



**DEVELOPMENT REVIEW BOARD PANEL B  
MEETING MINUTES**

**March 28, 2022 at 6:30 PM**

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

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**CALL TO ORDER**

A regular meeting of the Development Review Board Panel **A B** was held at City Hall beginning at 6:30 p.m. on Monday, April 11, 2022. Chair Nicole Hendrix called the meeting to order at 6:30 p.m.

**CHAIR'S REMARKS**

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

**ROLL CALL**

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

Staff present: Daniel Pauly, Barbara Jacobson, Kimberly Rybold, Cindy Luxhoj, and Shelley White

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

**ELECTION OF 2022 CHAIR AND VICE-CHAIR**

Chair

Jason Abernathy nominated Nicole Hendrix for 2022 Development Review Board Chair. There were no further nominations.

**Nicole Hendrix was unanimously elected as the 2022 Development Review Board Chair.**

Vice-Chair

Katie Dunwell nominated Jason Abernathy for 2022 Development Review Board Vice-Chair. There were no further nominations.

**Jason Abernathy was unanimously elected as 2022 Development Review Board Vice-Chair.**

**CONSENT AGENDA**

1. Approval of minutes of November 22, 2021 DRB Panel B meeting

**Barbara Jacobson, City Attorney**, noted a quorum of the Board members at the November 22, 2021 meeting was not present.

**The November 22, 2021 DRB Panel B meeting minutes were unanimously accepted as written.**

## **PUBLIC HEARINGS**

- 2. Resolution No. 401. Frog Pond Estates Subdivision:** OTAK, Inc. – Representative for West Hills Land Development, LLC – Applicant and Amy Thurmond, Venture Properties, and West Linn-2 Wilsonville School District – Owners. Annexation and Zone Map Amendment from Rural Residential Farm Forest 5-Acre (RRFF-5) to Residential Neighborhood (RN) and Public Facility (PF) of approximately 13.22 acres between SW Boeckman Road and SW Frog Pond Lane for a 17-Lot Residential Subdivision and Future School Site, 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 and Type C Tree Plan for the Residential Subdivision. The subject site is located at 7070 SW Frog Pond Lane, and 7035 and 7151 SW Boeckman Road on Tax Lot 1501 and a portion of Tax Lot 1500, Section 12D, a portion of Tax Lot 400, Section 12DD and Tax Lot 4500, Section 12DC, Township 3 South, Range 1 West, Willamette Meridian, Clackamas County, Oregon. Staff: Cindy Luxhoj, AICP, Associate Planner

### Case Files:

DB21-0065 Annexation  
DB21-0066 Zone Map Amendment  
DB21-0067 Stage I Preliminary Plan  
DB21-0068 Stage II Final Plan  
DB21-0069 Site Design Review of Parks & Open Space  
DB21-0070 Tentative Subdivision Plat  
DB21-0071 Type C Tree Plan

***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 6:39 p.m. and read the conduct of hearing format into the record. Jason Abernathy, Katie Dunwell, 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, 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.

The following exhibit was entered into the record:

- Exhibit D2: Public comment received from Paul and Sue Woebkenberg on March 25, 2022.

**Ms. Luxhoj** presented the Staff report via PowerPoint, briefly reviewing the project's location, surrounding features, and the list of requested applications, with these key comments:

- The subject property was located in east Wilsonville, south of SW Frog Pond Lane and north of SW Boeckman Rd. The majority of the Frog Pond Estates property and future school site was located in Clackamas County and zoned Rural Residential Farm Forest 5-Acre (RRFF-5). A small portion of the site at the southern extent was previously annexed to the City and zoned Residential Neighborhood (RN), as part of the Frog Pond Ridge Subdivision, and Public Facility (PF) as part of a future park site. The site was outlined in yellow, and the city limits were indicated by the orange line on the map. (Slide 2)
- The City adopted the Frog Pond Area Plan in November 2015 to guide development, and the 2002 Urban Growth Boundary Area 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 had 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 the subject application with notice mailed to property owners within 250 ft of the subject property, on-site posting, and publication in the *Wilsonville Spokesman*. One comment that expressed support of the proposed project was received during the public comment period and was included as Exhibit D1 to the Staff report.
  - One additional comment from Paul and Sue Woebkenberg was received on March 25, 2022 and added as Exhibit D-2 to the Staff report. The Woebkenberg's owned the property at 7130 SW Frog Pond Lane, immediately west of Frog Pond Estates. They requested that the property boundary be clearly marked prior to development to determine whether there were trees on shared property lines and to avoid encroachment between the properties.
- Of the seven requests before the DRB tonight, the Annexation and Zone Map Amendment were recommendations to City Council, and the remaining applications were objective in nature, as they involved verifying compliance with Code standards. No discretionary requests, such as waivers, had been included by the Applicant.
- The area proposed for annexation included two tax lots comprised of 13.22 acres as outlined in red. (Slide 6) The land included 4.06 acres in Frog Pond Estates and 9.16 acres in the future school site. The City Council hearing for the Annexation and Zone Map Amendment was scheduled for April 18, 2022.
- The proposed Zone Map Amendment would rezone the 4.06-acre Frog Pond Estates property from Clackamas County RRFF-5 to Wilsonville's RN zone, and the 9.16-acre school property from RRFF-5 to Wilsonville's PF Zone. The rezones were consistent with the Comprehensive Plan Map designation of Residential Neighborhood and Public, respectively, as well as with the Frog Pond West Master Plan.
- The Stage I 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 count, the proposed Stage I Preliminary Plan Area included portions of medium lot Subdistrict 4 and large lot Subdistrict 7.

- Although the Applicant proposed 5 lots in Subdistrict 7, which exceeded the proportional density requirement for that part of the site by one lot, the lots met or exceeded all dimensional standards, including minimum lot size requirements, while preserving significant trees and allowing for compliant future development within the Master Plan area. The configuration of lots as proposed would allow for build-out of Subdistricts 4 and 7, consistent with the Master Plan recommendations.
- Stage II Final Plan. The Applicant proposed the installation of necessary facilities and services concurrent with development of the residential neighborhood. The Stage II Final 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 provided a small open space in Tract A that included a pedestrian connection with a future connection point to the propriety to the west of the subdivision. The pedestrian connection in Tract A splits into two sidewalks on the north and south sides of Private Street B, east of Tract A, and then continued along the sidewalk, bordered by a landscape area in Tract D, to connect with the pedestrian connection in Tract G of Frog Pond Ridge Subdivision to the east. The travel path was shown as a dotted red line. (Slide 10)
  - Tract A preserved two mature trees, including a 53-inch Oregon White Oak, and both Tracts A and D were attractively landscaped. The overall street design conformed or would conform with conditions of approval to the street tree and street lighting elements of the Frog Pond West Master Plan.
- The Tentative Subdivision Plat met the technical platting requirements and demonstrated consistency with the Stage II Final Plan, and thus, the Frog Pond West Master Plan, and did not create barriers to future development of adjacent neighborhoods and sites.
- The Type C Tree Removal Plan showed 46 of the 49 trees inventoried were located on the subject property. Two of the 46 onsite trees were proposed to remain in the Tract A open space, and three would be preserved and protected on residential lots in the northern part of the development. Preserved trees were indicated in blue. (Slide 12) Of the onsite trees, 41 were proposed for removal due to construction impacts as they were within the grading limits of the proposed streets and within the building envelopes of proposed lots. The trees proposed for removal were circled in red. (Slide 12)
  - The Applicant proposed planting 43 new trees: 30 street trees, 5 trees along Private Street B, 2 trees within the Tract A open space, and 6 trees within the Tract D landscaped area. Additionally, 16 trees were proposed to be planted adjacent to the stormwater facilities in Tract C for a total of 59 trees throughout the site. That was in excess of the one-to-one mitigation requirement for tree removal.
- The Applicant requested a modification to Condition of Approval PDE 9 related to Site Design Review as follows:

“PDE 9. **Prior to issuance of any Public Works permits:** The applicant/owner shall ~~install LED street lighting in~~ **submit information demonstrating** compliance with the Public Works Standards and Frog Pond West Master Plan. The street lighting shall be Westbrook style streetlights. The applicant/owner shall provide a ‘stamped’ engineering plan and supporting information that shows the proposed

street light locations meet the appropriate AASHTO lighting standards for all proposed streets. See Finding E24.”

- She noted the modification was consistent with wording in the recently approved Frog Pond Crossing and Frog Pond Vista Subdivisions.

