

**Woodburn Planning Commission
Meeting Minutes
August 10, 2023**

Convened: The Planning Commission met at 7:01 p.m. both in person and through a public online/virtual session via Microsoft Teams.

Roll Call:

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

Staff Present:

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

Introduction: Chair Ellsworth opened the public hearing at 7:01pm. and asked **Staff** to begin roll-call. **Chair Ellsworth** led everyone through the Pledge of Allegiance.

Minutes: Chair Ellsworth stated that there are no minutes this evening.

Business from the Audience: Chair Ellsworth asked if there was any business from the audience that otherwise will not be discussed by the Planning Commission tonight. There was none.

Communications: Chair Ellsworth asked if there were any communications from **Staff** and **Community Development Director Chris Kerr** stated he did not have any at this time.

Public Hearings:

DR 23-06, RSS 23-01, SA 23-03, & VAR 23-03

Chair Ellsworth stated that there are two quasi-judicial land-use hearings for this evening. She opened the public hearing for **DR 23-06, RSS 23-01, SA 23-03, & VAR 23-03: 3rd Street Quadplex at 1123 & 1125 N. 3rd Street**. **Chair Ellsworth** gave a brief description of the land-use item that was written on the **Planning Commission** agenda. **Chair Ellsworth** then asked if the **Planning Commission** had any ex-parte contacts, site visits, declarations, or potential conflicts of interests they would like to report and there were none. **Chair Ellsworth** asked if there were any challenges to the **Planning Commission** this evening and there were none.

Chair Ellsworth asked **Assistant City Attorney McKenzie Granum** to read the public hearing statement. **Assistant City Attorney Granum** read the statement.

After the public hearing statement, **Chair Ellsworth** asked for the staff report. **Planner Dan Handel** presented the staff report for **DR 23-06, RSS 23-01, SA 23-03, & VAR 23-03: 3rd Street Quadplex at 1123 & 1125 N. 3rd Street**. After the presentation, **Planner Handel** asked the **Planning Commission** if there were any questions for him.

Commissioner Berlin asked if the lot would be owned by a different owner or will be the same owner for both the duplex and quadplex; **Planner Handel** stated that it will be the same owner. **Commissioner Bravo** asked if parking was going to be for both the duplex and quadplex and **Planner Handel** said correct. **Commissioner Berlin** asked how many parking spaces will be available for the units and how many units will the quadplex have. **Planner Handel** answered with 6 parking spaces for 6 units. **Vice-Chair Hernandez-Mejia** asked if **Planner Handel** knew if there was any space for street parking yet, as she sees the units are two-bedroom and she had the same concern as the other **Commissioners**. **Planner Handel** showed the **Planning Commission** and explained that it's set up to have street parking along N 3rd Street currently and it does allow it. He also added that the applicant will be providing the minimum parking that the code requires, which is one space per unit. **Planner Handel** added that it's part of the new Middle-Housing rules that the **City** is required to follow by the State of Oregon that was adopted last year. **Director Kerr** asked **Planner Handel** if they could require more parking for that project if they wanted to and **Planner Handel** answered they could not. **Director Kerr** asked because the state told them they couldn't, and **Planner Handel** said yes.

Chair Ellsworth commented that the standards for apartment complexes is that they had said that the building had to have 1.7 to 2 per spot and that it's different from single family unit and they must treat this type of building as a single-family unit. Therefore, she asked if they only require one parking space for a house, then they can only require only one space for 1 per unit for a middle house. **Planner Handel** answered that the State of Oregon had stated that for middle-housing that includes duplexes, triplexes, quadplexes, townhouses and cottage clusters; the minimum requirement cannot be more than one space per unit. **Chair Ellsworth** asked what the maximum requirement is, and **Planner Handel** said the maximum allowance is no more than twice the minimum. **Planner Handel** used the example of the last public hearing in regarding Chick-fil-A and their variance was capped at a maximum and they requested to go more than the maximum allowance with their variance request. **Planner Handel** stated that the applicant is meeting the minimum requirement for one parking space per unit.

Commissioner Bravo asked about the Street Adjustment and what the applicant is requesting for the future Yew Street extension, would it retain street parking there or does it eliminate street parking with the reduction from 60 to 50 feet. **Planner Handel** stated not necessarily, as they have a default of a cross-section in the development ordinance for a 50-foot right-of-way that does provide street parking on both sides. **Vice-Chair Hernandez-Mejia** asked if that was for street parking on one side or both. **Planner Handel** said it would be on both for N 3rd Street. **Vice-Chair Hernandez-Mejia** commented that she assumed that it would be like 2nd Street and 5th Street. She hasn't been on 3rd Street or what it looks like, prompting **Commissioner Bravo** to say that it's bad in terms of how crowded and small the street is. **Planner Handel** commented that 3rd Street's paved width as of this moment does not meet the **City's** planned width, which is 34 feet. **Commissioner Berlin** commented that the problem is not having adequate space to allow cars to go by and that the streets are small that even parking on the side removes more room. She commented that maybe the development of this size would be better suited in a different area. **Planner Handel** commented that it's one of those instances like parking where the state had said that cities cannot treat this type of development differently than a single-family home. If a single-family home were to come in, the City's code is not written to require them to widen the street, as the minimum requirements are the sidewalks, the trees, and that's what the applicant proposed.

