

**Woodburn Planning Commission
Meeting Minutes
January 12, 2023**

CONVENED: The Planning Commission met at 7:00 p.m. both an in-person & virtual public meeting session via GoToMeeting video conferencing,

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
Dan Handel, Planner
McKenzie Granum, Assistant City Attorney
Curtis Shultz, Public Works Director

Introduction: Chair Piper began the meeting at 7:04pm. Chair Piper asked staff to begin roll-call. Chair Piper led everyone through the Pledge of Allegiance.

Minutes: Chair Piper brought up the minutes for December 08, 2022. He asked for a motion to approve of these minutes. Commissioner Lassen motioned to approve of the minutes from December 08, 2022. Commissioner Corning seconded. The vote was unanimous and the minutes of December 08, 2022, were approved.

Business from the Audience: None.

Communications: Community Development Director Chris Kerr stated that the communication is connected to the public hearings tonight, specifically one of the public hearings is requesting a continuance.

Public Hearings:

Chair Piper switched the order of public hearings on the agenda to bring the *Brighton Pointe Subdivision* project first and the *Speculative Industrial Development* second.

ANX 22-03, PP 22-02, SUB 22-04, VAR 22-07, & ZMC 22-03

Chair Piper officially opened the public hearing for **ANX 22-03, PP 22-02, SUB 22-04, VAR 22-07, & ZMC 22-03: Brighton Pointe Subdivision**. It's a Type IV application for annexation of 38 acres which includes requests for a Phasing Plan, Subdivision, Variances, & Zoning Map Change generally located at 8708 Parr Road.

Chair Piper asked the Commission if there are any declarations, potential conflicts of interests, *ex-parte* contacts, or site visits. There were none and Chair Piper asked if they were any challenges to the Commission and there were none.

Chair Piper stated that the applicant requested a continuance for this hearing, and entertained a motion to continue. Commissioner Berlin motioned to continue the item **ANX 22-03, PP 22-02, SUB 22-04, VAR 22-07, & ZMC 22-03: Brighton Pointe Subdivision** to the February 9th, 2023, Planning Commission

Meeting beginning at 7pm. **Commissioner Corning** seconded. The vote was unanimous and **ANX 22-03, PP 22-02, SUB 22-04, VAR 22-07, & ZMC 22-03: Brighton Pointe Subdivision** was approved to be continued to the date certain of February 9th, 2023.

DR 22-02, VAR 22-01, EXCP 22-01

Chair Piper opened the public hearing for **DR 22-02, VAR 22-01, & EXCP 22-10: Speculative Industrial Development**. **Chair Piper** explained that this project was a proposed Type III land use application package for a 513,193 sf industrial building generally located at the terminus of Evergreen Road.

Chair Piper asked the **Commission** if there are any declarations, potential conflicts of interests, *ex-parte* contacts, or site visits. **Commissioner Bartel** stated that she lives in this neighborhood. She's not sure if it counts as an *ex-parte* contact and she didn't know much about it, until **Staff** dropped off the packet materials for this Planning Commission meeting. The site is two blocks away from her address.

Commissioner Hernandez-Mejia stated that she lived in that area two years ago and is familiar with the area. **Chair Piper** asked if there were any challenges to the **Commission** and there were none.

Chair Piper asked for the public hearing statement and **Assistant City Attorney Granum** read the statement.

After the statement, **Community Development Director Chris Kerr** presented the staff report. As part of his presentation, he gave background context on how this property and this project fit into the last 15-20 years of planning work the City has undergone – the expansion of the urban growth boundary, the creation of the Southwest Industrial Reserve zoning district, I-5 interchange expansion project, the Transportation System Plan update, and the annexation of the land into City limits.

Lastly, **Director Kerr** went over all the conditions of approval for the project to the Planning Commission, along with a staff suggested modification to condition 6C, which was being proposed following discussions with the Applicant regarding the financial contributions for the Parr/Butteville Rd. improvements and processes involved with the collection and expenditure of that money depending on the jurisdiction of the intersection (County/City)."

