



Approved
October 10, 2022

**DEVELOPMENT REVIEW BOARD PANEL A
MEETING MINUTES
September 12, 2022 at 6:30 PM
City Hall Council Chambers & Remote Video Conferencing**

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, September 12, 2022. Chair Jean Svadlenka 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: Jean Svadlenka, Daniel McKay, Kathryn Neil, Ben Yacob, Rachelle Barrett.

Staff present: Daniel Pauly, Ryan Adams, Kimberly Rybold, Georgia McAlister, and Shelley White

COMMUNITY INPUT – This is an opportunity for visitors to address the Development Review Board on items not on the agenda. There were no comments.

CONSENT AGENDA

1. Approval of minutes of August 8, 2022, DRB Panel A meeting

The August 8, 2022, DRB Panel A meeting minutes were unanimously accepted as written.

PUBLIC HEARINGS

2. **Resolution No. 405 Boones Ferry Gas Station.** The applicant is requesting approval of a Stage I Preliminary Plan Modification, Stage II Final Plan, Site Design Review, Class 3 Sign Permit, Sign Waiver and Type C Tree Plan for construction of a 2,999-square-foot convenience store with drive-thru and 12-pump fuel station.

Case Files:
DB21-0045 Stage I Preliminary Plan Modification
DB21-0046 Stage II Final Plan
DB21-0047 Site Design Review
DB21-0048 Class 3 Sign Permit
WAIV22-0002 Sign Waiver
TPLN22-0004 Type C Tree Removal Plan

This item was continued to this date and time certain at the August 8, 2022 DRB Panel A meeting.

Chair Svadlenka called the public hearing to order at 6:36 p.m. and read the conduct of hearing format into the record. All Board members 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.

Ryan Adams, Assistant City Attorney asked that the record reflect that tonight's hearing was a continuation of last month's hearing which was never closed.

Kimberly Rybold, Senior Planner, stated the City's traffic consultant, DKS, would provide a short presentation to address questions raised by the Board at the August hearing.

Scott Mansur, DKS Associates, noted Staff had shared the questions and concerns related to traffic from the last meeting, as well as the video. In response, he prepared a few slides to answer some of the DRB's traffic-related questions about the proposed development. He overviewed the Traffic Impact Analysis (TIS) conducted for the Boones Ferry Gas Station via PowerPoint, detailing the City's Traffic Study procedure and its conclusions, with these key comments:

- Traffic Assumptions. Typically for a traffic study was scoped and new counts were collected. Unfortunately, Covid-19 had impacted and changed traffic volumes and driver patterns and habits, especially during Peak Hours, due to virtual meetings and people working from home. Although the traffic would likely return in the future, ~~so~~ DKS had to be creative and knowledgeable in its efforts.
 - In 2022, DKS conducted traffic counts on Wilsonville Rd, and numbers were still less than 10 percent lower than they were pre-pandemic, resulting in significantly lower volumes on Wilsonville Rd at the subject intersections. Consequently, DKS used older traffic count data from 2016 and 2019 for the Traffic Study because there were higher traffic volumes at that time than what was counted at present, although those volumes were slowly increasing back to normal.
 - DKS also applied some adjustments, such as adding a 2% annual growth rate on the 2016 and 2019 counts to account for future traffic growth. It was also important to note that DKS worked with City Planning Staff on every traffic study, and prior to any analysis, ~~they~~ the data list was updated with all of the Stage II approved developments within the city limits. For example, if a 100-lot subdivision was approved in Villebois, DKS ensured

all that traffic was included in the model when conducted its analysis. DKS utilized traffic counts, applied adjustments for future growth, and applied all Stage II approved developments within Wilsonville.

