

**Development Review Board – Panel A
Minutes– November 8, 2021 6:30 PM**

I. Call to Order

Chair Daniel McKay called the meeting to order at 6:30 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: Daniel McKay, Jean Svadlenka, Kathryn Neil, Ben Yacob, Rachelle Barrett

Staff present: Kimberly Rybold, Barbara Jacobson, Miranda Bateschell Cindy Luxhoj, and Shelley White

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 October 11, 2021 DRB Panel A meeting

Shelley White clarified that the October 11 2021 minutes were not part of the packet, but were emailed to the Board members and were available on the City’s website.

Jean Svadlenka moved to approve the October 11, 2021 DRB Panel A minutes as presented. Kathryn Neil seconded the motion, which passed unanimously.

VI. Public Hearing

A. **Resolution No. 396. Meridian United Church of Christ (Frog Pond Church): Ben Altman, Pacific Community Design Inc. – Representative for Meridian United Church of Christ – Owner/Applicant.** The applicant is requesting approval of a Zone Map Amendment from Residential Agricultural-Holding (RA-H) to Planned Development Residential – 4 (PDR-4), and adopting findings and conditions approving a Stage I Master Plan, Stage II Final Plan, Tentative Partition Plat, and Setback Waiver for Meridian United Church of Christ (Frog Pond Church). The subject site is located at 6750 SW Boeckman Road on Tax Lot 5500, Section 13AA, Township 3 South, Range 1 West, Willamette Meridian, Clackamas County, Oregon. Staff: Cindy Luxhoj

Case Files: DB21-0029 Zone Map Amendment
DB21-0030 Stage I Master Plan

DB21-0031 Stage II Final Plan
DB21-0032 Tentative Partition Plat
DB21-0033 Waiver – Setback/Zero Lot Line

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

Chair McKay called the public hearing to order at 6:36 p.m. and read the conduct of hearing format into the record. Chair McKay, Rachele Barrett, Jean 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.

Ben Yacob declared that he knew Rich Truitt, adding they both served on a HOA Board, but had not discussed the application. He did not realize Mr. Truitt was involved with the project until he read the correspondences. He confirmed he could remain neutral and impartial.

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 exhibits were entered into the record:

- Exhibit B4 Applicant e-mail regarding communication with Landover Homeowners Association
- Exhibit B5 Applicant response to Condition of Approval PFA 6 regarding sizing of the stormwater facility in Tract A
- Exhibit B6 Applicant response to Condition of Approval PFA 2 regarding sewer design and construction
- Exhibit D4 Retraction of public comments by Marcia Hubel included in the record as Exhibit D2

Ms. Luxhoj presented the Staff report via PowerPoint, briefly reviewing the site's location, which was surrounded by residential land uses, with these key comments:

- The subject property was owned by Meridian United Church of Christ (UCC). The church was anchored by the historic chapel, commonly known as Frog Pond Church, the northernmost building on the site. Over the years additions to the historic structure included, Samaritan House, Koinonia Addition, and the new Sanctuary. The Meridian UCC proposed to partition the property in order to sell the unused southern part of the site for residential development and to potentially sell the new sanctuary in the future.
- Proper noticing was followed for the subject application. Three comments were received during the public comment period and were included as Exhibits D1 through D3 to the Staff report. Comments expressed concern about premature/changing boundaries of the proposed parcels and configuration of Parcel 2; maintenance of the drive aisle shared among the three parcels and the overall site; possible change in ownership of the existing

building, sufficient parking for the church; changing State guidelines related to middle housing and their effect on possible residential development on the site; characteristics of homes that might be developed on Parcel 2; and whether proposed Tract A would remain a stormwater facility and landscaped parking area under church ownership, and as such, be undevelopable for home sites, thus providing a buffer to surrounding properties.

- As noted earlier, Marcia Hubbel, whose comments were included in Exhibit D2, expressed desire to withdraw her testimony. Ms. Hubbell's request was included in and entered into the record as Exhibit D4.
- Four of the five requests before the DRB were objective in nature, as they involved verifying compliance with Code standards. The last request, the Setback Waiver, involved discretionary review.
- The proposed Zone Map Amendment was to rezone the subject 2.39-acre property from Residential Agricultural Holding (RA-H) to Planned Development Residential 4 (PDR-4). Staff noted that the RA-H Zone was renamed to Future Development Agricultural Holding (FDA-H) by Ordinance No. 851 effective November 18, 2021. The rezone to PDR-4 was required to allow partition of the church property as proposed by the Applicant and was consistent with the Comprehensive Plan Map Designation of Residential 6-7 dwelling units per acre (du/ac), as well as the surrounding zoning of PDR-3 to the south and east and PDR-4 to the west.
- The Stage I Master Plan generally established the location of the proposed parcels and tracts on the site consistent with the standards. With the partition, the Applicant proposed to maintain the existing church for community uses at the front, or northside, of the site while enabling future residential use at the back, or southside, of the site which would provide additional residential development options within Wilsonville.
- The Stage II Final Plan addressed the general development pattern within the subject property and demonstrated consistency with development standards of the proposed PDR-4 Zone, such as the setbacks of the existing building, lot dimensions, street frontage, pedestrian access and circulation, parking, and landscaping.
 - The addition of 13 parking spaces and the minor replacement and upgrade to landscaping was proposed consistent with prior land use approval, 98DB35.
- Tentative Partition Plat. The Applicant proposed to partition the subject property into three parcels and one tract in two phases. Phase 1 would include both Parcels 1 and 3 in one 1.4-acre parcel, Parcel 2, with .66 acre, and Tract A, .29 acre. Phase II would divide Parcels 1 and 3, with Parcel 1 containing .44 acre and Parcel 3 containing 1 acre. No change to the configuration of Parcel 2 or Tract A would occur in Phase 2. (Slide 8)
 - The Tentative Partition Plat demonstrated consistency with the Stage II Final Plan for dividing the property in a manner that would allow continued operation of the existing church use and future development of Parcel 2 for residential use.
 - No timeline was indicated in the application material for Phase 2 of the partition to divide the existing building in two on Parcels 1 and 3. Therefore, Staff recommended Condition of Approval PDD 7, included in the Staff report, to impose a two-year timeline for recordation of the final plat for both phases, which was the typical valid timeline for land division and other land use approvals. If the final plat for both phases

was not recorded within two years, the tentative plat approval, as it applied to unrecorded phases, would expire.