Director Kerr addressed the handouts that the Planning Commission received from staff and Lennar and concluded his presentation and asked if there were questions.

Commissioner Corning asked about the transportation demand management measures and how its managed by the city if there isn't a tenant yet attached to the site. **Director Kerr** responded that the reason why it's been set to 6 months is that when a tenant moves in, the city wants the tenant to work with their employees on what they will be inputting on the site. **Commissioner Corning** asked how the city is going to keep track of the report for ten years and **Director Kerr** answered that it's already a requirement in the conditions of approval. **Commissioner Berlin** asked about the parking spaces for the site and **Director Kerr** answered that applicant developed their plan with a 50-50 split based on warehouse and distribution center parking ratios. This split was also used for the traffic impact analysis.

Commissioner Bartel had a concern about the projected route for traffic, as Evergreen RD doesn't have any houses, but it does have two very large apartment complexes and another large apartment complex is being built on Stacy Allision Way. **Commissioner Bartel** is very concerned about the traffic that will happen in that area and isn't sure how the city can guarantee the safety of the public if there are cars driving fast down Evergreen RD to Stacy Allision Way. She would like to know how this plan will work with these concerns. **Director Kerr** said that in terms of the current plan, right now Evergreen RD is the route that trucks need to take, and the project would utilize Evergreen RD. The long-range plan when the rest of this area gets developed, combined with the adjacent residential development that's going on the East side of Evergreen and the rest of Parr RD, the city wants to complete a subarea plan for transportation and try to figure out what the best solutions are for those intersections. The **Planning Commission** and **Director Kerr** discussed more on the transportation plan. **Chair Piper** asked if there were any more questions and there were none.

Testimony by the Applicant: Applicant Greg Specht, 10260 SW Greenburg Rd. Portland, OR 97223. Applicant Specht thanked Director Kerr and Staff for their hard work and working with them in the past year on this project, along with creation of the conditions of approval that works for them. They are pleased with the design and the evolution of this project. They have been involving in Woodburn since 2011.

Lee Leighton, Representative of Applicant Specht, Land-Use Planner with the Mackenzie firm at 1515 SW Water Ave. Suite 100, Portland, OR 97214. Mr. Leighton said thank you to Director Kerr for giving a thorough presentation of the project. He introduced his traffic engineer, civil engineers and landscape architect who are available online to answer questions. Mr. Leighton stated that they have been working on the traffic analysis and making sure that the proposed plan would help with the growing community of Woodburn. Their team had worked with the City staff to ensure that the plan could connect with other routes smoothly. Mr. Leighton made note that they will help provide a double row of trees, to provide a screen to shield neighbors from the building and they will implement a good neighbor wall. Mr. Leighton addressed the question about the transportation demand management practices, he agreed with Director Kerr about waiting for an actual tenant to move in, as that would be a great time to build off the tenant's plans of what they are planning to use their property for and what's best for the workers. Mr. Leighton talked about the parking lot for the property, and they built the parking lot off the WDO and the client's proposed idea for the parking lot.

Chair Piper asked if there were any questions for the applicant and there were none.

Testimony of Proponents: One letter received by David Force, Lennar NW LLC read into the record by Mr. Kerr.

Testimony of Opponents: None.

Chair Piper closed the public hearing and moved to the deliberation. He stated that he's known some of the Specht employees as they've done other projects before and that they do well-done work. **Chair Piper** said that the people of Specht are good citizens, and they want to work with **Woodburn Staff** to contribute to the community. Therefore, **Chair Piper** is in favor of the project. **Commissioner Corning** appreciated that the applicant worked with the neighborhood and had meetings with them and the efforts to guarantee a good neighbor barrier between the properties. **Commissioner Berlin** wanted to ask what significant trees will be placed and **Commissioner Corning** said that the trees will be 10 feet tall. **Commissioner Hernandez-Mejia** said that her knowing the area and the concerns for traffic and that those problems are still ongoing but hearing that the applicant had a meeting with the community that lives in that area and that they aren't here to testify against it, shows that it's a good sign to the proposed project. **Commissioner Bartel** still has serious concerns over the traffic patterns, construction patterns, and it's difficult to see it working out. She has no problem with Woodburn growing and bringing in new businesses, but this proposed project is a massive facility, with no idea who will own it or who will be working in there and what will be made in there. **Commissioner Bartel** stated that she has a lot of concerns and that there isn't any answer to those concerns now. The **Planning Commission** discussed more about the project.

