



**City of Sherwood
PLANNING COMMISSION
Sherwood City Hall
22560 SW Pine Street
Sherwood, OR 97140
September 9, 2008 – 7PM**

Business Meeting – 7:00 PM

1. **Call to Order/Roll Call**
2. **Agenda Review**
3. **Consent Agenda** – Draft minutes from 8/26/08
4. **Staff Announcements**
5. **Council Announcements** (Mayor Keith Mays, Planning Commission Liaison)
6. **Community Comments** (*The public may provide comments on any non-agenda item*)
7. **Old Business: None.**
8. **New business – PA 08-02 Amendment to PUD standards.** Public hearing to consider draft changes to the Planned Unit Development standards to allow Planned Unit Developments (PUDs) to be utilized in areas not currently eligible as PUDs, to clarify how the density is calculated over a PUD project site, and whether less open space than the current 15% required for PUDs should be required in certain circumstances..
9. **Comments from Commission**
10. **Next Meeting: September 23, 2008-**
SP 08-09 - Oregon-Washington Lumber Phase I Site Plan
11. **Adjourn to Work Session**

Work Session- Immediately Following Business Meeting

1. **Sign inventory update**

City of Sherwood, Oregon
DRAFT Planning Commission Minutes
August 26, 2008

Commission Members Present:

Chair Allen
Jean Lafayette
Matt Nolan
Raina Volkmer
Lisa Walker
Adrian Emery

Council Liaison – Mayor Keith Mays

Staff:

Julia Hajduk, Planning Manager
Heather Austin, Senior Planner
Michelle Miller, Associate Planner

Commission Members Absent:

Commissioner Skelton

City Attorney – Not Present

1. **Call to Order/Roll Call** – Chair Allen opened the meeting at 7:05. Julia Hajduk called roll. Commissioner Skelton was not present.
2. **Agenda Review** – Chair Allen reviewed the agenda.
3. **Consent Agenda** – The draft minutes from the August 12, 2008 meeting were discussed. Commissioner Lafayette pointed out that on page 2 her intent was not to say this was the last opportunity to make changes, but that it was the last good opportunity to make changes. She also has some scrivener's errors that she'll give to Julia. Motion was made and carried to accept the consent agenda.
4. **Staff Announcements** – None given.
5. **City Council Comments** – Mayor Mays had no comments.
6. **Community Comments** – None given.
7. **Old business – Brookman Addition Concept Plan – PA 08-01** Chair Allen asked for any exparte contact and disclosed that he lives in the Arbor Lane neighborhood. Commissioner Volkmer also disclosed that she lives in the Arbor Lane area. No other disclosures were made.

In previous meetings the Commission discussed increasing the job generating land in the area and what would need to be on the record to achieve that. Chair Allen and Julia met in a separate meeting and came up with an outline. Currently the project is working within the hybrid alternative plan. The idea that Chair Allen and Julia have developed is to forward a version of the hybrid, with the current outstanding questions answered, to the City Council and ask them to review that plan as well as give them an alternative

outline to review which would describe the Planning Commission's ideas of ways to increase the job generating land, and get some policy guidance from the Council.

Julia added that when she and Chair Allen spoke they discussed the idea of bringing in some experts for testimony, like developers and economists. For example, if we had a market analysis that said 26 acres of employment is the maximum long-term that could be supported within this area, without a change in the transportation system, here are some things that could be done.

At the last meeting, a representative from the I-5/99 Connector group gave a presentation about the project. Julia reminded the Commission that the idea was to give them some time to think about what they heard and think more about how they want to proceed. The staff recommendation at this time is to take a little more time and figure out what is happening with the Connector project before the Commission makes any decisions.

Tom Pessemier added to Julia's comments by saying that the plan was to have the I-5/99 Connector team come in and give a presentation to get a broad picture of where the project was going, then spend some time talking more specifically about questions or concerns that the Commission may have. At that presentation it became very clear that there are still a lot of options on the table and a lot of unknowns. There was only one option that came close to the Brookman project- Alternative 6. He understands that the Commission is very interested in job generation and certainly a connector facility would change the ability to put jobs in that area. Tom attended the Connector Steering Committee meeting the day after the last Planning Commission meeting and felt that even after that meeting there was less clarity than hoped for. What he heard during the meeting was that they want to really look at some short-term projects and projects that could make a measurable difference in the purpose and need that have been identified. They are feeling some pressure to get some things done. Their direction was to look at some short-term projects to enhance the existing system; Alternative 3. That plan would basically make Tualatin-Sherwood Road a highway with connector roads on either side, connecting 124th to Tonquin, etc. The cities of Tualatin and Sherwood had some major issues with limiting access on Tualatin-Sherwood Road from Hwy 99W. Everyone realized that Alternative 3 would not be a workable solution. So, that plan has been taken off the table and now they are working on some short-term projects which include taking Tualatin-Sherwood road to 5 lanes, extending 124th down to Tonquin and adding commuter rail. Tom is working now on getting more clarity from the Steering Committee. That committee does not meet again until September 24th.

Julia added that Staff would do whatever the Planning Commission wants, but that staff's recommendation would be to wait until the Policy Steering Committee meets again, then come back at the October 14th Planning Commission meeting for a work session update. Julia will work on getting some experts lined up to help determine what it will take to get more employment land. We know that we are not going to have any more clarity until after the October meeting, so staff would recommend waiting until the October 14th meeting and talk about the project again.

Commissioner Nolan asked if the Commission would be more productive going to City Council now and saying this is the plan as it is, we see an opportunity for more industrial land, and is that something the Council would like to see the Commission pursue.

Julia believes that it would be beneficial to have a work session with the Council, but only after getting more information about what it would take to support significantly more employment land.

Chair Allen felt originally that there was some sense of urgency and that it seems like that has dropped off quite a bit. He asked if that was a correct assessment.

Julia explained that there are some requirements of time lines from Metro, and that there could be some exceptions made for that, there are also grant funds from Metro that have milestone requirements that need to be met, but that would not justify making a decision before we are ready.

Mayor Mays acknowledged that there has been pressure from the region and Metro to finish the plan and adopt a plan and present it to the community, and the City for approval. With the slowing of the economy some of that pressure has eased up, but we are still under pressure to do something within the first half of next year if an agreement can be reached. Important areas to be considered when reviewing this area would be the infrastructure requirements and how those would be paid for and what is and is not realistic with the different use mixes. Jobs are important in the community and they have been promoted heavily inside Old Town and off Tualatin-Sherwood Road and in future UGB expansions that will likely be seen. The city will hold the line to get a much better of mix of jobs in the area. He feels the Commission needs to have a good appreciation for what is possible in the Brookman area and once more is known about what will happen to Brookman Road with the Connector project, decisions can be made.