- The Applicant had responded to two conditions of approval with additional information in Exhibit B5 to Condition PFA 6 regarding the sizing of the stormwater facility in Tract A, and in Exhibit B6 to Condition PFA 2 regarding sewer design and construction.
 - After discussion with the Applicant, the City's Engineering Staff modified Conditions PFA 2 and PFA 7, both related to sewer. No modifications were proposed to Condition PFA 6.
 - Condition PFA 2 was proposed to be modified to state, "Prior to Phase 1 Final Plat Approval, applicant shall construct public sanitary sewer manholes and mainline within SW Morgan Street, Tract G, *and* Parcel 1, ~~and Parcel 2~~ as necessary to serve both Parcel 1 and 2. Record minimum 15-foot wide sanitary sewer pipeline easement as part of Final Plat recordation."
 - Condition PFA 7 was proposed to be modified to state, "Prior to Phase 2 Final Plat Approval, applicant shall extend ~~the~~ public sanitary sewer mainline, *including manholes*, to the ~~west and~~ north within the parking lot drive aisle to serve ~~the~~ newly partitioned Parcels 1 *and* 3. Record minimum 15-foot wide sanitary sewer pipeline easement as part of Final Plat recordation. *This work will include abandonment of the existing lateral which had served the main church building, and new lateral connections to the public sanitary sewer mainline for each Parcel.*" [I wasn't sure if I should type out the whole quote or just leave it at "she read the modified condition into the record" so I basically put both and that way you can just delete the actual quoted part if it's too much/not necessary.]
- She noted that Gordon Munro from Tetra Tech, the consulting engineer for the City, was available to answer questions, adding she would pause the presentation to answer questions related to the Zone Map Amendment and verifying Code compliance related to the Stage I Master Plan, Stage II Final Plan, and Tentative Partition Plat.

Jean Svadlenka confirmed that access to Parcel 2 would only be from the existing driveway to Boeckman Rd and that the gravel road leading to SW Morgan St would not be developed.

- She noted that Exhibit B3, which discussed some revisions based on a discussion on October 18th about the flag access for Parcels 2 and 3 that were relocated and widened to 35 ft each. She asked if the flag accesses referred to the roads.

Ms. Luxhoj explained that in the Applicant's initial submission, what was referred to as a flag access was actually the extensions of Parcel 2 and Tract A going to Boeckman Rd. For Parcel 2, it was not centered on the drive aisle, but across the landscaping and parking spaces. Following discussions with Staff, the Applicant modified their proposal to place that extension of Parcel 2 across the drive aisle to give two-way access from Boeckman Rd to the parcel at the south end.

- The Tentative Partition Plat showed what was currently proposed and she indicated the drive aisle people would use to access Parcel 2. (Slide 8) She confirmed Tract A was currently a stormwater facility and would remain that way.

Ms. Svadlenka noted that she had read about the sewer lines being extended and asked if the existing buildings were already connected to City water and sewer.

Ms. Luxhoj responded yes, however some modifications would be required to the existing service between the lateral and main line sewer to serve the parcels, which was partly why Engineering worked with the Applicant to make those modifications to the two Public Facilities conditions of approval.

Ms. Svadlenka asked if those modifications would be done by the current Applicant and not the developer of Parcel 2.

Gordon Munro, Tetra Tech, responded that currently, the existing property was on City water and sewer, but improvements were required to extend those utilities to the other two parcels being created from the division. The existing sanitary sewer line came from Morgan St through Tract G and across Parcels 1 and 2. Part of that line would be converted to a public sewer with services branching off that sewer line to the three parcels. Public sewer would be available to Parcel 2 as part of the project. Whether or not Parcel 2 was subdivided in the future was a separate issue, but the development would have public water and sewer.

Ms. Svadlenka noted Parcel 2 was a smaller tract only accessible from the small road off Boeckman Rd that would be shared with the existing church on Parcel 1 and anything that might be developed on Parcel 3. She asked why it had been zoned PDR-4 instead of PDR-3, as PDR-3 was for 4-5 du/ac, which equaled 1.6 to 2 dwelling units on the .4 acre of Parcel 2, as opposed to the up to the 3 dwelling units allowed by PDR-4.

Ms. Luxhoj stated the rezone request was for PDR-4 because that was consistent with the Comprehensive Plan designation, which was 6-7 residential du/ac. The Applicant did not want to change the Comprehensive Plan designation.

Ms. Luxhoj confirmed there were PDR-3-zoned areas to the east and south, which were zoned Residential 4-5 du/ac in the Comprehensive Plan. The Residential 4-5 dwelling units translated to PDR-3 in zoning, and in the Comprehensive Plan, the appropriate zone for 6-7 dwelling units was PDR-4.

