

# COUNCIL MEETING MINUTES

## OCTOBER 9, 2017

0:00 **DATE** COUNCIL CHAMBERS, CITY HALL, CITY OF WOODBURN, COUNTY OF MARION, STATE OF OREGON, OCTOBER 9, 2017

**CONVENED** The meeting convened at 7:01 p.m. with Mayor Figley presiding.

### **ROLL CALL**

Mayor Figley	Present
Councilor Carney	Present
Councilor Lonergan	Present
Councilor Schaub	Present
Councilor Morris	Present
Councilor Ellsworth	Absent
Councilor Serratos	Present

**Staff Present:** City Administrator Derickson, City Attorney Shields, Economic Development Director Johnk, Community Development Director Kerr, Police Chief Ferraris, Interim Public Works Director Liljequist, Finance Director Montoya, Human Resources Director Gregg, Senior Planner Cortes, Community Relations Manager Gutierrez-Gomez, Communications Coordinator Horton, City Recorder Pierson

### 0:01 **PRESENTATIONS**

Refinancing the 2005 General Obligation (GO) Debt – Finance Director Montoya presented information on refinancing the 2005 General Obligation debt and the options available to the City. City Administrator Derickson stated the next step would be to bring a resolution back to Council with their recommendations on which option to pursue. Councilor Carney stated that his inclination is to go with Option D even though it is a bigger hit, it gets paid off sooner. Councilor Morris agrees with Councilor Carney in that getting the debt paid off faster is better but doesn't want taxes to go up for residents. He stated that he supports refinancing the debt and getting a better rate but in a way that keeps the payments at what they are approved at or lower. Councilor Lonergan stated that he supports going with Option B. Councilor Schaub stated that she also supports Option B. Councilor Serratos also agreed that Option B was the best option. Mayor Figley stated that she also is in favor of Option B. City Administrator Derickson stated that it appears the Council has reached a consensus on Option B and that staff will bring a resolution to Council at the next meeting.

### 0:29 **CONSENT AGENDA**

- A. Woodburn City Council minutes of September 25, 2017,
  - B. Woodburn City Council Executive Session minutes of September 25, 2017,
  - C. Liquor License Application for Peppers Deli & Pub,
  - D. Approval of 3% Compensation Adjustment for City Attorney,
  - E. Building Activity for September 2017.
- Lonergan/Schaub...** adopt the Consent Agenda. The motion passed unanimously.

### 0:30 **PUBLIC HEARING**

Mayor Figley announced that there are a lot of people in the audience who would like to speak at the hearing so testimony from everybody but the applicant, City Staff, and Council will be

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limited to three minutes. She added that there will be no deliberation or decision by the Council at this meeting for two reasons. The first reason being that while oral testimony will be closed after tonight she will be leaving the record open for 7 days for written testimony to be submitted. The second reason being that there may be some questions asked or suggestions brought up and if they are wonderful ideas we want to have the opportunity to turn those into actual suggestions for how we can proceed, how we can vote and what decision we can make. She added that we want to make any decision on the basis of the best evidence that we have and knowing that people had the opportunity to say what they wanted to say. A member of the audience asked that instead of leaving the record open for one week for written testimony to leave it open for two weeks for people who may be out of town. City Attorney Shields stated that it is up to the Council on how long they would like to keep it open. Councilor Carney stated that he is in support of keeping it open one week. Councilor Serratos stated that he supports two weeks. Councilor Morris asked if they could keep it open for 10 days. Community Development Director Kerr, after speaking with the applicant, suggested that they keep it open for two weeks for written testimony and then an additional 7 days for rebuttal from the applicant. Mayor Figley declared the hearing open at 7:46 pm for the purpose of hearing public input on Woodland Crossing (ANX 2017-03, CU 2017-02/DR 2017-03/VAR 2017-03/RCWOD 2017-03/PLA 2017-04). Mayor Figley declared that she has had discussions with people on the merits of the proposal that she tried to shut off as quickly as she could. She has also received written correspondence which were forwarded to the Planning Department for inclusion in the record. She added that she is familiar with the property and also went and looked at the Woodland side of the property which she was less familiar with. She stated that none of these things will affect the decisions that she makes. Councilor Morris declared that he has received correspondence on this issue and has possibly been by this site but none of those things will play a part in his decision. Councilor Schaub declared that she has been approached by people on this who have stated their opinion on it to her, that she did drive by the site so she could be familiar with it and read the correspondence that has been received. Councilor Lonergan declared that he has not spoken with anyone in the public on this project but that he is familiar with the property. Councilor Carney stated that he had the following ex-parte contacts; he attended the Planning Commission meeting of July 27, 2017 and stayed for Public Comments but not for Planning Commission deliberation, he attended the Planning Commission meeting of August 10, 2017, and stayed for Public Comments but not for Planning Commission deliberation, he was approached by a West Woodburn resident of Olive Street who wanted to talk about the project but he declined, he personally contacted two planning commissioners to find out when the next meeting was going to be and if this project was going to be discussed, at the July 27, 2017 Planning Commission meeting the owner of the property introduced himself and there was no further discussion, he drove through and viewed the project site, and a neighbor contacted him about this project and he declined to speak with the neighbor about the project. Councilor Serratos declared that he received a number of calls from people who were concerned about this project and told them he can't speak to them about it but invited them attend the Council meeting. He added that he is familiar with the property as he used to live close by and that neither of those things will affect his decision on this.