Chair Ellsworth wanted to clarify that she understood the whole Middle Housing Law. Essentially the State has told cities that they can't make developers have two parking spaces per unit if they are making the minimum requirements for the development. **Chair Ellsworth** commented that in a sense, the **City's** hands are tied, even if that's not what they want for Woodburn, the state has determined what cities can and can't do. **Vice-Chair Hernandez-Mejia** asked if they could change it to have more parking available for single-family homes, as she mentioned past projects that had limited parking and many single-family homes in development. **Planner Handel** explained that the **City** would have a little leeway with single family homes, but in terms of middle housing like triplexes and duplexes, the State has been heavy handed in outlining minimum parking requirements for that. **Commissioner Berlin** asked if cars could turn around in the space in the back, since they must enter and exit the same way. **Planner Handel** explained that the drive aisle is 24 feet wide in the back and he mentioned that the project engineer is present tonight to help answer that question. **Planner Handel** commented that the parking spaces meet the minimum dimension requirements,

which can be said the same as the aisle dimensions meeting standards. They are measured from the edge of the striping to the concrete walkway, equaling 24 feet. **Chair Ellsworth** asked would a fire truck be able to enter the property and move toward the back of the quadplex, while being able to turn around and get back out. **Planner Handel** explained that the intent here is that the truck will be able to park in the 24-foot-wide segment towards the street, and they would then use it as a turnaround. He showed the **Planning Commission** a site map of the street in question, showing which hydrant the fire truck would use and they would be able to run the hose down the driveway. He mentioned that he believed that the building will be sprinklered and that they are meeting all fire code requirements. **Chair Ellsworth** clarified that the **Fire Marshal** would need to sign off on it and **Planner Handel** said yes. He added that the **Fire Marshal** will be looking at the building permit as well, but the concept here that is proposed was given the go ahead by the **Fire Marshal**.

Chair Ellsworth asked if **Commissioner Bartel** had any questions or comments. **Commissioner Bartel** commented that she didn't have any questions. She commented that she thinks it's a little tight in that area of the proposed project, but if it meets all the requirements, there isn't really anything they can do to change it. **Chair Ellsworth** had a question about the easement and if the **Planning Commission** agreed on the easement about the 50-foot-wide street. What **Chair Ellsworth** gathered from it, is that the red lines would allow the street to be wide enough, she pointed out the blue box on the site map, that property owner gave a larger easement that is wider than the red stripe. **Chair Ellsworth** commented about the easement for utilities and how most of those lines goes straight. In other words, the applicant wants an easement that allows them to run utilities along the red line on the site map, yet with a variance request of have the easement not be as long as the other one that's already there. **Planner Handel** agreed with her description and **Chair Ellsworth** asked about if the top property had to give up that blue space, and if they need to run utility easements, how would they do that through the property. **Planner Handel** explained that the proposed building is 5 feet away from that property line and the existing duplex is only 4 feet, so there's about a foot encroachment. The duplex is an existing building, and they are not proposing any changes to it. **Planner Handel** mentioned that one of the conditions of approval, specifically 5B, requires the applicant to grant the **City** a 5-foot utility easement once the encroachment is no longer there. **Planner Handel** commented that the property owner volunteered to do this and that's why he wrote it in as a condition of approval. **Chair Ellsworth** commented that unless the duplex disappears, then the **City** won't run utilities down that side of the property and **Planner Handel** said correct. **Chair Ellsworth** asked if there were any questions from the **Planning Commission** and **Commissioner Berlin** asked how high the fence is and **Planner Handel** said that the applicant is proposing a 6-foot-tall wood fence, located around the sides and the back. **Commissioner Berlin** asked what's neighboring the property and **Planner Handel** said that there's a 3-story apartment building. **Commissioner Berlin** commented that's probably not high enough and **Planner Handel** answered that the **Commission** could add a condition to have the fence be at max height of 7 feet. **Chair Ellsworth** asked if there were any questions for **Staff** and there were none. She moved onto testimony by the applicant.

