

**WOODBURN PLANNING COMMISSION
PUBLIC HEARING/MEETING MINUTES
April 28, 2022**

CONVENED: The Planning Commission met in a 7 p.m. virtual public meeting session via GoToMeeting, Chair Piper presiding.

ROLL CALL:

Chair	Piper	Present
Vice-Chair	Ellsworth	Present
Commissioner	Hernandez-Mejia	Present
Commissioner	Berlin	Present
Commissioner	Corning	Present
Commissioner	Bartel	Present
Commissioner	Lassen	Present

Staff Present:

Chris Kerr, Community Development Director
Colin Cortes, Senior Planner
Dan Handel, Planner
McKenzie Granum, Assistant City Attorney

Introduction

Chair Piper opened the meeting at 7:00pm and led the commission into the Pledge of Allegiance.

Minutes: **Chair Piper** motioned that the minutes April 22, May 27, July 22, & Sept. 23, 2021. March 10, & April 14, 2022 (6) for approval. **Commissioner Corning** and **Commissioner Lassen** seconded and with a unanimous vote for in favor, the minutes are approved.

Business from the Audience: None.

Communication: None.

Public Hearings:

SUB 21-02

Chair Piper opened the hearing of **SUB 21-02 & VAR 22-03: "1385 Cooley Road Subdivision."**

Chair Piper asked the commissioner for any potential conflicts of interest, ex-parte contacts, site visits and challenges: None.

Assistant City Attorney McKenzie Granum read the public hearing statement.

Planner Dan Handel began the staff report for **SUB 21-02 & VAR 22-03: "1385 Cooley Road Subdivision."**

After **Planner Handel** concluded the presentation, he was asked questions. **Commissioner Corning** asked about the significant tree that is located on the lot that a potential house will go. **Planner Handel** answered that the contractor would have to outline why the significant tree would need to be removed. **Commissioner Bartel** asked about the trees in Lot 9 and are they allowing them to keep them in that location. **Planner Handel** responded that the minimum area requirement is still being met. It still meets the size lot requirement, but the area occupied by the trees is not taken into account. **Commissioner Hernandez-Mejia** asked if the house in Lot 1 is going to be preserved and **Planner Handel** responded with a yes.

Commissioner Hernandez-Mejia asked about the other lots and **Applicant Alex Bodunov** answered her questions.

Testimony of the Applicant: **Alex Bodunov (1385 Cooley Road Woodburn, OR 97071)** **Bodunov** said that he doesn't have anything else to add and that **Planner Handel** answered and presented anything. **Commissioner Corning** asked **Applicant Bodunov** about the house on Lot 9. **Applicant Bodunov** said that he remodeled the

house and that someone bought the house in the corner and they are planning to move it. He is planning to put something there that fits the setback rules.

Testimony of the Proponent: None.

Testimony of the Opponent: Elizabeth Heredia (1395 Cooley Road Woodburn, OR 97071), she and her family live next door to Lots 9, 10, & 11. Lot 9 in particular is very concerning for her, since it's located near her property line. She stated that she enjoys living in the outskirts of Woodburn due to the different restrictions that property owners have when they live outside of the main city. Her family owns chickens and dogs, the space lets them roam around. Her dad is a semi-truck driver owner and he works on his trucks. Her main concern is that if they bring Barn St. into Cooley Road, therefore by extension, they end up bringing the city into the outskirts of Woodburn. She and her family love where they live and their property and they don't want city restrictions to come out to the property line, such as potential noise complaints. She concluded that her family has been living on their property since 2003 and they don't want any issues down the road when it comes to restrictions.

Rebuttal by the Applicant: Applicant Bodunov responded to the concerns from **Ms. Heredia**. He said that the noise of the trucks don't bother him and that it just part of living in that area. He's more concerned with a different neighbor nearby him, who makes more noise.