Chair Allen summarized by saying he is hearing that the Commission should basically hold off for now until after the October I-5/99 Connector meeting.

Mayor Mays indicated that after approval of the concept plan, the next real opportunities for the community to act on a recommendation from the Commission and decision by the Council will be the annexation vote in March or May.

More discussion ensued about time lines and speculations about when and how much more information would be available about the I-5 project.

The subject of a letter written to staff from Miller Nash regarding parks in the Brookman Road area was briefly discussed and plans were made to talk in more detail about it when the Commission is ready to deliberate. Julia believes they have some valid issues but ultimately it is a policy and funding decision where the parks are placed on the concept plan map.

Chair Allen summarized that for now the Brookman Road issue will be placed on hold until the October 14th meeting when more information can be provided about the I-5/99 connector and the Commission will hear from some experts who can address what is possible in terms of getting a little different jobs/housing balance in that area.

Commissioner Lafayette made a motion to continue the Brookman Road Concept plan discussion to the October 14th Planning Commission meeting. Commissioner Walker seconded. The motion was voted on and all were in favor. The motion carried.

8. **New business – None**
9. **Commission Comments - None**
10. **Next Meeting: September 9th, 2008**

Chair Allen closed the meeting.

End of minutes.

Signed:



Julia Hajduk, Planning Manger

Proposal: Currently Planned Unit Developments (PUDs) are only allowed to be considered in the City of Sherwood when there is a natural resource on the property proposed for PUD consideration. The City has initiated an amendment to the development code to allow Planned Unit Developments (PUDs) to be utilized in areas not currently eligible for PUDs because natural resources or man-made features do not exist in the vicinity of the potential project. The proposed amendment would also clarify how the density is calculated over a PUD project site and would provide flexibility in the amount of required openspace when there are already adequate public spaces in close proximity to the proposed PUD site. The proposed amendments are attached to this report as Exhibit A.

I. BACKGROUND

- A. Applicant: This is a City initiated text amendment, therefore the applicant is the City of Sherwood.
- B. Location: The proposed amendment is to the text of the development code and, therefore does not apply to a specific location.
- G. Review Type: The proposed text amendment requires a Type V review, which involves public hearings before the Planning Commission and City Council. The Planning Commission will make a recommendation to the City Council who will make the final decision. Any appeal of the City Council decision would go directly to the Land Use Board of Appeals.
- H. Public Notice and Hearing: Notice of the September 9, 2008 Planning Commission hearing on the proposed amendment was published in *The Times* on August 28th and September 4th. Agency notice was provided and notice was posted in 5 public locations around town on August 19, 2008.
- I. Review Criteria:
The required findings for the Plan Amendment are identified in Section 16.80.030 of the Sherwood Zoning and Community Development Code (SZCDC).

II. AFFECTED AGENCY, PUBLIC NOTICE, AND PUBLIC COMMENTS

Agencies:

Formal agency comments are included in the record (Exhibit B-1 through B-3). The following is a summary of agency and public comments received at the time of this writing:

The following agencies responded that they have no comments: **Sherwood Broadband, Tualatin Valley Water District.**

Raindrops2Refuge responded that as long as the proposed amendment can be demonstrated as consistent with the Statewide Planning Goals, they have no further comments or concerns at this time.

The City also sent request for comments to the standard agency notification list and received no response from the following: Metro, ODOT, Tri-met, NW Natural Gas, DLCD, DEQ, BPA, Sherwood

Public Works, Sherwood Engineering, CWS, TVF&R, Pride Disposal, PGE, Washington County, and Kinder-Morgan.

Public:

As of the time of this staff report, no written comments have been submitted.

III. REQUIRED FINDINGS FOR A PLAN TEXT AMENDMENT

The applicable Plan Text Amendment review criteria are 16.80.030.1 and 3

16.80.030.1 - Text Amendment Review

An amendment to the text of the Comprehensive Plan shall be based upon the need for such an amendment as identified by the Council or the Commission. Such an amendment shall be consistent with the intent of the Comprehensive Plan, and with all other provisions of the Plan and Code, and with any applicable State or City statutes and regulations.

Analysis of compliance with this standard is divided into 4 parts: need, consistency with the comprehensive plan, consistency with Metro regulations, and consistency with State regulations.

Need

The Council initiated the consideration of an amendment to the PUD text because it was recognized that the current text limited developments that did not include a natural resource from utilizing the process. Further, staff has recognized the need to clarify within the code how the density is calculated when there are multiple parcels of varying zones and densities. The analysis is divided into the three areas proposed for modification: 1. Allowing PUDs to be considered even when there is not a natural resource; 2. Clarification of how density is calculated throughout the PUD site; and 3. Potential reduction of the openspace requirement when there are other public amenities in close proximity.

Consistency with the Comprehensive Plan

The proposed development code text amendment is fully consistent with the Comprehensive Plan. In fact, the amendment to expand the ability to use a PUD is more consistent than the existing development code language because it provides the use of a PUD without restrictions on site composition. Specifically:

Chapter 4 of the Comprehensive Plan (Land Use), subsection E (Residential Land Use), 2 (Residential Planning Designation), Policy 1, 5th bullet states "The City will encourage the use of the Planned Unit Development (PUD) on parcels of five acres or more in all residential land use categories in order to allow flexibility and innovation in site development and land use compatibility."

Chapter 4 of the Comprehensive Plan (Land Use), subsection O (Community Design), 4 (Policies and Strategies), Policy 4 states "Promote creativity, innovation and flexibility in structural and site design. The 1st bullet strategy of this Policy states: "encourage the use of PUD techniques for larger residential, commercial and industrial sites.

Chapter 5, F (Energy resources), Policy 4, 5th bullet states: "Housing, shopping, and employment will be located to reduce the amount of energy needed for transportation between them. Multi-use planned developments will be encouraged."

While the clarification could potentially result in greater density in one portion of a multi-property and/or multi-zoned site than strict adherence to the underlying zoning would allow, the overall density that would otherwise be permitted over the whole site would not be exceeded. Further, this flexibility in where and how the land uses are applied within a larger PUD is one of the reasons a PUD would be considered in the first place.

Staff has reviewed the codes/talked to staff at six neighboring jurisdictions (Beaverton, Tigard, Newberg, Wilsonville, Tualatin and Lake Oswego). Tualatin has no PUD process and Wilsonville indicates that practically

every development requires a PUD. Beaverton, Tigard and Newberg allow the density to be calculated over the entire project site. Wilsonville does not specifically state this but they indicated that the PUD process allows the Development Review Board the opportunity to waive provisions that would make it easier for a development to meet the minimum density. Lake Oswego indicates that they would not consider the overall project area for determining density.

