjacent to the trailhead park, and 34 trees around the stormwater facility. Payment to the City Tree Fund for the remaining 44 trees, in the amount of \$13,200, was proposed, bringing the total number of mitigation trees to 149, equal to the number proposed for removal. Proposed tree planting and payment into the City Tree Fund satisfied the 1:1 mitigation requirement. (Slide 14)
- SROZ Map Verification and SRIR Review. Consistent with the Development Code requirements, a verification of the Significant Resource Overlay Zone (SROZ) Boundary is required at the time an applicant requests a land use decision. The Applicant also requested approval of a Significant Resource Impact (SRIR) for exempt development located within the SROZ and its associated 25-ft impact area. The impacts to the SROZ were necessary for the construction of the Boeckman Creek Trail and stormwater infrastructure. Proposed exempt development in the SROZ and its associated 25-ft impact area included a regional pedestrian trail, a stormwater facility in the open space area, and a stormwater outfall with installation of pipe and outfall structure.
  - The Applicant conducted a detailed site analysis consistent with the Development Code requirements, which the City's Natural Resources Manager reviewed and approved. The SRIR included a mitigation plan, which would be implemented in the Tract A open space. The enhancement area was shown in light purple, generally on the west side of the Boeckman Creek Trail alignment on Slide 15.

**Katie Dunwell** asked if there was a requirement to pave the Boeckman Creek Trail or was wood chips, gravel, or another material required.

**Ms. Luxhoj** replied the portion shown in yellow would be paved which was required as specified in the Frog Pond West Master Plan. (Slide 11)

**John Andrews** asked if there was a flag lot, and if so, how access would be provided.

**Ms. Luxhoj** confirmed Lot 19 was a flag lot that would take access off Woodbury Lp on the south with a long flag leading up to it.

**Mr. Andrews** asked if that driveway property would be a part of the lot and owned by the lot buyer.

**Amy Pepper, Engineering Development Manager**, replied the long driveway was part of a public utility easement, and a sewer and waterline would be located underneath it.

**Mr. Andrews** asked how the property owner would access their home if the City had to work on the public utilities under the driveway.

**Ms. Pepper** confirmed that temporary blockage of the homeowner's driveway could happen in the event of construction activities.

**Mr. Andrews** stated the entire neighborhood appeared to be a flag neighborhood with access taken via a circuitous route through another neighborhood.

**Ms. Luxhoj** confirmed that was correct, but only initially and only until development occurred to the east. Woodbury Lp, Street B, and Brisband would connect in the future. Prior to that, access would be through Morgan Farm to the south.

**Mr. Andrews** asked if there was a timeline for that development to the east and if any City Staff had spoken with the residents of Morgan Farm regarding the additional traffic that would be generated by the subject proposal.

**Ms. Luxhoj** responded there was access via Brisband to the east, as well as Woodbury and Sherman Dr, which came off of Boeckman Rd.

**Mr. Andrews** understood that for a certain amount of time, there would be substantially more traffic than normal, especially during the morning and afternoon commute times. He noted that if traffic in his neighborhood suddenly increased by a factor of 5 or 10, he would be upset.

**Daniel Pauly, Planning Manager**, reminded Board members that the clear and objective standard for traffic did not factor in the inconvenience of increased traffic nor was it to minimize traffic on residential streets, but whether or not intersections met the Level of Service (LOS), and no intersections or facilities failed the LOS standard in this case.

**Michael Horn** asked if 19 lots meant 19 new homes in the area.

**Mr. Pauly** replied that the DRB did not review potential number of homes. The subject application was for 19 lots. Under State law, a number of different configurations could be built on those lots. Staff understood that most likely it would be single family homes, but that was not established at this point.