Planner Handel explained more of the property line, as **Commissioner Corning** asked more about it for Lot 9 and **Ms. Heredia's** property. **Applicant Bodunov** said he even offered to sell Lot 9 to the family. **Commissioner Hernandez-Mejia** asked **Applicant Bodunov** if he received any noise complaints from anyone, in regards to Lot 9 from the current owners and he said no one is living there. **Commissioner Bartel** asked if there will be a fence built between 9, 10, & 11 and the next door neighbor's properties. **Applicant Bodunov** said that most of the properties have fences already built. **Vice-Chair Ellsworth** asked **Applicant Bodunov** to clarify the variance request of the front and rear setbacks and he does.

Chair Piper asked for any other questions and hearing none, he closed the hearing and it is time for the commission to deliberate. Commissioners gave final input on **SUB 21-02 & VAR 22-03: "1385 Cooley Road Subdivision."**

After that, **Chair Piper** entertained a motion. **Commissioner Hernandez-Mejia** motioned to approve **Sub-Division 21-02 and the recommended Variances 22-03 of "1385 Cooley Road" with the conditions presented by staff and allowing the Chair to sign the final order.** **Commissioner Lassen** seconded the motion. **Vice-Chair Ellsworth** made a final comment before the vote. **Chair Piper** asked for all those in favor of the motion. The motion carried with a unanimous vote and **SUB 21-02 & VAR 22-03: "1385 Cooley Road Subdivision"** was approved.

SUB 21-03

Chair Piper opened the second public hearing of **SUB 21-03, PAR 22-01, PP 22-01, & VAR 22-05: "Parr Road Subdivision."**

Chair Piper asked the commissioner for any potential conflicts of interest, ex-parte contacts, site visits and challenges: None.

Assistant City Attorney Granum read the public hearing statement.

Planner Handel began the staff report for **SUB 21-03, PAR 22-01, PP 22-01, & VAR 22-05: "Parr Road Subdivision."**

After **Planner Handel** concluded the presentation, he asked if there were any questions. **Commissioner Corning** asked about the clarification about the water areas and about future development. **Planner Handel** clarified in more detail about that topic. **Commissioner Bartel** asked about if the proposed lot sizes the same as the lots in Smith Development and **Planner Handel** said yes and explained more about the lots. **Vice-Chair Ellsworth** asked if there is a fence between the development and Centennial Park. **Planner Handel** asked this question to the **Applicant Steve Miller, from Emerio Design, LLC (6445 SW Fallbrook Pl., Suite 100 Beaverton, OR 97008)**. He clarified that there is a fence at the location and it can be altered to have open entryways to paths.

Testimony of the Applicant: Steve Miller, from Emerio Design, LLC (6445 SW Fallbrook Pl., Suite 100 Beaverton, OR 97008). **Applicant Miller** went into detail of the property's history and explained the lots. He even talked about the alterations the project had to undergo, in order to fit with the Woodburn Development Ordinance.

Testimony of the Proponents: None.

Testimony of the Opponent: Joyce Hansen (8908 Parr Road Gervais, OR 97026) her property is neighboring west of the project's location. She used the map to demonstrate where her property is located and pointed to where her barn is, which is close to the project's development. The walkway of the project would be going right against her barn. She then explained the history of her cattle relying on the land the way it is. Her main concern is that the development would be going all the way around her property, and that storm water would start draining onto her property. She explained that the current fence line is originally from the 1930's and it has not been changed or altered. The survey of the new development would end up taking a foot away from her fence line. Another main concern of hers is where the houses start, to where people could end up get into her property, potential complaints she'll be getting because of her farming and as to why she is considered to be a part of the larger property and not been approached as a single property, as an alternative to move. She also talked about the trench that someone dug up a few years ago to drain the wetland and that the geese and other migrating birds are starting to find it again. She pointed out that since the wetland is coming back, it's moving closer to her property. Her last main concern is that the construction staging area, where they are going to have the main dirt dumping and vehicle passing through, is located close to her home. She has someone living with her who has health concerns and is sensitive to air quality issues. She is concerned that the dust from the development would come into the house.