Testimony by Applicant: Linda Cameron, Moore Architecture & Design LLC, 2327 SW Market St Dr, Portland, OR 97201. Applicant Cameron also had a guest with her. His name is **Jamie Van Agtmael, LEI Engineering & Surveying of Oregon, 2564 19th St. SE Salem, OR 97302. Applicant Cameron** explained that this project is a 4-unit quadplex of two-stories. She explained that it was designed in a manner so that it made the appearance of being two buildings, to decrease the scale. **Applicant Cameron** described the current neighborhood of where the project is located, as a neighborhood of modest homes, both single-family and duplex homes with a few two-story homes. **Applicant Cameron** explained that their goal was to design these quadplexes to fit with the aesthetic of the neighboring homes. She commented that in the process of designing the site, they had located the quadplex closer to the existing duplex; to give some breathing room between the quadplex and the three-story apartment building. **Applicant Cameron** stated that they are using the existing driveway, as it was indicated with the idea that Yew Street become developed, that they could create a situation where it would potentially be a single in and out road to alleviate traffic. **Applicant Cameron** commented on adding the two additional parking spaces to accommodate the existing duplex. **Applicant Cameron** stated that the owner wanted to keep the existing duplex, because they spent some money on renovating it. She mentioned that the owner felt that it was a better use of space and resources to keep an existing building functional and that was in the context with

the neighborhood. **Applicant Cameron** stated that the owner didn't want to dislocate existing residents during that time of construction.

Applicant Cameron stated that what they are asking is a couple of substitutions for the architectural of the 16 points. She explained what they are doing is wrapping all the way around the front and back of the building with the sides as well. Therefore, if it were viewed from all four sides, it would look continuous. **Applicant Cameron** commented that they will be adding divided lights throughout instead of just in front of the house. She added that the design also allowed for private spaces on either corner for the renters and a common space between the duplex and the quadplex for everyone. **Applicant Cameron** asked for any questions from the **Planning Commissioners**. **Commissioner Berlin** asked what exactly the common space is, and **Applicant Cameron** answered that it's a green space between the duplex and the quadplex that people can use as a backyard. She added that it doubles as a distance that the **Fire Marshal** wanted them to have, which is a 20-foot distance between the existing building to their building. **Applicant Cameron** commented that their building will have indoor sprinklers and told the **Planning Commission** that in the beginning of this project they consulted with the **Fire Marshal**. **Applicant Cameron** stated the reason why they consulted with the **Fire Marshal** to determine the best way they could feel safe coming to the property. That's how the fire lane was determined was to be placed on 3rd Street, due to the fire hose that needed to reach 150 feet of any point in the back. **Commissioner Berlin** asked how wide the fire lane is and **Applicant Cameron** said its 20 feet wide by 40 feet long. **Chair Ellsworth** asked if there were any questions from the applicant and there were none.

Testimony by Proponents: Chair Ellsworth asked if there was anyone who wanted to testify in favor of this development and there was none. She asked if anyone online wanted to speak and there was none.

Testimony by Neutrals: Dennis Hunt, 10032 SW Balmer Cir, Portland. OR 97219. **Mr. Hunt** stated that is neither in favor nor against the project. He just wanted to make sure that the proposed good neighbor fence gets built. The reason why he wants the fence is because his mother lives at 1121 N 3rd St., which is next door to the project. **Mr. Hunt** stated that his mother has been there for 70 years and enjoys her privacy. **Mr. Hunt** does have a question about the parking, as he had seen six parking stalls, and one was indicated as an accessible parking stall. He is wondering how that meets the requirement for six parking stalls. **Chair Ellsworth** stated that the **Planning Commission** won't be able to answer that question until all testimony has been given. The applicant will have a chance to address any questions from the testimonies or from the **Planning Commission**. If the applicant doesn't answer a specific question, the **Planning Commission** can ask on behalf of the testifier. **Mr. Hunt** final comment was just wanted to ensure his mother's wishes on maintaining her privacy by having a good neighbor fence built.

Testimony by Neutrals: Margarita Vazquez, 1129 N 3rd St. Woodburn, OR 97071. **Ms. Vazquez** stated that her major concerns were about the fence due to privacy reasons and the traffic that this new quadplex will bring. Hearing that there's only 6 slots and there are no parking slots for visitors. **Ms. Vazquez** stated that the first time they heard the developers were going to build something, it was a duplex. She was okay with that idea, but when the developers switched to a quadplex, she stated that it was too much. **Ms. Vazquez** commented that 3rd Street is a dead-end street and it's a dead-end to Nuevo Amanecer, with the street being very narrow. **Ms. Vazquez** added that many years ago, a one-way was added from St. Luke's Catholic Church to the St. Luke's playground and put a no parking sign on one side, as people couldn't get in or out. She commented that two cars can't go through there, as it's a narrow street. **Ms. Vazquez** stated that they do get some overflow from Nuevo Amanecer, as those residents are parking along the street and even overflowing to the church across the street. She added that large vehicles like the Republic Service, UPS, Amazon, etc. already have trouble moving in and out of that street to begin with due to the parked cars and the street being narrow. **Ms. Vazquez** final thoughts were about her concerns with parking and traffic and stated that her son, **Mr. Juan Vazquez**, will talk about the fence.

