

DEVELOPMENT REVIEW BOARD MEETING

MONDAY, JANUARY 13, 2025

6:30 PM

Consent Agenda:

3. Approval of minutes from the December 9, 2024
DRB Panel A meeting



**Development Review Board Panel A
Regular Meeting Minutes
December 9, 2024**

Wilsonville City Hall & Remote Video Conferencing
<https://www.ci.wilsonville.or.us/meetings/pc>

CALL TO ORDER - ROLL CALL

Vice Chair Candrian called the meeting to order at 6:39 pm.

Present: Clark Hildum, Rob Candrian, and Yara Alatawy

Excused: Jean Svadlenka and Jordan Herron

Staff Present: Daniel Pauly, Stephanie Davidson, Kimberly Rybold, Amy Pepper, Cindy Luxhoj, Sarah Pearlman, and Shelley White

CHAIR'S REMARKS

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

CITIZEN INPUT

There was none.

CONSENT AGENDA

1. Approval of minutes of the November 14, 2024 DRB Panel A meeting

Clark Hildum moved to approve the November 14, 2024 DRB Panel B meeting minutes as presented. Rob Candrian seconded the motion, which passed 3 to 0.

PUBLIC HEARING

2. **Resolution No. 440. Frog Pond Estates Temporary Use Permit.** The applicant is requesting approval of a Five (5) Year Temporary Use Permit for use of the ICHIJO USA Model Home's garage as a sales office at the Frog Pone Estates Subdivision.

Case Files:

DB24-0011 Frog Pond Estates Temporary Use Permit
-Class 3 Temporary Use Permit (TUP24-0001)

Vice Chair Candrian called the public hearing to order at 6:45 p.m. and read the conduct of hearing format into the record. Rob Candrian declared for the record that he 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.

Sarah Pearlman, Assistant 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. Pearlman presented the Staff report via PowerPoint, briefly noting the site's background, location, and features. She outlined the review criteria necessary to evaluate whether the Applicant had shown good cause for the temporary use permit request, noting those criteria were met. Staff recommended DRB approval, with conditions.

Vice Chair Candrian confirmed there were no questions for Staff and called for the Applicant's presentation.

Chris Green, OTAK, Inc. stated the Applicant was familiar with the Staff report and presentation, understood the conditions of approval, and agreed with the findings in the Staff report.

Vice Chair Candrian asked if the model home sales office would be used solely for the 22 homes in the subject portion of the development, and if the Applicant anticipated needing 5 years to sell all 22 homes.

Mr. Green confirmed the sales office was solely for the 22 homes. While 5 years was the default norm for such temporary use permits, he did not anticipate taking 5 years for the homes to sell. He noted that once the last home sold, the model home sales office would be sold as well.

Daniel Pauly, Planning Manager, noted that 5-year temporary use permits were typically granted for model home sales offices because Staff recognized there was incentive to discontinue the use when finished, and applicants consistently switched over fairly quickly, and additionally, in the event of a downturn in the market, Staff did not the Applicant to have to reapply for another temporary use permit.

Vice Chair Candrian confirmed there was no public testimony and no questions from the Board. He closed the public hearing at 6:55 pm.

Clark Hildum moved to approve the Staff report as presented. Yara Alatawy seconded the motion, which passed 3 to 0.

Clark Hildum moved to adopt Resolution No. 440. The motion was seconded by Yara Alatawy and passed 3 to 0.

Vice Chair Candrian read the rules of appeal into the record.

3. **Resolution No. 438 Frog Pond Ridgecrest Subdivision.** The applicant is requesting approval of Annexation to the City of Wilsonville and Rezoning of approximately 9.00 acres, a Stage 1

Preliminary Plan, Stage 2 Final Plan, Site Design Review of parks and open space, Tentative Subdivision Plat, Type C Tree Removal Plan, Middle Housing Land Division, and Waivers for a 28-lot residential subdivision.

