

**PLANNING COMMISSION
WEDNESDAY, JULY 10, 2019
6:00 P.M.**

**Wilsonville City Hall
29799 SW Town Center Loop East
Wilsonville, Oregon**

*Approved as amended
at the August 14, 2019
PC Meeting*

Minutes

I. CALL TO ORDER - ROLL CALL

Chair Jerry Greenfield called the meeting to order at 6:00 pm. Those present:

Planning Commission: Jerry Greenfield, Eric Postma, Peter Hurley, Phyllis Millan, and Kamran Mesbah. Simon Springall and Ron Heberlein were absent.

City Staff: Miranda Bateschell, Amanda Guile-Hinman, and Daniel Pauly

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

CITIZENS INPUT - This is an opportunity for visitors to address the Planning Commission on items not on the agenda. There was none.

ADMINISTRATIVE MATTERS

A. Consideration of the June 12, 2019 Planning Commission minutes.

The June 12, 2019 Planning Commission minutes were accepted as presented.

II. WORK SESSION

A. Residential Code Revision Project (Daniel Pauly)

Miranda Bateschell, Planning Director, announced that Daniel Pauly had been promoted to Planning Manager, so he would be more involved at the Planning Commission level. She highlighted Mr. Pauly's experience working at the City for more than 11 years, especially his work on the Development Code. She explained that in working to implement bigger projects, including the adoption of Frog Pond, City Staff discovered inconsistencies and a lack of clarity in the Code. The Residential Code Revision Project had been introduced to the Planning Commission at a work session two or three months ago. Due to the quantity of information, the Project was broken down into two different topic areas with Topic 1 being presented tonight.

Daniel Pauly, Planning Manager, presented Topic Area 1 of the Residential Code Revision Project, titled Density Calculations and Lot Size for PDR Zones, via PowerPoint. Key topics of the presentation included the background of the Revision Project, why the Project was important, details regarding the challenges within the Code, and draft recommendations for consideration.

Discussion and feedback from the Commission on the Topic Areas was as follows with responses to Commissioner questions as noted:

- Topic 1.2: Comprehensive Plan to PDR Zone Density Conversion
 - Mr. Pauly clarified the existing PDR Zones could not be redefined because the existing seven PDR Zones would remain; the number was not changing and the same implementation method would be used. Each density range in the Comprehensive Plan had a direct correspondence to a PDR Zone. He

explained that calculating 80 percent of the maximum resulted in decimal points, so the “District” label (Slide 16) was added which used whole numbers. The actual density used decimals as necessary.

- Regarding the 12 to 16 unit per acre density gap between PDR-5 and -6 (Slide 16), Mr. Pauly explained no lands in the city had those designations and Staff did not anticipate any urban areas having those designations over time. However, if City decision makers wanted to assign the 12 to 16 unit density range to future lands, it could be added as part of that legislative process.
 - Mr. Pauly noted the “missing middle” would be discussed more over time as the City looked at implementing House Bill 2001. All PDR Zones allowed the entire range of housing types; therefore, any type of housing could be assigned to any of the PDR Zones represented in the chart, so the definitions from State statute could be added to the Code at some point.
 - The 7- to 15- unit range per acre was the sweet spot and yet part of the density gap. However, the gap could be addressed in the upcoming work by the Equitable Housing Task Force with Staff reviewing any proposed recommendations to ensure uniformity with the Code revisions.
- Mr. Pauly agreed it would be a simple exercise to add a new density range not currently represented to the Proposed PDR Table or the Comprehensive Plan Map if the City decided to redesignate land within the city or to designate a new urban area.
- Ms. Bateschell assured Staff was already aware of House Bill 2001 and working to determine the scope of work for the City, which would be presented to the Planning Commission and City Council for a briefing in terms of what actions should be taken to assess the Code and adopt changes. That Code work on House Bill 2001 had to be completed by July of 2022. However, moving forward with the project sooner could give the City the opportunity to obtain Technical Assistance Grants from the State.
 - If desired, the Planning Commission could revisit the density range gap conversation and add new density ranges during the Code update so they could be readily applied in the future as opposed to creating the ranges/zone at the time of application. Staff believed including the gap in the Code would make it easier to apply the zones in the future.
- Commissioner Mesbah stated he was fine addressing the gaps in density when there was an actual need.
- Chair Greenfield understood leaving the gaps would make it easier to adapt to new needs, rather than changing what was already in the Code.
- Commissioner Postma noted the old filbert orchard provided an ideal example of how the zone gaps could be problematic. The orchard was relatively large in size and the 7 to 10 units per acre might be ideal, but developers would not be able to move quickly because of the legislative processes required to open the door for a density appropriate for the site.
- Mr. Pauly reiterated adding a new density range would be easy to do either way.
- Ms. Bateschell suggested working through tonight’s remaining topics and addressing the density range gap as a subsequent item during the Topic 2 discussion to allow the Commissioners time to consider the matter further.
- Topic 1.3: Calculating Allowed/Required Number of Dwelling Units
 - Mr. Pauly clarified the purpose of this revision was to have a clear number with regard to the number of units that could be built on a certain sized parcel, which was the calculation Staff used in practice over the years, but it was not entirely clear in the Code.
 - The advantage of calculating density on the buildable gross acreage rather than the net buildable acreage was that gross acreage would remain constant, while net acreage could change depending on the design process. For example, different street sections had different right-of-way measurements, which would change the net usable acreage and therefore, the number of units, etc. (Slide 20)
 - Using gross acreage prevented undue calculations, but using net acreage provided a better reflection of how people experience the density because it provided the actual lot sizes and therefore, more apparent open space.
 - Mr. Pauly noted the open space could be accommodated for by the underlying understanding that at gross acreage, it was not all lot area. Net acreage was such a variable that it became cumbersome and uncertain to calculate density. That discussion occurred with regard to Frog Pond