- Levels of Service (LOS). The City of Wilsonville had an LOS D standard for all public street intersections. LOS ranged from A to F, with A representing the least amount of traffic and F indicating major traffic congestion and delays, resulting in frustration and angst for drivers.
 - The City's LOS was D at both signalized and unsignalized intersections. DKS took all the volume in that Peak Hour at the Boones Ferry Rd/Wilsonville Rd intersection and looked at the average delay per vehicle, which meant one approach could have a two-minute delay per vehicle, but another approach flowed more freely. DKS then took all that volume over the Peak Hour and calculated an average delay per vehicle, which was then compared to the City's LOS D standard. LOS D was up to a 55-second average delay per vehicle.
 - For the Traffic Study, DKS evaluated the current conditions. Based on the 2021 traffic volumes calculated using the 2016 and 2019 traffic counts that were factored up to represent 2021 volumes, the subject intersection operated at a LOS D with an average delay of 43 seconds. The addition of approved Stage II traffic resulted in an increase of up to 45 seconds of delay, and the subject project added another 3 seconds of delay for a total of 48 seconds per vehicle, which met the City's LOS D in a LOS D standard.
- Boones Ferry/Wilsonville Rd Intersection. In regularly driving through the intersection and having delays up to a couple minutes at times, it feels like there was a lot more congestion than 43 or 45 seconds.
 - One of the biggest bottlenecks in Oregon was the southbound movement on the Boone Bridge during the PM Peak period. ODOT was preparing to conduct a funded study to evaluate that in more detail and attempt improvements to relieve congestion in the area. Back-up onto Wilsonville streets was a problem that resulted from that congestion, particularly from the southbound ramp onto Wilsonville Rd. Recently, he had traveled southbound on Boones Ferry Rd to turn left onto Wilsonville Rd, which took several minutes because the ramp and I-5 were so backed up that it impacted the intersection. However, when evaluating intersections, only the volume of traffic moving through them was evaluated.
 - Currently, when there were no issues on I-5, the intersection performed well. He had personally driven through the intersection during peak periods with little delay and when it was impacted by I-5. This was an example of a regional issue that could still impact city streets but was not part of the operational evaluations when conducting a TIS.
- A pass-by trip was a trip in which a vehicle stopped in while driving by enroute to someplace else, and about 56 percent of trips to gas stations were pass-by trips. Additional diverted trips also occur from facilities such as freeways like I-5. These trips were important to traffic studies because if a vehicle was already driving by a gas station anyway and decided to turn in and then back onto the street, it was not impacting the city street system as that traffic was already on that network.
 - It was important to have accurate numbers for pass-by trips when conducting a traffic analysis. Consequently, DKS determined what the pass-by assumptions were and

ensured those assumptions were applied to the traffic analysis. A large portion of the gas stations trips were pass-by and diverted trips.

- Trip distribution, determining where traffic came to and from the development was also considered in a traffic analysis. DKS used a travel demand model for Wilsonville that looked at land use and the regional traffic on I-5. Based on that land use, DKS evaluated where trips were going to and from, which was used to determine the amount of traffic to various areas around the city, as well as on I-5. That data and model was used in evaluations, as well as fact-checked against existing counts at various interchanges to ensure the proposed numbers made sense.
 - He understood there had been a lot of questions about the amount of traffic. The estimates showed that approximately 40 percent of traffic coming and going from the gas station would be from I-5. From a traffic engineering standpoint and his experience conducting many traffic studies for a lot of gas stations along I-5 in the area, that 40 percent, from all available options, appeared to be a solid assumption and was backed by the Travel Demand Model for that type of land use.

Daniel McKay asked if the volume was weighted to look at number of cars per lane or averaged across the number of lanes when the service levels were averaged for the intersection.

Mr. Mansur confirmed it was weighted by the number of lanes. The double left turn lanes on the north leg/southbound movement would provide capacity for both left turn lanes. On Wilsonville Rd, if there were two or three eastbound travel lanes, capacity was based on the lane configuration and the signal timing. When DKS did its analysis, traffic counts were collected and plugged in, the number of travel lanes were determined, as well as the storage available in left turn pockets. Clackamas County worked with the City for signal timing, and the signal timing information provided the amount of green time for the north versus the south approach. DKS then modeled all the volume, lane configurations, and signal timing implemented in the PM Peak period.

Mr. McKay provided an extreme example of 100 cars in the left lane with a 30-second level and one car in the right lane with a one-second level. He asked if the average would be 15.5 seconds or weighted heavily towards the lane with 100 cars.

Mr. Mansur replied it would be weighted heavily by the lane with 100 cars.

Rachelle Barrett thanked Mr. Mansur for his presentation, as it answered many questions. She asked if safety factored into the Traffic Study or if that was a different area that was analyzed.

Mr. Mansur confirmed the Traffic Study included a safety component. DKS evaluated crash data with a special focus on fatal and severe crashes by investigating if any of the intersections or driveways involved had a history of collisions. If so, DKS would work with the City to fix that. Most times that would not be conditioned upon a developer unless it was tied to their driveway.

- As a part of the subject Traffic Study, DKS had conducted an intersection safety analysis, as well as onsite circulation. One concern with drive-thru windows was traffic backing up onto a City street because that was a safety-related issue. Special attention was paid to pedestrian access from the public street to the development. DKS had also ensured the Site Plan was laid out such that the drive-thru window was located in an area that would not back up traffic onto the public street system. DKS had looked at both offsite safety and onsite circulation.

Ms. Barrett explained her primary safety concern was the driveway across the street with the Baskin Robbins and asked how the increased traffic from the proposed development would impact it.

Mr. Mansur replied there was no trend of collisions from the driveway on the opposite side. The left turn pocket provided quite a bit of room for queuing, and there were various different routes drivers could take through the area. DKS had not seen any safety-related concerns with entering or existing the proposed development.