Testimony by Neutrals: Juan Vazquez, 1129 N 3rd St. Woodburn, OR 97071. **Mr. Vazquez** commented that he agreed with **Mr. Hunt** about the privacy concern. **Mr. Vazquez** commented that they had been in that area for 30 years and there was nothing behind them, then Nuevo Amanecer was built, and other developments were appearing. He understands that building new things is going to happen, but his main concern is the existing chain link fence that runs across the property, between their property and the

project's property. **Mr. Vazquez** asked if the builder is going to remove the chain link and replace it with a wood one or will they just add a wood fence along the existing chain link fence. **Mr. Vazquez** commented that there hasn't been discussion with the builder and them on this issue about what will be placed there along the property line to separate both properties. **Mr. Vazquez** commented that a 7-foot fence would be great. **Mr. Vazquez** commented on the 10-units behind them; the fencing they used was no fencing, rather using **Mr. Vazquez's** chain-link fence with a couple trees on the side.

Mr. Vazquez then talked about the parking concern. He talked about the narrow street, as it's so narrow that cars barely scratch rearview mirrors as they pass by. He mentioned that there's kids running back and forth and that's a hazard to not be able to see them with parked cars. **Mr. Vazquez** mentioned the close calls that happen at the intersection of Yew Street and 3rd Street with a construction vehicle between cars and bikers. **Mr. Vazquez** understands if the City's code allows that parking to happen; he just wanted to address the safety of his kids and himself, as this is a vision clearance issue. He stated that there isn't a safe way to enter or leave the street. **Mr. Vazquez** other question was about the garbage and were the that was going to go for the quadplex. **Mr. Vazquez** commented that because the street is so narrow, cars must make a full stop to either let cars in and out, which is a huge safety concern. He talked about that he already must double fence his backyard from the 10-unit apartments, to keep his dogs on his property and maintain privacy from the residents of those units. **Mr. Vazquez** stated by doing that, they ended up losing 4 or 5 feet of the back. **Mr. Vazquez** final comment was to have the applicant explain their plan about the fence and where the fence will be located either on the property line or on the project's property.

Chair Ellsworth gave **Mr. Vazquez** the same statement she gave to **Mr. Hunt**, which is that the applicant will be the one to answer those questions. **Chair Ellsworth** asked if there was anyone online who wanted to speak and there was none. Therefore, she requested that it is time for the applicant to rebuttal.

Rebuttal by the Applicant: Applicant Cameron wanted to address the fence as in their application that they would be providing a neighbor-friendly 6-foot-high fence, along the property line as required by code. She had **Planner Handel** bring up the map and she described it being stepped 20 feet back as a requirement from the street of 3rd Street and then the fence wraps itself all the way around the property. **Applicant Cameron** added that there are no gates in the front of the property, it's 6 feet per the code and it's a neighbor-friendly fence, as it's finished on both sides. She explained that part of the reason for the variance request is to provide them with about a foot of space, so they can put this fence up. **Applicant Cameron** commented that if the neighbor's preferred, they can put it on the property line, but they were putting the fence more on their own property. She stated that they understand that they are coming close to the neighbor's property. She pointed out that the neighbors have a driveway on the other side and that's the reason for the design, was because the house has a driveway on the other side north of it and this would give it a little more breathing room between both buildings. **Applicant Cameron** then talked about the extension of Yew Street, which gave an additional sort of space between their building and the other resident to the South of them. **Commissioner Berlin** asked about the status of the fence and **Applicant Cameron** commented that it hasn't been fully designed yet and they can work the neighbors to coordinate in creating something that both parties want. **Applicant Cameron** expressed that they want to do something nice and not something that won't compliment the design of the project. The **Planning Commission** talked among themselves about the height of the fence and that the max they can request for the applicant to build is 7 feet tall.