Chair Piper asked for a clarification that the northwest corner area of the development would be a depression and not a mound. **Applicant Steven** claimed that he's not familiar with the Smith Creek area and that they had not picked a staging area yet. **Ms. Hansen** explained that during the time the Smith Creek addition was happening, the drivers and developers would use Stubb Rd. to travel back and forth, causing the dust to flow up into the air, while farmers do their plowing during early spring and fall, due to the dampness. The problem is the fumes from the trucks. **Chair Piper** said that the proposed western walkway won't go through her barn, that it'll be 10 feet away from it. **Ms. Hansen** then talked about the potential people from the new development trying to pet and feed the cows. **Chair Piper** assured her that the setbacks would help detour people from going onto her property. **Commissioner Corning** asked if **Ms. Hansen** was planning on sub-dividing her property. **Ms. Hansen** said no and hasn't been offered anything yet about development on her land. **Commissioner Berlin** asked if she would be interested in moving, which **Ms. Hansen** said that she currently has a "For Sale" sign on her property and she said that can't stay there if the new development is going in. She also said she can't leave either, due to the number of people who rely on her and her farm and wants to continue to do so.

Rebuttal by the Applicant: Applicant Miller began by apologizing to **Ms. Hansen** if the plans he created misrepresented her property and his intention with the project. He reflected that the plans look more of a shadow plat, rather than what is the main project. He stated that he believes in the surveyors and their work. As in terms of staging areas for the construction, it's a work-in progress, due to the fact that they are still trying to get through the first stage of entitlement and they still have to put together the civil plans. **Applicant Miller** said it would not be a problem to move the staging area closer to the park, instead of having it close to **Ms. Hansen's** property. He also clarified that there would be a water quality facility located near their property line and her barn. It would be a hole to help with the vegetation and retain water. **Commissioner Corning** asked that if it was possible to relocate the staging area, which **Applicant Miller** said he would talk to the team to relocate the staging area as far away as possible. **Commissioner Corning** asked what type of fence would be in place for the property. **Applicant Miller** said that there will be a mix of fencing, which will be based on the area that the fencing will go in, such as for the water facility and property fencing. **Applicant Miller** also explained the difference for developing rural and urban and now of days, more and more properties are having blended development.

Commissioner Bartel asked about the water movements and how that's going to happen, more so because it's in the middle of the development and that **Applicant Miller** is planning to move it to the edge of Parr Rd and the new water quality area. She also asked how it will happen and would it actually prevent the water from going into the farm and the neighboring areas. **Applicant Miller** explained in great detail about how he and his team would go about this, more so by adding dirt to lift the land up since it's very flat and is committed to not have the water leak out to other properties. **Commissioner Hernandez-Mejia** pointed out a small line on the plan right by property 62, that shows where it breaks. **Applicant Miller** explained what the line means what it means for **Ms. Hansen's** property and he offers solutions. The final question comes from **Commissioner Bartel** asking **Applicant Miller** about the placement of Tract E between 16 & 15, instead of 15 & 14, where the city is asking for it to be moved so that's its closer to Street B and wants to know why **Applicant Miller** made that decision. **Applicant Miller** explained that his team were trying to follow the city's spacing standards as a guidelines and moving it over to another lot is not a problem.

Chair Piper closed the public hearing and began the deliberation. **Vice-Chair Ellsworth** asked what they are voting on and **Planner Handel** clarified that the commission would be voting on the whole thing. He also explained what each phase of the development would be.

Commissioner Corning motioned that **SUB 21-03, PAR 22-01, PP 22-01, & VAR 22-05: “Parr Road Subdivision”** be approved, subject to the staff report conditions of approval, and that the final decision for approval be prepared for the signature of the Chair. **Commissioner Berlin** seconded the motion. **Chair Piper** asked for all those in favor of the motion, which was a unanimous vote. Therefore, the motion is carried and **SUB 21-03, PAR 22-01, PP 22-01, & VAR 22-05: “Parr Road Subdivision”** was approved.

Vice-Chair Ellsworth thanked the applicant for going into a detail explanation of the project and hoping that the opponent understood the reasoning behind the decision and thanked both the applicant and the opponent for being compassionate and listening to each other’s viewpoint.

