

**WOODBURN PLANNING COMMISSION PUBLIC  
HEARING/MEETING MINUTES  
November 14, 2013**

**CONVENED:** The Planning Commission met in a public meeting session at 7 p.m. in the City Hall Council Chambers, with Chair Claudio Lima presiding.

**ROLL CALL:**

<b>Chair</b>	<b>Lima</b>	<b>Present</b>
<b>Vice-Chair</b>	<b>Piper</b>	<b>Present</b>
<b>Commissioner</b>	<b>Grigorieff</b>	<b>Present</b>
<b>Commissioner</b>	<b>Valladares</b>	<b>Absent</b>
<b>Commissioner</b>	<b>Bandelow</b>	<b>Present</b>
<b>Commissioner</b>	<b>Corning</b>	<b>Present</b>
<b>Commissioner</b>	<b>Carney</b>	<b>Present</b>

**Staff Present:** Jim Hendryx, Economic and Development Services Director  
 Don Dolenc, Associate Planner  
 Jon Stuart, Assistant City Attorney  
 Vicki Spitznogle, Recording Secretary

Chair Lima opened the workshop/meeting at 7 pm, and led the Commissioners in the flag salute.

**Minutes**

The August 22, 2013 minutes were unanimously approved.

**Business from the Audience**

There was none.

**Communication**

None

**Workshop**

Since the last Planning Commission meeting in August, staff has revised Section 3.09 Planned Unit Developments (PUD) and is proposing changes to make it simpler, easier and more user-friendly. Taking Council's direction, staff looked at other jurisdictions to view how they dealt with PUDs, and taking the best of what they saw, they made changes to incorporate those ideas, coming up with a proposed wholesale replacement of Section 3.09.

PUDs are meant to allow more flexible development standards, unique street cross-sections and more variety in permitted uses. In exchange for the ability to modify

development and use standards, PUDs must provide common open space and enhanced public amenities.

The current provisions only allow limited incentives and there are various barriers, including requiring a variance to reduce setbacks or lot size, and a lengthy review process.

The proposed changes include:

- Reducing or eliminating the minimum PUD size;
- Providing maximum flexibility in development standards;
- A greater variety of housing types and uses;
- Justification for relaxing standards.

Commissioner Piper felt that the proposed changes might be relaxing standards too much. He acknowledged that they would present a very attractive development option for developers, and brought up the issue of covenants, conditions and restrictions (CC&Rs), wondering who would be making and enforcing common rules for homeowners in PUDs.

Associate Planner Dolenc noted that CC&Rs are generally not enforced by the City.

Commissioner Carney requested that staff keep a laundry list of Commission objections. He also wanted to know if CC&Rs, as well as Homeowner's Associations (HOAs), could be incorporated as part of PUD regulations.

Assistant Attorney Jon Stuart stated that the City wants to encourage PUDs. An HOA could be required. Developers also might be required to justify the style of PUD they submit.

Commissioner Bandelow said that developers often want to be out of the development process once about 70% of the homes have been sold, and traditionally do not want to be further involved.

Economic and Development Services Director Jim Hendryx said that there is a process and time limit to enforce CC&Rs, after which restrictions would no longer apply.

Three different types of PUDs are being proposed:

- A. Transfer of Density PUDs, which are often called cluster housing. This type is used to transfer residential density from undevelopable areas of a site to the developable areas, but not to increase the overall number of dwelling units allowed on the site.

Differences from today's Transfer of Density PUD:

- No minimum size for PUD
- Flexible standards (no variances needed)
- Simplified process (no concept plan)
- Mix of housing types

Commissioner Carney asked if the undevelopable area could be made into a common area owned by the City, so that surrounding neighbors could use it as well.

Assistant City Attorney Stuart said that it would be possible for the City to own the land if the City had clear requirements for the exaction of the land and could justify the taking of the land through the Supreme Court's rough proportionality test. Any such exaction would need to be reviewed on a case-by-case basis. In the case of PUDs, the owner is voluntarily putting together an integrated plan that includes setting aside property in exchange for certain development concessions. The land set aside is usually owned by the HOA, rather than by the City.

Associate Planner Dolenc remarked that the unusable portion might be made into an access easement, but in general, that portion of the lot is owned by the HOA.

- B. Residential PUDs, which are properties zoned RS, RSN, R1S or P/SP. They are not allowed in the Neighborhood Conservation Overlay District (NCOD).