Mr. Van Agtmael talked about the questions regarding parking when it comes to the ADA spot and when they worked with **Staff** and the **City** to create one, as it was a requirement to have one. He commented that it could count towards 1 out of the 6 parking spots and by following the code, they had a total of 6 parking spots. **Mr. Van Agtmael** addressed the question about the easement widths and the future Yew St extension, as there was a previous development in the northeast of a 33-foot-half-width and that was in talking through with **City Staff** and understanding when that was requested and required. This was to start the process, knowing at that time it could be a 50-foot right-of-way with an 8-foot easement. **Mr. Van Agtmael** continued, explaining that in conjunction with a 50-foot right-of-way typically a 5-foot easement minimum requirement in Woodburn. He explained that that's why they offered to put that restrictive covenant on the deed, and it'll be there forever. Therefore, in case the duplex is modified or changed, at that time the **City** can require that to be dedicated to the **City** to meet the minimum requirements and the

proposed building will reflect the minimum requirements. **Mr. Van Agtmael** moved on to address the questions about 3rd Street and its width. He understood the concerns about the current standards of 3rd Street's construction and explained the history of that street's construction. He provided an explanation of how the street would look if it followed today's development code. **Mr. Van Agtmael** stated that they work as best they could to accommodate the site with the constrictions they were given.

Chair Ellsworth asked if the **Planning Commission** had any questions for the applicant. **Applicant Cameron** wanted to add one more thing about the ADA. She said that the owner of the property said that if there is a person who has disability, that parking stall would go to them. If there wasn't a person requiring ADA parking, then the spot would go to the resident moving in and there will be shifting around the spots if needed. **Applicant Cameron** added that the bottom floor apartments are designed as ADA, as required by code. In short, the resident who had ADA needs would get the spot. **Commissioner Bartel** reminded everyone about the question of where the trash bins would go. She pointed it out on the site map and that it appears to be in the upper left corner, which **Applicant Cameron** confirmed to be true. **Commissioner Berlin** asked who would be taking the bins out and **Applicant Cameron** said that **Republic Services** would be walking into the site and taking them out, as they won't be driving trucks down there. **Chair Ellsworth** asked if the **Planning Commission** had any questions for the applicant and **Commissioner Bartel** had another question. The question was if there was going to be any fencing between the new building and the existing duplex or is it just outdoor space that folks from either side can utilize. **Applicant Cameron** answered by saying that it's an open space for folks on either side to utilize. It is also a space for the fire department to have access to in case an emergency were to happen. **Commissioner Berlin** asked that the fire department's entrance is in the back and **Applicant Cameron** said correct and gave a description of the front layout of the parking stalls, and how the layout of the front of the building grants privacy between the units.

Chair Ellsworth asked if the **Planning Commission** had any questions for **Staff**, which there were none. **Chair Ellsworth** did have one and asked **Staff** if the parking on 3rd Street one side parking only or is it two sided. Her other question was about the process if a neighborhood wanted to apply to change street parking to one side parking only, who would they contact and how they can start the process. **Director Kerr** commented that the **City Council** would be the only one to take that action for a street. As for an application to start the process, he isn't aware of a program existing for that issue, but maybe a recommendation from **Staff**, which works its way to **Public Works** then to the **City Council**. **Chair Ellsworth** understood these concerns about narrow streets and that street parking on those types of streets need to be one sided only. If any neighborhood wanted to start that process, they could email **Staff** and **Staff** can help them get in contact with the right people. **Planner Handel** had an answer to her question about 3rd Street and the answer was that parking was allowed on both sides.

Chair Ellsworth asked if there were any other questions or comments from the applicant. Hearing none, she closed the meeting and went on to deliberation. The **Planning Commission** talked among themselves with everything they'd heard from the applicant. The **Planning Commission** seemed to agree with the 7-foot fence and think the design of the quadplex is beautiful. They don't like the fact that the developer is trying to put a big building in a small area, but it meets the requirements of the development code and Middle Housing Law allows it to be there. Some pointed out that the project had some positive aspects like the green space for both residents of the quadplex and duplex could use. The **Planning Commission** talked about parking and how it's an issue no matter what project is being developed. The **Planning Commission** discussed the two-variance request and the street adjustments, which some **Commissioners** said shrinking the driveway would contribute to less parking spots available for residents. They also share concerns about how tight the parking will be due to the reduced sizes, but if the **Fire Marshal** said it was okay, then they would have to trust their judgement. **Planner Handel** gave descriptions of the development standards for parking spots.

When it came time to decide on a motion, some **Planning Commissioners** expressed their uncomfortableness with the proposed motion made by **Commissioner Berlin**. **Chair Ellsworth** asked **Assistant City Attorney Granum** for guidance on how to proceed with a motion. **Assistant City Attorney Granum** stated that they either need a motion to approve the conditions as they're presented and vote, or they can do a motion to approve with the conditions and some modification to those and vote. She

commented that if they wanted to deny the project then they would need to make a motion to deny what they are denying and then vote. **Chair Ellsworth** said it best by commenting that no one is going to deny the motion, but the motion doesn't reflect their concerns about some of the items like parking and the reduced driveways. **Assistant City Attorney Granum** stated that if the motion is to deny is voted down, they would still need a motion either to approve on a different basis or to deny the project on a different basis. The **Planning Commission** convened for a bit, to see what the better option is. **Vice-Chair Hernandez-Mejia** said it might be better to call the applicant one more time to ask a clarifying question to help ease any doubts among the **Commission**. **Assistant City Attorney Granum** stated that if they want to hear from the applicant again, they will need to make a motion to reopen the hearing as they closed it. **Assistant City Attorney Granum** added that they would need to vote on it and once the hearing has been reopened, the applicant can come up and provide additional information on the record, but any member of the audience would be allowed to add comments as well. She added that the **Commission** can either reopen the hearing tonight or move it to another date of their choosing.