**Katie Dunwell** noted Page 17 of the Staff report stated the site exceeded proportional density, which was typically 10 percent open space with 50 percent of that being usable space, and that the requirement did not apply because of the size of the development. She was concerned about the negative impact on the Master Plan with another addition to Frog Pond and that bringing in these additional developments or purchases that the overall open space requirement would not be met once Frog Pond was completely built out.

**Kim Rybold, Senior Planner**, confirmed Ms. Dunwell was concerned about the proportional density allocation and explained that when the Master Plan was developed, the density assigned to the various subdistricts in Frog Pond West was done based on a consideration of the intended density for different parts of Frog Pond West. It also took into account other elements that might be present on the site, such as SROZ, which was excluded from the calculation. When those density ranges were put together, assumptions were made on a blanket level for the entire subdistrict, such as the assumption that a certain percentage of the overall subdistrict would be excluded for right-of-way because street networks took a certain percentage of land.

- In allocating the density across parcels, it did not scale as well to use that proportional density calculation on the small, single parcel level, as Ms. Dunwell had noted. Because the Applicant had provided lots that met dimensional standards, but had still come up one lot over density, Staff had looked at the subject site as it related to Frog Pond Ridge because a certain percentage of the overall subdistrict would be developed as right-of-way, most of which was in Frog Pond Ridge, the previously approved subdivision to the east. Essentially there was more developable land that was not spoken for by things like right-of-way. Looking at this parcel in combination with the portion of Frog Pond Ridge to the west, doing the calculation again would not result in an additional lot. It was a function of the math applied at the single parcel level. The Applicant had provided a justification and explanation in their findings, and she believed they were prepared to address it, but from a Staff perspective, the Applicant had provided lots that met standards and when considering the entire subdistrict, the overall density would not be exceeded.

**Ms. Luxhoj** confirmed the 50-in Douglas fir would be preserved along with a 49-in pine tree and 43-in Oregon White Oak. Farther south in the small open space, a 53-in oak and 15-in pine would be preserved.

**Chair Hendrix** stated she understood the anticipated Stafford/65th roundabout was under Clackamas County control and asked if Staff knew when it would be developed. The project was on the 20-Year Capital Project list with some interim signals in the interim. She asked Staff to explain how that would play out.

**Amy Pepper, Development Engineering Manager**, replied that the City did not have a specific timeline for the County's project. The Staff report noted there would be some temporary

modifications with the Boeckman Dip Project in the next year that could turn into a more temporary permanent solution until there was a more permanent fix.

**Ms. Dunwell** asked if the anticipated egress would be onto Boeckman Rd or Stafford Rd. When the development was complete, traffic would likely head in one direction for the easiest exit and entrance into the new development. She asked which egress point would be preferred, Boeckman or Stafford.

**Ms. Pepper** replied the Traffic Impact Analysis included assumptions on the percentage of traffic anticipated at each intersection, but she did not know the numbers offhand.

**Daniel Pauly, Planning Manager**, suggested further questions be held until after the Applicant's presentation.

**Dan Grimberg, Director of Land Acquisition & Development, West Hills Land Development** thanked Ms. Luxhoj and Staff, noting West Hills enjoyed working in Wilsonville because of the open discussion in working through issues to make this a financially feasible project that met all Code requirements. Together, the Applicant and Staff had developed a plan that everyone could be proud of. West Hills had been building developments in Wilsonville for over 20 years, and this was their fourth development in Frog Pond. They had been involved in the master planning process as well as the development of various phases, including the Street of Dreams a few years ago. West Hills considered every opportunity with land in the area a privilege. Frog Pond in Wilsonville was a special place with many great amenities and a lot of thought had gone into the master planning process. The Applicant was proud of their involvement and what they had helped create with Staff. He also thanked the property owners for giving them the opportunity. The proposed development was small with only 17 lots, but it was not an easy project. He introduced the project team, noting Wally Remmers was the owner of locally owned West Hills, which had been building homes in the Portland Metro Area for over 30 years. He and the team were proud of the proposal and looked forward to getting started. Frog Pond was a very successful neighborhood, highly sought after, and popular.