Chair Piper entertained a motion. **Commissioner Corning** moved that the **Planning Commission** to approve the **DR 22-02, EXCP 22-10, & VAR 22-01: Speculative Industrial Development**, subject to the conditions of the staff report, modifying condition 6C as shown in the director's memo of January 12, 2023, and a final order to be prepared for signature of the **Chair**. **Vice-Chair Ellsworth** seconded. **Chair Piper** said that the motion has been moved and seconded. He asked for all those in favor, which was, **Commissioner Corning, Commissioner Hernandez-Mejia, Commissioner Berlin, Vice-Chair Ellsworth, & Chair Piper**. For those who opposed was **Commissioner Bartel**. The vote was 5-1 and the project was approved.

Business from the Commission: Chair Piper shared a comment concerning trees. When the **Planning Commission** discusses arborist reports, the report only identifies the health of the tree. **Chair Piper** thinks that the **Planning Commission** should investigate ways of reviewing reports that don't contain the reason of removing a tree due to its health. Possibly have another report done by another professional who experts in knowing if the tree is hazardous or destructive to the properties landscaping or underground utility pipes.

Public Works Director Curtis Shultz stated that the **Public Works Dept.** has a process to remove street trees and requires an arborist report, including having the **Public Works Engineering Dept.** examine other factors and final decision is made by the **Public Works Director**. **Chair Piper** asked if **Public Works** would want to get involved with examining the trees that are on private property. **Director Shultz** said that it could be as they can look at it the same way as a street tree and with their expertise could give a recommendation. **Director Shultz** and **The Planning Commission** discussed more on the tree topic.

Staff Update: Director Kerr gave a few updates. One being the LUBA decision on the CU 21-02: US Market Gas Station and asked **Assistant City Attorney Granum** to give a quick synopsis of the decision. **Assistant City Attorney Granum** stated that the decision was made on Tuesday January 10, 2023, and that LUBA decided to affirm the city's decision to deny the gas station and the city council's decision was accepted. She stated that if the applicant wanted to appeal, that would go to the state court of appeals level next. The applicant has two weeks to decided if that's the course of action they want to take.

Director Chris Kerr praised **Assistant City Attorney Granum** for her hard work to defend the city's decision to deny the project.

Commissioner Corning asked **Staff** if they know if the applicant has any plans to retry presenting the project or have a new proposed project. **Director Kerr** said that the development code has regulations that make sure that an applicant can't re-apply right away and has a limit on the number of times they can re-apply for the same project.

Commissioner Bartel brought up the concern about the removed fence on that said property of that denied project and that it has become a place for homeless camps. **Assistant City Attorney Granum** stated that the very strong winds kept knocking the fence over within the last few months, to the point that it's permanently damaged. Because the fence is rented, they haven't been able to obtain new fencing. She is hopeful that there will be a new fence that will be put up and code enforcement has been working on that area ever since the beginning when homeless started camping on the site.

Director Kerr stated that the Planning Commission has three full sets of agendas for the next upcoming three meetings. The next meeting consists of two small variances and an addition to a commercial/industrial site. Then the meeting in the following weeks will be the Brighton Pointe Subdivision.

Adjournment: Chair Piper entertained a motion to adjourn. **Vice-Chair Ellsworth** motioned to adjourn for the evening and **Commissioner Corning** seconded. The vote was unanimous, and the meeting was adjourned at 8:40pm.

APPROVED _____

Charles Piper
Chair of Planning Commission
City of Woodburn, Oregon

Date

ATTEST _____

Chris Kerr
Community Development Director, AICP
City of Woodburn, Oregon

Date