Chair Svadlenka understood the rush hour backup caused by I-5 southbound was not included because it was not a permanent situation.

Mr. Mansur confirmed that was correct.

Chair Svadlenka stated that seemed like a worst-case scenario and asked why it was not taken into consideration.

Mr. Mansur replied the Traffic Study was based on the City's LOS standards, and LOS was based on the volume and average delay per vehicle at this intersection. When conducting its counts, DKS did not collect counts on a day when traffic was backing up. If the counters went out to conduct a count and discovered traffic was backing up from I-5, DKS stopped the count and waited for a day with typical conditions not impacted by I-5 to study more typical operating conditions. Conducting the Traffic Study in that manner was based on City Code, which was to study the traffic volume through the Wilsonville Rd/Boones Ferry Rd intersection only and not based on any delay or backup from the interchange.

Chair Svadlenka asked at what point the delay and backup from I-5 would be considered typical or if it would never be considered typical as it was only during a specific timeframe.

Mr. Mansur responded that from DKS' observations and evaluations, it was not a daily occurrence. If it became a daily occurrence in the future, it would require discussion, but it still fell back to the City's concurrency, which was LOS D based on the subject intersection and the volume that moved through it. During congestion, motorists use alternate routes, so DKS conducted its counts and evaluations at a time when all the traffic that wanted to use the intersection was able to; oftentimes when that I-5 backup occurred, the intersection experienced less volume.

Chair Svadlenka asked if DKS ever went back after a project was developed to check if its traffic assumptions were correct.

Mr. Mansur replied DKS did that quite regularly, for example, when the Argyle Square development was completed. Generally, the trip generation DKS assumed, the ITE traffic rates which provided the trips for fueling position or so many trips per 1,000 sq ft of commercial development, were typically conservative. When conducting after studies, DKS was high, on the range of 5 to 10 percent most of the time. For Costco, DKS had overestimated the trips by approximately 5 percent. Post-development counts were done at Frog Pond and Villebois to see if fewer trips were being generated by the smaller lot subdivisions and the single-family and multi-family units were generating slightly less trips than the ITE had estimated. DKS preferred to use the ITE because it provided a worst-case scenario.

- He confirmed that typically, traffic studies were conducted on Tuesdays, Wednesdays, or Thursdays from 4 PM to 6 PM because Mondays and Fridays often exhibited abnormal traffic volumes. DKS then took the highest hour of traffic volume in that two-hour Peak Period for its study.

Jenna Bogert confirmed that DKS had conducted counts at the Wilsonville Rd/Boones Ferry Rd intersection on Thursday, May 9, 2019, and at the interchange ramps on Thursday, November 3, 2016. DKS always checked to ensure school was in session and that there was no irregular traffic backup on I-5.

Mr. McKay understood the appendix of the study results showed that some of the lanes that went onto the highway were already at a LOS E and another lane was close to the 55-second mark. He understood the expectation was an average wait of three seconds and asked if DKS expected some of the traffic flow to go to a Level E, possibly worse, but remain, on average, at a Level D at the subject intersection.

Mr. Mansur confirmed that was correct. He explained it was common on arterials to favor the highest movement when doing traffic signal timing. On Wilsonville Rd, that was the east-west direction, and oftentimes the east-west movement on Wilsonville Rd was an LOS B or C. For signal timing, signals would hold a lot of the side streets, left turns, and through movements to progress the major street traffic. Consequently, it was common to have a LOS E and F on minor street approaches or left turns to facilitate faster movement on the arterial or higher-volume street.

Mr. McKay thanked Mr. Mansur for discussing this with the Board members because they had had concerns due to the subject intersection being the best-known, poor intersection in the city.

Chair Svadlenka called for the Applicant's presentation.

Wayne Kittelson, Traffic Engineer, Kittelson & Associates, 851 SW 6th Ave, Suite 600, Portland, OR, 97224 complimented the Board members on asking great questions, adding he hoped as a result of Mr. Mansur's responses they had a much better understanding of what the traffic analysis undertook and its conclusions that were provided. Additionally, he hoped the Board members understood that the net result of Mr. Mansur's specific Traffic Analysis, and traffic analyses in general, featured conservatively high estimates of the impacts of a proposed development, something that was done on purpose. He agreed with all of Mr. Mansur's and Ms. Bogert's comments. He presented the Applicant's presentation via PowerPoint as follows:

- To measure a LOS, traffic engineers looked at a couple of metrics, which he believed DKS' report included as well. Delay was the LOS measure that had been discussed, but he recalled some questions regarding capacity, which was a tricky measure to define at a signalized intersection because it varied a bit depending on which movements conflicted with each other.
- He displayed the lane configuration at the Boones Ferry/Wilsonville Rd intersection showing the critical movements which controlled how much signal time was allocated between the different approaches and what defined the capacity of the intersection at present. Most of the critical movements were not moving toward or away from the site, except for the one that turned right onto Wilsonville Rd from Boones Ferry Rd or went straight through. The other critical movements were moving in directions that were not affected very much by the site related traffic. (Slide 1)
 - Under this circumstance, the volume-to-capacity ratio at the intersection in the PM Peak Hour using the conservative volumes Mr. Mansur encoded in the Traffic Analysis, was 80 percent, which was about the percentage of capacity typically associated with LOS D.
- There were four basic types of trips to consider: primary, internal, pass-by, and diverted trips. A primary trip was typically home to work and vice versa; they were new to the road system. Typically homes and employment centers were places that generated new trips onto the road system.
 - An internal trip was a trip that occurred between two different uses within the same area and did not require travel onto the transportation system. An example would be driving to Fred Meyer to shop and then getting gas at Fred Meyer.
 - A pass-by trip had no effect on the road system other than at the driveway where the vehicle turned into and out of the site.
 - Diverted trips were trips people made because a new site or new development resulted in more convenience or a shorter trip. Those vehicles potentially diverted from their normal direction to take advantage of that site. Usually that resulted in less traffic on the system as a whole, because drivers shortened their trips but added more trips in the immediate vicinity.
- He reiterated that drivers did not go out and buy more gas just because a new gas station had opened. They redistributed themselves among the available gas stations available, which led to trip distribution, and he agreed with the reasonableness of the trip distribution that Mr. Mansur's analysis suggested. There were a couple things emphasizing this that the DRB needed to be aware of. Beyond the Travel Demand Model, the business model the Applicant was employing would also support a local focus toward trips and away from freeway trips with a focus on repeat customers due to premium service, as opposed to a

lower price point. That business model would also likely detract from trips coming from the freeway as those drivers were generally looking for the lowest cost.

Ms. Barrett asked if the convenience factor of motorists seeing the gas station from I-5 was factored into the 40 percent additional trips.

Mr. Kittelson replied that 30 percent of the trips were assumed to be coming from and to the freeway. He believed that was reasonable. Although some trips would result from convenience, there were many gas station options along Wilsonville Rd. It could depend upon whether drivers were looking for premium service or lowest price, and there would be some mix back and forth on that. He believed the analysis performed by DKS which showed the distribution in proportion to what the regional Travel Demand Model would have predicted was a pretty reasonable and conservative estimate of where those trips originated.

Chair Svadlenka called for public testimony regarding the application.

Joe Angel, 6454 North Greeley Ave, Portland, OR stated he was the property owner and supportive of the Shell Gas Station development. He was present to provide any historical context the DRB might want to know. He had purchased the property in approximately 1987 and moved the small real estate office across the freeway and donated it to the Chamber of Commerce. The first development on the property had been a Burger King. Subsequent to that, he had developed a Chili's Restaurant, which had closed due to a variety of reasons. Following that, the RAM Restaurant came in, and the corner of the property was developed into an office building. Today, they were developing the northern parcel into a fueling stop. He thanked the members of the Board for their service to their community.

Chair Svadlenka confirmed with Staff that no one was present at City Hall to testify, and no one on Zoom indicated they wanted to testify.

Ms. Barrett inquired if a sign had to be included in the motion because she was unsure if that had been done already.

Chair Svadlenka understood the motion had been to hold the entire application until tonight's meeting. She asked if Ms. Barrett would like to review that part of the application.

Mr. McKay noted the listed applications, noting the only waiver was for the sign.

Ms. Barrett confirmed the changes from the last meeting, all the notes and exhibits were already included in the record.

Chair Svadlenka confirmed there were no further questions or discussion and closed the public hearing at 7:22 pm.

Shelley White, Planning Administrative Assistant, clarified there were no recent exhibits to add to the record. She noted the discrepancy in the exhibit labeling at the August 8th hearing had been corrected in the Staff report and on the exhibits themselves.

The following exhibits were entered into the record:

- Exhibit A3: Memorandum, identifying modifications to the Staff report.
- Exhibit A4: DKS PowerPoint presentation.
- Exhibit B6: Applicant's Transportation PowerPoint presentation.

Rachel Barrett moved to approve the Staff report, as amended by the modifications in Exhibit A3. Daniel McKay seconded the motion, which passed unanimously.

Daniel McKay moved to adopt Resolution No. 405 including the amended Staff report and with the addition of Exhibits A3, A4, and B6. The motion was seconded by Rachelle Barrett and passed unanimously.

Chair Svadlenka read the rules of appeal into the record.