LA 21-03

Chair Piper moved on to the final agenda item. It was **LA 21-03: Tree Preservation & Removal**. He asked **Senior Planner Colin Cortes** about an email he sent out and **Senior Planner Cortes** replied that it’s about tree amendments and that staff did a report. New comments were received from the Department of Forestry requesting tweaks to the proposed ordinance.

Chair Piper made comments about the updated ordinance at the moment. **Community Development Director Chris Kerr** stated that the goal tonight was to review the ordinance and have **Senior Planner Cortes** lead the Planning Commission through the **LA 21-03: Tree Preservation & Removal** discussion, along with the introductions of the staff report and edits. If the commission were inclined, they can review it and come back on a later date to make their decision at another meeting.

Chair Piper opened the **LA 21-03: Tree Preservation & Removal** public hearing. Soon into deliberation, the Commission decided it was not yet ready to have a hearing, would continue discussion as a work shop, and indicated to staff it would continue a hearing at a later date, likely June 9. **Senior Planner Cortes** began with the staff report, starting with the background information of what happened, in resulting the emergency tree ordinance. He goes through the basic structure of the ordinance. He then moved forward to a table labeled standard sets of the tree preservation & removal, labeled existing development and new development. The commission asked a series of questions, regarding the table and what they liked and did not.

Senior Planner Cortes took notes and moved on to the removal reasons to why someone would want to remove a tree. He then moved to policy direction of the proposed ordinance and followed up with more removal fee directions. **Vice-Chair Ellsworth** gave an example of a scenario about a tree removal being extremely necessary, due to unforeseen events like the ice storm and asked about what would happen then in terms of the city processing this request. **Senior Planner Cortes** said that in emergency scenarios, removal of the tree is top priority and the permit can be issued later. The other thing he brought up is that the removal fee table in the slide presentation, a conceptual table of what staff perceives as the highest feasible removal fees, is not part of the amendment text and is based on what staff presented in the memo to the Commission for the September 23, 2021 first work shop about LA 21-03.

The commission asked **Senior Planner Cortes** about the fee process and who would be removing the trees. He responded that the fees would be reasonably priced for homeowners and that the applicant would hire the tree removal service. **Senior Planner Cortes** continued to discuss the tree removal and how it could affect depending on where and type of tree.

Director Kerr commented that the tree topic and how extremely tricky it is. He explained the history of how long the city took to get the tree ordinance the way it was, even before he started his position as director. He stated his belief that a homeowner shouldn’t have to pay removal fee as an “extra” fee to the City if the arborist report met the requirement of stating that the proposed tree is dead, dying, disease, or hazardous. He said that the removal fee as a “deterrent” should be limited to new development.

Staff and the **commission** continued to discuss about the tree preservation & removal. A few members of the commission want to continue the topic as a work session. **Assistant City Attorney Granum** told commissioners that they would need to select a date to continue to the hearing to but that they could still have a work session on the amendment before closing the legislative hearing.

Chair Piper entertained a motion to continue the public hearing to May 26th, 2022. **Commissioner Corning** suggested a meeting day of June 2022. **Assistant City Attorney Granum** said the next official meeting is June 9th, 2022. **Vice-chair Ellsworth** motioned to have the hearing continued to June 9th, 2022. **Commissioner Hernandez-Mejia** seconded the motion. The vote was unanimous for all in favor and the motion is carried for the continued hearing to happen on June 9th, 2022.

Business from the Commission: None

Staff Update: **Director Kerr** mentioned the meeting for a quasi-judicial hearing in two weeks.

Adjournment: **Commissioner Corning** moved to adjourn the meeting. **Commissioner Berlin** seconded. The vote was unanimous for all in favor and meeting was adjourned at 9:24 pm.

APPROVED _____
Charlie Piper
Chair of Planning Commission
City of Woodburn, Oregon
_____ Date

ATTEST _____
Chris Kerr
Community Development Director
City of Woodburn, Oregon
_____ Date