City Recorder Pierson read the Public Hearing Statement. Community Development Director

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Kerr provided a staff report and answered clarifying questions of Council.

Garrett Stephenson, Attorney with Schwabe Williamson & Wyatt, stated that he represents the applicant Steve Master. Mr. Stephenson gave a brief overview of the issues that they specifically want to address tonight. First, he noted that this project implements the City's Land Use Plan for the subject property. Second, the application meets all of the applicable criteria and the applicant is fine with the 11 conditions of approval. Thirdly, he noted that Council will hear about the work that the applicant has done on the traffic analysis as well as the proposal to mitigate potential traffic impacts. Finally, they would like to address the concerns the neighbors have and the concerns the Planning Commission had on the condition requiring a different access point, particularly the access point through Sprague, and to avoid Stevens Street. Mr. Stephenson reminded Council that it is the Council's job to determine whether or not the project meets the applicable criteria. He recommends that Council adopt staff's recommendation and approve the project.

Brian Varricchione, planner at Mackenzie, provided background information on the project. Councilor Lonergan asked if the 127-space RV storage property was included in the calculation for determining how many units would go on the site and Mr. Varricchione answered it was not.

Dick Spies, architect at Mackenzie, provided information on the site concept for the multi-family units. Councilor Carney stated that at the July 27th planning meeting Brian discussed the number of children that would reside there. He asked if they have an exact number of children that were referred to the school district and what the children's ages are. Mr. Varricchione stated that they don't have specifics but that the school district has said they could accommodate 300 new units of additional housing.

Councilor Carney stated that there are 2.5 children in an American household today and that would equate to 750 children residing in the apartments. Mr. Varricchione answered that 2.5 children in a household sounds reasonable but it's very unlikely that every unit will have a family in it. Mr. Varricchione stated that the Woodburn Develop Ordinance does not require an estimate on this so we did not calculate one.

Councilor Carney asked what the outdoor play areas will look like. Mr. Varricchione answered that they don't have a design yet but here will be a rec center, community room, pool, swing sets and access to the wetlands.

Councilor Carney asked how visitor parking will be handled if there are 300 units and 600 parking spaces. Mr. Varricchione answered that the spaces are for both tenant and visitor parking with overflow in the street if needed. Councilor Carney asked if each family has two cars won't this fill the parking lot and force visitors to park on the street and Mr. Varricchione answered that not every family will have two cars. Mayor Figley asked for the unit specifics and Mr. Varricchione answered that there will be 78 one bedroom units, 189 two bedroom units, 15 three bedroom units, and 18 four bedroom units.

Jennifer Danziger, transportation engineer at Mackenzie, provided information on the transportation impact Analysis that was done, access routes for the apartments, and

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transportation recommendations for the Woodland/Robin Intersection and the Arney Lane/Stevens Street Extensions.

Councilor Carney asked if the traffic engineer's manual that was used offers guidelines or fixed values and what is the reason for doing a traffic study if the manual tells you the answers. Ms. Danziger answered that the manual offers data and the purpose of the traffic study is because most jurisdictions have peak trip thresholds that you can measure if a study needs to be done, if the estimated increase in traffic is higher than the threshold you would do a study, or if a city or states asks for one.

Councilor Carney stated that the study was done on a Saturday through Wednesday and asked if the study was done on a full 24 hours of traffic. Ms. Danziger answered that they focused on the busiest times of the day between 7-8 am and 4-6 pm.