Mr. McKay thanked the Applicant for attending a second hearing, as well as City and DKS staff. As residents of Wilsonville, the Board members cared about the livability of their city and what was perceived as a highly congested intersection, and the additional clarity was needed for the Board to be comfortable with a decision that was best for the city. He thanked the Applicant for enduring another month for the final decision.

Ms. Barrett stated she appreciated the time the City took to educate the Board on traffic, as it would help them make decisions in the future.

3. **Resolution No. 407 Frog Pond Overlook Subdivision.** The applicant is requesting approval of Annexation of approximately 4.07 acres and Zone Map Amendment from Rural Residential Farm Forest 5-Acre (RRFF-5) to Residential Neighborhood (RN) of approximately 3.96 acres, a Stage 1 Preliminary Plan, Stage 2 Final Plan, Site Design Review of parks and open space, Tentative Subdivision Plat, Type C Tree Plan, and Abbreviated SROZ Map Verification for a 12-lot residential subdivision.

Case Files:

- DB22-0002 Frog Pond Overlook
 - Annexation (ANNX22-0001)
 - Zone Map Amendment (ZONE22-0002)
 - Stage 1 Preliminary Plan (STG122-0002)
 - Stage 2 Final Plan (STG222-0002)
 - Site Design Review of Parks and Open Space (SDR22-0002)
 - Tentative Subdivision Plat (SUBD22-0001)
 - Type C Tree Plan (TPLN22-0001)
 - Abbreviated SROZ Map Verification (SROZ22-0004)

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 7:30 p.m. and read the conduct of hearing format into the record. Chair Svadlenka and Daniel McKay 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.

Georgia McAlister, Associate Planner, announced that the criteria applicable to the application were stated starting on page 2 of the Staff report, which was entered into the record. Copies of the report were made available to the side of the room and on the City's website.

Ms. McAlister presented the Staff report via PowerPoint, briefly reviewing the site's location and zoning, as well as the purpose of the Frog Pond Area Plan and Frog Pond Master Plan, with these key additional comments:

- Proper noticing was followed for the application within the public hearing notice mailed to property owners within 250 ft of the subject property, onsite posting, and publication in the Wilsonville Spokesman. No public comments were received during the comment period.
- The eight requests before the DRB were objective in nature, as they involved verifying compliance with Code standards. No requests in the current application that required discretionary review.
 - The area proposed for annexation included Tax Lot 0700 and a portion of SW Frog Pond Lane right-of-way, together comprising roughly 4.92 acres. The annexation area was indicated by the gray area on the map. (Slide 6)
- The proposed Zone Map Amendment would rezone Tax Lot 0700, comprising approximately 4.07 acres, from Clackamas County Rural Residential Farm Forest 5-Acre to the City's Residential Neighborhood Zone. The rezone was consistent with the Comprehensive Plan Map Designation of Residential Neighborhood, as well as with the Frog Pond West Master Plan. (Slide 7)
 - The City Council public hearing for the Annexation and Zone Map Amendment is scheduled for September 19, 2022.
- The Stage 1 Preliminary Plan generally established the proposed residential use, number of lots, preservation of open space, and block and street layout consistent with the Frog Pond West Master Plan. Specifically with regard to residential land use count, the proposed Stage 1 Preliminary Plan area included portions of Large Lot Subdistrict 8, and the subject property was outlined in red. (Slide 8)
 - The Applicant proposed 12 lots in Subdistrict 8, one lot greater than the maximum proportional density calculation for the site. The proposed number of residential lots, preservation of open space, and general block and street layout were generally consistent with the Frog Pond West Master Plan. Specifically with regard to residential lot count, the proposed Stage 1 Area included a portion of Large Lot Subdistrict 8. The table summarized how the proposed residential lots in each subdistrict were consistent with the Master Plan recommendations. (Slide 9)