Case Files:

DB24-0008 Frog Pond Ridgecrest Subdivision
-Annexation (ANNX24-0001)
-Zone Map Amendment (ZONE24-0002)
-Stage 1 Preliminary Plan (STG124-0003)
-Stage 2 Final Plan (STG224-0004)
-Site Design Review of Parks and Open Space (SDR24-0005)
-Tentative Subdivision Plat (SUBD24-0001)
-Type C Tree Removal Plan (TPLN24-0005)
-Middle Housing Land Division (MHLD24-0001)
-Waivers (WAIV24-0002)

This item was continued to this time and date certain at the November 14, 2024 DRB Panel A meeting.

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

Vice Chair Candrian called the public hearing to order at 6:58 p.m. and read the conduct of hearing format into the record. Rob Candrian and Clark Hildum declared for the record that they had visited the site. No board member, however, declared a conflict of interest, bias, or conclusion from a site visit. No board member participation was challenged by any member of the audience.

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

Ms. Luxhoj noted the Staff report was revised and reissued on December 2, 2024 to include new exhibits and modified discussion points, findings, and conditions of approval, related to traffic concurrency and SW Stafford Rd improvements; the pathway in Tract G; and providing pedestrian connectivity along SW Sherman Dr. Conditions of approval PDD 4, PDG 5, PFD 7, and PFD 10 had been amended and PDD 6 and PFD 2 were deleted in their entirety.

- She presented the Staff report via PowerPoint, briefly noting the site's location, background, and surrounding features. She reviewed each of the Applicant's nine requests, noting two were recommended to City Council and six were objective in nature and involved verifying compliance with Code standards. Because the Development Code allowed the DRB to waive lot area standards, lot coverage requirements, front setbacks, and parking space

configurations and drive aisle requirements based on findings of fact supported by the record, the four requested waivers required discretionary review.

Vice Chair Candrian asked if there had been any analysis on how the construction project just north at the Stafford Rd/Elligsen/65th intersection would impact traffic.

Amy Pepper, Development Engineering Manager, replied Staff did not have a detailed construction timeline from the County as the project was currently in design phase; however, the analysis did not include the intersection. Staff would work with the County to look at construction impacts for both projects. Additionally, the Boeckman Road Dip Project will be complete by then, so Boeckman Rd would be open at that time and Stafford Rd would be open throughout construction for the subject project.

Vice Chair Candrian understood tonight's hearing had been continued because the City was trying to ensure construction was finished directly adjacent on Stafford Rd before occupancy would start, or within six months of occupancy; however, per the County's timeline, the larger intersection project would not be completed until 2029. He asked if that had affected whether the traffic analysis would pass or fail.

Ms. Pepper replied that based on the Code, Staff could only control intersections within city limits, and the timeline was based on what the City could control, which included only one portion of Stafford Rd. However, that intersection on the Clackamas County and Washington County border had been at capacity for some time, and the City was actively working with the County to ensure that project went forward.

Vice Chair Candrian stated that it seemed that the timing of the proposed housing being developed was designed to align with the completion of the road construction project. And with the larger intersection project going on, it seemed to make sense to align the occupancy of the housing development with the County project as well, since it could potentially cause the traffic analysis to fail.

Daniel Pauly, Planning Manager, explained the standards being applied for traffic were clear and objective. Capacity needed to be available within two years of occupancy, and that only applied to immediately adjacent, City controlled projects or right-of-way. However, the City continued to advocate for and partner with the County to ensure projects outside the City's jurisdiction moved as quickly as possible. In terms of applying the standards to this project, the City could only legally apply Code standards to what was in the City's jurisdiction.

Vice Chair Candrian asked what would happen if a development failed to meet the minimum density since DRB was being asked to waive the minimum lot size on one portion and yet approve the large lot.