Councilor Carney asked if they took into account the number of school buses that will be entering and leaving the area and Ms. Danziger answered no, there were no specifics or estimates other than the design to accommodate larger vehicles like buses.

Councilor Carney referenced Ms. Danzingers letter dated September 29, and read the first paragraph on page two on what the evaluation was based on. He asked how it was determined that no traffic light would be put in at Robin and Woodland and Ms. Danziger answered that they collected data for 24 hours over a five day period. Councilor Carney stated that what this is saying then is that we may have a problem here on the weekend but because we don't have a problem during the week a traffic light isn't warranted. Ms. Danziger answered yes, you could make that decision.

Councilor Carney stated that Robin was determined to be the major street and Woodland the minor street, and asked if that didn't violate common sense considering the left turn issues and that the major street should be Woodland. Ms. Danziger answered no, since at that point traffic has already exited the intersection.

Councilor Carney asked about the sensitivity analysis for cut through and Ms. Danziger answered that if there was cut through traffic, the street would still operate. Councilor Carney stated that in the sensitivity analysis, 5<sup>th</sup> paragraph on pg. 2 dated 7/6/2017 cut through traffic added to Stevens is assumed to be 200 and asked Ms. Danziger if in her judgment 200 is the degradation point. Ms. Danziger answered that the degradation point is at what point there would be a benefit in switching routes and going a different way/the other way based on intersection only. Councilor Carney stated that that is an important number for us to keep in mind for the future for suitability.

Mr. Stephens stated that the Planning Commission condition requiring a different access point, particularly the access point through Sprague and to avoid Stevens Street would not work. If this condition was imposed the project cannot be built. In conclusion he stated that the application satisfies all the applicable criteria and is consistent with the comprehensive plan

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and hopes the Council will approve it on that basis.

Mayor Figley invited the proponents of Woodland Crossing to address Council.

Tony Caragol, 647 N. Ash, Canby, stated that he comes as a friend to Don Sprague. He stated that he believes the applicant has presented a terrific case and that they could have filled that property up to the max with apartments. He added that this property will be brought into the City eventually and whether you want 300 apartments or 380, it's up to you.

Don Sprague, 7901 Sleepy Hollow Rd, stated that his parents moved to Woodburn in the early 60's. He added that both parents have passed away and he represents the family. It is their understanding that since the 1990's this property was put into the Urban Growth Boundary and was designed for multi-family housing. He added that with the growth of the mall, the RV Park and the residential area it has made it difficult to farm the land. He feels the best use of this property is for multi-family housing.

Pablo Paez, 389 W. Hayes, stated that he opposes this project and thanked Councilor Carney for all his questions. He stated that he was surprised that the schools are okay with this project and that he believes this project will have a negative traffic impact across this community.

Sharon Brogan, 1887 Woodland Ave., asked about run off and how that would affect the creeks around the project. She added that she is concerned about flooding.

Mayor Figley invited the opponents of Woodland Crossing to address Council.

George Spirit Hawk-Pierce, 3553 Linda St., stated that he respects the Sprague family and their decision with this land. He added that this new project will be taxing on first responders and the people here are upset in the increase in traffic and crime that this project will bring to the neighborhood that he loves.

Laurie Nah-Pay Wheeler, 3553 Linda St., stated that she has seen apartment complexes like the one presented in this project in Salem and there was a lack of parking in the complex for visitors. She added that she lives across the street from the park and sometimes she can't even park at her own residence due to the lack of parking when there are sports games happening. She also stated that there is a bus stop and school buses that go through the area and the traffic is already pretty heavy.

David Cole, 1460 Willow Ave, stated that a bond was recently passed for the Woodburn school's because they needed repairs, more teachers and they couldn't accommodate all the kids that are in the school district and now 700 more kids are going to be added and he wonders if his taxes will go up again to pay for this. He added that the Willow intersection is terrible and it will only get worse with this project.

John Catterson, 1055 S. Pacific Hwy., stated that he owns a home at 3156 Stevens Street. He stated that this property is in the county right now and when it's annexed into the City that is when the zoning will take effect. He believes that the annexation should not happen and that

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there is no obligation to annex it. He added that the last time the Comp. Plan was looked at was 2005 and that it should be revisited and reclassified. He also stated that Woodland does not need this extra traffic.