Ms. Svadlenka asked if the Comprehensive Plan designation that set dwellings at 6-7 per acre could be lowered to 4-5 du/ac.

Kim Rybold, Senior Planner explained that one thing Staff looked for when looking at map amendments was how consistency with the Comprehensive Plan Map recommendation was met. To propose a zoning classification that was inconsistent with the Comprehensive Plan map amendment, such as PDR-3 for the subject project, a proposal first had to be made to amend the Comprehensive Plan Map to enable that zoning to be applied here, but that was not the proposal before DRB this evening.

Ms. Svadlenka asked if Phase 2 were approved today, were there any limits or regulations governing what type of business could purchase and use Parcel 3. She understood the

Applicant had claimed it would likely be another church or nonprofit, but could it be anything, like a gym, for instance.

Ms. Luxhoj replied that it could be any allowed use within the PDR-4 Zone. The church currently operated under a Conditional Use Permit. For Parcel 3, a different allowable use within the PDR zone would likely require modification to the Conditional Use Permit. She confirmed the Conditional Use Permit was for the entire site and the existing church use on the site.

Ms. Svadlenka asked if the Conditional Use Permit would still be valid for a Parcel 3 if a Parcel 3 were created during Phase 2.

Ms. Luxhoj replied the church was used for church operations and rented out for other community uses. If the property were to be used for something else, the Applicant would need to modify the Conditional Use Permit.

Kathryn Neil asked where parking would be located and would selling part of parking be an issue for a business buying that parcel.
in the event Parcel 3 was developed into a different type of business.

Ms. Luxhoj replied that the Applicant had proposed several reciprocal easements for the drive aisle and parking area to serve both the existing church building and a new building if the parcel was split in Phase 2. Those easements would remain for the existing parking, the landscaping, the drive aisle access, and the storm facility.

Chair McKay understood the Applicant was adding parking spaces because the site did not have the number of parking spaces required for a church. He understood if it was parceled out and a new business developed, the church could not have less than the required minimum for parking spaces without a waiver.

Ms. Luxhoj responded that at present, the gravel area that would become part of Parcel 2 was currently used for overflow parking for the church, but that would end once Parcel 2 was sold, so the Applicant was adding 13 spaces to bring the existing church use into compliance with its previous approval. If the future use of Parcel 3 was something that required more parking, the parking requirement would be re-evaluated as part of that modification of the Conditional Use Permit. Any residential use built on Parcel 2 would need to provide its own parking for all if of the units.

Chair McKay understood the owners of Parcels 1 and 3 would be able to restrict their designated parking spaces for their own use.

Ms. Luxhoj replied yes, adding there would be easements that would go with Parcels 1 and 3.

Ms. Neil asked if Parcel 2 was large enough to require some open space.

Ms. Luxhoj replied it would require open space if it was developed under the typical PDR-4 zoning requirement. Staff had recent modifications to the Code related to middle housing that may effect that.

Ms. Rybold stated that the open space requirements depended on the nature and type of what was proposed there, and there were a couple of different ways the site could be developed in the future. Whether it was developed as a subdivision or as one parcel impacted how those requirements worked, and the new open space standards would be assessed when the future development of Parcel 2 was considered.

Rachelle Barrett asked who would own Tract A and if it went with any of the parcels.

Ms. Luxhoj replied the church would continue to own Tract A, as well as Parcels 1 and 3, initially, and only wanted to sell Parcel 2. At some point, the storm facility would need to be upgraded to serve the entire site as it was quite old and not to current standards.

Ms. Barrett asked what the purpose was of Phase 2 and subdividing into Parcel 1 and Parcel 3. She also asked if there would be protection for the historic building.

Ms. Luxhoj responded the main purpose of Phase 2 was for the Applicant to partition off the newer sanctuary portion of the church and sell it for financial purposes for the church. To her knowledge, the Applicant had not indicated any intention to do anything to the historic chapel and she invited the Applicant to elaborate on her response.

Chair McKay noted Exhibit B6 was submitted Friday, November 5th and received by the Board via email. He asked if the City or Applicant had reviewed that communication by Rich Truitt regarding recommendations to the sewer line.

Ms. Luxhoj replied that Mr. Truitt's comments about the Public Facilities condition of approval related to sewer design and construction was what generated the conversation between City engineers and the Applicant. The result was the modification of those two conditions of approval.

Ben Yacob asked what would happen to the size of Tract A after it was upgraded and what the upgrade would entail. Would the existing building remain the same or be reduced in size?

Ms. Luxhoj replied that level of detail was unknown at this time. Originally, it was designed to serve the entire site. The Applicant had provided additional information regarding Tract A's ability to accommodate stormwater from the additional 13 parking spaces, but the ability of the stormwater facility to handle any increase of development on the site would be re-evaluated in the future when development for Parcel 2 was proposed.

Mr. Jacob asked if that would occur before the partition of Parcel 3, or if there would be three different entities involved in the upgrading of Tract A.

Ms. Luxhoj replied that per the initial proposal, the church would retain ownership of Tract A. She deferred what would happen during Phase 2 of the partition to the Applicant, as she had no further information about it.

Mr. Munro stated that one condition of approval was that the Applicant re-evaluate the capacity of that facility to serve the proposed development. That evaluation would come as part of future work. The Applicant had submitted information regarding that, but City Staff had not reviewed it yet; therefore, the condition of approval to re-evaluate remained. Once the re-evaluation was done, Staff would review it but that would not include any future development on Parcel 2, which would be separate.

Mr. Jacob asked if Parcel 2 would have its own stormwater mitigation process.

Mr. Munro responded it would be difficult to address the facility now for that improvement since they did not know what would be built there. It would be addressed when developed.