Kim Rybold, Senior Planner, noted the Master Plan standards include two different density ranges for the different subdistricts. The proportionate density calculation was intended to be a tool applied on a subdivision-by-subdivision basis to ensure the overall Master Plan standard is met. Because such limited space was left to be developed within both Subdistricts 4 and 7, any development on the remaining two tax lots, either at the minimum or maximum level, would fall within the lot range for the entire subdistrict; so, conformity with the subdistrict lot ranges was possible in this case. (Slide 9)

Vice Chair Candrian asked if it was impossible to build 22 to 28 lots because of how the subdivision was laid out due to the contour of the land, and only 20 lots could fit, and the other tax lot should be 6 to 7 lots, what would happen if the approval was to build 27 instead of 28 lots.

Ms. Rybold replied in certain instances it was okay to fall below the minimum, such as with resource preservation and open space.

Ms. Luxhoj stated ~~there~~ Tax Lots 1400 and 1101 were left to be developed in Subdistricts 4 and 7 and Staff had looked at how many lots those two tax lots were expected to accommodate when developed, and the proportional density calculation for Tax Lot 1400 was a minimum of 11 lots and a maximum of 14 lots for that subdistrict. Adding those lots to the 80 already proposed in Subdistrict 4 would give a range of 91 to 94 where the established range was 86 to 107, putting that subdistrict right in the middle.

Vice Chair Candrian asked if the State would fine the City if the minimum number of lots overall for a subdivision were not met even if it was due to topography or other limiting factors outside the City's control.

Ms. Rybold stated that reductions due to topography and other limiting factors was addressed in Code Subsection 4.127.06(B). Part of the various analyses conducted for master planning large areas like Frog Pond West included looking at the larger ranges on aggregate for the area to see if the systems that were planned could support that. On the whole, Frog Pond West at full build-out would be within the range and not exceed what the infrastructure could handle. Staff could also make findings that the City's Development Code Standards have been met, so no fines would be imposed due to things that might happen on a case-by-case basis.

Vice Chair Candrian called for the Applicant's presentation.

Glen Southerland, AKS Engineering and Forestry, introduced the Applicant's team and presented the Applicant's presentation via PowerPoint with the following key comments:

- The Applicant had several approvals already issued, some being fully constructed and many projects well along the way, developing into what envisioned for the Frog Pond West neighborhood.

- A maximum of 30 lots were allowed between the two different subdistricts, and the Applicant proposed 28, which in aggregate, achieved the housing envisioned for the neighborhood as a whole and the entire district. (Slide 4)
- He noted the streets in Cottage Park Place and Frog Pond Terrace were designed to connect with the Ridgecrest site, noting that despite trickiness with the layout of utility systems, etc., the Applicant still got within the range of lots required by the Frog Pond West Plan and were able to provide the required streets, utilities, and lot dimensions.
- A number of trees previously on the property were removed and would be replaced via mitigation. Street trees would also be added. (Slide 7)
- Previously one property only had to deal with the construction of two intersections whereas now two more had been added due to the street layout on the neighboring subdivision. Most of the waiver requests tonight were to accommodate Woodbury Lp, which ran parallel to Painter Dr. (Slide 8)
- As a whole, the project's benefits included helping to fill out the Frog Pond West neighborhood and provided needed housing with 28 residential lots and 54 middle housing units, a possibility that arose only within the last couple years as Staff had worked to make middle housing permissible. (Slide 9)
 - The Landscape Plan outlined a number of tree mitigation plantings, as well as high value trees that would be preserved, open space areas, and connections to existing and future trail networks including Cottage Park Place trails and the Boeckman Creek Trail.
 - Transportation system improvements such as the widening of Frog Pond Lane and the construction of connecting streets such as Woodbury, Painter, and Alder, and a portion of Brisband St.
 - The Applicant had already worked with residents of Morgan Farms to take care of trees that were threatening to come down on Brisband St to make it safe and usable for current residents.
 - The pedestrian connections were important to ensure people could travel through Frog Pond West without issue or out-of-direction travel.
 - The Applicant also contributed system development charge (SDC) fees to future offsite improvements and for the impacts the subject development would have on the City's systems.