Vice-Chair Hernandez-Mejia made a motion to reopen the record. **Commissioner Berlin** seconded the motion. **Chair Ellsworth** stated that she had a motion and a seconded. **Chair Ellsworth** asked for all those in-favor and the vote was unanimous, and the hearing was reopened and invited the applicant to testify. **Mr. Van Agtmael** commented about the deliberation and said that he will answer the questions about the width of the driveway. He said that 16 feet is accommodating two vehicles at its minimum. **Mr. Van Agtmael** explained that there are jurisdictions in the State of Oregon that 16 feet is the minimum requirement for a two-way driveway. It is at its minimum and they do understand the constraints of the existing building on the property line, which constrains what they must work with. **Mr. Van Agtmael** understands the safety concerns with that; 16-foot at its minimum with a normal non-over-sized vehicle fits comfortably. He explained more about the standard that they followed from the development code and the state's code. **Mr. Van Agtmael** explained that that's the reason why they are applying for the variance, as they understand that it not a comfortable fit for two vehicles in a small space. **Mr. Van Agtmael** asked if anyone had questions or needed him to clarify anything else. **Vice-Chair Hernandez-Mejia** asked what the width of the parking lots in the back is. **Mr. Van Agtmael** answered that it was 9 feet and **Planner Handel** added that its dimensions are 9ft x 18ft. **Mr. Van Agtmael** explained the difference when designing a parking spot and a travel way. **Planner Handel** asked a question to **Mr. Van Agtmael** if it was possible to fit a mountable 6-inch curb on the NE side of the drive aisle, within that foot of space where the fence is going. **Mr. Van Agtmael** answered that if they were to do that, it would be very tight. He explained whether it was a mountable curb or utilizing every inch of that foot of putting the fence in. He also suggested an agreement with the neighboring property owner that they can build on a property line fence together and it could give them an extra half of a foot or 8 inches. **Mr. Van Agtmael** pointed out that it might be more plausible to see during the time of design review or implementation review. He added that they discussed the plan with the **Fire Marshal**; the 24-foot at the entryway where the driveway is, that's the width. He then mentioned the 16-foot is the two-way traffic way in. **Mr. Van Agtmael** commented that the **Fire Marshal** was willing to accept 8 feet for a fire truck to pull in there and still have traffic to get in and out safely during an emergency. **Mr. Van Agtmael** assured the **Commission** that it's all safe and **Vice-Chair Hernandez-Mejia** thanked him for clarifying everything.

Chair Ellsworth asked if the **Commission** had any more questions for the applicant, of which there were none. She asked if there was anyone from the audience who wanted to speak in favor, neutral, or against the project, and **Mr. Hunt** had something to say. **Mr. Hunt** stated that he's not in opposition or in favor, he just wanted to make sure that the fence will be built and that it will be built on the subject's property and not on the property line. **Chair Ellsworth** thanked him for clarifying on the fence and asked him which height he preferred, and **Mr. Hunt** said 7 feet. Both **Mr. Vazquez** and **Ms. Vazquez** went up to speak, stating that they also would prefer the 7-foot-tall fence. They also agreed on the fence being built on the subject's property and not on the property line, so they have room on their property to do things and not worry about double fencing. **Chair Ellsworth** asked if there was anyone from the audience who wanted to speak and there was none. **Chair Ellsworth** offered the applicant a chance to rebuttal and **Mr. Van Agtmael** commented that their client will accept the 7-foot fence and that's all he had for them. **Chair Ellsworth** asked if the **Planning Commission** had any questions for Staff and there were none. **Chair Ellsworth** closed the hearing and moved on to deliberation.

