



Approved  
April 11, 2022

## DEVELOPMENT REVIEW BOARD PANEL A MEETING MINUTES

Monday, March 14, 2022 at 6:30 PM

Wilsonville City Hall, 29799 SW Town Center Loop East, Wilsonville, Oregon

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### CALL TO ORDER

A regular meeting of the Development Review Board Panel A was held at City Hall beginning at 6:30 p.m. on Monday, March 14, 2022. Chair Jean Svadlenka called the meeting to order at 6:30 p.m., followed by roll call.

### PRESENT

Jean Svadlenka  
Kathryn Neil

Ben Yacob

### ABSENT

Rachelle Barrett  
Daniel McKay

### STAFF PRESENT

Daniel Pauly  
Barbara Jacobson  
Kimberly Rybold  
Philip Bradford  
Shelley White

### GUEST ATTENDEES

Kelly Ritz, Venture Properties, Inc.  
Al Jeck, Venture Properties, Inc.  
Scott Newcombe, Venture Properties, Inc.  
Maria Miller, AKS Engineering and Forestry, LLC  
Cody Street, AKS Engineering and Forestry, LLC  
Mimi Doukas, AKS Engineering and Forestry, LLC

### CITIZEN 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 the February 14, 2022 DRB Panel A meeting

**Kathryn Neil made a motion to approve the February 14, 2022 DRB Panel A Minutes. Ben Yacob seconded the motion. Motion passed with unanimous consent.**

### PUBLIC HEARINGS

2. **Resolution No. 400. Frog Pond Vista Subdivision:** AKS Engineering & Forestry, LLC – Representative for Venture Properties, LLC – Applicant and Darrell and Sandi Lauer – Owners. The applicant is requesting approval of an Annexation of approximately 12.9 acres and Zone Map Amendment from Rural Residential Farm Forest 5-Acre (RRFF-5) to Residential Neighborhood (RN)

and adopting findings and conditions approving a Stage I Preliminary Plan, Stage II Final Plan, Site Design Review of Parks and Open Space, Tentative Subdivision Plat, Type C Tree Plan, SROZ Boundary Verification and SRIR Review for a 38-Lot residential subdivision. The subject site is located at 6901 SW Frog Pond Ln on Tax Lot 500, Section 12D, Township 3 South, Range 1 West, Willamette Meridian, Clackamas County, Oregon. Staff: Philip Bradford

Case Files:

DB21-0057	Annexation
DB21-0058	Zone Map Amendment
DB21-0059	Stage I Preliminary Plan
DB21-0060	Stage II Final Plan
DB21-0061	Site Design Review of Parks & Open Space
DB21-0062	Tentative Subdivision Plat
DB21-0063	Type C Tree Plan
SI21-0003	SROZ Boundary Verification
SI21-0004	SRIR Review

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

**Chair Svadlenka** called the public hearing to order at 6:38 p.m. and read the conduct of hearing format into the record. Chair Svadlenka and Ben Yacob declared for the record that they had visited the site. No board member, however, declared a conflict of interest, bias, or conclusion from a site visit. No board member participation was challenged by any member of the audience.

**Philip Bradford, 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.

**Mr. Bradford** presented the Staff report via PowerPoint, briefly noting the site's location and background and reviewing the requested applications-with these key comments:

- The subject property for the 38-lot subdivision in Frog Pond West was located north of SW Frog Pond Ln. The surrounding land was zoned RRF-5 and mostly located in Clackamas County except a small portion south of the subject property, which is the previously approved Frog Pond Ridge Subdivision within the City of Wilsonville, zoned Residential Neighborhood (RN). The subject property was shown in orange and the city limits shown in orange. (Slide 2)
- Background. To guide development of the 2002 Urban Growth Boundary (UGB) area and the urban reserve areas to the east and southeast, the City adopted the Frog Pond Area Plan in November 2015 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, as well as community design, transportation, parks, open space, and community elements, such as lighting, street trees, gateways, and signs.