**Li Alligood, Otak, 808 SW 3rd Ave., Suite 800, Portland, OR, 97204**, stated Ms. Luxhoj had done a great job detailing the project and its different components, so the Applicant's presentation would stay at a higher level, providing plenty of time for the Applicant's team to answer any questions. She presented the Applicant's proposal via PowerPoint with these comments:

- The subject site was one property and a portion of two other properties, including the school district property and one tract of Frog Pond Ridge to the east. The site was 4.06 acres with .07 of Tract I and a right-of-way dedication. The project overall was 17 lots and the associated infrastructure.
- She displayed a map showing the Applicant's previous developments in Frog Pond West, the subject project, and three additional projects submitted to the City and currently scheduled for review before the DRB or at the Staff level. The Applicant was very invested in Frog Pond West and had done a lot of work there with the City.
- Highlighting the existing conditions, she indicated the Thurmond property and where the property of the owner who submitted a comment was located, adding that comment would be addressed in a moment.

- The R-5 small lot subdivision had an open space requirement [inaudible]. While the R-7 and R-10 areas had no open space requirement, the Applicant was providing an open space in Tract A in order to preserve trees and provide a pedestrian connection.
- The development would extend both Brisbane St and Frog Pond Lane to the west. Frog Pond Lane would be extended with future development. She noted the pedestrian connection and Street A, which would stub with the Applicant's project, would also extend to the west and continue on with future development.
- The Applicant had worked closely with Staff on the density calculation. Ms. Rybold provided a great background on how they had come to their conclusion that the project was well within the approvable density. The lots in the R-10 area exceeded all minimum dimensional and area standards while also providing all required frontage, connections, and even some additional open space. The Applicant was confident the project met all of the intent ~~in~~ and the goals of the Code with the project as proposed. [inaudible]

**Steven Dixon, Senior Landscape Architect/Urban Design, Otak**, stated the subject property was a unique parcel in Frog Pond that offered some real challenges dimensionally. It was the narrowest parcel that extended to Boeckman Creek, and the Applicant had looked at options to extend a north/south road along the western property line, but that would not allow sufficient development and it cut through the five significant trees, including a 50-in Giant Sequoia. However, the dimension requirements primarily drove the plan, as well as the east/west connections. The lots in the large lot met and exceeded the minimum, particularly Lots 1 and 5. Additionally, the site sloped to the southeast corner, which drove where the stormwater facilities could be placed, as it needed to flow in that direction and out to the— [inaudible]

**Ms. Alligood** noted City Staff had received one public comment from Mr. & Mrs. Wuebkenberg and had shared it with the Applicant. Mr. Grimberg had spoken with the Wuebkenbergs, who were currently out of town, and would meet with them in the future. At this time, she wanted to provide some assurance that the Applicant had heard their concerns and would demonstrate what they were doing.

- The surveyed property line on the Existing Conditions Plan was very thick, so it was understandable that it was confusing to determine what was happening relative to the trees. West Hills had agreed to mark the property line with laths along the western boundary, so it was visible to anyone out at the site. The topographical survey was used as the base for existing conditions and was also reshown in the plan. The trees had been pegged and each one had a number. Each tree on the Thurmond and Wuebkenberg properties had unique numbers. Three trees were tagged on the Wuebkenbergs property, and the Applicant would be able to verify those out in the field. The Tree Protection Plan also showed fencing around those trees to protect them during construction. Additionally, construction fencing was typically installed along the property line to prevent machinery and equipment from moving onto someone else's property. The developer was committed to those assurances for the Wuebkenbergs.
- The Applicant requested approval of the application with the conditions of approval as recommended by Staff, and as revised per Ms. Luxhoj's presentation.

**Ms. Dunwell** said she appreciated the clarification on the tree removal and density calculation.

**Chair Hendrix** noted her only question regarded the public comment received from the Wuebkenbergs, so she appreciated the quick and thorough follow-up.

**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.

**John Andrews** stated he had visited the site and was concerned about traffic flow, not necessarily on the site itself, but the roads leading into the site and to other properties in the area. He had been through the area several times between 3:30 pm and 5:30 pm, and there seemed to be a traffic bottleneck. While the subject development was a small contribution to the area, a lot more would follow, and he believed the community would be surprised at how much time they spent trying to get home in the evening. He asked how that would be dealt with.