as well, and ultimately the gross acreage minus Significant Resource Overlay Zone (SROZ) and the Bonneville Power Administration (BPA) was used to determine the number of units in each sub area in order to set the certainty.

- If trying to address the adverse impacts of a development by using out-of-the-box concepts that add to the minimum open space requirement, gross buildable acreage would penalize the developer because it would show as lower density or fewer lots for the development. The incentive was to do something that improved the equality, environment, habitats, etc. Although the SROZ would be taken out of the equation, the concern was if a developer wanted to do something more. More calculations would be involved if a developer wanted to rehab wetlands not part of the SROZ, resulting in fewer lots. Using gross calculations could prevent additional environmental improvements, and also simplify Staff's work by having constant numbers.
 - Mr. Pauly added that calculating the gross acreage would be easier for the Development Review Board (DRB), neighbors, and anyone concerned with the density by creating a constant earlier in the process which he believed was the best choice.
- Commissioner Mesbah hoped the Commission would consider that using gross calculations would potentially take away the incentive to improve the environment and habitats from those who want to pursue regenerative development. However, if developers started to abuse this calculation, then it would not be regenerative. He clarified he was not advocating to use net versus gross, but this was a decision point. Although, Staff aimed for practical enforcement using gross calculations, which was very specific, clear and objective, versus a regenerative approach that many environmental groups advocated.
- Applying the draft language to the Comprehensive Plan numbers to get the minimum and maximum densities presented within the red square in the Draft Proposed PDR Table (Slide 21) resulted in some mathematical anomalies in the table that might be problematic. For example, the minimum density requirement for PDR-5 was in the 10- to 12-unit range. However, based on the math, the minimum density per acre for PDR-5 was actually 9.6 units. In PDR-4, a little more than 7 units could be built. If the goal was to create some legal certainty and avoid legal exposure, the anomalies in the table could create some false expectations about the number of units that could be built.
 - Mr. Pauly explained when the Code was rewritten in 1999-2000 to address this issue, actually caused a lot of the issues by trying to make a whole number out of a decimal. He recommended using specific language to explain that the density range in the Comprehensive Plan was not the actual range, but more of a title or District.
- Commissioner Postma asked if that was understood to a point where no developer would say, "that's not what I expected based upon your Comprehensive Plan." Different expectations about what could be built and what could actually be built was a concern.
 - Staff explained that the Implementing Table in the Development Code had the numbers right next to each other and was very clear about what was the actual density range. Currently, there was no chart included the actual density numbers next to the Comprehensive Plan numbers, so the Proposed PDR Table was more of a straight-forward approach. (Slide 21)
 - Commissioner Postma noted the revision would reduce, but not eliminate the risk to the City. Although the maximum density was not being reduced, the concern was it might not be the density as easily advertised.
- Topic 1.4, Conflicting "Land Consuming Requirements"
 - If the 20 percent lot size reductions could be done, it would practically eliminate the possibility that a site was unbuildable because the math could not work. The examples on Slides 24 and 25 were not atypical; the lot size was generally very close to the actual measurements. If a site was not developable, not much could be done to make it work; the lot size reduction would not work for everything.
 - The 20 percent lot size reduction of the minimum lot size would not make buildable lands unbuildable, but it would make accommodations for unbuildable lands. Additionally, it created more certainty for developers, neighbors, and the DRB because lands that were buildable through the waiver process would no longer need waivers.
 - Wilsonville had a great deal of open space that was undevelopable. What if a developer was to obtain a waiver to reduce the amount of open space in exchange for higher quality open space? Such an

exchange would be more beneficial than restricting the use of waivers for open space. Required open space often resulted in arborvitae and rhododendrons, rather than a park, walking trail, or sport court.

- Mr. Pauly stated open space would be a discussion topic at the next Planning Commission meeting. At which time the Staff's recommendation to make changes that emphasize quality and intelligent design over the quantity of open space would be explained in more detail.
 - One way to address ensure designs were clear and objective was to have qualified professionals design open space areas.