Mr. Southerland confirmed that the request for the maximum lot size waiver was to accommodate the middle housing since single-family homes did not usually have maximum lot size requirements unless located in a higher-density district. In the subject district, it was not typically a problem. The maximum lot size was a hard part in trying to provide middle housing.

- The maximum lot coverage was generally consistent with what would be allowed in other districts or projects with single-family detached residential. The end result would be a product that was very close to what was seen in the surrounding neighborhoods even though it was middle housing.

Vice Chair Candrian asked if any waivers would have been necessary at all if the proposed housing was solely for single-family homes.

Mr. Southerland confirmed most of the waivers would not have been necessary; however, the waiver for the front setbacks was not related to middle housing but due to the site conditions, street eyebrow, and the intersection location. The shared driveway waiver was related to middle housing.

Vice Chair Candrian asked why the Applicant decided to build middle housing, which required waivers and added to the complexity of the review process, as opposed to single-family homes, which did not.

Mr. Southerland replied when the importance was on providing additional housing units, building middle housing was permitted by Code outright, and the Applicant wanted to provide a range of housing types while fitting them into the site as best they could. \

- The requested waivers were not excessive, only small increases in lot coverage. In one case, the Applicant had asked for larger lots than allowed, and the maximum lot coverage waiver was due to the middle housing.
- The increased rear setbacks shown at the top of the Site Plan were on larger lots than permitted by Code. The Code was designed to prevent a subdivision that could later be subdivided further. (Slide 6)

Mimi Doukas, AKS Engineering, explained that the goal of middle housing was to introduce a new housing type within Oregon, and the State mandated that middle housing be allowed.

- When writing its Development Code for middle housing, Wilsonville put in provisions to ensure that big giant houses were not built in inappropriate places. Middle housing was designed to be smaller homes with more affordable price points that provided density in areas that were already considered developed to try to get additional capacity.
 - The Code was written for a maximum lot size and a maximum lot coverage to have smaller homes within the community as opposed to big giant homes. The maximum lot size was a special provision that applied directly to middle housing.
- The Applicant looked at several layouts that could conform with the maximum lot size provisions of middle housing, but there were more tracts in those backyards that would have effectively been backyards, so instead of doing weird semantics with funny little tracts, the Applicant changed it so that the lot setbacks achieved the same small building envelope originally intended with the maximum lot size.
- The Applicant could have designed many small tracts and conformed to the maximum lot size or design larger lots with increased setbacks so that the building footprint remained the same but with much cleaner administration.

Vice Chair Candrian understood one of the waivers was for the building lot size as well on some of the lots.

Mr. Pauly clarified that middle housing was allowed under state law and neither Staff nor the DRB had the authority to not allow it. Even if the City applied its Code with the intent to discourage middle housing that could become an issue.

- For Staff, the question was whether the waivers result in a better design of that middle housing than would result otherwise.
- That particular maximum lot size Code provision was intended to not create a lot that was double the lot size and only applied to detached, not attached middle housing.
- Design options were limited by the need to place roads in alignment with neighboring subdivisions. As a result, Staff and the Applicant had looked at many design iterations, including one in which artificial tracts were created to avoid exceeding the maximum lot size for middle housing. Having such strange tracts in backyards was not a good design and would not have served the residents or homeowners association (HOA) well.
- From a long-term design as well as Staff's perspective, the building footprint was still the same, and conditions of approval would ensure the building footprint did not get any bigger because of the waivers. The proposed design was the best way to address some of the awkwardness created by the subject subdivision being one of the last puzzle pieces to be developed in the area.

Vice Chair Candrian clarified he had no issue with middle housing; however, if waivers were being requested to avoid restrictions the City had in place, and those waiver requests could have been avoided by choosing a different housing type, he sought a good justification for why the housing type requiring waivers had been chosen as opposed to a housing type that would meet the current requirements without the need for any waivers.