**Ms. Alligood** replied that per the Traffic Impact Study, 50 percent of traffic from Frog Pond Lane would go north on Stafford Rd and 50 percent would go south. Of that southbound traffic, 35 percent would go west on Boeckman Rd, 10 percent south on Wilsonville Rd, and 5 percent east on Advance Rd, so the traffic would be distributed pretty broadly. As Frog Pond West and the modified street grid system was developed and built out, drivers would have more options besides the main roads to get from place to place.

**Ms. Pepper** noted that the schematic showing those percentages was on Page 284 of the Staff report. Not a lot of the grid system mentioned by Ms. Alligood had been constructed yet, but Frog Pond Ridge continued to add to that grid and that would help spread out some of the traffic anticipated from the subject development. As a result, some traffic would use Frog Pond Ln, Brisbane St, or Willow Creek Dr.

**Mr. Pauly** added that findings were included in evidence that traffic was a clear and objective standard based on an engineer's evaluation. While Staff understood there were a variety of opinions about it in the community, Staff had developed standards and a method to review traffic to ensure those standards were met at each development, and the subject development met them. Additionally, a lot had been done in the master planning for Frog Pond West, so there was preliminary traffic study there. Staff would look at traffic again when reviewing the Master Plan for Frog Pond East and South. From this Board's perspective and Staff's analysis, the clear and objective standards for meeting the Levels of Service (LOS) with planned facilities within the City's purview, which were not all built, had been met.

**Chair Hendrix** confirmed there were no further questions or discussion and closed the public hearing at 7:26 pm.

**Katie Dunwell moved to approve the Staff report with the addition of Exhibit D2 and amended by Staff. Jason Abernathy seconded the motion.**

The following amendment was read into the record by Staff:

- Condition PDE 9 "Prior to issuance of any Public Works permits: The applicant/owner shall ~~install LED street lighting in~~ **submit information demonstrating** compliance with the Public Works Standards and Frog Pond West Master Plan. The street lighting shall be Westbrook style streetlights. The applicant/owner shall provide a 'stamped' engineering plan and



supporting information that shows the proposed street light locations meet the appropriate AASHTO lighting standards for all proposed streets. See Finding E24.”

**The motion passed unanimously.**

**Jason Abernathy moved to adopt Resolution No. 401 including the amended Staff report. The motion was seconded by John Andrews and passed unanimously.**

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

**Board Member Communications:**

3. Results of the January 10, 2022 DRB Panel A meeting
4. Results of the February 14, 2022 DRB Panel A meeting
5. Results of the March 14, 2022 DRB Panel A meeting
6. Recent City Council Action Minutes

There were no comments.

**Staff Communications**

**Daniel Pauly, Planning Manager**, announced that City Attorney Barbara Jacobson was retiring this week, and tonight was her final meeting. Ms. Jacobson had been a strong support and had helped Board members and Staff navigate many DRB hearings. Staff would miss her a lot and wished her all the best on her endeavors.

**Chair Hendrix** welcomed John Andrews to the Board and thanked him for joining, adding she was excited to have a full team.

**John Andrews** said he looked forward to working with the Board and the City. He thanked Staff for taking the time to meet with him and getting him up to speed which helped him prepare for tonight. He shared that had lived in the area for 11 years after moving from upstate New York. He liked the area very much and believed joining the DRB would be a good way to contribute to the community. He had retired from Xerox two years ago, and except for Covid, he was living a footloose and fancy-free lifestyle. He lives in Charbonneau, which was a nice area but already developed, so it had been eye-opening for him to go over to the areas of the city that were still blooming.

**Chair Hendrix** echoed that sentiment, thanking Staff for helping her tonight and everyone else for their grace while she figured out how to navigate her first meeting as Chair.

**Mr. Pauly** updated that City Council would resume in-person meetings on April 4th. In-person meetings for the other boards were delayed due to construction at City Hall, which was now projected to be finished in June. Council chambers had been converted to act as the front desk, so, DRB hearings would continue to be virtual until those issues were resolved. He introduced Development Engineering Manager Amy Pepper, who had been with the City since the beginning of the year and was a great addition to the team. He noted Staff anticipated a

number of items coming before the DRB in the coming months as Staff had a number of development projects in the works.

**Adjournment**

The meeting adjourned at 7:37 p.m.

Respectfully submitted,

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