- Proper noticing was followed for the subject application with notices mailed to property owners within 250 ft of the subject property along with onsite postings, notice within the Wilsonville Spokesman, and postings in City Hall, the Community Center, and library. No public comments were received by Staff.
- The first two application requests before the DRB tonight were the Annexation and Zone Map Amendment, which were recommendations to City Council. Of the remaining seven requests, no discretionary requests, such as waivers, were included.
  - The property proposed to be annexed into the City of Wilsonville was 12.95 acres of land that consisted of one tax lot and a portion of the SW Frog Pond Ln right-of-way. (Slide 6)
  - The Zone Map Amendment would rezone the 12.8 acres of land currently zoned in Clackamas County as Rural Residential Farm Forest (RRFF) to Residential Neighborhood (RN), the designation required by the Frog Pond master planning process.
  - The City Council hearing for the Annexation and Zone Map Amendment was scheduled for April 4th, 2022.
- The Stage I Master Plan generally established the location of the proposed lots and tracts on the site consistent with the standards. The proposed residential use and number of lots, provision of the Boeckman Creek Trail and open space for trail access, and the general block and street layout were consistent with the Frog Pond West Master Plan. The proposed development occupied the R-7 medium lot and the R-10 large lot subdistricts.
- Stage II Final Plan. The Applicant proposed the installation of all necessary facilities and services concurrent with the development of the residential neighborhood. The Stage II Plan addressed the general development pattern within the subject property, and generally demonstrated consistency with City standards and the development standards of the proposed RN Zone. The proposed lot layout and size, as well as block size and access, demonstrated consistency with development standards established for the RN Zone and the Frog Pond West Master Plan.
- Site Design Review. The Applicant would provide one pedestrian connection from SW Trillium Ct to SW Willow Creek Drive, providing a route from the subdivisions proposed to the east to the Boeckman Creek Trail.
  - The subject subdivision was the second subdivision within Frog Pond to provide a portion of the Boeckman Creek Trail. The trail portion was in a location consistent with the Master Plan and included a small open space that would allow for access into the trail corridor from the public right-of-way. The area was attractively landscaped and included a stormwater facility in Tract D. (Slide 11)
- The proposed Tentative Plat met technical platting requirements, demonstrated consistency with the Stage II Final Plan, and thus the Frog Pond West Master Plan, and no barriers to future development of adjacent neighborhoods and sites were created.
- Type C Tree Removal Plan. Of the 144 trees inventoried, 48 were located on the subject property and the 14 proposed for removal were indicated in yellow on Slide 13. The removal was necessary due to construction impacts, as the trees were within either the grading limits of the proposed streets or the building envelopes of the proposed lots.
  - The Applicant proposed planting 82 new trees in the form of 73 street trees, five trees within the pedestrian connection and four trees within the open space. This was in excess of the 1:1 mitigation requirement for tree removal.
- The Applicant requested approval of Significant Resource Impact Report (SRIR) for exempt development located within the Significant Resource Overlay Zone (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. The proposed exempt development in the SROZ and its associated 25-ft Impact Area included residential lots within the Impact Area, a regional bicycle and pedestrian trail, and stormwater facilities within open space areas.

- Consistent with Development Code requirements, a verification of the SROZ boundary was required at the time an applicant requested a land use decision. The Applicant conducted a detailed site analysis consistent with the Development Code requirements, which were reviewed by the City's Natural Resources Manager to verify the SROZ boundary.
- As noted in Staff's email to the Board today, Staff proposed two changes to the conditions of approval as follows:
  - Add the Engineering Division Condition of Approval PFD 12 pertaining to the Boeckman Creek Trail into the Staff report. (Slide 16)
  - Amend Condition of Approval PDD-5 to include additional language to further protect the Oregon White Oak, Tree No. 20606, located on the property line.

**Chair Svadlenka** stated some corrections to the Staff report. On Page 59, in the second paragraph of Finding G4, the second sentence stated 14 trees would be preserved but it should state 34. Additionally, it stated, "...94 trees not located on the site would require tree protection", but she believed it was 96 because there was a total of 144 trees. She had counted 96 preserved trees on Sheet P-14 Preliminary Tree Preservation and Removal Table.