Joshua Kelley, 1750 Woodland Ave., stated that the Planning Commission stated that this needed to have two access points and if the City Council decides that that's not the case and approves this project in its entirety, then he would motion to have the Planning Commission be disbanded because what's the point of having them if what they recommend isn't done. He added that Steven's Street should not be an option for access and he would like to see a traffic study that was done before the outlet mall was built. He also added that the neighborhood requested that a private traffic study be done by the Planning Commission. He also stated that he believes that this property should be rezoned single family or a school should be placed there.

Arnold Ponce, 3244 McNaught St., stated that property over by WinCo and Do it Best is also going to be developed and all that commercial traffic is going to come down Hwy 219 and that is going to be a mess. He added that when the Planning Commission meets on this Thursday we need to be there to remind them that all this traffic is going to be coming down Hwy 219 and he hopes that Council takes that into consideration. He also stated that he has spoken to the school district and they are looking for property to place a school on the Westside.

Brian Judd, 3175 Nekia St., stated that this property is in the State Lands inventory for Wetlands. He also stated that they are understating the traffic impact and it's great that they are going to try to discourage traffic from the outlet malls but they have their work cut out for them when the mall is telling people how to avoid traffic by taking the back roads. He also noted this barely meets the minimum density, there is not visitor parking and that only by giving them variances are they able to meet the criteria.

Donna Stolarzyk, 1850 Woodland Ave., stated that she appreciates the work that has been done but there is going to be excess traffic as they already share this with Woodburn Dragstrip, Tulip Festival and the mall and that it's just going to get worse. She added that she is concerned about what the apartments will do to property values.

Cindy Turner, 577 Willow Ave., stated that the neighborhood already has bypass traffic from the outlet mall and with the access going to Steven St. people will start using it as a cut through and there are a lot of children that play on Willow Ave. and with people speeding through there it is going to be extremely dangerous for the children who play in that area.

Jerry Erdt, 1266 Woodland Ave., stated that the project area is a swamp and it's deep enough for ducks and geese to land in. He doesn't understand how the people don't realize they are putting apartments on top of a swamp and he is opposed to it.

Colin Brown, 1790 Woodland Ave., stated that he lives next door to a huge family that has fabulous parties on the weekends where there are usually 30 children spread out in the street playing soccer. He added that Woodland Ave is a playground for the young and that it is a

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dangerous place because people from the outlet mall come down it at high rates of speed. He added that the architects didn't have any context when they designed this.

Robert Beachler, 1582 Woodland Ave., stated that he has the following concerns for the project: doubling the amount of vehicles accessing the neighborhood, tripling the amount of people that are housed in a space that is 1/6<sup>th</sup> of the size of the entire neighborhood, traffic concerns are not being taken seriously and the study by the applicant is inconsequential, reduced property values, higher crime rates, and a different demographic than the people in this room. Lastly, they are pushing for a large size of units and that maybe 120 units may be more viable.

Laura Roheder, 3388 Steven St., stated that outlet mall traffic that is coming off of I-5 should be looked at as well as the intersection at Robin where people turn left.

Martin Gonzalez, 1900 Hemlock Circle, stated that he has been in Woodburn for many years and all his family is here and most of them live in the same mobile park. He added that Woodburn is losing its farming and he would hate to see Woodburn disappear that quickly and would like it not to grow so fast. He said it is not realistic to think that each apartment would have only one car.

Meri Berlin, Settlemyer, stated the impact of traffic will be tremendous with this project and she is also in favor of slow growth.

A letter from Julie Welp, 1468 Woodland Ave., was received and was in opposition of this project.

A letter from Judy Tanger, 953 Woodland Ave., was received and was in opposition of this project.

Mayor Figley invited the applicant up for rebuttal testimony.

Mr. Stephens stated that he understands the concerns of the neighbors. He reminded Council that the City and property owners are governed by the codes and standards that we can read and design development around. He stated that these units meet the minimum density required by the code and that they are not cramming more units in than what the plan or the zoning call for. He also noted that the design takes into account of its surroundings. He also stated that there has been a lot of testimony alleging that the traffic study didn't take a look at the background of what's going on in this vicinity and that is just not true. He added that traffic analysis are done in a prescribed way because they have to comply with industry standards. He added that in regards to Woodland Ave. they have done what the City has asked them to do in terms of conditioning the traffic improvements and if there is something the Council believes should be there they would be open to discussing those. He also stated that someone stated they don't want people who live in multi-family housing near them and that that is not a valid consideration for Council. He also noted that there were concerns about the variances in the project but explained that there are almost always variances in projects this big because they don't always fit into the same box. He added that the variances in this project in particular

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are because of the access points that are involved and the creek. He also stated that there was a comment that this project is unbuildable so it is not a good project and stated that this is buildable project as it's proposed. He finished by stating that this project meets all the criteria and they are willing to discuss reasonable ways that they can address the concerns of the neighborhood.