**Chair Hendrix** confirmed there were no further questions from the Board and called for the Applicant's presentation.

**Li Alligood, Land Use Planner, Otak**, thanked Ms. Luxhoj for her thorough review and her assistance throughout the process and introduced the project team, noting the Applicant, Dan Grimberg with West Hills Land Development, who was unable to attend. She presented the Applicant's proposal via PowerPoint and with these key comments:

- The site consisted of one tract with 19 lots and infrastructure, an extension of the Boeckman Creek Trail, and the trailhead park. The current development application was the sixth in Frog Pond Terrace submitted by the Applicant, so the DRB had heard several application presentations over the past few years. One additional development in process was Frog Pond Overlook, which would come before the DRB next month.
- The application consisted of two properties adjacent to Morgan Farm to the south. The properties contained a home and associated out-buildings. The home would remain in place on Lot 16 of the subdivision per the property owner's wish. The western portion of the site contained Boeckman Creek and associated riparian areas, which resulted in some of the proposed mitigations.  
30:40
- The two Sub-districts on the site, 7 and 4, had R-10 and R-7 zoning. Lots were distributed between the two zones to meet the overall density requirements of the Frog Pond West Master Plan. Additionally, they met all minimum dimensional and area requirements.

**Steve Dixon, PLA, Otak**, continued the presentation, discussing the design considerations that come into play when developing a street network and lotting pattern. He noted the two primary factors that designed the layout were the existing and approved street connections in the Connectivity and Street Connectivity Plan and the Frog Pond West Master Plan, as well as the SROZ. The existing street would be extended into the neighborhood and connected in the east to future approved neighborhoods, particularly Frog Pond Estates. The street design would not contain the big, sweeping curb from Frog Pond Lane, as outlined in the Frog Pond West Master Plan, due to topography, which was a major deviation in the street network. Frog Pond Lane fell off the earth at the end, and there was no way to pull the street all the way through. In the future, both streets that extended to the east would likely extend 100 to 200 ft before connecting to Frog Pond Lane and south again to Brisband. The trailhead park, as noted in the Frog Pond West Master Plan, served as the terminus at the end of Street B, as well as to the entire neighborhood. Additionally, it served as an important visual and physical connection to the riparian area and the trail itself. These streets were basically aligned east-west to preserve the sight lines through the neighborhood to the creek, an important principle in the Master Plan.

**Ms. Alligood** resumed her presentation, noting the trailhead park located at the end of Street B was within its own tract and would ultimately be purchased by the Parks District and become a 1.02-acre public park. Portions of the park were within the SROZ, but most of it was outside the SROZ, and fully functional for recreational use.

- Per the Frog Pond West Concept Plan, the Applicant was utilizing a combination of regional facilities and Low Impact Development Approach (LIDA) facilities along the public street to facilitate stormwater management, all of which had been reviewed by the City.

**Keith Buisman, Civil Engineer, Otak**, added that the smaller stormwater facilities were the swales, and the larger one was a pond. The intent was also to provide stormwater management for the Overlook

project that would be reviewed in a couple of weeks. Additionally, they were designing for the purpose of flow-through drainage to the east of the property.

**Ms. Alligood** stated the Applicant requested approval of the application as presented and with the conditions of approval as proposed by City Staff.

**Mr. Andrews** asked where the water from the stormwater basin would exit.

**Mr. Buisman** confirmed the outfall was into the Boeckman Creek below. There would be energy dissipation methods applied to prevent salinization. Additionally, a downstream analysis had been completed to ensure there was adequate capacity for the drainage that would come off that storm pond. He confirmed that larger boulders would keep the water from becoming too concentrated, as well as a ditch inlet so the water would bubble up over the ditch inlet and into the rock and then into Boeckman Creek.

**Chair Hendrix** called for public testimony regarding the application and confirmed with Staff that no one was present at City Hall to testify, and no one on Zoom indicated they wanted to testify.