It is important to note that this clarification of how density is calculated within the site is not the same as a density transfer and does not result in an overall increase in density. The density transfer within a PUD allows density to be transferred from a natural resource area that otherwise would not have counted towards the density (floodplain, wetland, buffers, steep slopes) in exchange for better protection through public dedication. In those instances up to 20% of the overall density may be added. This density transfer concept is envisioned in the Comprehensive Plan (O.4.Policy 4, 2nd bullet). Because the clarification does not increase the otherwise permissible density within the development site, but rather allows flexibility regarding where the density can be located within the project area, there are no conflicts with the comprehensive plan, regional or state standards.

Staff is aware that there are concerns that making this clarification could result in unacceptable density transitions between PUD sites and neighboring properties. The existing (and proposed) regulations ensure that is not the case. Specifically, the proposed language requires that the Commission and Council find the project is compatible with the surrounding neighborhood in terms of building height, design and access. In addition, 16.40.060 already requires that setbacks and heights around the perimeter of a project be consistent with the underlying zone.

The Comprehensive Plan is silent in regards to the open space requirement; however there is a lot of discussion regarding the density transfer in exchange for dedication as compensation for the dedication. It could be easily argued that the 15% requirement in the development code for all PUDs was intended for areas with natural resources because that was the original limitation. By opening up the ability to apply the PUD process for sites that do not involve a natural resource, there may not be the same need to preserve 15% open space. There is also support for opening up the definition to include a greater mix than park and open space in Chapter 5, E (Recreational Resources), 4 (Park and Open Space Standards) as it lists not only parks and open spaces but also cultural facilities and community centers.

Applicable Regional (Metro) standards

There are no known Metro standards that this proposed PUD amendment would conflict with. As stated previously, the amendment would, in fact, better support existing Metro goals by allowing for innovative commercial and mixed use projects within the Urban Renewal District.

Consistency with Statewide Planning Goals

Because the comprehensive plan policies and strategies are not changing and the comp plan has been acknowledged by the State, there are no conflicts with this text change that better implements the existing comp plan.

While there are no known state goals or standards that the proposed PUD amendment would conflict with and the applicability of the Statewide Land use goals are generally reviewed when comprehensive plan amendments are proposed, staff has briefly analyzed how the proposed amendments are fully consistent with the Planning Goals immediately below:

Goal 1 (Citizen Involvement) – The proposed amendment has been processed in accordance with the development code procedures outlined in 16.72.010. Because the development code implements the Comp plan and both have been acknowledged by DLCD as complying with Statewide Planning Goal 1, the proposed amendment is consistent with this goal.

Goal 2 (Land Use Planning) – As demonstrates previously, the proposed amendments are actually more consistent with the Comprehensive Plan which was developed in accordance with the requirements for Goal 2 compliance and acknowledged by DLCD.

Goal 3 and 4 (Agricultural and Forest Lands) - These goals do not apply.

Goal 5 (Open Space, Scenic and Historic Areas, Natural Resources) – The amendments do not reduce the ability to use the PUD process in areas with natural resources in an effort to protect the resources, therefore the comp plan continues to fully comply with this goal with the amendment.

Goal 6 (Air, Water and Land Resource Quality) - : This goal does not apply.

Goal 7 (Areas Subject to Natural Disasters and Hazards) - This goal does not apply.

Goal 8 (Recreational Needs) - The amendments do not reduce the ability to use the PUD process to acquire open space dedication, or dedication of public spaces more consistent with the Comp Plan. The comp plan and Park Master Plan continues to fully comply with this goal with the amendment.

Goal 9 (Economy of the State) – The ability to use the PUD process in more circumstances provides additional opportunities and flexibility for businesses considering locations in the City of Sherwood. The text amendment does not alter the projections or identified need for employers and continues to be fully consistent with the comp plan especially as it relates to the recently adopted economic opportunities analysis.

Goal 10 (Housing) – The proposed amendment does not alter the permissible density but rather provides for greater flexibility and innovation which could provide greater variety in housing types and styles.

Goal 11 (Public Facilities and Services) - This goal does not apply.

Goal 12 (Transportation) - The amendment will not result in a change of uses otherwise permitted or increase in density compared to the overall density permitted within a project area, therefore the proposed text amendment will not affect transportation facilities in any way.

Goal 13 (Energy Conservation) – As demonstrated previously, the amendment actually better implements the energy policies and strategies of the comprehensive plan which were intended to comply with Goal 13.

Goal 14 (Urbanization) - This goal does not apply.

Goals 15-19 (Willamette River Greenway, Estuarine Resources, Coastal Shorelands, Beaches and Dunes and Ocean Resources) are not applicable to the City of Sherwood.

FINDING: As demonstrated in the above analysis, there is a need for the proposed amendments to the PUD section of the development code and the amendments are consistent with the Comprehensive Plan and applicable City, regional and State regulations and policies.

16.80.030.2 – Transportation Planning Rule Consistency

A. Review of plan and text amendment applications for effect on transportation facilities.

Proposals shall be reviewed to determine whether it significantly affects a transportation facility, in accordance with OAR 660-12-0060 (the TPR). Review is required when a development application includes a proposed amendment to the Comprehensive Plan or changes to land use regulations.

The amendment will not result in a change of uses otherwise permitted or increase in density compared to the overall density permitted within a project area, therefore the proposed text amendment will not affect transportation facilities in any way. When a specific proposal for PUD approval is granted, full transportation analysis would be required and mitigation and improvements made to the transportation system to ensure that the specific project does not have negative impacts on the transportation system.

FINDING: The proposed text amendment does not trigger TPR requirements.

IV. RECOMMENDATION

Based on the above findings of fact, and the conclusion of law based on the applicable criteria, staff recommends Planning Commission forward a recommendation of approval of PA 08-02 to the City Council.