- The proportional density allocation did not account for site-specific characteristics that influenced the ability of a specific property to accommodate residential lots meeting minimum dimensional standards. The portion of the subject property within Subdistrict 8 that was not dedicated as right-of-way, 82.5 percent, was much greater than any other sub-areas.
- Minimal right-of-way dedication was required because the section of SW Frog Pond Lane adjacent to the site was a local street. This allowed driveway access, and the layout of Street A had been designed to accommodate the Boeckman Creek Trail on the western portion of the property, which resulted in the reduction of anticipated right-of-way dedication. As a result of minimal right-of-way dedication, it was possible for the site to easily accommodate 12 lots, one greater than the maximum density, while meeting all of the lot dimension standards.
- The configuration of lots as proposed would allow for the build out of the Subdistrict consistent with the Master Plan regulations.
- Stage 2 Final Plan. (Slide 10) As illustrated, the Applicant proposed the installation of necessary facilities and services concurrent with development of the proposed residential neighborhood. The Stage 2 Final Plan elements are lot layout and size, block size and access, and street layout and consistency with the Street Demonstration Plan. These elements of the Frog Pond Terrace Subdivision generally demonstrated consistency with development standards established for the RN Zone and Frog Pond West Master Plan.
- Site Design Review addressed elements of the public realm for consistency with the Frog Pond West Master Plan but focused primarily on proposed parks and open space within the proposed subdivision. The Applicant provided two private open spaces in the western and northern portions of the site. Tract A and B included the Boeckman Creek Trail as a private open space with benches along the trail. (Slides 11 and 12)
 - The Boeckman Creek Trail, as proposed, connected to the existing trail to the proposed Frog Pond Terrace Subdivision to the south and to the future subdivisions to the east. The enlargement of the trail and adjacent open space and renderings on the left of Slide 12 provided more detail about proposed amenities including a bench, trees, and landscaping. Conditions of approval ensured the trail would continue through Tract A to connect with the Frog Pond Terrace Subdivision and future subdivisions to the east.
- 1:12:00
- The Tentative Subdivision Plat met technical platting requirements, demonstrated consistency with the Stage 2 Final Plan and the Frog Pond West Master Plan, and did not create barriers to future development of adjacent neighborhoods and sites.
- Type C Tree Removal Plan. There were 150 onsite trees and four offsite trees that were inventoried as a part of the proposed development. The four offsite trees, and 43 of the onsite trees, were proposed to remain. The 107 onsite trees marked with Xs were proposed for removal due to the construction of public streets, residential lots, and private open spaces. (Slide 14)
 - The Applicant proposed the planting of 48 new trees in the form of 27 street trees, 21 trees along the Boeckman Creek Trail and adjacent to the private open space, as well as payment into the City Tree Fund for the remaining 59 trees in the amount of \$17,700.00, bringing the total number of mitigation trees to 107, which was equal to the

number proposed for removal. Proposed tree planting and payment into the City Tree Fund satisfied the one-to-one mitigation.

- Consistent with the Development Code requirements, a verification of the SROZ Boundary was required at the time an applicant requested a land use decision. The SROZ boundary was located just offsite the northwest corner of the subject property with a small portion of the area remaining in the 25-ft SROZ Impact Area.

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

Li Alligood, Land Use Planner, Otak, 808 SW 3rd Ave, Portland, OR, 97204 presented the Frog Pond Overlook Subdivision via PowerPoint, introducing the Applicant's project team and describing the proposal with these comments:

- The Frog Pond Overlook Project was one property with 12 lots, two tracts, associated infrastructure, an extension of the Boeckman Creek Trail, which was a public trail, associated open space, which would be largely private, a termination of Frog Pond Lane west of the site, and the creation of a trail crossing to connect to the south. [South 1:16:57]
- Frog Pond Overlook was the Applicant's seventh development application in Frog Pond West, so the Board was familiar with the overall area.
- The application included one property on the north side of Frog Pond Lane which had a home and associated out buildings that would be removed for development. The property was relatively flat with steep slopes that begin in the trees along the north and west boundaries, and the SROZ near the site was offsite in this location.
- Subdistrict 8 was a Large Lot District and the Applicant proposed 12 lots with the SROZ and trail in Tract A and the private open space in Tract B. All lots met or exceeded minimum dimensional and area requirements.

Steve Dixon, Site Designer, Otak, 808 SW 3rd Ave, Portland, OR 97204 stated there were a number of design considerations for the site.

- The first entailed connecting to existing or approved street connections that brought forward the layout and concept of the Frog Pond West Master Plan. A connection to the east on Street A would connect further east and was aligned with proposed development in Frog Pond Oaks and Frog Pond Crossing. Across Frog Pond Lane to the south, it was distanced from the connections for the property line on the east side of Frog Pond Terrace just to the south so that lots would be able to access that, so there was sufficient depth on lots that would front the extension of that southward movement of Street A all the way down to Morgan Farms.
- Topography was the other main driver. The alignment of the trail corresponded, for the most part, to where the topography started to dive off down to Boeckman Creek. The idea was to put the trail on the crest of the slope, which was as far as the trail could go.
- Sight lines to Boeckman Creek were another consideration and were noted in the Frog Pond West Master Plan. One along Frog Pond Lane at the west end, as well as Street A where the Applicant had provided an overlook and a significant trail connection from that. It was

important to note that sight lines were from a pedestrian standpoint because people would walk down to the Boeckman Creek Trail. Pedestrian connectivity was very important.

- All frontage and area requirements were met, and local access could be taken off Frog Pond Lane.
- A lot of open space had been left behind the lots because it was driven by the street configurations. The theoretical maximum of 11 lots had been exceeded, and the Site Plan was seemed to be the best fit in terms of providing the Large Lot Subdivision required by the Master Plan.