**Becky Fromhert, 7399 SW Woodbury Lp, Wilsonville, OR**, stated that on the 2017 Master Plan there appeared to be, in the southern portion of the connection of the Woodbury Lp extension, a small curve to the east after which it would loop from Brisband instead of from Woodbury. She understood why Frog Pond Lane was different but asked why the southern portion of the connection appeared different on the 2017 Master Plan. She also asked where parking for the trailhead park on Street B would be located. Additionally, she noted an apparent discrepancy in the R-4, R-7, and R-10, and asked if the builder had discretion to build multifamily housing, such as apartments or duplexes or if it would be single-family homes.

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

**Mr. Dixon** replied that the alignment of Street B was predicated on the provision of connectivity to future development to the east. Parking would be wherever it was available on the street, as well as in driveways. He reiterated that the condition was temporary. The Applicant had provided a temporary hammerhead where Woodbury Lp curved to the east for turnaround service. Additionally, that hammerhead would serve as a link to the Boeckman Creek Trail.

**Ms. Alligood** added that all homes would feature two-car garages and driveway parking.

**Mr. Pauly** explained that under 2019 State law and as adopted in the Wilsonville City Code in Fall 2021, any lot that allowed a single-family home must also allow duplexes or two units. Because Frog Pond was under development, certain corner lots had to allow three units. Per current State law, any lot was allowed to build Middle Housing, which included duplexes, triplexes, or townhomes. When evaluating a subdivision such as the subject subdivision, the DRB was to look at the lotting. Under State law, it was up to the developer to submit permits for the number of units. He anticipated that most of the subject lots would be permitted for single-family homes, but there could be some lots with two units. Under State law, the City had to review those permits under the same process they used to review a single-

family home. He reiterated his reminder to the DRB that they were only to look at the lots, not what would potentially be built on them.

**Mr. Horn** understood the purpose of this discussion was to approve the developer's lot plan without considering any subsequent structures which might be built on the lots.

**Mr. Pauly** confirmed that was correct and added that was true for any residential subdivision that came before the Board. He also confirmed that the annexation would come before City Council on September 8<sup>th</sup>. He noted there were some street re-alignments that happened early on, that City Code allowed some variations, and all the variations were within the confines allowed by the Code.

**Ms. Fromhurt** stated her first question regarding the variation in street design had been answered. She asked if the trailhead park would be local only or if people would be driving in to go to the park, and if so, where they would park their cars.

**Ms. Alligood** replied the park was intended to be a neighborhood park accessed on foot or by bicycle.

**Mr. Pauly** added there were variations approved with Morgan Farm which allowed development to the north, but the street design featured straighter streets than the Master Plan called for. Part of that was efficiency in lotting for the original Morgan Farm development with Sherman Dr. Subsequent development to the north would follow similar street alignments. All of which was within variations allowed by the Code. Master Plans always had flexibility built in because not everything could be thought of at the Master Plan level.

**Chair Hendrix** confirmed there was no additional questions or discussion and closed the public hearing at 7:24 pm.

**Katie Dunwell moved to adopt the Staff report as presented. John Andrews seconded the motion, which passed unanimously.**

**Kate Dunwell moved to adopt Resolution No. 406 for the Frog Pond Terrace Subdivision. Michael Horn seconded the motion, which passed unanimously.**

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

#### **BOARD MEMBER COMMUNICATIONS**

3. Results of the August 8, 2022, DRB Panel A meeting
4. Recent City Council Action Minutes

There were no comments.

#### **STAFF COMMUNICATIONS**

**Daniel Pauly, Planning Manager**, stated that construction was substantially complete at City Hall, but no decision had been made yet regarding meeting in person as Staff was waiting to see what was happening with disease and such, in the fall. Staff would give DRB members plenty of upfront information before any meetings occurred in person. He announced that Philip Bradford had changed jobs in early July. Since then, Georgia McAllister had been promoted from Assistant Planner to Associate Planner, and Georgia would be present at meetings more often moving forward.

**ADJOURNMENT**

The meeting adjourned at 7:28 p.m.