**Kim Rybold, Senior Planner**, stated that in Exhibit B2, Sheet P-14 listed the total number of existing offsite trees as 94, existing onsite trees as 48 with 34 to be preserved, and 14 to be removed. A total of 144 existing trees were inventoried. She believed the additional two additional trees to total 96 were on the property line and marked to be preserved as well.

**Maria Miller, AICP, AKS Engineering & Forestry, LLC** stated via chat that there were 94 offsite trees.

**Ms. Rybold** suggested that Finding G4 on Page 59 could be edited to state there were 94 trees offsite and two trees partially onsite.

**Daniel Pauly, Planning Manager**, read the correction to Paragraph 2 of Finding G4 on Page 59 of the Staff report as follows:

"Per the arborist's report included on Sheet P-14 in Exhibit B2, there are 48 trees on site. ~~Fourteen (14)~~ **Thirty-four (34)** trees will be preserved on site with 14 trees proposed for removal. In addition, 94 trees not located on site will require tree protection to ensure off-site tree health. **Also, two trees on the property line will require protection.**"

**Chair Svadlenka** noted Finding G25 on Page 63 outlined the condition of approval to protect trees during construction which included fencing and asked how that was monitored.

**Mr. Bradford** deferred the question to Applicant but explained that the project arborist was supposed to supervise the fence installation, and once installed, Staff would inspect it to ensure the fencing was installed per the detail. Additionally, Staff would visit the site periodically to ensure the fencing remained in place as initially inspected.

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

**Maria Miller, AKS Engineering & Forestry, LLC**, stated the subject Frog Pond West project had gone through several rounds of redesign since the submission of the land use application in October 2021. She thanked Mr. Bradford for his Staff presentation, and City staff for working closely with the Applicant over the last several months. She introduced the Applicant's project team and presented the proposal via PowerPoint with these comments:

- The project site was approximately 13 acres on the north side of the Frog Pond West neighborhood with existing access from Frog Pond Ln and future access from Kahle Rd. Venture Properties was the developer of Frog Pond Ridge to the south and Frog Pond Crossing presented to the Board last month.
  - The Oaks neighborhood between Vista and Crossing was owned by another developer which had a preliminary site plan and would come to a hearing soon, so plans for the properties to the east and south were being built out by other developers concurrently, so all the road improvements and underground utilities would be completed in an orderly, sequential manner to connect the required services to the new Frog Pond Vista neighborhood.
- Frog Pond Vista contained two master plan subdistricts. Subdistrict 8 was the larger area, approximately 20 acres total and Frog Pond Vista comprised a portion of it. The neighborhood was zoned Large Lot Single Family with an 8,000 sq ft minimum lot size. The entire Subdistrict 8 was planned for 53 lots, shared amongst the different properties, so based on the Applicant's proportionate share of land area, up to 25 lots zoned R-10 could be built in Frog Pond Vista. A portion of the Applicant's site in the subdistrict was within the SROZ. (Slide 4)
  - Subdistrict 9 was approximately 2.5 acres, and it was entirely within the Applicant's property so 100 percent of the 13 units were part of the project. The neighborhood was zoned Medium Lot Single Family with a 6,000 sq ft minimum lot size.
- The Vista neighborhood included 38 family homes. The northwestern edge of the property, Tract A, would be preserved as open space. The Applicant would construct a 10-ft-wide multi-use, paved trail through the open space area that would eventually connect on both the north and south edges to a wider regional trail network. (Slide 5)
  - Venture Properties was dedicating Tract A to the City of Wilsonville. It would be accessible by the public and become part of a public trail system along the Boeckman Creek Corridor. Tract A was approximately 1.7 acres and included the open space, trail, and the trailhead that connected to a public sidewalk.
  - The Frog Pond West Master Plan recognized that the Boeckman Creek Corridor was a significant asset to all the neighborhoods within the planning area. The trail was envisioned to connect to Frog Pond neighborhoods and to the Canyon Creek Rd area on the west side of the corridor. The layout of each individual residential neighborhood that abutted the area had special design requirements, such as the location of private open space tracts, the type of landscaping, fencing, etc. that influenced how compatible the neighborhoods were with the resource area.
  - The Applicant's site design ensured there was both visual and physical access to the Boeckman Creek Trail. Lots would have wrought iron fencing on the back and side yards that faced the open space corridor to avoid a walled-off feeling. Two privately maintained, open space tracts owned by the HOA would be provided on each side of the trailhead. Additionally, a vegetated