Mr. Jacob asked if the Development Review Board could use this as an opportunity to make the partitioning of Parcel 2 contingent on them also developing their own storm drain mitigation.

Mr. Munro replied he believed it was standard procedure to look at the storm drain when any parcel was developed.

Ms. Svadlenka stated that for the subject application, a traffic study was deemed unnecessary. She asked if a traffic study would be triggered when a developer submitted plans for Parcel 2. She was concerned about traffic, especially if all 92 parking spaces for the church were full, and that the one road would not be sufficient for the number of people that could potentially be on the property at the same time.

Ms. Rybold replied it was hard to say what the exact process would look like without knowing what was proposed on Parcel 2. That said, even administrative reviews required either some form of traffic study or an acknowledgement or waiver request that a traffic study was unnecessary before considering an application complete. Once Staff had more specificity as to what was proposed on Parcel 2, they would work with Engineering to determine what level of detail was needed in a review. Once Staff knew what was proposed for Parcel 2, they would be able to look more specifically at any potential impacts to the existing drive aisle.

Ms. Svadlenka asked if the condition of approval requiring the Applicant to complete the plats in two years applied to all the phases or just Phase 2.

Ms. Luxhoj replied the Applicant had two years total for all phases. If final plats were not submitted for both phases within two years, whichever phase was not submitted for would expire.

Ms. Svadlenka understood if the Applicant submitted the plat for Phase 1 within the two years, Phase 1 would still go through even if a plat for Phase 2 was not submitted. She asked if the phases were being considered separately.

Ms. Rybold responded the final plat process was a follow-on to the phases of the plat and was intended to give Staff a general understanding of where the Applicant wanted the land division to occur. That said, the final plat was the action that separated the land ownership and created different parcels. The Code requirement standard was two years; however, the Applicant had chosen a phased approach here in terms of the expiration of this tentative partition plat.

- Based on information given to Staff by the Applicant, they would pursue splitting off Parcels 1 and 3, as one parcel, from Parcel 2 with Tract A. The Applicant could do that as one final plat process or return in the future and go through a second final plat process to create Parcel 3. The phasing that the Applicant had chosen allowed them to do it separately. Either way, it had to be completed within the two-year timeframe consistent with the Land Division section of City Code. The proposed condition reinforced existing Code.

Ms. Svadlenka stated that per Exhibit A1, the Applicant was unsure if they would move forward with Phase 2, which would depend on the financial stability of the church. The Applicant had only submitted Phase 2 now because it cost less to do it that way. She asked what the cost would be to the Applicant if another application was submitted in the future only for Phase 2.

Ms. Rybold replied there were application fees that City Staff controlled in their portion of the final plat review process, but she did not know the amount of the intake fee offhand. Other components to the fee, however, were not necessarily captured in City fees, and for that reason she could not provide an accurate estimate, but perhaps the Applicant might. She suspected the City application fee piece was smaller in comparison to other parts of the process they might duplicate.

Mr. Yacob asked if a developer would be responsible for their own storm drain mitigation if Parcel 3 was split off, and, if Tract A was upgraded and required less space for its storm drain mitigation for Parcel 1, could any resulting excess space become parking.

Ms. Rybold replied any changes involving a surplus of land would have to go through the City's review process. Others might be better equipped to speak to the sizing of that facility, but the Applicant could seek to adjust the boundaries through another review process. Any changes to what was approved would be subject to an administrative land use process. Any proposed changes to parking would need to be considered under a different application.

Mr. Yacob asked if that process would need to be completed within the two-year conditional timeframe provided.

Ms. Rybold responded that condition was specific to the final plat process. The Applicant could potentially make minor modifications to the subject proposed plan within that timeframe. Anything beyond that would have to go through a separate land division process. Similar to boundary changes, there were different ways to accomplish that under the Land Division Code, but that would be assessed if the Applicant wanted to use some of that space for a different purpose.

Ms. Luxhoj continued the PowerPoint presentation regarding the requested setback waiver, which involved discretionary review. Her key comments were as follows:

- Phase 2 of the partition proposed to divide Parcel 1, which contained the church building and grounds, into two parcels, Parcels 1 and 3. This partition would separate the newer sanctuary from the remainder of the building, as outlined in red on Slide 15.
- The minimum required setbacks in the PDR-4 Zone for lots exceeding 10,000 sq ft in size were 15-ft front, 5-ft side for one-story and 7-ft side for two or more stories, and 15-ft in the rear for a one-story building and 20-ft in the rear for two or more stories. The Applicant had requested a setback waiver to allow a zero lot line between the buildings on Parcels 1 and 3 that would result from the proposed partition.
- Per Section 4.118 (.03), "The DRB may grant a waiver to the setback standards in order to implement, or better implement, the purpose and objective of the plan development regulations." Per subsection 4.140 (.01) B, "The objectives include, but are not limited to, the following. Take advantage of functional land use design, produce development equal to or better than that resulting from traditional lot land use development and permit flexibility of design."
- The Applicant would explain their rationale for the setback waiver request and how it met the criteria in their presentation.

Ms. Barrett understood if approved, the setback waiver would be for the existing buildings. She asked if any new development would be subject to the waiver if the existing buildings were torn down.

Ms. Rybold replied she did not know, noting Staff had not attached any conditions to the setback waiver request. She believed it would apply in a manner such that the DRB was approving the waiver as a part of the Stage II development approval, which essentially approved the site plan as presented. From that point of view, the setback would be tied to the Site Plan. If there was an interest in clarifying the waiver as a condition in terms of how it applied to the subject application, she would defer to the city attorney for more information.