Ms. Doukas replied the Applicant had chosen to request waivers instead of the design with the backyard tracts because, although that design worked with the middle housing and checked all the boxes from a Code standpoint, it was awkward and would have been hard to implement.

Vice Chair Candrian understood if the Applicant had chosen single-family housing for this specific parcel of Frog Pond, then the issue would not exist.

Ms. Doukas responded that was a completely different project. Middle housing was permitted, the Applicant wanted to do it, and it was an important housing type.

Vice Chair Candrian understood middle housing was permitted but wanted to know the justification for deciding to build middle housing for this particular parcel when it required waivers and single-family housing did not. It kind of set a precedent that certain things were waived, but not others.

Ms. Doukas explained the Applicant had designed the parcel to meet all the standards and provide middle housing, but that design was awkward. The better way to approach the design was via waivers, which were not a bad thing, but a tool to be weighed with all the public benefits. The design included open space that was very generous for the zone and planning district which

the Applicant believed counterbalanced the waivers. The project was a reasonable proposal on the whole.

Vice Chair Candrian replied that still did not answer why the Applicant decided to go with middle housing. One design option had included middle housing, but would create weird lot sizes and yards, and another version required waivers; however, the Applicant could have chosen single-family housing that required neither of those but did not.

Ms. Doukas responded that with single-family homes, there would be a fraction of the lots, the home values would be different and would attract a different marketplace. There were real estate decisions, community planning decisions, and financial reasons for why the Applicant pursued middle housing, and she had already described the decision to not present a proposal that met the criteria versus requesting a waiver. The reason behind the middle housing proposal was that it was the best use of the land in the subject area to achieve housing for the community, to achieve a good real estate project, and create a good community design.

- She confirmed the chosen option was the most economical and that profit was part of the equation.

Vice Chair Candrian stated he was a bit reluctant to grant waivers so more money could be made without a specific reason for why the waiver was needed.

Ms. Doukas replied that the Applicant could go back to the backyard tracts design that met the criteria.

Vice Chair Candrian clarified he was specifically focused on the waiver request, not the housing type. Since there was a way to build middle housing without waivers, he wondered why waivers were being requested.

Mr. Pauly offered to show Vice Chair Candrian the prior design alternatives.

Vice Chair Candrian understood why the Applicant would not want to go forward with a bad design option.

- He confirmed he was not forcing the Applicant to build any particular type of housing. He simply wanted a good reason to grant a waiver that was different from the other standards in the community.

Mr. Pauly explained that the Applicant could build middle housing in a manner that met the clear and objective Code standards without any waivers, and that resulted in the same footprint with separate backyard tracts. The choice was between having no lot size waiver and those backyards being in a separate tract the looked funny on the deed, and or typical backyards with a lot size waiver. The focus of waivers was to provide better design options when applications run into something not anticipated.

Ms. Doukas clarified that the homes would be identical regardless of whether the backyards were in a separate tract or not. It was a platting exercise. It was silly, but the Applicant could convert the waivers into the backyard tracts that met Code, and the homes would be identical.

Mr. Pauly stated in terms of middle housing, the lot coverage waiver had been granted before as an administrative adjustment and was more a nuance of the Code. Staff had recommended this approach as a cleaner way for the Applicant to pursue a waiver and make it consistent with other structure types throughout the city and other areas of Frog Pond that had been built. The Applicant did not gain any benefit from the lot setback waiver. It had no impact on the size of the home that could be built. It simply avoided an awkward platting situation. It was a better design overall than what could be achieved going by the book.

Ms. Doukas added that was why the Applicant had designed it as such and was asking for the waivers. The setback, combined with the maximum lot size, resulted in the exact same home and building envelope as there would be without any waivers.

Mr. Pauly noted that in similar situations in the past, reducing the size of the lots was one way to solve that equation.