V. EXHIBITS

- A. Proposed development code changes
- B. Exhibit B-1 through B-3 agency comments
- C. Map of urban renewal district

A. Generally

A PUD Preliminary Development Plan shall be submitted for the review and approval in accordance with Chapter 16.72. PUDs shall ~~only be considered:~~ a.) on sites that are unusually constrained or limited in development potential, as compared to other land with the same underlying zoning designation, because of: natural features such as floodplains, wetlands, and extreme topography, or man-made features, such as parcel configuration and surrounding development; b.) on parcels of land within the Urban Renewal District where flexibility and creativity in design may result in greater public benefit than strict adherence to the code; and c.) in other areas deemed appropriate by Council through concept planning due to the conceptual layout or nature of the concept plan. ~~The applicant shall describe the unusual conditions qualifying the site for PUD consideration, and the Commission shall cite findings of fact validating these conditions. (Ord. 2001-1119 § 1; 86-851)~~

B. Content

The Preliminary Development Plan application shall include the following documentation:

1. Existing conditions map(s) showing: All properties, existing uses, and zoning districts within three hundred (300) feet, topography at five (5) foot intervals, floodplain, significant natural vegetation and features, private and public facilities including but not limited to utilities, streets, parks, and buildings, historic and cultural resources, property boundaries, lot lines, and lot dimensions and area.
2. Listing of all property owners adjacent to the PUD as per Section 16.72.020, including names and addresses, and a listing of all persons, including names and addresses, with an interest in the property subject to the PUD application.
3. Proposal map(s) showing: Alterations to topography, floodplain, natural vegetation, trees and woodlands, and other natural features, all streets, utility alignments and easements, parks and open space, historic and cultural resources, other public and utility structures, and any other dedicated land features or structures, the parceling, lot consolidation, adjustments, or subdivision of land including basic parcel dimensions and areas, the phasing of the PUD, siting and orientation of proposed new structures, including an identification of their intended use.
4. Narrative describing: the intent of the PUD and how general PUD standards as per this Chapter are met, details of the particular uses, densities, building types and architectural controls proposed, form of ownership, occupancy and responsibility for maintenance for all uses and facilities, trees and woodlands, public facilities to be provided, specific variations from the standards of any underlying zoning district or other provisions of this Code, and a schedule of development.
5. If the PUD involves the subdivision of land, the proposal shall also include a preliminary subdivision plat and meet all requirements of Chapter 16.122. The preliminary subdivision shall be processed concurrently with the PUD. (Ord. 2001-1119 § 1; 86-851)
6. Architectural Pattern Book: A compendium of architectural elevations, details, and colors of each building type shall be submitted with any PUD application. The designs shall conform to the site plan urban design criteria in Section 16.90.020(G) or any other applicable standards in this Code. A pattern book shall act as the architectural control for the homeowner's association or the commercial owner. An Architectural Pattern Book shall address the following:
 - a. Illustrative areas within the development application covered by the pattern book.
 - b. An explanation of how the pattern book is organized, and how it is to be used.
 - c. Define specific standards for architecture, color, texture, materials, and other design elements.
 - d. Include a measurement or checklist system to facilitate review of the development for conformity with the pattern book.
 - e. Include the following information for each building type permitted outright or conditionally proposed in the PUD:
 - i. Massing, facades, elevations, roof forms, proportions, materials, and color palette.
 - ii. Architectural relevance or vernacular to the Pacific Northwest.
 - iii. Doors, windows, siding, and entrances, including sash and trim details.
 - iv. Porches, chimneys, light fixtures, and any other unique details, ornamentation, or accents.
 - v. A fencing plan with details that addresses the relationship between public space and maintaining individual privacy subject to Section 16.58.030.

C. Commission Review

The Commission shall review the application pursuant to Chapter 16.72 and may act to recommend to the Council approval, approval with conditions or denial. The Commission shall make their decision based on the following criteria:

1. ~~The proposed development is in substantial conformance with the Comprehensive Plan and is eligible for PUD consideration per 16.40.020. Ais sited in an area that is unusually constrained due to existing natural or man-made features, while protecting the environmental resources of the site and adjacent properties as identified in the Comprehensive Plan,~~
- 1.2. ~~The preliminary development plans include and~~ dedication of at least 15 percent of the buildable portion of the site to the public in the form of usable open space, ~~or park or other public space,~~ subject to the review of the Parks & Recreation Board or to a private entity managed by a homeowners association. Alternatively, if the project is located within close proximity to existing public spaces such as parks, libraries or plazas, the development plans may propose no less than 5% on-site public space with a detailed explanation of how the existing public spaces will adequately serve this subject project.
3. That exceptions from the standards of the underlying zoning district are warranted by the unique design and amenities incorporated in the development plan.
4. That the proposal is in harmony with the surrounding area or its potential future use, and incorporates unified or internally compatible architectural treatments, vernacular, and scale subject to review and approval in Subsection (B)(6).
5. That the system of ownership and the means of developing, preserving and maintaining parks and open spaces are acceptable.
6. That the PUD will have a beneficial effect on the area which could not be achieved using the underlying zoning district.
7. That the proposed development, or an independent phase of the development, can be substantially completed within one (1) year from date of approval.
8. That adequate public facilities and services are available or are made available by the construction of the project.
9. That the general objectives of the PUD concept and the specific objectives of the various categories of the PUDs described in this Chapter have been met. (Ord. 2001-1119 § 1; 98-1053; 86-851)
10. The minimum area for a Residential PUD shall be five (5) acres, unless the Commission finds that a specific property of lesser area is suitable as a PUD because it is unusually constrained by topography, landscape features, location, or surrounding development, or qualifies as "infill" as defined in Section 16.40.050(C)(3). (Ord. 2001-1119 § 1)

D. Council Action

Upon receipt of the findings and recommendations of the Commission, the Council shall conduct a public hearing pursuant to Chapter 16.72. The Council may approve, conditionally approve, or deny the Preliminary Development Plan. A Council decision to approve the Preliminary Development Plan shall be by ordinance establishing a PUD overlay zoning district. The ordinance shall contain findings of fact as per this Section, state all conditions of approval, and set an effective date subject to approval of the Final Development Plan as per Section 16.40.030. (Ord. 2001-1119 § 1; 86-851)

E. Effect of Decision

Approval of the Preliminary Development Plan shall not constitute final acceptance of the PUD. Approval shall, however, be binding upon the City for the purpose of preparation of the Final Development Plan, and the City may require only such changes in the plan as are necessary for compliance with the terms of preliminary approvals. (Ord. 86-851 § 3)

16.40.030 Final Development Plan

A. Generally

Upon approval of the PUD overlay zoning district and preliminary development plan by the Council, the applicant shall prepare a detailed Final Development Plan as per this Chapter and Section 16.78.010, for review and approval of the Commission. The Final Development Plan shall comply with all conditions of approval as per Section 16.40.020. In addition, the applicant shall prepare and submit a detailed site plan for any non-single-family structure or use not addressed under Section 16.40.020(B)(6), for review and approval, pursuant to the provisions of Chapter 16.90. The site plan shall be processed concurrently with

the Final Development Plan. (Ord. 86-851 § 3)

B. Final Subdivision Plat

If the PUD involves the subdivision of land, a final plat shall be prepared and submitted for final approval, pursuant to Chapter 16.124. ~~The final plat shall be processed concurrently with the Final Development Plan. (Ord. 86-851 § 3)~~

16.40.040 General Provisions

A. 1. Phasing

- a. The City may require that development be done in phases, if public facilities and services are not adequate to serve the entire development immediately.
- b. Any PUD which requires more than twenty four (24) months to complete shall be constructed in phases that are substantially complete in themselves and shall conform to a phasing plan approved as part of the Final Development Plan.