Ms. Alligood noted some text had been covered on Mr. Dixon's slides, which would be corrected for the record. She continued with the PowerPoint presentation, noting the Applicant was requesting approval of the application, including modified Engineering Condition of Approval PFD11, which required that the Public Work permits for Frog Pond Overlook and Frog Pond Terrace, a previously approved subdivision, be issued together. The Applicant recognized that Engineering conditions were technically outside of the DRB's purview, but it was also important for the Applicant to maintain as much flexibility as possible in the development of the two subdivisions. They were not connected in any other permitting or land use way aside from this condition of approval.

- The current language for Condition PFD11 noted that prior to the issuance of the Public Works Permit, the Applicant shall submit design and construction plans for Frog Pond Terrace and Frog Pond Overlook under one permit application because the disposal, storm water, and sanitary were dependent upon each other, as many subdivisions were. There was an alternative that the Terrace improvements could be constructed and accepted prior to connection for the Frog Pond Overlook Subdivision, but it did not counteract the initial language which was that the Public Works Permit could not be issued until the improvements were constructed and accepted. (Slide 9)
 - The proposed language had been shared with Staff previously that the Frog Pond Terrace improvements must be constructed and accepted by the City to offer connection prior to final completeness and acceptance, so it changed the timeframe to be more concurrent and less dependent.
- The Applicant's desired approach was to permit and construct the projects as standalone, independent projects, recognizing there was some dependency related to utilities. The idea was to submit Frog Pond Terrace plans for Public Works, subsequently submit Frog Pond Overlook plans for Public Works, receive the permits separately, construct the projects separately, if necessary or possible, and then complete them around the same time. This would allow flexibility in the timing of the permit submittals, and also provides flexibility on contractor selection, so rather than having the same contractor construct both projects, there was an opportunity to have two separate contractors, which was helpful given how much development activity was underway.
- The question to Staff was whether this approach would be permissible or acceptable under the current condition of approval, and if not, the Applicant would reiterate their request to revise that condition of approval in the final decision.

Daniel McKay asked if the Applicant recalled the proposed width of the streets throughout the neighborhood.

Ms. Alligood replied that Street A had a 52-ft right-of-way, and the project would dedicate 9.5 ft to the final Frog Pond Lane dimension.

Mr. Dixon believed 32 ft was the ultimate paved width curb-to-curb for Frog Pond Lane.

Mr. McKay believed that width would allow for parking on one side of the street.

Ms. Alligood replied it should, adding that Frog Pond Lane would actually be 28 ft wide.

Amy Pepper, Development Engineering Manager, replied that 28-ft allowed for parking on both sides. For the subject project, the internal streets would be 28-ft wide paved, and the Applicant was required to improve Frog Pond Lane to 20-ft. When the property to the south was developed, that developer would be required to complete Frog Pond Lane to 28-ft wide, allowing for parking on both sides of the street.

Ms. Alligood added that was within the full right-of-way, which included sidewalks and planter strips.

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. McKay asked if the developers were already chosen for the subdivision, as he had seen samples of potential houses, something not usually seen at this point in the process.

Ms. Alligood replied the Applicant often submitted example house plans to show that the requirements for variety could be met and also to demonstrate that two-car garages would be provided and heights would be within the height limit.

Mr. McKay stated it was very helpful to already have those examples and thanked the Applicant.

Mr. Pauly clarified that in the end, the actual homes could be something completely different.

Ms. Barrett asked if there was anything the Board could not address about the Applicant's request regarding the Engineering condition.

Ms. Pepper explained that the Applicant had requested the modification prior to the meeting, and her analysis showed that the condition was written to allow the flexibility they were looking for. It was the City's desire that for purposes of permitting that the subject subdivision

require Terrace improvements be completed for sewer and storm, so without Terrace going forward, the subject project would not be possible.

Chair Svadlenka confirmed Staff recommended retaining the existing Condition PDF11 as written.

Mr. McKay stated there had been a question of whether the flexibility the Applicant desired could be maintained with the current language, and he understood City Staff had acknowledged that it could.

Ms. Alligood replied the ultimate the question was whether the desired approach from the Applicant to submit the permits sequentially and separately rather than combined was possible under the City's interpretation of this condition of approval. If that was the case, the Applicant would be satisfied with that, but it had not been confirmed at the time of hearing.

Ms. Pepper stated she also was not sure about the confirmation, but how permits were actually issued was outside the purview of the DRB anyway.

Ms. Alligood replied the Applicant understood that but was also concerned about having a final decision being issued that had a condition of approval that was not functional.