Vice-Chair Hernandez-Mejia commented that she is happy that the applicant is receptive of what was being said and she appreciated that. **Commissioner Bravo** agreed with her, and that while he isn't comfortable with how tight it is, he understood that there wasn't much that the applicant could do. They've done all they could, given the conditions they had to work with from the property. **Commissioner Bartel** commented that the applicant answered all the questions and she appreciated that, adding that the **Commission** is ready for a motion. **Commissioner Bartel** made a motion to approve **DR 23-06, RSS 23-01, SA 23-03, & VAR 23-03: 3rd Street Quadplex at 1123 & 1125 N. 3rd Street**, with the conditions recommend by **Staff** in the staff report, with requiring the applicant to build a fence with the height of 7 feet. **Commissioner Berlin** seconded. **Chair Ellsworth** stated that she had a motion and a second. **Chair Ellsworth** asked for all those in-favor and the vote was unanimous and **DR 23-06, RSS 23-01, SA 23-03, & VAR 23-03: 3rd Street Quadplex at 1123 & 1125 N. 3rd Street** was approved. She thanked everyone for their time.

***Chair Ellsworth** announced that the **Planning Commission** will take a 5-minute break. **The Planning Commission** reconvened at 8:45pm.*

DR 22-26 & VAR 22-15

Chair Ellsworth re-opened the hearing for the public hearing of **DR 22-17 & VAR 22-15: Holiday Inn Express addition/remodel at 120 N. Arney Rd.** **Chair Ellsworth** gave a brief description of the land-use item that was written on the **Planning Commission** agenda. **Chair Ellsworth** then asked if the **Planning Commission** had any ex-parte contacts, site visits, declarations, or potential conflicts of interests they would like to report and there were none. **Chair Ellsworth** asked if there were any challenges to the **Planning Commission** this evening and there were none.

Chair Ellsworth asked **Assistant City Attorney McKenzie Granum** to read the public hearing statement. **Assistant City Attorney Granum** read the statement.

After the public hearing statement, **Chair Ellsworth** asked for the staff report. **Senior Planner Colin Cortes** will be presenting the staff report for this hearing tonight. **Senior Planner Cortes** started the presentation of the public hearing **DR 22-17 & VAR 22-15: Holiday Inn Express addition/remodel at 120 N. Arney Rd.** This is a land use Type III application. **Senior Planner Cortes** stated that he enters the staff report and its attachments into the record. After his slide presentation, **Senior Planner Cortes** asked the **Planning Commission** if there were any questions for him. **Chair Ellsworth** had one question, which was for **Senior Planner Cortes** to make sure that item #5 ("A fee for removal of all the nice trees from the property"), which **Senior Planner Cortes** had noticed and directed to disregard, was not relevant, and that it was simply a mistake on the slide [17]. **Senior Planner Cortes** assured her that the mistake was only on the slide. **Chair Ellsworth** asked if anyone on the **Planning Commission** had any other questions for staff, and there were none.

Testimony by Applicant: Linsey McLane-Godwin, Planner II, MSS, Inc., 215 NW 4th St, Corvallis, OR 97330. **Applicant McLane-Godwin** is accompanied by her colleague **Peter Seaders**, a senior engineer from **MSS, Inc.** who joined online and can answer questions. A third member of the applicant's team introduced herself as **Christina Larson, Principal Architect, Varitone Architecture, P.O. Box 3420, Albany, OR 97321.** **Applicant McLane-Godwin** commented that they have a brief presentation about the project to show the **Planning Commission** or they can answer questions. **Chair Ellsworth** stated that the **Planning Commission** is interested in an applicant's presentation. **Applicant McLane-Godwin** began her presentation. She talked about site conditions and some history about it. **Applicant McLane-Godwin** then talked about the right-of-way (ROW) improvements Street Adjustment application and the Commercial General (CG) zoning site development standards. She moved on to discussing utilities and easements, along with WDO 3.03, 3.04, 3.05, & 3.06. Once **Applicant McLane-Godwin** finished, she handed the presentation to **Ms. Larson** to discuss architectural design. **Ms. Larson** talked about the building and the reason why they went with the proposed design and highlighted WDO 3.07.06B section of the development code. **Ms. Larson** moved onto talking about the signs for the hotel and highlighting WDO Chapter 3.10 about signs. **Applicant McLane-Godwin** then talked about the lighting work that would be done for the

hotel and mentioned sections of WDO Chapter 3.11 Lighting. **Applicant McLane-Godwin** concluded her presentation.

Chair Ellsworth asked if the **Planning Commission** had questions. The **Planning Commission** had no questions or comments for the applicant. **Chair Ellsworth** only comment was her retelling a story about the trees planted by the La Quinta motel along Arney Rd, that beavers came out of the ditch [to the west] where the wetlands were and chewed them down. Everyone laughed at that story, and **Chair Ellsworth** commented in jest that the applicant might want to consider putting up a barricade. **Chair Ellsworth** asked **Commissioner Bartel** if she had any questions. **Commissioner Bartel** said no but commented that the applicant won't have any trouble with the beavers, since they are from Corvallis, and everyone laughed. [The pun premise being the college football team that is the Oregon State Beavers.]