Chair McKay called for the Applicant's presentation.

Ben Altman, Pioneer Design Group, 9020 SW Washington Square Rd, Portland, OR, 97223 stated for the record that the company name as it appeared in the agenda was incorrect. He

clarified that the primary access was the common drive aisle through the parking lot out to Boeckman Rd. However, Tract G, which connected to Morgan St, would remain as a connection and available to all site users, including Parcel 2, as a secondary access.

The stormwater facility on Tract A was designed to support the existing building and the paved parking lot, which was why it had been initially assigned to Parcel 1. If Parcel 3 was created in the future, it would also serve Parcel 3. However, given the odd, u-shape of Parcel 2, the Applicant would provide an opportunity for reconfiguration of Tract A in conjunction with development of Parcel 2. He anticipated that that would result in a more rectangular shape that extended across the southwest side of the site, rather than having a small section on the very south side, and square off the site for better site development. That would be provided as an option to the entity that purchased Parcel 2. Were that to occur, Tract A would be shared by all three parcels in terms of its sizing and meeting current standards, and so on.

- If a Parcel 3 was created and there were no other modifications, the existing building would be covered by the existing stormwater facility in Tract A, as well as the Parcel 1 area of the building. He did not anticipate any change just because the use changed. The storm drainage was based on the impervious surface, not the use of the building. If Tract A was modified in shape to accommodate the Parcel 2 storm drainage, that would trigger a change.
- The Applicant had included Parcel 3 as an option in the subject application to avoid repeating this process and because they wanted to ensure they had a plan that worked with three parcels on such a complicated site. If the Applicant had not done it this way, it was possible it could not be done at all in the future if they returned with a separate application to partition the building. The church hoped they would not have to create a Parcel 3.

Rich Truitt, Project Manager, Meridian UCC, stated he was present as both a member and Project Manager for the church. He wanted to provide some context for the application to partition the property, and to hopefully dispel some misinformation that may have been circulating as to the future of the church and to address questions raised earlier, including the permanent [inaudible]

- The Frog Pond Church was established in 1878. The historic chapel was one of the oldest buildings in continuous use in Wilsonville. Familiar landmarks in town, including Boeckman Rd, Engelman Park, and Lowrie Elementary School honor both the founding members and current members of the church.
- Over the 143 years since its founding, the church had played an active role in the community, both as a place of worship and as a giving congregation and supporter of many other groups, caring for others and promoting justice and inclusion in the community. Many homes, including past and present developments in the Frog Pond area, as well as the City of Wilsonville itself, had literally grown up around the Frog Pond Church.
- A few years ago, the church began to face challenges attributed to declining membership. The situation grew worse during the pandemic. At that point, a small group within Frog Pond advocated selling the property and dissolving the church. The congregation of Frog Pond soundly rejected that proposal and decided instead to chart a new path forward. With strong new leadership in place, the [inaudible] remaining foreseeable future, a vibrant

portion, and a [inaudible] in our community. The church is well on its way to this successful future.

- Frog Pond emerged from the pandemic stronger than it was before. With its hybrid worship [inaudible] Hawaii, Arizona, and Mississippi, they participate in our services. New members had joined the church. Its current [inaudible] from the Pacific that worshipped in their sanctuary every Sunday. Recently another growing [inaudible] also worshipped in their language in the sanctuary for several months. The many support groups the church had hosted for years continued to meet at the church and expressed gratitude for the continuing support from Frog Pond during difficult times, particularly during the pandemic. Several other church and community groups have approached the church about utilizing space in the facility.
- The deliverance of backpacks of essential personal supplies to adults [inaudible] custody upon their release from Coffee Creek had resumed after the pandemic suspension was eased. The church was sponsoring a Teen Build for community members this month and a home under construction by Habitat for Humanity in Woodburn. The church was currently hosting a sculpture exhibit, the Biggest Pumpkin Project, sponsored by the Wilsonville Arts and Culture Council. Through generous gifts from members of the church and the larger community, the church had initiated a remodeling project to update and improve its kitchen and meeting spaces for all current users. All of that reflected the fact that Frog Pond intends to remain an important place of worship and a home for community service to Wilsonville indefinitely.
- Through the application to partition the property into three parcels in a phased approach, Frog Pond hoped to have available several options for the optimal utilization of the property. Among the options, one would allow the church to sell a little-used portion of the property for residential development compatible with surrounding homes. Another would allow the church to lease or sell its large sanctuary to another church or to an organization for use as a community gathering place or perhaps, as a center for visual and performing arts. With each option, the church was committed to retaining permanently, [inaudible] its historic chapel, the adjacent gathering space known as Samaritan House, the library, classrooms, and the social hall, known as Koinonia House.
- Once the partitioning of the property was approved, the congregation would decide on the best option to enable the church to move forward to a vibrant future. Proceeds from the sale of a portion or portions of the property would allow the church to recast their mortgage, build capital reserves for the remaining facilities, and invest more to support community service programs that are important to the congregation.
- The Applicant acknowledged the efforts of City Staff and the DRB through the partitioning process. They recognized that the Frog Pond property was a unique [inaudible] and had presented many [inaudible] working with the church and tried to [inaudible] that were unique configurations that could still address and meet all of the City's requirements.
- The Applicant supported the recommendations and accepted the conditions of approval with two minor notations as presented by Ms. Luxhoj earlier. The church believed they had met the requirement regarding the stormwater drainage issue, but would work with the City to demonstrate that the condition had been met.

