

**Woodburn Planning Commission
Meeting Minutes
September 8, 2022**

CONVENED: The Planning Commission met in a 7 p.m. in both an in-person & virtual public meeting session via GoToMeeting video conferencing, Chair Piper presiding.

ROLL CALL:

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

Staff Present:

Chris Kerr, Community Development Director
Colin Cortes, AICP, CNU-A, Senior Planner
McKenzie Granum, Asst. City Attorney

Introduction: Chair Piper began the Planning Commission at 7:00pm and led everyone through the Pledge of Allegiance.

Minutes: Commissioner Corning requested to make an amendment for July 28, 2022 about a specific part during the tree ordinance workshop. Chair Piper the proposed to approve each set of minutes separately. For July 28, 2022, Commissioner Lassen motioned to approve of the minutes with conditions of amendment. Commissioner Bartel seconded. The vote was unanimous and July 28 minutes were approved. For August 25, 2022, Commissioner Corning motioned to approve of the minutes. Commissioner Bartel seconded. The vote was unanimous and the August 25 minutes were approved.

Business from the Audience: None.

Communication: None.

Public Hearings:

CU 22-01 & DR 22-08

Chair Piper opened the public hearing for **CU 22-01 & DR 22-08 Woodburn Place West Apartments: 2045 Molalla Rd.**

Chair Piper asked the Commission if there are any declarations, potential conflicts of interests, ex-parte contacts, or site visits. Chair Piper commented that he lives in the neighborhood and goes by that site daily, due to his commute.

Chair Piper asked if there are any challenges to the commission and there were none. He asked for the public hearing statement.

Asst. City Attorney McKenzie Granum read the public hearing statement.

Community Development Director Chris Kerr made a brief announcement of the new Microsoft Teams virtual meeting platform will be the new virtual meetingplatform for all **Planning Commission meetings.**

Senior Planner Colin Cortes begin the staff report of **CU 22-01 & DR 22-08 Woodburn Place West Apartments: 2045 Molalla Rd.** **Senior Planner Cortes** gave a background summary of the project. He explained the layout of the land that project would be located and presented the site plan. **Senior Planner Cortes** showed the building layout and discussed the regulations that the project had to follow. He talked about the conditional use for the project. **Senior Planner Cortes** went through the city street improvements and the transportation conditions. **Chair Piper** asked **Senior Planner Cortes** to clarify that improvement wasn't currently taking place on the right hand turn lane from Molalla Rd westbound to N. Pacific Hwy north. **Senior Planner Cortes** responded that due to the full cost couldn't be paid by a single developer, plus needing to work with the Oregon Department of Transportation (ODOT) to design and build the thing. **Staff** is doing their best to collect development money towards the purpose of mitigation.

Senior Planner Cortes concluded his presentation and asked for any questions. **Chair Piper** wanted to follow-up on the question from before about the right hand turn lane, asking if construction will happen in the future, when the Pacific Building Systems and the pizza parlor in the area [Little Caesars] are sold for another type of development. **Senior Planner Cortes** confirmed as corrected and that an additional right-of-way would be needed, coming from Little Caesars property. The only real constitutional way to do that, is when the property comes into development is to apply the WDO and obtain right-of-way along with other things.

Testimony by the Applicant: Jamie Howsley, an attorney from the law firm Jordan Ramis, 2 Centerpointe Drive #600 Lake Oswego, OR 97035. **Mr. Howsley** is representing the applicant. He introduced **Joseph Schaefer**, a Land-Use Specialist for **Jordan Ramis** and is the planner of the project. **Jeff Bolton from Multi-Tech Engineering** is also in attendance to answer questions from **the Planning Commission**. **Mr. Howsley** wanted to address the issue of proposed carports within an off-street public utility easement and they appreciated **staff** for fixing it [by revising Condition of Approval CU21a]. He also wanted to discuss how water will be accessible to the property and the public improvements. **Mr. Howsley** wanted to bring up one part of the staff presentation, which being the conditional use portion. He wants to remind the **Planning Commission** that this is still within the confines of ORS 197.303, which is Oregon's "needed housing" statute, which was amended by Senate Bill 1051 in 2017. He pointed this out, due to some of the conditions may need to be changed to accommodate that housing bill.