stormwater facility next to the open space would provide an inviting open area visible from anywhere in the neighborhood, as well as an easy access to the large trail network.

- She noted the Wilsonville Development Code did not require any common open space be set aside for zones designated R-10 or R-7, which were the zones in the subject development. However, in addition to the dedicated open space, the project provided approximately 3/4 of an acre of common shared open space. One tract was a landscaped pedestrian connection which provided a convenient walking route from the cul-de-sac to the Willow Creek Dr sidewalk, crossing the neighborhood to connect to the trail in the adjacent subdivision. The pedestrian connection would be 26-ft long, 10-ft wide paved path with street trees and plantings on both sides, as well as pedestrian-scaled bollard lighting.
- On the east side of the property was an existing grove of Oregon White Oaks, so the Applicant adjusted the street design layout to accommodate the preservation of several mature White Oaks. The Applicant worked closely with the neighboring developer to ensure coordination on the alignment of streets, trails, and natural resources so that both projects took into account the existing conditions. The jog in the street was a result of that collaboration, and the trees were able to be saved.
  - Access to the project site would be via Frog Pond Ln and Vista Ridge Ln. As the subject neighborhood and adjacent property to the west were built out, Willow Creek Dr would be constructed which would serve as a secondary access. Kahle Rd would also be built out, allowing access from the north.
  - The conceptual alignment of the Street Demonstration Plan had not taken into account the existing natural resources present onsite. Willow Creek was initially designed to run straight north but would be moved due to the grove of Oak trees. Kahle Rd would have also required the removal of a mature Oak tree, which was in the special condition of approval, but Kahle Rd had already been relocated slightly north when the other two neighborhoods to the west were approved. Originally, Kahle Rd was designed to run south, but would have hit another tree grove. It also left space for a geotechnical engineering setback that was recommended for any lot, but it did not leave enough to provide lots that would meet the dimensional standards of the Code. All these issues had resulted in the modifications to the Master Plan Street Demonstration Plan.
    - The Applicant's alternative design avoided impacts to those natural resources while still providing the same connectivity. Willow Creek Dr would veer west to preserve the Oaks and now ran through the Applicant's property as opposed to the adjacent property. Kahle Rd would end in a T intersection and Willow Creek, a collector street, would continue north. Vista Ridge Ln would provide north-south connectivity, while avoiding impact to the resources offsite.
    - The midblock pedestrian crossing on the southern block was relocated to Trillium St, which worked better with the curve in the road, as well as with the spacing restrictions of it being a collector street.
- A larger area north of Frog Pond Ln was shown to illustrate how the Vista neighborhood fit into the wider circulation networks. (Slide 7) Frog Pond Ln was a gateway collector with a central median and dedicated bike lanes, but its functional classification changed at Willow Creek Dr, so the Applicant's entire frontage was on a local neighborhood street. Willow Creek Dr was an internal collector with parking on both sides and lanes shared by both vehicles and bicycles,

according to the Master Plan cross section. The remaining streets would be built to the typical local standards.