Testimony by Proponents: **Chair Ellsworth** asked if there was anyone who wanted to testify in favor of this development and there was none. She asked if anyone online wanted to speak and there was none.

Testimony by Opponents: **Chair Ellsworth** asked if there was anyone who wanted to testify in opposing of this development and there was none. She asked if anyone online wanted to speak and there was none.

Rebuttal by the Applicant: Since there was no testimony in either in favor or opposing, **Chair Ellsworth** closed the public hearing and moved onto deliberating.

The **Planning Commission** discussed among themselves for a bit more the characteristics of a building and how long the La Quinta motel has been in Woodburn [which has been since 1986]. **Commissioner Bravo** commented that he thought the drawings were beautiful and he thinks they look great. He is happy that the building to getting a face lift, as this building is the first thing people see when they enter **Woodburn**, so he's excited to see the results. **Chair Ellsworth** commented that she's excited that there will be new signage for the building.

Chair Ellsworth entertained a motion. With help from **Assistant City Attorney Granum**, an amended motion was made for the **Planning Commission**. **Vice-Chair Hernandez-Mejia** made a motion to recommend that the **Planning Commission** approve the **DR 22-17 & VAR 22-15: Holiday Inn Express addition/remodel at 120 N. Arney Rd** consolidated application package, subject to conditions of approval as recommended in the staff report, and an order prepare for the signature of the **Chair**. **Commissioner Berlin** seconded. **Chair Ellsworth** stated that she had a motion and a seconded. **Chair Ellsworth** asked for all those in-favor and the vote was unanimous and **DR 22-17 & VAR 22-15: Holiday Inn Express addition/remodel at 120 N. Arney Rd** was approved.

Anticipating approval with no changes, **Senior Planner Colin Cortes** then asked **Chair Ellsworth** to sign the already prepared land use final decision document, which he brought to the dais and she signed.

LA 21-03

Chair Ellsworth moved onto the final hearing of the evening, which was the legislative hearing **LA 21-03 Tree preservation and removal**. She opened the hearing and explained that it's a legislative amendment of the WDO to clarify and strengthen tree preservation standards related to both existing and new land developments.

Chair Ellsworth explained that they as a **Commission** have the option to either listen to a staff report or she can entertain a motion to continue this hearing and leave the record open. **Vice-Chair Hernandez-Mejia** said she can do a motion and **Chair Ellsworth** asked **Senior Planner Cortes** what date should be listed in the motion. **Senior Planner Cortes** stated that it would be the Commission meeting of August 24, 2023. **Chair Ellsworth** entertained a motion. **Vice-Chair Hernandez-Mejia** made a motion to leave the LA 21-03 hearing open and continue it on August 24, 2023. **Commissioner Berlin** seconded. **Chair Ellsworth** stated that she had a motion and a seconded. **Chair Ellsworth** asked for all those in favor, and the vote was unanimous with LA 21-03 continued to August 24, 2023.

Other Agenda Items

Business from the Commission: **Chair Ellsworth** asked if there was any business from the **Commission**. **Commissioner Bartel** had something to share. She talked about an event at Legion Park on Saturday August 12, 2023, at 10am-2pm. The event is called Community Connection Day/KidsFest. There will be over 50 exhibitors, fun activities, games for the kids, and they will be giving away backpacks filled with school supplies for the kids. **Chair Ellsworth** thanked her for the announcement, and she commented on how beautiful Legion Park looks, due to the improvements that were made recently. **Chair Ellsworth** asked if there were any more announcements, which there were none and she moved onto staff updates.

Staff Updates: **Director Kerr** commented he had a few staff updates. The first being the next **Planning Commission** meeting in two weeks with one quasi-judicial item and now the added legislative tree amendment. **Director Kerr** then talked about an upcoming land-use planning training course that the **Planning Commission** can sign-up to attend. He will send more details out in an email tomorrow. **Director Kerr** stated that the training is run by John Morgan's organization which is called Chinook Institute for Civic Leadership. **Director Kerr** commented that John is an excellent instructor, the classes are informative and engaging. He said this training will be on September 30th, 2023, here in the **Woodburn City** hall's council chamber room. **Chair Ellsworth** asked if there was a cost to the training and **Director Kerr** said that the department will take care of the fee. He also added that there will be lunch provided at the training and concluded the staff updates.

Adjournment: **Chair Ellsworth** entertained a motion to adjourn. **Vice-Chair Hernandez-Mejia** motioned that the **Planning Commission** adjourn. **Commissioner Berlin** seconded. **Chair Ellsworth** asked for all of those in-favor and the vote was unanimous. The **Planning Commission** adjourned the meeting at 9:19pm.

Approved _____
Lisa Ellsworth
Chair of Planning Commission
City of Woodburn, Oregon
Date _____

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