

**WOODBURN PLANNING COMMISSION PUBLIC  
HEARING/MEETING MINUTES  
December 12, 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:**

Chair	Lima	Present
Vice-Chair	Piper	Present
Commissioner	Grigorieff	Present
Commissioner	Valladares	Present
Commissioner	Bandelow	Present
Commissioner	Corning	Absent
Commissioner	Carney	Present

**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 meeting at 7 pm, and led the Commissioners in the flag salute.

**Minutes**

The November 14, 2013 minutes were unanimously approved.

**Business from the Audience**

None

**Communication**

None

**Public Hearing**

**VAR 2013-01 498 Broadway Street** – The applicant requested a variance to reduce the Special Setback abutting “D” Street from 25 feet to 20 feet, and a variance to reduce the setback abutting “D” Street from 20 feet to 8 feet.

The planning Division recommended approval of a variance to reduce the Special Setback abutting “D” Street from 25 feet to 20 feet, and a variance to reduce the setback abutting “D” Street from 20 feet to 8 feet, with the following conditions of approval:

1. The property owner shall execute an acceptance of this decision on a form provided by the City.

2. The property owner shall develop and maintain the subject property in accordance with all provisions of the WDO, whether or not addressed in the staff review, conditions of approval, or public hearing.
3. The property shall be developed in substantial conformity to the plans attached hereto as Exhibit B.
4. Before issuance of a building permit, the existing foundation shall be removed.

Commissioner Piper raised a question about the existing foundation. Associate Planner Don Dolenc said that originally, a structure was built in the early 1900's with no foundation. Eventually, a foundation was added, but without a permit. Over time, part of it has cracked and there is no way to verify that the foundation is adequate.

Commissioner Carney expressed interest in how a request for removal might affect the variance process. Associate Planner Dolenc told him that the Commission could approve the variance with the foundation removal being a condition of approval. The Building Official has no objection to the variance, but has stated that the foundation must be removed.

Assistant City Attorney Jon Stuart asked that the Commissioners discuss any *ex parte* contact with 498 Broadway Street. Commissioner Bandelow is familiar with the property. Commissioner Carney has walked past the property on numerous occasions. Commissioner Valladares works two blocks away, and is also familiar with it.

There was some discussion from the Commission about a crumbling retaining wall next to D Street, as well as overall soil conditions, which Associate Planner Dolenc said would be addressed during the building permit process. He also told the Commission that they could make dealing with the retaining wall a condition of approval. Another subject of concern dealt with why the D Street right-of-way had not been vacated. Public policy is reluctant to do away with public rights-of-way, and despite additional discussions with the applicant, nothing happened to vacate the rights-of-way.

Applicant Testimony: Bruce Goldson, Theta, LLC, PO Box 1345, Lake Oswego, 97035, the applicant's representative, has been associated with the property for about three years, and addressed some of the issues raised by the Commission. Vacation of rights-of way is complicated, since everyone involved has to agree. D Street has no utilities. The resident of the closest existing house will be at least 48 feet away from the proposed building. Mr. Goldson feels that the existing foundation probably does need to be removed. This area is part of a subdivision that was created in 1890. To be consistent with the neighborhood, the applicant's submitted plan makes the best sense, with the variance achieving what the applicant needs. If this submission is approved, the applicant plans to move forward in the next 6 months.

The Commission further discussed the issue of the retaining wall and its removal. Assistant City Attorney Stuart clarified that the Commission's focus must be solely on the variance and land-use application. They are required to work within the confines of

the variance as it applies to the Woodburn Development (WDO). Anything beyond that is outside of their purview. The building code will lay out all the requirements that the applicant would have to meet as to the site-specific foundation and building structure.

Commissioner Lima declared the public hearing part of the meeting closed.

Commissioner Bandelow was in favor of the application. She noted that there are unique aspects to this case, and though she wished that they had gone through the process of vacating this piece of land, felt that there was no reason to deny the application.

Commissioners Piper, Valladares, Lima and Grigorieff concurred.

Commissioner Carney was assured by Associate Planner Dolenc that the entire existing foundation would be removed.

Commissioner Bandelow made a motion that they approve VAR 2013-01, and authorized the Chair to sign a Final Order. Commissioner Grigorieff seconded the motion. It was unanimously approved.

The Commission convened into a workshop to discuss Planned Unit Development (PUD) standards.