Joseph Schaefer, a Land-Use Specialist from the law firm Jordan Ramis, 2 Centerpointe Drive #600 Lake Oswego, OR 97035. **Mr. Schaefer** stated his discussion with addressing the offsite issues that were addresses, such as the intersections of Hwy 211 and Hwy 214 and those improvements. The cash contributions that the project is contributing, between the two apartments complexes together, are about 25% of the cost improvement. He gave an estimate about when it'll be paid, which give or take around 2023 year. He moved on the two other offsite improvements and asked **Senior Planner Cortes** to bring up the site map diagram for the commissioners. The site map showed the south side of the street, located west of the project. He pointed out the vacant lot between Safeway and the church and there are two proposed improvements for that area. One being the off-site sidewalk that **Senior Planner Cortes** mentioned in the presentation and **Mr. Schaefer** talked about it and how it would affect the undeveloped lot [2010 Molalla Rd] and how it would look compared to the rest of the area. The second one **Mr. Schaefer** mention is adding another sidewalk and the developer would love to build one for the tenants living in the apartment complex for easier walking to and from Safeway. **Mr. Schaefer** explained how the City could improve the placement of the added sidewalk by acquiring some of the vacant lot [for right-of-way].

Commissioner Corning asked the question about the 478 homes in the area of the project and how **Senior Planner Cortes** mentioned a modest school shelter for kids for waiting for the school bus. She believes that the shelter should be larger than modest, due to the fact that kids from both apartment complexes would be waiting together.

Applicant Jeff Bolton, 1438 Pine St. Lake Oswego, OR 97034, was asked to answer **Commissioner Corning's** question. He stated that in regards to the bus shelter, he would need to talk to the school district, in order to figure out what they're look for in a shelter. There's some parameters with it, but in regards to size, there is a lot of aerial and frontage where it would be figuring in out where they would like to have it put in. His team could talk to the school district about the size as well.

Chair Piper asked a question to **Mr. Howsley** and it was on him quoting the senate bill but is wondering how that correlate to this project. **Mr. Howsley** explained that is was more of an issue preservation, in case an appeal were to be raised. He stated that they were in agreement with **staff** to everything listed for conditions and his main concern is to not end up drifting to additional conditional use impositions. **Chair Piper** asked if **Mr. Howsley** and the applicant have any issues at this time, to **Mr. Howsley** replied that they do not have any issues. **Commissioner Berlin** asked questions about the apartments, such as how big they will be to what the approximate cost of these apartments. **Applicant Bolton** said that the size of these units are shown on the site plan and they run about 750 to 1,300 square feet. There will be studios, 1 bedroom & 1 bath, 2 bedroom & 2 bath, and 3 bedroom & 2 bath units. As for the pricing for each of these types of units, he does not know what the starting price is at the moment. **Commissioner Berlin** asked would there be low-cost apartment unit for low-cost housing and **Applicant Bolton** responded that he's not part of the group who decide on the cost of these units. **Commissioner Berlin** asked why these buildings don't have elevators, even though there are three floors. **Applicant Bolton** responded that they are allowed to do stairs, rather than elevators.

Commissioner Bartel asked about electric vehicle charging stations and how **Senior Planner Cortes** indicated that there will be some. **Applicant Bolton** said that there will be a designated area within the apartment complexes property for the charging stalls for electric vehicles, about 12-14 of them. **Commissioner Corning** asked him to clarify the number and **Applicant Bolton** noted that it would be in the conditional use of the staff report packet, per which the accurate number is 26 total. **Vice-Chair Ellsworth** commented on wanting to talk about traffic impact, as the area where the apartment complex is located is in a congested area. **Commissioner Berlin** commented on how narrow the street is and **Vice-Chair Ellsworth** mentioned how much of a nightmare it is to exit Safeway [1550 N. Pacific Hwy driveway along Molalla Rd] because of it. **Chair Piper** asked **Senior Planner Cortes** if he can walk them through the portion of the staff report that explains the transportation system. **Senior Planner Cortes** explained the situation of that intersecting area of Hwy 99 & Hwy 211/ 214 and the desire to deal with the situation would require a lot of money and unfortunately there isn't enough to fix it. Right now, the best thing the City can do is to collect a portion of each fair share of development for specific improvements.