2. Failure to Complete

- a. When substantial construction or development of a PUD, or any approved phase of a PUD, has not taken place within one (1) year from the date of approval of a Final Development Plan, the Commission shall determine whether or not the PUD's continuation, in whole or in part, is in the public interest.
- b. If continuation is found not to be in the public interest, the Commission shall recommend to the Council that the PUD be extinguished. The Council, after public hearing, may extend the PUD, extend with conditions, or extinguish the PUD.

B. Changes in Approved Plans

1. Major Changes

Proposed major changes in a Final Development Plan shall be considered the same as a new application, and shall be made in accordance with the procedures specified in this Chapter.

2. Minor Changes

Minor changes in a Final Development Plan may be approved by the Council without further public hearing or Commission review, provided that such changes do not increase densities, change boundaries or uses, or change the location or amount of land devoted to specific uses. (Ord. 86-851 § 3)

16.40.050 Residential PUD

A. Permitted Uses

The following uses are permitted outright in Residential PUD when approved as part of a Final Development Plan:

- 1. Varied housing types, including but not limited to single-family attached dwellings, zero-lot line housing, row houses, duplexes, cluster units, and multi-family dwellings.
- 2. Related NC uses which are designed and located so as to serve the PUD district and neighborhood.
- 3. All other uses permitted within the underlying zoning district in which the PUD is located. (Ord. 86-851 § 3)

B. Conditional Uses

A conditional use permitted in the underlying zone in which the PUD is located may be allowed as a part of the PUD upon payment of the required application fee and approval by the Commission as per Chapter 16.82. (Ord. 86-851 § 3)

C. Development Standards

1. Density

The number of dwelling units permitted in a Residential PUD shall be the same as that allowed in the underlying zoning district, except as provided in Subsection (C)(2) or C(4), below.

2. Density Transfer

Where the proposed PUD site includes lands within the base floodplain, wetlands and buffers, or steeply sloped areas which are proposed for public dedication, and such dedication is approved as a part of the preliminary development plan, then a density transfer may be allowed adding a maximum of 20% to the

overall density of the land to be developed.

3. Minimum Lot Size

The minimum lot size required for single-family, detached dwellings is 5,000 square feet, unless the subject property qualifies as infill, defined as: parent parcel of 1.5 acres or less proposed for land division, where a maximum 15% reduction in lot size may be allowed from the minimum lot size. (Ord. 2001-1119 § 3; 86-851)

4. When a proposed PUD includes multiple zones, the density may be calculated based on the total permitted density for the entire project and clustered in one or more portions of the project, provided that the project demonstrates compatibility with the surrounding neighborhood in terms of building height, design and access.

16.40.060 Non-Residential (Commercial or Industrial) PUD

A. Permitted Uses

Any commercial, industrial or related use permitted outright in the underlying zoning district in which the PUD is located, may be permitted in a Non-Residential PUD, subject to Division VIII. (Ord. 91-922 § 3; 86-851)

B. Conditional Uses

Conditional use permitted in the underlying zoning district in which the PUD is located may be allowed as part of the PUD upon payment of required application fee and approval by Commission. (Ord. 86-851 § 3)

C. Development Standards

1. Floor Area

The gross ground floor area of principal buildings, accessory buildings, and future additions shall not exceed sixty percent (60%) of the buildable portion of the PUD.

2. Site and Structural Standards

Yard setback, type of dwelling unit, lot frontage and width and use restrictions contained in this Code may be waived for the Non-Residential PUD, provided that the intent and objectives of this Chapter are complied with in the Final Development Plan. Building separations shall be maintained in accordance with the minimum requirements of the Fire District.

3. Perimeter Requirements

Unless topographical or other barriers within the PUD provide reasonable privacy for existing uses adjacent to the PUD, the Commission shall require that structures located on the perimeter of the PUD be:

a. Setback in accordance with provisions of the underlying zoning district within which the PUD is located and/or:

b. Screened so as to obscure the view of structures in the PUD from other uses.

4. Height

Maximum building height is unlimited, provided a sprinkler system is installed in all buildings over two (2) stories, as approved by the Fire District, excepting that where structures are within one hundred (100) feet of a residential zone, the maximum height shall be limited to that of the residential zone.

5. Community Design Standards

For standards relating to off-street parking and loading, energy conservation, historic resources, environmental resources, landscaping, access and egress, signs, parks and open space, on-site storage, and site design, see Divisions V, VIII and IX.

6. Density Transfer

Where the proposed PUD includes lands within the base floodplain, a density transfer may be allowed in accordance with Section 16.142.040.

7. Minimum Site Area

a. Commercial PUD

Minimum area for a Commercial PUD shall be five (5) acres. Development of a Commercial PUD of less than five (5) acres may be allowed if the PUD can be developed consistent with the intent and standards of this Chapter, as determined by the Commission.

b. Industrial PUD

The minimum site area for an Industrial PUD shall be twenty (20) acres. (Ord. 91-922 § 3; 86-851)

Julia Hajduk

From: Zoe Monahan
Sent: Tuesday, August 19, 2008 4:27 PM
To: Julia Hajduk
Subject: FW: Sherwood Request for Comments

From: Tyler Wubbena [mailto:Tyler@tvwd.org]
Sent: Tuesday, August 19, 2008 3:35 PM
To: Zoe Monahan
Subject: RE: Sherwood Request for Comments

TVWD has no comment on this.

Please address all future planning comments to Stu Davis, stu@tvwd.org

August 28 is my final day at TVWD. Stu will be address future comments.

Thanks, Tyler

Tyler Wubbena, P.E.

Tualatin Valley Water District



*Ph: 503-848-3054 direct
503-969-1229 cell
Fax: 503-591-0986
503-356-3154 direct to email*

From: Zoe Monahan [mailto:monahanz@ci.sherwood.or.us]
Sent: Tuesday, August 19, 2008 2:50 PM
To: amy.B.JOYCE@odot.state.or.us; baldwinb@trimet.org; rmk@nwnatural.com; Brad Crawford; Carrie.Landrum@state.or.us; crbelt@bpa.gov; Craig Sheldon; SchweitzerD@cleanwaterservices.org; dmdostert@bpa.gov; ehays@sherwood.k12.or.us; Ellen.R.DENNIS@odot.state.or.us; karen.mohling@tvfr.com; kristinl@pridedisposal.com; kurt.A.MOHS@odot.state.or.us; Lee Harrington; raindrops2refuge@verizon.net; mwerner@gwrr.com; mike.livingston@pgn.com; Naomi_Vogel-Beattie@co.washington.or.us; ralph.reisbeck@pgn.com; metcalfr@kindermorgan.com; Sam.H.HUNAJDI@odot.state.or.us; Seth.A.BRUMLEY@odot.state.or.us; oesers@metro.dst.or.us; stephen_roberts@co.washington.or.us; steven.b.schalk@odot.state.or.us; Tyler Wubbena; mike.hieb@pgn.com
Cc: Julia Hajduk
Subject: Sherwood Request for Comments

Agencies,

The City of Sherwood is proposing to amend the PUD section of our community development code. Your comments are greatly appreciated and they can be returned to Julia Hajduk, Planning Manager at hajdukj@ci.sherwood.or.us. Please see the attached notice for information regarding this project. You may contact Julia with any questions or comments. Have a great week.