Commissioner Postma voiced concern about using gross rather than net acreage for density. While the math worked out the same for gross and net density calculations, it seemed to create more compact housing in some instances. He was uncertain how to resolve his concern, but if a certain density feel was desired in the zones, then they might feel more dense because of the proposed approach versus another. For most of the public, density was a feeling more than a mathematical equation, while the Commission and Staff were dealing more with the math and less with the feeling.

- Mr. Pauly agreed density was a feeling, but what created that feeling? Was it setbacks, actual number of units, the actual urban design, and how could it be addressed?

Chair Greenfield noted that while feelings might be clear, they were not necessarily objective. Mr. Pauly added that was what made Code writing so much fun.

Commissioner Mesbah said he was not sure using gross versus net would necessarily result in the appearance of more density. Net acreage calculations basically prescribed minimum lot sizes in an area with few natural resources and resulted in wall-to-wall development that looked cluttered. Using gross would not necessarily create a more dense feeling; it was just a different approach to determining the number of lots on a site.

Ms. Bateschell confirmed the Commission was satisfied with Staff's policy direction regarding the four outlined areas, noting one might be impacted by the open space discussion, and if so, Staff would bring it back based on the results of the Commission's open space discussion

Commissioner Mesbah noted this session dealt mostly with quantitative topics, while qualitative aspects regarded topics, such as open space, that he believed would have a greater impact on the feeling of density, and he was eager to engage in those discussions.

Mr. Pauly added future conversations that involved Frog Pond and any changed to the Frog Pond West standards would likely increase the interest within the community.

Chair Greenfield noted one could not easily guess the number of residences in Charbonneau because they were so cleverly designed they did not appear to be separate residences, the density was actually misleading, but was that clear and objective. He had never been sold on the clear and objective requirement, adding he believed there was room for a City to exercise some aesthetic judgement.

Mr. Pauly replied it was important to balance aesthetic judgement to ensure it did not become a veto power.

III. INFORMATIONAL

A. City Council Action Minutes (June 3 & 7, 2019)

Commissioner Phyllis confirmed that the Kinder Morgan Disaster Training had occurred.

Chair Greenfield added the follow-up session was very interesting and a bit alarming, noting it would take 15 minutes for the valves to close on a severed oil pipeline, resulting in 42,000 gallons being spilled.

B. 2019 Planning Commission Work Program

Miranda Bateschell, Planning Director, highlighted the 2019 Work Program included in the meeting packet. She briefly described the online engagement tool the City would be launching in August 2019, noting the website would essentially be a second, more interactive City website with the same domain for every project that involved public engagement, making it easier for the public to locate and use. She addressed questions about the new website as follows:

- The website would come with registration capabilities. Once a person answered the registry questions, the information would be tied to all of their responses. Allowing the City to know demographically who responded to surveys and what types of surveys they were responding to.
- She confirmed the website would analyze data in real time to identify demographic information to ensure a representative sample, enabling Staff to focus engagement where needed. Additionally, the website would generate reports regarding specific survey data and responses that were consistent in terms of how the information was presented.
- The website was intended to eliminate the City's reliance on consultants to analyze and report information from City projects, saving time and money and allowing the City to be more nimble in terms of outreach and the tools used.
- The interactive platform was actually a software program. The City would have assistance setting it up, as well as access to around the clock technical support, many of whom had planning and engagement backgrounds, to provide advice and direction. However, the City's project managers would decide what tools to use and the majority of the content displayed on the website.
- She was unsure of whether Information Systems Analyst Beth Wolf or Communications and Marketing Manager Bill Evans would be presenting the different tools and capabilities of the interactive website at the next Planning Commission meeting. Both Staff members had conducted a great deal of work to deploy the website and understood its workings. Planning had also been engaged given the amount of community outreach it did.

Chair Greenfield requested an update on the Equitable Housing Task Force.

Commissioner Mesbah replied the first Task Force meeting was scheduled to meet on July 18, 2019.

Ms. Bateschell noted the Planning Commission would hold a work session on Equitable Housing in September. The next Task Force meeting was also scheduled for September, but she was unsure if it would be held before or after the September Planning Commission meeting.

Amanda Guile-Hinman, Assistant City Attorney, stated that generally, the Planning Commission would review any amendments to Chapter 4 of the Development Code prior to going to City Council. However, amendments could go straight to City Council if directed to do so by another government entity. She announced that Metro had adopted a mandatory commercial food scrap program, and the vast majority of the program's requirements for implementation did not need Code amendments; however, one minor sentence needed to be added to Chapter 4 to be compliant. Metro had imposed a deadline for the end of July, so a public hearing was scheduled at City Council on July 15th, 2019; therefore, the amendment, which was very minor, would be heard by City Council instead of the Planning Commission.

IV. ADJOURNMENT

Chair Greenfield adjourned the regular meeting of the Wilsonville Planning Commission at 7:20 p.m.

Respectfully submitted,

By Paula Pinyerd of ABC Transcription Services, Inc. for
Tami Bergeron, Administrative Assistant-Planning