Mike Peebles, Project Manager, OTAK, 808 SW 3rd Ave., Suite 800, Portland, OR, 97204 replied discussions had been had with Ms. Pepper, and he understood the City's purpose because Overlook development was dependent on the Terrace project being completed and infrastructure in place to connect to sanitary and storm drain. He believed the way the condition was written was a bit confusing and did not specifically meet the needs of the developer in that the second part of the condition stated that alternatively, if Terrace was completed, accepted, and finished, that met the condition.

- The Applicant just wanted to ensure they could develop Overlook concurrently, so they wanted to have a plan reviewed and permits issued to enable them to work on Overlook independent of Frog Pond Terrace. The Applicant needed them both to stand alone from a permitting and acceptance standpoint with the condition that the Applicant was aware Frog Pond Terrace had to be completed and accepted by the City before Overlook could be completed and accepted.

Ms. Pepper stated the projects could be permitted separately. The timing of the installation and connection would have to be sorted out during the permitting process.

Mr. Pauly added there was language in the Staff report that gave authority to Engineering Staff to modify the condition or not enforce it in the future, if that made sense. They were not tied to it just because it was in the Staff report.

Mr. Peebles reiterated the Applicant just wanted to ensure that Frog Pond Terrace could be designed, permitted, and constructed as a standalone, and the way the Applicant had read the

condition was that when they started development of Terrace, and had a permit for Terrace to go into the ground, if they tried to start Overlook concurrently or right afterward, they would have to submit it as one permit, and that was not acceptable to the Applicant as it just would not work. If the Engineering Department was acceptable to the scenario put forward, the Applicant was okay with the condition; it just needed to be on the record or have it understood with all parties at this point.

Ms. Pepper confirmed that it was understood.

Ms. Barrett asked if Terrace had been accepted yet.

Ms. Alligood replied Terrace was in the annexation and zone change process, but no permits had been prepared or submitted yet.

Mr. McKay stated the issue appeared to be resolved. The discussion was on the record and the Board had clarity.

Chair Svadlenka asked if Tract B was part of the open space.

Ms. Alligood replied Tract B was a temporary turnaround for fire and garbage until Street A was extended, but would remain a private access for Lot 7. It was a tract, but not part of the open space calculation.

Mr. Peebles confirmed it would be a paved driveway, but the owner of Lot 7 would have to allow it to be used as a turnaround until Street A was completed.

Ms. Barrett asked if the DRB had to approve 12 lots, as that was one over the maximum, before the Board could approve the motion.

Kimberly Rybold, Senior Planner, replied that this was not a waiver request, but a matter for Staff review and assessment of the applicability of the minimum and maximum lots for the entire subdistrict and how that applied to the subdivision. In Staff's interpretation, the subject proposal still met the overall Master Plan intent for the larger subdistrict. She was happy to provide any additional information if needed.

Ms. Barrett stated she had assumed the extra lot was to make up for a loss somewhere else.

Ms. Rybold explained that when the Master Plan was created, instead of taking the dwelling unit per acre approach typical in other parts of Wilsonville, the Master Plan divided Frog Pond West into different subdistricts that had different requirements for minimum lot size which resulted in small, medium, and large lots. In dealing with smaller subdivisions, the assumptions for developing the unit ranges, particularly for the large lot subdivisions, was that for a given land area, a certain percentage was not developable as a lot because streets, sidewalks, planting strips, street trees, and open spaces needed to be provided. In smaller sites where not

as much right-of-way was dedicated, Staff found for the large lots that when there was an existing street, such as Frog Pond Lane, slightly more development could be accommodated. Consequently, it was not making up for a shortcoming somewhere else, but rather, there was infrastructure that when applied on such a small scale, the math worked out in such a way that extra lot could be accommodated. On the collective whole, the overall maximum would not be exceeded for the subdistrict. These unique circumstances on the small lots were why Staff was comfortable making the findings they did, and the overall intent of the Master Plan was still met.

Chair Svadlenka confirmed there were no further questions or discussion and closed the public hearing at 8:12 pm.

Daniel McKay moved to approve the Staff report as presented. Rachelle Barrett seconded the motion, which passed unanimously.

Rachelle Barrett moved to adopt Resolution No. 407, including the approved Staff report. The motion was seconded by Chair Svadlenka and passed unanimously.

Chair Svadlenka read the rules of appeal into the record.

Board Member Communications:

4. Results of the August 22, 2022 DRB Panel A meeting
5. Recent City Council Action Minutes

There were no questions or comments.

STAFF COMMUNICATIONS

Daniel Pauly, Planning Manager, noted the Planning Commission would return to meeting in person this week, and DRB would be back in person in October. Staff would reach out to Board members via email, and he invited Board members to contact him with any questions or concerns.

Adjournment

The meeting adjourned at 8:16 p.m.

Respectfully submitted,

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