Differences from today's Residential PUD:

- Reduced minimum size for PUD
- Flexible standards (no variances)
- Mix of housing types

- C. Mixed-Use PUDs, which is any use allowed in any zone. A Mixed-Use PUD is not allowed in the NCOD. They are limited to a maximum of one third of the gross floor area of non-district uses (for example, a three story building in a multi-family residential zone might have office space on the first floor and then have apartments, a multi-family residential use, on the top two floors). Residential uses must be separated by industrial uses by at least 30 feet. Commercial uses may go into the residential use by a certain amount, and the residential can go into the commercial a certain amount (30%). The underlying zone is still dominant and stays two-thirds consistent to a use appropriate to that zoning.

Differences from today's Section 3.09 Mixed-Use PUD

- Reduced minimum size for PUD
- Flexible standards
- Mix of housing types

The process to get residential and mixed-use PUD approval under the proposed plan is to submit a conceptual development plan, with a general layout and a narrative that addresses why this property would be suitable for a PUD. Secondly, the developer would submit a detailed development plan, which would refine the conceptual plan, specifying building location, architecture, landscaping, and phasing. The conceptual plan may be heard concurrently with the detailed development plan. It is a Type III decision, and therefore comes before the Planning Commission. It gives the developer a chance to go before the community and get feedback before allocating design resources.

The third step is a Type I decision, completed when the staff makes sure that the developer's final plan shows that all the conditions have been met. Once that has been approved, the property owner can apply for building permits.

#### Planning Commission Discussion

Chair Lima noted that the Commission has two opportunities to approve or disapprove a PUD application. If they have concerns with what they see, they can ask the developer to further refine his submittal.

Commissioner Carney said that a PUD is a neighborhood. It was pointed out during the meeting that the PUD development must, at the least, meet the standards of the WDO. The developer can also go farther if he wishes, and it is up to the Commission to approve or disapprove these elevated standards. Commissioner Carney feels that the Commission should consider these applications on a case-by-case basis and incorporate stricter standards when it's called for. Further study is needed, but the proposed PUDs encourage creativity, and he likes the direction that staff is going with the revision.

Commissioner Bandelow wondered if a large day care facility would be allowed in a Residential PUD. Associate Planner Dolenc said that the residential zone is allowed a mix of housing types, but not uses. So a large child care facility would not be allowed. However, a Mixed-Use PUD would allow more than one use.

Commissioner Bandelow likes PUDs and would like to see them encouraged, although she does not approve of a reduced minimum lot size for a PUD. She wondered if the Commission can turn down PUDs that do not appeal to them.

Assistant Attorney Stuart said that the Commission could disapprove a PUD and the developer could appeal the decision to the City Council following the process of other Type III decisions. The developer could also decide to not pursue a PUD, but rather apply for variances from the WDO standards.

Director Hendryx suggested that everyone involved in the PUD decision-making process ask themselves how the public would benefit from the changes made and whether everyone would be able to enjoy the benefit, not just a favored few.

Commissioner Grigorieff asked what other jurisdictions require in the way of acreage for a PUD and was told that it varies widely.

As the discussion as progressed, Commissioner Piper became more comfortable with the revised PUD as he realized that there are two opportunities to hold staff and the developer to a certain standard. He would like a public benefit incorporated into the rules, to remind present and future Commissions that the public benefit is paramount. He would also like to see some type of language on the CC&R with a minimum standard and enforcement of that standard.

Commissioner Bandelow said that the proposed PUD encourages development of problematical land in Woodburn.

There was some discussion about ways to enforce CC&Rs, with Commissioner Carney stating that the Commission would want to see a secure method of enforcement.

Assistant City Attorney Stuart noted that there are limits as to what can be required of a private property. CC&R's are private agreements and the City government would typically not get involved. The Council – the City's highest government body – could decide to make a City-wide blanket policy of restrictions and then Code Enforcement would be responsible to enforce it.

Director Hendryx stated that staff will go back, revise Section 3.09 to incorporate the Commission's suggestions, and present the revised version in another workshop. The next meeting will be tentatively scheduled on Thursday, December 12<sup>th</sup>.

**Items for Action:**

None.

**Business from the Commission:**

Planning Commission expressed concern about the removal of significant trees in Woodburn. Just because you're tired of raking leaves is not a good enough reason.


Commissioners Carney, Valladares and Lima attended a state-wide Planning Commission meeting on Sept 26th. They attended the meeting, and recommended future meetings of this type to the Commissioners.

**Adjournment**

Commissioner Piper made a motion that the meeting be adjourned, and Commissioner Grigorieff seconded it. The meeting was adjourned at 8:48pm.

APPROVED   
Claudio Lima, Chair

12/12/13  
Date

ATTEST   
James N.P. Hendryx  
Economic & Development Services Director  
City of Woodburn, Oregon

12/13/13  
Date