Zoe Monahan
Assistant Planner

Julia Hajduk

From: Raindrops to Refuge [raindrops2refuge@verizon.net]
Sent: Wednesday, August 20, 2008 10:18 AM
To: Julia Hajduk
Subject: comments from R2R on the PA 08 02 amendment to PUDs

Hello Julia,

So long as the proposed amendment can be demonstrated as consistent with the Statewide Planning Goals, I think Raindrops to Refuge has no further comments or concerns at this time.

Thank you for the opportunity to comment.
Lisa Jo

Lisa Jo Frech, Director
Raindrops to Refuge
22461 SW Pine St.
Sherwood, OR 97140
503-925-9105
raindrops2refuge@verizon.net

Julia Hajduk

From: Zoe Monahan
Sent: Thursday, August 21, 2008 8:10 AM
To: Julia Hajduk
Subject: FW: Sherwood Request for Comments

From: Brad Crawford
Sent: Thursday, August 21, 2008 6:43 AM
To: Zoe Monahan
Subject: RE: Sherwood Request for Comments

Zoe,

I don't have any comments on this PUD amendment.

Thanks,
Brad

From: Zoe Monahan
Sent: Tuesday, August 19, 2008 2:50 PM
To: 'amy.B.JOYCE@odot.state.or.us'; 'baldwinb@trimet.org'; 'rmk@nwnatural.com'; Brad Crawford; 'Carrie.Landrum@state.or.us'; 'crbelt@bpa.gov'; Craig Sheldon; 'SchweitzerD@cleanwaterservices.org'; 'dmdostert@bpa.gov'; 'ehays@sherwood.k12.or.us'; 'Ellen.R.DENNIS@odot.state.or.us'; 'karen.mohling@tvfr.com'; 'kristinl@pridedisposal.com'; 'kurt.A.MOHS@odot.state.or.us'; Lee Harrington; 'raindrops2refuge@verizon.net'; 'mwerner@gwrr.com'; 'mike.livingston@pgn.com'; 'Naomi_Vogel-Beattie@co.washington.or.us'; 'ralph.reisbeck@pgn.com'; 'metcalfr@kindermorgan.com'; 'Sam.H.HUNAIIDI@odot.state.or.us'; 'Seth.A.BRUMLEY@odot.state.or.us'; 'oesers@metro.dst.or.us'; 'stephen_roberts@co.washington.or.us'; 'steven.b.schalk@odot.state.or.us'; 'tyler@tvwd.org'; 'mike.hieb@pgn.com'
Cc: Julia Hajduk
Subject: Sherwood Request for Comments

Agencies,

The City of Sherwood is proposing to amend the PUD section of our community development code. Your comments are greatly appreciated and they can be returned to Julia Hajduk, Planning Manager at hajdukj@ci.sherwood.or.us. Please see the attached notice for information regarding this project. You may contact Julia with any questions or comments. Have a great week.

Zoe Monahan
Assistant Planner
503-625-4202
monahanz@ci.sherwood.or.us

Sherwood Zoning and Urban Renewal District Map



Date: 9/9 Non-Agenda Topic: _____

Agenda Item: PUD Text Amendment

I have read & understand Rules for Mtgs, Resolution 98-743
Applicant: Proponent: Opponent:

Name: Martha Shelley

Address: 1015 NW 11th Ave., Ste. 243

City/State/Zip: Portland, OR 97209

Email Address: mshelley@capstone-partners.com

I represent: Myself Other

Date: 9/8/07 Non-Agenda Topic: _____

Agenda Item: PUD

I have read & understand Rules for Mtgs, Resolution 98-743
Applicant: Proponent: Opponent:

Name: Keith May

Address: 23231 SW Pine St

City/State/Zip: Sherwood, OR 97146

Email Address: _____

I represent: Myself _____ Other

Date: 9/9/07 Non-Agenda Topic: _____

Agenda Item: PA-802

I have read & understand Rules for Mtgs, Resolution 98-743
Applicant: Proponent: Opponent:

Name: Eugene Stewart

Address: P.O. Box 534

City/State/Zip: Sherwood, OR

Email Address: Eugene5102@aol.com

I represent: Myself _____ Other

APPROVED MINUTES

City of Sherwood, Oregon
Planning Commission Minutes
September 9, 2008

Commission Members Present:

Chair Allen
Jean Lafayette
Matt Nolan
Raina Volkmer
Lisa Walker
Adrian Emery
Todd Skelton

Staff:

Julia Hajduk, Planning Manager
Heather Austin, Senior Planner
Karen Brown, Recording Secretary

Council Liaison – Mayor Keith Mays

Commission Members Absent: - None

City Attorney – Pam Berry

1. **Call to Order/Roll Call** – Chair Allen opened the meeting at 7:00. Karen Brown called roll. All Commissioners were present.
2. **Agenda Review** – Chair Allen reviewed the agenda.
3. **Consent Agenda** – Review of the draft minutes from August 26th meeting. Commissioner Lafayette and Commissioner Walker had scrivener errors which were given to the Recording Secretary. Commissioner Walker made a motion to approve the minutes, motion seconded and voted on. All in favor. Motion passed.
4. **Staff Announcements** – Julia announced that she, Senior Planner, Heather Austin and Associate Planner Zoe Monahan will be attending an OPI Conference in Eugene this week and Michelle Miller will be the Planner “on duty”. They will share their information when they return.
5. **City Council Comments** – Mayor Mays commented that the bridge on Washington Street is not finished yet, but that everyone is working well together to accommodate the school traffic in the mornings and afternoons. Plans are to have it finished by the end of the month. He stated that the High School Stadium project is scheduled to be completed soon. The renovation at the High School is not yet complete, but it is going well.

He also provided an update on the City Council election regarding what seats were open and who was running.
6. **Community Comments** – None given.

7. **Old business** – None
8. **New business** – Public Hearing on PA 08-02 Amendment to the PUD Standards. Chair Allen read disclosure statement and asked for any exparte' contact. There was none given.