- He extended a special thanks to Matt Palmer, Associate Engineer for the City, and to Cindy Luxhoj for working with the Applicant as late as this afternoon to find a solution to the stormwater issue. The Applicant was very grateful to them both for helping accomplish that.
- He thanked the DRB on behalf of Frog Pond Church for the Board's consideration and asked permission to include this opening statement in the official record of the meeting.

Chair McKay stated he lived very close to walked by Frog Pond Church frequently, but he did not realize how significant the church was and the good work they did. He thanked the Applicant for their contributions to the community, adding he appreciated having such a good neighbor.

Mr. Yacob understood the driveway to the east could be used by Parcel 2 rather than the driveway to Boeckman Rd and asked if that made the driveway a functional road.

Mr. Altman replied it was actually an easement owned by the City, but the easement granted access for vehicles, pedestrians, and utilities. The subject proposal did not change that. As part of the conditions of approval, the existing sewer line would be modified to a public line to bring it from Morgan St into the site, as opposed to the private service lateral that currently existed. The access potential that exists would remain. The easement for access and circulation through the property would be for all three parcels. The existing circulation either to Boeckman Rd or Morgan St would remain, with the driveway being a secondary access point. During the pre-application discussions and reviews, the Fire District voiced support for that secondary access and preferred to have it.

Ms. Rybold stated she wanted to clarify the question regarding the waiver and its applicability. She had consulted with the city attorney, and they believed it was in the interest of the Board to clarify the applicability of the waiver if there was a way for it to be applied to the existing building in its current configuration. She read the draft language for a new condition, PDE-1, that could be added under the setback waiver request to specify, that the waiver applies only to the existing building in its current configuration. Any exterior building modification would be subject to setback requirements of the PDR-4 Zone.

Chair McKay suggested posting the language in the Zoom chat for the group to read. He understood the Applicant wanted to change the wall of the existing building so that it technically fit onto a separate parcel. Did that mean that a major building renovation would be needed to create a setback? It seemed like the condition required the building to remain as the same use or nothing at all.

Ms. Rybold replied that the language could be adjusted if it was unclear. The intent of the condition was to cover exterior modifications which did not involve the construction of the fire wall, which was an interior modification. If in the future, the building was partially or entirely reconstructed, the setback issue would be revisited. She understood the question was focused on the existing building, its configuration, and existing users. As far as potential additions or

other interior footprint modifications, the intent of what was currently drafted was to restrict the waiver to the existing building and existing footprint. If there were supporting modifications, Staff could work through those.

Chair McKay asked if the Applicant would be able to apply for a waiver, if an addition was needed to the exterior in the future.

Ms. Rybold replied the DRB would have to consider that if it wanted to limit the condition to the existing building with its existing footprint as the new proposed condition was drafted to do. For example, if an addition were put on the building on Parcel 3, the question was whether it could be built up to the parcel line or if the addition would default to the PDR-4 setback standard. The DRB could determine whether to make a modification to allow for that kind of building addition.

Barbara Jacobson, City Attorney, stated that the condition used that language because there were a lot of unknowns and an assumption that the building would remain as is. The condition, therefore, was made for that particular facility, and if it turned out to be completely different, then the DRB ought to be able to revisit it.

Chair McKay agreed the intent was good and asked the Applicant if that language was satisfactory with regard to their future intentions for that parcel.

Mr. Truitt replied that he understood the setback waiver applied to the common wall, which he understood would be enhanced as a fire wall. There was currently an opening that would be closed to prevent any through traffic. He hoped that the wording would not preclude an addition to either parcels' buildings as long as any other setback requirements were met. For example, if an addition were built, the church did not expect to be able to build right up to the fence line but would honor any other setback requirements with this restriction applying only to the common wall between the two buildings. He asked if he understood that correctly.

Ms. Rybold confirmed that was correct.

Chair McKay stated he was confused by the language because the Applicant could still do additions or modifications to the exterior. They were currently exceeding any requirement for setbacks on the other sides of the parcel, so he did not know if there was a point in adding that condition.

Ms. Barrett stated that she understood the condition would be to prevent future owners of Parcel 3 from deconstructing the building and reconstructing a new one right up against the church with the waiver still in place.

Mr. Altman added that any modification to the building exterior was subject to design review approval, which would entail the review of that specific design request. He understood the question but did not feel it was that important because if Parcel 3 was sold to a separate entity

and they wanted to do something completely different, they would need to submit an application and might or might not even request a waiver.

Ms. Rybold understood the intent was simply to clarify the applicability of the waiver, so the intent of the condition was to clarify and limit the setback waiver to the existing building configuration proposal as it was and to reduce any future ambiguity as to whether the setback waiver applied to a different building proposal or configuration. The second sentence was just a statement that the setback applied as is, which was consistent with what Mr. Truitt had said, but Staff was happy to modify the language if needed or not apply it at all, which was left to the discretion of the Board.

Mr. Altman stated that if the condition was clarified that the waiver applied to the existing common wall between Parcel 1 and 3, and not beyond that, that would be reasonable.

Chair McKay suggested the language be less ambiguous regarding what it applied to, such as stating that the waiver only applied to the current configuration of the common wall. That would provide the clear flexibility the Applicant needed while also clarifying the intent of the DRB.

Ms. Svadlenka agreed it made sense to clarify exactly the specific condition the setback waiver was being approved for.

Ms. Rybold suggested that rather than discussing the building and its configuration, the new condition could state, "This waiver applies only to the proposed common fire wall between the two buildings on Parcels 1 and 3."

Chair McKay stated that language worked for him.

Ms. Svadlenka noted Exhibit B3 discussed that Tract A could be modified. She asked if there were any limitations to the modifications that could be done on Tract A, depending on future use of Parcel 2 or 3.