- The green pathways indicated multi-use trails as part of the large regional trail network through the Boeckman Creek Corridor that would continue offsite to the north. The walking route went through the project, including the pedestrian connection and to a pedestrian connection in the Oaks, as well as the pathway in the Crossing neighborhood.
- The SROZ was in a degraded condition, lacking in tree canopy and including tree stumps from logging, as well as invasive plant species throughout. The Applicant would remove the invasive species and plant approximately 12,658 sq ft of native habitat, including 127 native trees, 633 native shrubs, and native ground cover for the SROZ mitigation for building the pedestrian path and placing the stormwater facility within the overlay. This work was completely separate from the tree removal mitigation. The Applicant would also install educational signage and bollard lighting along the trail. (Slide 8)
- The project benefits provided to the City of Wilsonville included 38 lots for needed housing. The Applicant met the Master Plan objective of providing visual and physical access to nature with the construction of the Boeckman Trail segment, dedicating land to the public, enhancing the natural habitat, and preserving the existing Oregon White Oaks. The project also paid fees into transportation system improvements, built streets within the project, and paid the system development charges for any offsite improvements elsewhere in the city to offset the growth.

**Kathryn Neil** stated she was impressed with all the green space the Applicant planned to do within the SROZ area. [45:25]

**Mr. Yacob** concurred, adding he appreciated all the native species the Applicant was adding to provide some stability and green space.

**Chair Svadlenka** asked if the Applicant was responsible for improvements to Frog Pond Ln in front of the development.

**Ms. Miller** replied yes. The Applicant was required to provide three-quarters of the street improvements along the project frontage. The Applicant was building the north side of Frog Pond Ln, Frog Pond Ridge would complete its side and whoever purchased the parcel to the southwest would complete the remaining portion. Each developer was responsible to improve the street portion within their project area.

**Chair Svadlenka** asked if streets with a neighborhood designation had bike lanes on either or both sides.

**Ms. Miller** responded no, local streets in Wilsonville did not have separate bike facilities; bikes shared the road with vehicles.

**Chair Svadlenka** asked if the Applicant was only constructing the curved section of Willow Creek Dr.

**Mr. Miller** answered yes. The Applicant's portion of Willow Creek Dr ended at their property line at which point the Oaks developer would connect their portion of the street to the Applicant's.

**Chair Svadlenka** asked if Tract F, the path from SW Trillium Ct to Willow Creek Dr, was pedestrian only or if it could accommodate bicycles.

**Ms. Miller** replied the path was a 10-ft wide, multi-use path that could accommodate both pedestrian and bicycle traffic.

**Ms. Neil** confirmed Willow Creek Dr was 35 mph and asked if the Applicant had anything to do with crosswalks.

**Ms. Miller** indicated noted the striped crosswalk across Willow Creek Dr, noting that when the Applicant submitted construction drawings for construction permits, a Traffic Study would be conducted. Additionally, there was a Signage and Striping Plan, so whatever measures were needed at that intersection would be completed by the Applicant, whether stop signs or other needed improvements.

**Mr. Yacob** asked Ms. Miller to detail the number of parking spaces per lot.

**Ms. Miller** replied it would be like a typical subdivision with two-car garages and 20-ft long driveways that could also accommodate two cars parked side-by-side. Required parking was one space per lot, which the Applicant exceeded. The local public streets, as well as the internal collector street, Willow Creek Dr, had parking on both sides.

**Mr. Yacob** asked if Lots 21 and 24 would also have two-car garages and 20-ft long driveways.

**Ms. Miller** answered yes, noting that was required by Code, so parked vehicles would not overhang onto the sidewalk. Lots were not permitted to take direct access onto a collector, so the driveways of the lots along Willow Creek Dr faced the cul-de-sac street.

**Chair Svadlenka** asked how White Oak No. 20606 that bordered Lots 32 and 33 would be protected since parts of it encroached onto Lots 32 and 33.

**Ms. Miller** replied the arborist evaluated each tree, determining the root depth based on the diameter of the trunk and width of the canopy, and advised the Applicant which areas could not be impacted. Based on the Tree Root Protection Zone, the Applicant would install an orange fence around the tree to avoid any soil disturbance or activity that could damage the tree during construction. The arborist would be present on site during construction to monitor and observe the work to ensure contractors were meeting the requirements outlined on the plans. Additionally, City inspectors would go to the site and ensure everything was in compliance. Additionally, with the condition of approval mentioned by Staff, after the developer's work was completed, there would be an easement that had strict rules about what could be done within it, and no structures could encroach within that area to ensure the tree remained preserved in perpetuity.