Councilor Morris asked what he means by that last statement and Mr. Stephens stated that if the neighborhood would like to see speed bumps or stop signs that is something they are willing to look at and reasonably ready to pony up for, but that they have not received any clear direction from the decision makers throughout this process that they should do that. He stated that they need someone with a position of authority to tell them that is what they want to see and if the Council believes a discreet traffic improvement is needed to let them know so they can decided if they can afford it because there are some traffic improvements out there that are not affordable and would kill the project. He noted as an example that a signal costs about a half a million dollars and that is not something they are going to throw on the table and do lightly. That it is not going to be something they want to do unless there is a really good reason for it and so far there hasn't been.

Steve Masters the applicant thanked everyone for their testimony tonight as well as the City Council and Mayor.

Mayor Figley closed the hearing for oral testimony at 11:17 pm and stated that written testimony will be open for two weeks. City Attorney Shields confirmed that written testimony will be open for two weeks and then the applicant has another week for rebuttal.

4:16     **COUNCIL BILL NO. 3042 - A RESOLUTION AUTHORIZING EXECUTION OF A COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF WOODBURN AND THE WOODBURN POLICE ASSOCIATION BEGINNING ON JULY 1, 2017 AND ENDING ON JUNE 30, 2020**

**Lonergan** introduced Council Bill No. 3042. Recorder Pierson read the bill by title only since there were no objections from the Council. On roll call vote for final passage, the bill passed unanimously. Mayor Figley declared Council Bill No. 3042 duly passed.

4:19     **CALL-UP BRIEFING: PLANNING COMMISSION APPROVAL OF A CONSOLIDATED LAND USE PACKAGE OF A DESIGN REVIEW AND VARIANCE APPLICATIONS FOR MID-VALLEY COMMUNITY CHURCH GYMNASIUM AT 591 GATCH ST (DR 2017-01 & VARS 2017-01 & 08-11)**

The Council declined to call this item up for review.

**PLANNING COMMISSION APPROVAL OF A CONSOLIDATED LAND USE PACKAGE OF A CONDITIONAL USE AND OTHER APPLICATIONS FOR SUCCESS HIGH SCHOOL AT 1785 N. FRONT ST (CU 2017-01, DR 2017-02, VAR**



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### 2017-02, PLA 2017-05, & RCWOD 2017-02)

The Council declined to call this item up for review.

### CITY ADMINISTRATOR'S REPORT

City Administrator Derickson had nothing to report.

### 4:20 MAYOR AND COUNCIL REPORTS

Councilor Carney congratulated the Chief and negotiating teams on the new contract.

Councilor Schaub stated that she went to the Woodburn Fire District Safety fair and it was a great event. She also stated that she found a great article in USA Today on Woodburn resident Ramon Ramirez.

Councilor Morris stated that he had a chance to go look at the splash pad and that it looks awesome.

### 4:22 EXECUTIVE SESSION

Mayor Figley entertained a motion to adjourn into executive session under the authority of ORS 192.660 (2) (h), ORS 192.660 (2) (f), and ORS 192.660 (2) (e). **Morris/Lonergan...** move into executive session. The motion passed unanimously. The Council adjourned to executive session at 11:26 p.m. and reconvened at 11:58 p.m. Mayor Figley stated that no action was taken by the Council while in executive session.

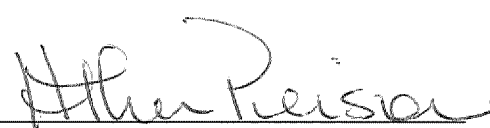
### ADJOURNMENT

**Morris/Lonergan...** meeting be adjourned. The motion passed unanimously.  
The meeting adjourned at 11:59 p.m.

APPROVED

  
KATHRYN FIGLEY, MAYOR

ATTEST

  
Heather Pierson, City Recorder  
City of Woodburn, Oregon