Economic and Development Director Jim Hendryx noted that PUDs were discussed at the November 14, 2013 workshop, and the purpose at the present workshop is to further that discussion. PUDs are designed to provide flexibility in permitted uses, and are intended to encourage innovation in developing land. Our current Woodburn Development Ordinance (WDO) PUD section has limited incentives, does not offer flexibility, does not allow different housing types (row houses/townhomes), does not incentivize open space preservation, and requires a lengthy review process. In some instances, standards are *more* restrictive than the underlying zoning.

Director Hendryx brought up the following questions for further discussion:  
Does the Commission support the concept of Density Transfer PUDs?

1. Minimum size – what should it be?
2. Density Transfer: What percentage?
3. Neighborhood design compatibility – should that be a consideration?
4. What does the community get in exchange for the PUD being built?

A Transfer of Density PUD is used to transfer residential density from undevelopable areas of a site, such as a riparian corridor, a floodplain, wetlands, unstable soils or slopes, to developable areas of a site, but not to increase the overall number of dwelling units allowed on the site.

Discussion about what constitutes a dwelling unit revealed that the WDO does not designate any minimum square footage, but states that a dwelling unit includes all the common amenities and complete independent living facilities – such as a kitchen and a bathroom.

Vice-Chair Piper stated that he is in favor of creativity in the Density Transfer PUDs. The developer needs to convince the Planning Commission that his development will serve the public benefit and that it will be aesthetically pleasing.

Commissioner Piper felt that two reviews were essential, concept and final review. The Commission needs to have two opportunities to examine PUD submissions and make wise decisions that reflect the way Woodburn wants to have buildings built in the community.

Commissioner Bandelow felt that landscaping standards should be adhered to, and that all standards should not be given up simply to encourage and achieve creativity. She is in favor of upholding minimum standards with PUDs.

Commissioner Grigorieff pointed out that each property is going to be different, and agreed that two reviews were needed per application.

Vice-Chair Piper agreed with Commissioner Bandelow that the Commission could come up with a list of minimum standards that must be addressed, and use them to tell the developer whether they had addressed those minimums to the Commission's satisfaction.

Commissioner Bandelow raised the concern that the more detailed review might not be able to be able to be done objectively. Can the Commission make decisions and still keep within objective criteria? Can decisions be made without being arbitrary?

Assistant City Attorney Stuart stated that the WDO presents a minimum standard. The PUD submissions must follow a cohesive minimum standard.

Director Hendryx said that asking how the public benefits should figure into any PUD submittal. Hendryx noted that if there are requests to alter standards through the PUD process, then the community should get something tangible out of it.

Commissioner Valladares noted that creative PUDs could be very attractive to new development. New ways of building can attract outside developers.

Vice-Chair Piper said that applicants should use the two step process (concept and final) to make their case as to why the Commission should approve a PUD, and if they fail to do so, then it's clear that the application is not appropriate for the property and neighborhood.

Director Hendryx brought up the issue of design compatibility; compatibility of both size and type of housing with the rest of the neighborhood. Can an applicant combine a single-family neighborhood with multi-family units? Size and scale should be considered. How do lot standards apply? Should the size and scale of the neighborhood determine what's built there?

Carney felt that there shouldn't be any threshold size in a PUD, since each is different. However, a density transfer percentage can be decided, and then use it to make a rational trade-off. He was comfortable with the other two types of PUDs, and thought that we should have the same criteria on all three. He suggested that the percentages be revised downwards. If we require too much land, the developers will want to build multi-story apartment buildings to make it profitable.

Vice-Chair Piper agreed, saying the City needs to make PUDs economically feasible and thus prevent three story apartment buildings in single family residential areas.

Commissioners Bandelow and Grigorieff stated that the infill, unbuildable properties are unique and need to be dealt with on a case-by-case basis. The amount of density transfer is going to depend on the property.

**Items for Action:**

The Planning Commission and staff wish to recognize Commissioner Ellen Bandelow, who has served the City for well over 10 years, as she steps down from the Commission. This will be her last meeting as a Commissioner. Her integrity is greatly respected and it was noted that she embodies the Planning Commission ideal.

**Business from the Commission:**

None

**Adjournment**

Commissioner Grigorieff made a motion that the meeting be adjourned, and Commissioner Piper seconded it. The meeting was adjourned at 8:40pm.

APPROVED  1/9/14  
Claudio Lima, Chair Date

ATTEST  1/10/14  
James N.P. Hendryx Date  
Economic & Development Services Director  
City of Woodburn, Oregon