Vice-Chair Ellsworth asked if there is a plan by the City to chip in for the improvement and move it along without waiting on an applicant to buy a property and fix public improvements. **Director Kerr** explained that it's not on the short list of the city improvements. Having the applicant pay for public improvements is the way the City funds in order to get these public improvements done to begin with. **Director Kerr** went more in-depth in the public improvements process and who would need to be involved to fix them and provide funding. The **Planning Commission** and **staff** discuss more about other areas that need public improvements. **Commissioner Corning** asked if there is a left turn lane going east towards the property and **Mr. Schaefer** confirmed that there will be a [two-way center] left turn lane for people going east. **Applicant Bolton** added more explanation to the design of the turn lane and do a full highway improvement.

Testimony of Proponents: None.

Testimony of Opponents: Sharon P. Schmidt, 1493 Greenview CT. Woodburn, OR 97071. Ms. Schmidt started off her testimony with explaining that her back fence is where the city limit line of Woodburn is located. She's lived in Greenview Court for three years. She started with her positive statements, as she's excited about the new apartments, as Woodburn needs housing for the community. The second half of her testimony was her concerns, as some of her friends and neighbors brought up that it might cause problems when trying to leave June Way by car. **Ms. Schmidt** explained that it's already difficult to navigate when the Wooden Shoe Tulip Festival. She uses her mobility scooter when she travels around her neighborhood and she notices people driving 70 miles down Cooley Road. There isn't a bike line for her to use and has to resort to the sidewalk, which doesn't support her scooter. The main concern is about the traffic that would increase, due to the apartment and how people would go down Cooley Road for shortcuts. The safety of kids who live around those neighborhoods are a concern, due to families live down nearby neighborhoods and the constant speeding due to drivers. She concludes her testimony with reiterating the concern of June Way and if residents living on June Way would be able to leave that area safely.

Rebuttal: Before the rebuttal from the applicant, **Chair Piper** wanted to give a few comments. He feels that if one create a problem, then maybe it'll get solved. He stated that from 211 to Cooley Road to 99E is a train wreck in his opinion now and it's not going to get better. It's the City's problem and not a resident problem. At this moment, no one is planning to buy the property with the pizza parlor or Pacific Building Systems to tear it down for another retail space. **Chair Piper** said it's going to take condemnation and it's going to take city money or state money to make that happen. **Both Commissioners Bartel & Berlin** agreed with **Chair Piper**. **Commissioners Berlin** commented how Settlemier Ave has also gotten bad with traffic and the reason that it's gotten bad is due to the development projects in Woodburn. **Vice-Chair Ellsworth** suggested they send a message to the council, but right now they have an applicant in front of them and they should finish up the item and possibly **Director Kerr** could have **staff** add this discussion as a future agenda item.

Commissioner Bartel asked if there is something in the WDO that says a new development of a certain size or more, they would need to have more than one or two entry ways or exits. She pointed out that there is only one currently and asking will the development put more in. **Senior Planner Cortes** stated that there is something in the WDO [3.04] that regulates access points and overlaps with the state fire code. He explained that the development will have two driveways and explained how it would look like on the property. **Commissioner Berlin** commented on how it's similar to the apartments off 99E. **Senior Planner Cortes** added that there will be an exit only driveway on the east side, giving a total of 3 driveways for Woodburn Place Apartments and the development together. **Commissioner Corning** commented on the fact that the WDO has a regulation about certain size developments needing to have more driveways and **Senior Planner Cortes** said it's based off state fire code.

Chair Piper entertained a motion. **Commissioner Corning** motioned that the **Planning Commission** to approve **Woodburn Place West Apartments: 2045 Molalla Road, CU 22-01 & DR 22-08**, subject to the conditions of approval the staff report and that final decision be prepared for signature of the **Chair** and subject to the addendum dated today. **Vice-Chair Ellsworth** seconded. **Chair Piper** asked for all those in favor in approving **CU 22-01 & DR 22-08 Woodburn Place West Apartments: 2045 Molalla Road**. The vote was unanimous in favor and the motion was approved.