Mr. Altman responded his expectation was that in order to improve the overall lot configuration for Parcel 2, it would be advantageous to reconfigure the shape of Tract A in that area, not including the extension that covered landscaping or parking areas. If the actual stormwater facility was reconfigured in size and designed to meet current stormwater standards for all three parcels, he anticipated that would be done as part of the development of Parcel 2, because any developer would have to meet the stormwater standards. It might be advantageous to work with the church to modify the shape of the existing facility and bring all of it up to standard.

Ms. Svadlenka stated it made sense to make modifications to the shape of Tract A and asked if the actual square footage could be expanded if needed.

Mr. Altman replied that the size of the tract would be determined by what would be necessary to serve Parcel 2. He reminded that the current stormwater facility did not meet the current Code standards and would be a different facility if it was built today. The Applicant had not done any calculations to anticipate what that might look like, but he anticipated the shape would be more rectangular than square. The size would be dependent on the calculations for the impervious surface that would be added by Parcel 2.

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

Charles Brown, 28128 SW Willow Creek Dr, Wilsonville, OR stated his property butted up against Tract A. He had initially been pleased to hear of the proposed reconfiguration but was now unclear on what that might be. He asked how many alterations could be made while still remaining compatible with what was presented.

Ms. Rybold asked if Mr. Brown was referring to any slight modification to what had been drawn on the tentative plat and submitted as part of this review for Tract A in light of the conversation around the stormwater facility.

Mr. Brown replied it was unclear what the square footage of the future tract should be to meet the requirements, which made it unclear what the size of Tract A should be and how wide it might be east to west.

Ms. Rybold replied that a proposed condition required the initial analysis to assess that tract. The City would not sign off on the final plat unless it was substantially the same as it was in the application. Because the tentative plat was not as formally and thoroughly surveyed as the final plat, there were sometimes differences to the actual square footage for that tract or the appearance of that line. Upon review, the Planning Director could determine whether what was shown was substantially similar, and then Staff would sign off on it and allow the final plat to go through the process and be recorded.

- Staff would not necessarily know whether the final plat was substantially different from the tentative plat until they saw the results of the additional work, which could trigger an additional administrative review of the tentative partition plat and go through a process wherein there would be public notification again. If the shape of a plat changed significantly, or there was a substantial increase or decrease in the size of the tract, Staff had the ability, under the Development Code, to go through another review process on it.

Chair McKay said he understood that if the tract changed shape to rectangle-off, Staff would not just consider whether the size was substantially the same, but also whether it maintained the same general features, and any substantial changes to those features would trigger a review. He also understood if Parcel 2 were reconfigured to make it more developable, that would appear before the DRB anyway alongside the developer's application.

Ms. Rybold confirmed that was all correct. Depending on the type of development, it was possible to have a proposal that qualified for administrative review as opposed to a full DRB public hearing. Regardless, it would go through a process wherein the Board would be notified.

Mr. Altman stated there would be no changes to the final plat during Phase I. Any changes would occur during the development of Parcel 2, which would be a separate application subject to DRB review, and at that time, the shape and size of Tract A would be addressed.

Pat Wolfram, 8950 SW Capitol Highway, Portland, OR, 97219 stated he had lived in Wilsonville for the last 32 of 33 years before moving to Portland. He had moved to Wilsonville in 1988 for the schools and its commitment to community, as seen in the parks, community events, and services. The city was different back then, but promoting community always seemed core to Wilsonville. He had chosen Frog Pond Church for similar reasons, including its community activism, rich history, and commitment to promotion of diversity, equity, and inclusion. Those were a big deal for the church and always had been. He wanted to see that continue and be an active part of that. The church had maintained hosting community events such as the Strawberry Festival and being involved in other community events. There were many years when the church was the only way the annual Relay for Life fundraiser by the American Cancer Society was able to take place. The church had gotten knocked sideways by the pandemic. After much anguish among church members regarding how the church could stay healthy, they had determined partitioning the property was the only way. He hoped the City of Wilsonville and the DRB could help them on that path. He understood sometimes waivers were involved in such issues. He believed Wilsonville had always shown a commitment to community and organizations that fostered and built the bonds of a good community. He hoped that happened here. After 32 years living in Wilsonville, this was his first time being a part of a DRB meeting. He was impressed with how thorough and knowledgeable the DRB was. He was sure there was a lot more discussion that had to happen, but the process took longer than he had anticipated. He supported this path the church was on.

Ms. White confirmed she had several testimony cards, but no one indicating on the Zoom call that they wanted to testify.

Chair McKay confirmed there was no rebuttal from the Applicant and that no Board members had any additional questions of Staff or the audience members. He called for discussion from the Board.

Ms. Barrett stated she was unclear as to how rental properties worked and asked if Parcel 3 had to be separate from Parcel 1 in order to rent out or sell the building.

Mr. Altman replied that it did not. They were currently rented out now. The only reason to separate it physically as a partition was to create an ownership property wall in the event it was sold, which was the purpose of the zero setback waiver. Otherwise, it would remain as one building as it was now.

Ms. Barrett understood the parking would not get sold along with the parcel.

Mr. Altman clarified that there would be 92 parking spaces with the addition of the 13 proposed new ones. Based on the Conditional Use Permit, that was the requirement for the existing building and its occupancy. The intent was that the easements and parking would be accessed and common to both Parcels 1 and 3.

Ms. Barrett asked if owners of Parcel 1 and Parcel 3 would share the costs of any improvements made to Tract A.

Mr. Altman responded that he assumed if Tract A were modified to accommodate Parcel 2, then the ownership and maintenance would be shared by all three parcels.