Julia gave the staff report. She discussed that the packet of information she has prepared includes proposed text amendments to the Planned Unit Development section of the Development code and the staff report explains how they are actually more consistent with the Comprehensive Plan than the current standards. She stated that the need for these amendments changes was initiated by the City Council. She also indicated that there are no applicable Metro standards or State goals being addressed. She noted that after the staff report had been prepared comments were received from CWS and passed them to the Commissioners. These comments will be labeled Exhibit D. She also passed out Exhibit E, which was a memo written by the City's attorney regarding a question that was raised by the Commission during the last work session about being able to apply discretion once a PUD application was in front of them. The basic amendments being proposed would open up the ability to use a PUD beyond what is currently allowed; which she indicated is basically only when there is a natural resource on the site. The proposal is that a PUD be allowed to be considered on any parcels of land within the Urban Renewal District where flexibility and creativity in design may result in a greater public benefit than strict adherence to the code, and in other areas deemed appropriate by Council through concept planning due to conceptual layout or nature of the plan. She indicated that staff was considering the Brookman Road Concept Plan as they created these amendments.

Commissioner Lafayette questioned the wording being used on page 2 and other places throughout the report where it says "allowing for a PUD to be considered even when there is not a natural resource." She feels that the wording being used is not accurate because it is more limited than the actual text. The current PUD says "unusually constrained natural resource or a man-made configuration."

Chair Allen added that he sees the larger point right now is that there has to be something that physically prevents you from doing something on the site to do a PUD. The proposed wording does considerably broaden it to let an applicant do a PUD to get general flexibility for layout in the absence of some type of physical constraint. Julia indicated that she would make changes to more accurately reflect the text.

Julia moved on to the next proposed amendment which would allow a lesser amount of open space to be required in certain circumstances with the assumption that the way the PUD standards are written now is that the constraints are coming from natural resources. She noted that a greater amount of open space has been traditionally required because a PUD is associated with a natural resource. By removing the requirement that a natural resource or other physical constraint be part of a PUD, she indicated that in certain circumstances, when there are amenities nearby, it made sense to lower the requirement and had proposed that it be to no less the 5%.

She explained that another proposed change would be to remove the requirement that the final plat should be processed concurrently with the final development plan in order to be consistent with current law.

She indicated that the final proposed change would provide more of a clarification of how density is calculated. The proposed change clarifies that density is calculated by looking at an entire site and the total permitted density within the site and allowing it to be adjusted throughout. She noted that the staff report contains information about how other jurisdictions calculate this area, or in the case of Lake Oswego that does not allow that clustering of density at all.

Chair Allen asked for clarification about how it would be handled when there are multiple zones. If a proposed PUD has Office Commercial and High Density Residential, what is the density that would be used to cluster those different types of densities?

Julia explained that you take into consideration what you could have over the entire site. In the example given by Chair Allen; in HDR you are allowed 24 units in the HDR portion and then a separate density in the Office Commercial area. Chair Allen summarized by saying it is the density of whatever uses each individual zone would allow, and then you could cluster those uses wherever you want on the site as long as you do not exceed the maximum density allowed for each type.

Discussion among the Commission and Julia continued to clarify what type of densities would be allowed.

Commissioner Lafayette brought up an issue with what the terms “surrounding” and “close proximity” meant and how they are being used.

Pam Berry, the City’s Attorney addressed the question. She agreed that the wording needed to be changed to clarify the intended meaning. She suggested that if the Commission approved and recommended these amendments to the City Council that they embed them in their legislative history so if there is ever an applicant with a presentation the Commission is not comfortable with, that they could then go back to the history and determine what the Commissions “intent” was rather than trying to craft a specific standard that may be too limiting in the future.

Commissioner Emery had concerns about the proposal to allow the PUD to be considered when a concept plan was approved. The Commission, Pam and Julia continued a discussion about what “concept planning” entails how it should be defined and whom it is driven by.

Pam Berry restated the main ideas that came from the discussion by saying that the proposal really is fairly narrow. It is to broaden the eligibility for PUD’s into the Urban Renewal area and into concept plan areas that the Council would designate by their official action. What the language is trying to achieve is the allowing of the clustering of densities. She reminded the Commission that they will still have full review on all of the 10 criteria that PUD’s are subject to in Sherwood. One of those criteria is “the beneficial

effect on the area” which, as they have discussed, is a very subjective standard. She stated that the two major changes would be broadening the places in the city where the Commission may be able to use this tool and allowing for the density to be clustered on a site, as long as the overall density is not in excess of what would otherwise be allowed. In her experience she has found that it is very common to have density clustering on a PUD site and it can be a very effective tool in planning a PUD.

Chair Allen brought up another question about how the term “serve” is being used on page 2 in the staff report.

Julia indicated that her intent was to ask who are the users of a PUD were and what would their needs be.

Chari Allen, Pam Berry and Julia discussed examples of needs and what “serve” means in this context to provide enough clarification to defend in the future when applicants that will argue what the meaning and intent are.

Commissioner Walker questioned the details in the report that said Tualatin does not have any PUD process.

Julia confirmed but also explained that they do have a design review board so they have some discretion that they can apply in terms of design.

Chair Allen moved the meeting onto the Public Testimony portion of the meeting.

Eugene Stewart a business owner in Sherwood addressed the Commission. His opinion is that a PUD should be available for any parcel and not only in the Urban Renewal District. He also asked what the Sherwood’s Community Involvement Plan is and would like to have a copy of that plan. Chair Allen invited him to work with staff to get more information on that plan.

Martha Shelly of CapStone Partners of Portland spoke to make a comment in favor of the proposed amendment to the PUD Planning Ordinance. Her experience comes from working for a development company. She has found the more complicated and complex sites require more creativity and flexibility to find the optimum use and when PUDs are available they provide that flexibility. She has however found some discrepancies between the City’s Comprehensive Plan and the existing PUD language. She made reference to several positive benefits of allowing clustering of densities and the benefits of have residential near residential and office near offices. She believes that PUDs can be very helpful and they are in favor of the amendments as they are being proposed.

While Ms. Shelly stepped down from the testimony table, Commissioner Lafayette pointed out that she sees a problem with the language being used in section 050 which is the Residential PUD and the language that has been discussed during this meeting regarding multiple zones is specifically within the Residential PUD section. The next section is specifically Non-Residential Commercial and Industrial. If the plan is to have multiple mixed zones she thinks that may not be able to be achieved by changing

language within the Residential PUD section of the code. The Commission may need to look at another section if this is a mixed zone.

Chair Allen discussed this briefly but asked Julia to wait to give her response until the final public testimony had been given.

Mayor Mays addressed the Commission by first saying he was not going to make a suggestion to recommend the changes or not, but wanted to say that the City has had a mixed track record on PUDs but he is confident that with the current Commission and Staff in place that the City will have a better track record going forward. He did want to ask the Commission that if they decided to recommend something to the City Council that they feel comfortable that they have enough justification to “just say no” or to make changes when a PUD is brought to them in the future.