Business from the Commission: **Vice-Chair Ellsworth** talked about their discussion during the rebuttal and the issues of the traffic light of 211 to 99. She stated that area is one of the most dangerous intersections in Woodburn. While the **Planning Commission** did approve of the project, it would be introducing about 500 families there and she's worried about the dangers that intersection would cause. She said that as a group, they should send a letter to Council and to the budget committee, stating that they should find a solution to fix that area, rather than waiting for another applicant to buy the area of land for development and fix it then. **Chair Piper** pointed out that the Transportation System Plan (TSP) called out a hierarchy of projects and this project unfortunately isn't on the top of the list. **Senior Planner Cortes** explained that when Woodburn Place Apartments came up, ODOT stated that there should be a right turn lane. He stated that is wasn't in the TSP, but the TSP lists other things, such as attempting to fit multiple left turn lanes. While **staff** does collect system development charges (SDCs) for the TSP, but if a project has an affect that doesn't have a TSP project, the City should get money for it, and due to the fact they aren't getting SDC's for that improvement. The right turn lane wasn't in the TSP, even if **staff** collected SDC's, there wasn't any plan to pay for it. There was a traffic study that stated that there was an effect and ODOT for Woodburn Place Apartments had stated that that development should have this improvement. Therefore, **staff** conditioned that developer to contribute, because the turn lane project wasn't in the TSP.

Director Kerr followed up with what the process looks like, as in order to spend SDCs and real money on these big capital transportation projects, it needs to be in the TSP and capital improvement plan (CIP). **Commissioner Bartel** commented that it's a bigger problem and due to the huge amount of growth in Woodburn for the last few years, it'll continue to be a problem until it's fixed.

Due to network failure, recording of the meeting was temporary frozen between the timestamps of 1:04:30-1:18:42 (8:04pm-8:19pm).

Commissioner Bartel asked a question about how the projects would improve the ins and outs of the area, such as the development near Tukwila. **Director Kerr** pointed out that any improvements to routes for transpositions is part of the conditions of approval, which is written to prevent construction traffic from going into Tukwila and from the road that comes off Boones Ferry. There will be signs to tell construction not to go down that road, yet there will be a possibility that someone will still go down that road. **Director Kerr** said to notify staff and they will notify the lead on the project.

Due to a second network failure, recording of the meeting was temporary frozen between the timestamps of 1:19:40- 1:24:13 (8:20pm -8:24pm).

Staff Update: **Director Kerr** gave the staff updates. The first being the next scheduled meeting on September 22, 2022. **Director Kerr** stated that they were going to have a continued item for the next meeting (**PUD 22-01 and corollary SUB 22-01**), but received word from the applicant wants to continue in another 30 days. Some last minute things they want to take care of and **Staff** is supporting that decision. **Director Kerr** believes that is a very good idea to have a document that lists the comments the **Planning Commission** would like to pass onto the **City Council** for discussion on how to fix 211 between Cooley Road and 99E.

The next thing that **Director Kerr** wanted to talk about was updates, such as the gas station item [CU 21-02] received an appeal and now the case has been sent to Oregon Land Use board of Appeals (LUBA). The applicant appealed the council's denial of their CU 21-02 application for 2540 & 2600 Newberg Hwy at Oregon. Senior Planner Cortes said that the final decision is on the "Projects" page on the City of Woodburn Website. **Director Kerr** explained the LUBA process to the **Planning Commission**. **Asst. City Attorney Granum** and **Senior Planner Cortes** are currently working on it and the **Council** might see it around Christmas time.

Director Kerr explained the upcoming quasi-judicial schedule, such as new apartments coming in, commercial development, and a Taco Bell just to name a few. He even mentioned the newly-hired **Director of Special Projects Renata Wakeley** is working with him on improving the Planning Division fee schedule.

Lastly, **Director Kerr** noted that everyone on **staff** agreed with the **Planning Commission** on wanting to improve transportation around the city.

Adjournment: **Vice Chair Ellsworth** motioned that they adjourn. **Commissioner Corning** seconded. The vote was unanimous and meeting was adjourned at 9:00pm.

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

Date

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

Date