Chair McKay confirmed the Board had no changes to the new proposed Condition PDE 1 stating, "This waiver applies only to the proposed common fire wall between the buildings on Parcels 1 and 3." He also confirmed there was no further discussion and closed the public hearing at 8:21 pm.

Ms. Luxhoj read the amended and new conditions of approval into the record as follows:

- Amended Condition PFA 2. "Prior to Phase 1 Final Plat Approval, applicant shall construct public sanitary sewer manholes and mainline within SW Morgan Street, Tract G, *and* Parcel 1, ~~and Parcel 2~~ as necessary to serve both Parcel 1 and 2. Record minimum 15-foot wide sanitary sewer pipeline easement as part of Final Plat recordation."
- Amended Condition PFA 7. "Prior to Phase 2 Final Plat Approval, applicant shall extend ~~the~~ public sanitary sewer mainline, *including manholes*, to the ~~west and~~ north within the parking lot drive aisle to serve ~~the~~ newly partitioned Parcels 1 *and* 3. Record minimum 15-foot wide sanitary sewer pipeline easement as part of Final Plat recordation. *This work will include abandonment of the existing lateral which had served the main church building, and new lateral connections to the public sanitary sewer mainline for each Parcel.*"
- New Condition PDE 1. "This waiver applies only to the proposed common fire wall between the buildings on Parcels 1 and 3."

Daniel McKay moved to adopt the Staff report with new Exhibits B4, B5, B6 and D4, two (2) modified conditions of approval (PFA 2 and PFA 7) and one (1) new added condition of approval (PDE 1) as read into the record by Staff. **Ben Yacob** seconded the motion, which passed unanimously.

Ben Yacob moved to adopt Resolution No. 396. **Daniel McKay** seconded the motion, which passed unanimously.

Chair McKay read the rules of appeal into the record.

VII. Board Member Communications

- A. Results of the October 25, 2021 DRB Panel B meeting
- B. Recent City Council Action Minutes

Kim Rybold, Senior Planner, noted that at the October 25, 2021, DRB Panel B approved development of the Villebois Village Center. At a previous meeting, the DRB had split some of the applications in terms of recommendations they made, had continued a piece of the application, which had been appealed by an interested party in the area. Based on the testimony in the record, that appeal would be heard at City Council on November 15th.

- At the October meeting, DRB Panel B also approved a proposal for site and architectural changes to the old Microsoft building on 95th Ave to accommodate the Oregon Department of Administrative Services. A new entryway was proposed as well as slight changes to onsite parking to accommodate fleet vehicles.

Cindy Luxhoj, Associate Planner, added the interior modifications to the building would accommodate several State laboratories, as well as evidence storage and other State-owned materials. As part of the entry and architectural changes on the south side, the front of the building, solar arrays would be installed as well as 11 electric vehicle parking stations.

Ms. Rybold highlighted the October City Council meetings of. The Zone Map Amendment for the Villebois Village Center Project had been approved, as well as the Middle Housing Project that Dan Pauly had been working on for about a year and a half to implement House Bill 2001. That project would prove to be of interest to the Board, particularly on future residential projects. Staff was discussing doing some training or creating some informational guides, as there would be new ways of looking at what was allowed, particularly on properties for residential uses.

Jean Svadlenka understood that when WPI proposed their fence redesign at the corner of Canyon Creek Rd and Burns Way with the setback from the sidewalk, a condition of approval had required them to return before DRB; however, the fence was already up. It looked fine and appeared to have a setback, but she had heard nothing about it.

Mr. Yacob asked if there was vegetation in front of the fence.

Ms. Rybold confirmed the fence had been installed. She did not recall it having to come back before the DRB but would check with the Staff who had reviewed the application, ~~get an update,~~ and provide an update to the Board. She believed the setback was a couple of feet but did not know if any vegetation had been planted yet.

Chair McKay asked that the update be emailed to all Board members. He remembered a condition of approval regarding the setback as well and that the fence was to be consistent with the fence on the lot to the north of the subject property, which had a larger setback than what was originally proposed by WPI.

Shelley White, Planning Administrative Assistant, displayed the amended Staff report with conditions.

Mr. Yacob noted if it was a matter of planting the vegetation in the spring as opposed to winter, that made sense, but otherwise, the Board had requested that vegetation be planted there. He recalled a boulder was present, too.

Ms. Svadlenka noted some trees were in the way, adding she vaguely remembered a 2-ft setback had been requested, though originally, the Applicant had the fence right up to the sidewalk.

Chair McKay added the Applicant's landscaper was concerned about where the fence could be placed. He also remembered the 2-ft setback and discussion about it being dangerous for children on bicycles.

Ms. Barrett clarified that the condition of approval read that the Applicant had to go back to the Planning Division, not DRB.

Ms. Rybold reiterated she would check with Staff and follow-up with an email to the Board about what was installed and to confirm the conditions of approval had been met.

Chair McKay asked if the Planning Division was responsible or had the authority to determine whether the fence was compatible with surrounding areas and how any disagreements were resolved.

Ms. Rybold responded she had not been involved in the process and would have to confirm that WPI had submitted a site plan and if there had been any conversation around that. She offered to follow-up with the Board.

Chair McKay stated it was simply procedural, adding he was not assuming the fence was not in compliance. He was just curious.

VIII. Staff Communications

Kim Rybold, Senior Planner, announced that she did not believe a December meeting would be held, but advised Board members to stay tuned for an update.

IX. Adjournment

The meeting adjourned at 8:36 p.m.

Respectfully submitted,

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