Chair Allen asked Mayor Mays about the Council’s time lines for a recommendation. There seems to be a need for some “word-smithing” and that may take some time.

Mayor Mays replied by saying he would leave that up to the Commission. He went on to say that there is some urgency to advance something, but he wants to be sure that everyone is comfortable with any recommendations passed on.

Commissioner Emery asked Mayor Mays for clarification on the first part of the proposed amendment as it defines what it is applying to. He understands the Urban Renewal Area, but what he has questions about is trying to dedicate or establish areas within the concept planning with the UGB expansion. Why would the City want to do that?

Mayor Mays responded by saying that the Council had deferred the different nuances to Staff and the Commission to determine how best to craft proposed changes. The Council did not say “you should look at changing the PUD ordinances for Urban Renewal Districts and Concept Plan areas”. The language that the Commission advances to the Council defines what becomes eligible within a concept plan. He reminded the Commission that they will have the ability to make changes directly to people’s proposals and that there is the ability to just say no. He indicated that, in his opinion, a PUD application is like rolling the dice. There is no assurance that the proposal would be approved. He expects to see some good applications in the future, but that the Commission must be sure that they are happy with what gets approved.

Chari Allen invited **Tom Nelson, Economic Development Manager** for the City of Sherwood to speak to the Commission. Chair Allen asked Tom about the timeline for their recommendation. He indicate that he can see that the Commission is having substantial issues around language and question if the timing is such that they need to work those out “on the fly” and make a decision during this session.

Tom’s response was that he would hate to say that he recommends working anything out “on the fly” however he believes that there is a timing issue. As he has heard the discussion this evening and recommendations that Staff has made along the way, it appears that the issues could be worked out fairly quickly. He would like to see it

worked out tonight. It will push a time line for noticing and other issues if it is not resolved during this session.

Chair Allen closed the Public Testimony and asked for further Staff comments.

Julia began with a response to Commissioner Emery's earlier comments regarding the concept plan. She indicated that what she had in mind was in the area at Brookman Road where there is one parcel that has three different zones on the parcel based on the concept plan. What she envisioned was saying that there was going to have to be a master plan to say where on that property the different types of zoning are applied. By enabling there to be a PUD you could have the same exact area with the determined zoning and being able to juggle it around on the site.

Commissioner Lafayette asked about the ability to retroactively apply this to a project that is already at hearing.

Within the Brookman Road concept plan there are areas that have been identified as needing Master Planning. That is the area Julia had in mind. The Brookman Concept Plan is a legislative project and not subject to the same criteria as a quasi-judicial application.

Regarding Comments made by Commissioner Lafayette about the clustering of density being only in the Residential PUD section, Julia indicated that she was considering a Residential Development or a Residential PUD in a Commercial zone so it still theoretically a Residential PUD. Pam Berry suggested using that same language in both the Residential and Non-Residential PUDs and that would address the density clustering concerns.

Commissioner Nolan asked if it would make more sense to move it to the area of General Provisions.

Pam agreed that it would in either or both places.

Chair Allen agreed with moving the whole section to the General Provision section as well for better clarity.

Julia, the Commissioners and Pam Berry continued to discuss the issues of Open/Public Space dedication and the effects or requiring a certain amount on each site and avoiding a Dolan issue.

Commissioner Nolan noted that so many changes have been suggested that he would have a hard time agreeing with them as they've been discussed, but perhaps if Julia and Pam could take time to word smith the changes and provide a written copy that it would be very helpful to everyone.

Julia and Pam suggested taking a break in the meeting while they review the discussion and recommendations and create better language that the Commission is more

comfortable with and provide a hard copy for review once the Public Hearing is reconvened.

Chair Allen recessed the Public Hearing and the Commission went into Work Session.

Chair Allen reconvened the Public Hearing at 8:55 pm.

Julia began by passing out to the Commission Exhibit H which will be called the Proposed Amendments after discussion with the Planning Commission and reviewed the changes for the Commission:

On page 1 of Exhibit H – they have clarified section C by saying “in other areas deemed appropriate by Council during the adoption of a Concept Plan required by a Metro UGB expansion”. Julia noted that with that you would be saying during the adoption of that concept plan that a PUD is eligible for a certain piece of property.

On page 2, under C 2 the last two sentences have been changed to say, “a detailed explanation of the proposed development and existing public spaces will together equally or better meet community needs”.

On page 3, under 16.40.040 item C was added to Multiple Zone Density calculation which was copied from the Residential PUD and then changed the word “surrounding” to “adjacent and nearby neighborhood”. They also added “location of uses” to the compatibility consideration. They also changed the cross reference under the Residential PUD to refer to the General Standard section.

Julia discussed that she added the existing purpose section at the front for their convenience. She noted that it says the PUD District is intended to achieve the following objectives; encourage efficient use of land and resources that can result in savings to the community, consumers and developers, preserve valuable landscape terrain and other environmental features, provide diversified and innovative living, working or neighborhood shopping environments are to be taken into consideration community needs and activity patterns, achieve maximum energy efficiency and land uses and promote innovative pedestrian friendly and human scale design and architecture and or other site features that enhance the community or natural environment.

Chair Allen led the Commission one by one through the changes and discussed each one. While there were a few grammatical changes there were no major objections to any of the newly created language.

Commissioner Lafayette asked Pam Berry about the Purpose Statement. What applicability does that have during a hearing when the Commissioners are making a decision? The Purpose says they have flexibility during review.

Pam’s response was that if they want the Purpose Statement to have teeth and to be an actual approval criterion then the Purpose Statement should be written to reflect that. The second possibility to have that happen would be that during a hearing you interpret

the Purpose Statement as a Commission and state what the Commission believes the statement is a criterion that needs to be met. That would then be a policy statement from there forward if added to the code and recommend to the Council.

Chair Allen questioned if this issue should be pursued on a separate track.

The Commission agreed to discuss this at a later meeting.

Pam Berry added that in response to comments made by Mayor Mays, she and Julia researched the authority given to the Commission. Generally the code language grants the Commission the authority to condition approvals.

Commissioner Lafayette made a motion that the Planning Commission forward a recommendation of approval to the City Council on PA 08-02 PUD Text Amendment based on the adoption of the Staff Report, finds of fact, public testimony, staff recommendation, agency comments, applicant comments and language as revised in attachment F. The motion was seconded and voted on. All Commissioners were in favor, none opposed. The motion carried.

Chair Allen closed the hearing at 9:15 p.m.

9. Commission Comments - None

10. Next Meeting: September 23rd, 2008

Chair Allen closed the meeting at 9:15.

End of minutes.