**Chair Svadlenka** asked Ms. Miller to go over the SRIR that the Applicant conducted.



**Ms. Miller** explained the City had a generic conceptual map identifying areas of open space. At the beginning of the project design, the Applicant sent out a natural resource specialist to do an onsite resource delineation that included looking at the vegetation, high water marks, and other scientific indicators of the resource boundary's location. The specialist then stakes the boundaries of the protected area, after which a surveyor added those locations to the drawings so the Applicant would know where the buffers were and what areas could not be touched. That report was also submitted to the appropriate State agencies for review and to issue concurrence that everything was properly mapped. The City of Wilsonville also reviewed the report. The 10-ft wide trail was considered an impact, and even though features like pedestrian trails or stormwater facilities were exempt from the regulations of the subject protected area, the Applicant was still mitigating for those impacts. Homes, however, could not be built within the area. Based on the calculations of the impacts, the Applicant had determined that appropriate enhancement mitigation compensated for the encroachment into the buffer.

**Mr. Yacob** asked to see the special area around the White Oak, adding Staff had sent an update stating there would be an area allocated for HOA access to service and maintain the White Oak. Would the access be from the road north of the subdivision, but what if the road was not built until a future date?

**Ms. Miller** replied those easements were not shown on the plat because it was a new condition, but it would be added to the final plat. She displayed the drawings illustrating the Tree Preservation Plan, pointed out the fence, and reiterated that no soil disturbance could take place behind the fence. The area that matched the protective fencing would be within the easement.

**Mr. Pauly** noted there would also be an easement essentially through the side yard and confirmed there would be a pathway to service the tree from Vista Ridge Ln.

**Chair Svadlenka** 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.

**Mr. Yacob** expressed concerned that there was only one entry point into the subdivision until the road to the north was constructed, and it was not known when that would occur.

**Mr. Pauly** stated there would be two access points off Frog Pond Ln once the subdivision to the east was built, and that subdivision was in for review right now. Staff expected it would be built concurrently with the subject subdivision.

**Mr. Bradford** noted Staff's memo incorrectly stated Condition PFD11 was being revised in Staff report and should state "PFD12". (Exhibit A4)

**Chair Svadlenka** confirmed there was no additional questions or discussion and closed the public hearing at 7:30 pm.

The following exhibit was entered into the record:

- Exhibit A4: Staff memorandum dated March 14, 2022 noting revisions to the Staff Report for the Frog Pond Vista 38-Lot Subdivision application.

**Ben Yacob made a motion to amend the Staff report by adding Exhibit A4, which modified Condition PDD 5, new Condition PFD 12, as corrected by Staff, and modifying Finding G4 as read into the record by Staff. Kathryn Neil seconded the motion.**

*[Note: The following correction was read into the record with deleted language struck through and additional language shown in italicized bolded text.]*

- Paragraph 2 of Finding G4 on Page 59 of the Staff report was amended as follows:  
“Per the arborist’s report included on Sheet P-14 in Exhibit B2, there are 48 trees on site. Fourteen (14) ***Thirty-four (34)*** trees will be preserved on site with 14 trees proposed for removal. In addition, 94 trees not located on site will require tree protection to ensure off-site tree health. ***Also, two trees on the property line will require protection.***”

**The motion passed unanimously.**

**Ben Yacob made a motion to adopt Resolution No. 400 including the Staff report as amended. Kathryn Neil seconded the motion, which passed unanimously.**

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

#### **BOARD MEMBER COMMUNICATIONS**

3. Recent City Council Action Minutes

**Daniel Pauly, Planning Manager**, noted Staff had another work session with City Council regarding the Frog Pond East and South Master Plan, specifically on housing. That conversation would be ongoing and continue to pick up steam over the coming months. Some of those projects would come before the Board once adopted later in the year.

#### **STAFF COMMUNICATIONS**

There were none.

#### **ADJOURN**

The meeting adjourned at 7:37 p.m.

Next Meeting: Monday, April 11, 2022 at 6:30 p.m.