Ms. Doukas noted the Applicant had done that on the south portion of the site, which met all the Code standards and required no waivers. The open space tract through that section functioned better as a more natural open space than the skinny slivers of land elsewhere. So, the Applicant used a combination, providing open space where it made sense and switching to the waiver for maximum lot size and setback where it would functionally be part of the lots.

Mr. Pauly added the proposed design with waivers would be more traditional approach once platted and built and make more sense to the typical homebuyer and HOA. He reiterated that some of the awkwardness was due to the need to match the new roads with the existing intersections.

Clark Hildum asked if adopting the waivers would affect the retail price of the homes.

Ms. Doukas replied no, reiterating that the homes would be identical with or without the waivers and would cost the same.

Ms. Luxhoj responded that the waivers enabled the City to have 54 housing units available versus 28 units if only single-family homes were put on the lots. Thus, the proposal helped the City fulfill its need for housing.

Vice Chair Candrian confirmed there was no public testimony and called for any further questions from the Board.

Mr. Hildum asked if a developer had the right to build middle housing on lots zoned for single-family dwellings with no ability for the DRB to object.

Mr. Pauly replied yes, adding that the DRB was actually approving the plat, not what was built vertically upon it. Even the previously discussed waiver only addressed whether there was a tract or not, which related to lot size, and the setback, not the type or number of dwellings to be built, which was not within the DRB's purview.

Vice Chair Candrian understood the area that was supposed to have 6 to 7 lots would now have 8 lots.

Mr. Pauly noted the DRB was approving the number of lots, not the number of units on the lots.

Vice Chair Cambrian read that the Applicant had proposed 8 lots in Subdistrict 7, which exceeded the maximum proportional density calculation by one lot. He understood the DRB was being asked to approve an additional lot that was larger than the minimum proportional density.

Mr. Pauly replied Staff does an analysis to determine the proportionate share, but the actual standard was applied to a broader area that included multiple lot subdivisions.

Ms. Rybold added as mentioned about the larger aggregate whole for the Frog Pond West Subdivision, the numbers fell within the range and the subdistrict would build out according to that range; therefore, the proposal was compliant.

Mr. Pauly clarified it was not a waiver request. It was found to be compliant with the lot ranges established in the Master Plan.

Vice Chair Candrian closed the public hearing at 8:14 pm.

Clark Hildum moved to approve the Staff report as presented. Yara Alatawy seconded the motion, which passed 3 to 0.

Clark Hildum moved to adopt Resolution No. 438. The motion was seconded by Yara Alatawy and passed 2 to 1 with Rob Candrian opposed.

Vice Chair Candrian read the rules of appeal into the record.

- 4. Resolution No. 439. ParksWorks Class 3 Sign Permit and Waiver.** The applicant is requesting approval of a Class 3 Sign Permit and Waiver for a 603 square foot wall sign at the ParkWorks Industrial Building.

Case Files:

DB24-0010 ParksWorks Class 3 Sign Permit and Waiver
-Class 3 Sign Permit (SIGN24-0013)
-Waiver (WAIV24-0003)

Vice Chair Candrian called the public hearing to order at 8:17 p.m. and noted the Applicant had requested a continuation to January 13, 2025 at 6:30 p.m.

Clark Hildum moved to continue the public hearing on Resolution No. 439 to January 13, 2024 at 6:30 pm date and time certain. Yara Alatawy seconded the motion, which passed 3 to 0.

Daniel Pauly, Planning Manager, confirmed he would be happy to have a one-on-one conversation with Mr. Hildum about the Sign Ordinance.

BOARD MEMBER COMMUNICATIONS

5. Recent City Council Action Minutes
None.

STAFF COMMUNICATIONS

Daniel Pauly, Planning Manager, thanked the DRB members for their service and for a great and interesting 2024 and looked forward to working with most of them in 2025. He acknowledged Ms. Alatawy for her diligent service, adding Staff would miss having her on the Board, as well as Ms. Svadlenka.

ADJOURNMENT

The meeting was adjourned at 8:20 p.m.