

**Woodburn Planning Commission  
Meeting Minutes  
September 28, 2023**

**Convened: The Planning Commission** met at 7:00 p.m. both in person and through a public online/virtual session via Microsoft Teams.

**Roll Call:**

Chair	Ellsworth	Present
Vice-Chair	Hernandez-Mejia	Absent
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 7:00 p.m. and asked **Staff** to begin roll-call. **Chair Ellsworth** led everyone through the Pledge of Allegiance.

**Minutes:** There were two sets of minutes on the agenda – from the July 27 and August 10 meetings. **Chair Ellsworth** asked if there were any corrections or additional information needed and there were none. **Commissioner Lassen** motioned to approve both minutes, **Commissioner Berlin** seconded. The motion passed unanimously.

**Business from the Audience: None.**

**Communications: None.**

**Public Hearings:**

*MOC 23-02*

**Chair Ellsworth** opened the public hearing for **MOC 23-02: Fleet Sales West Shop Building, located at 2175 N. Pacific Hwy** and gave a brief summary of the application. **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** and there were none.

**Community Development Director Chris Kerr** read the public hearing statement and **Planner Dan Handel** presented the staff report. After the presentation, **Chair Ellsworth** asked a question about the fees-in-lieu and where they go. **Planner Handel** explained that the fees are collected to make future utility burial improvements to Woodburn. **Commissioner Berlin** asked if the fee that was placed on the project was the actual fee to pay for the work to be done or a general amount. **Planner Handel** explained that the fee was calculated based on the length of frontage with above-ground power lines.

**Testimony by Applicant: Merle Wood, 6813 Arborwood Ct NE Keizer, OR 97303.** **Applicant Wood** explained that the reason that he's here tonight is because they can't afford the fee that the **City** is requesting. He explained that there is a lot of repair work going into the project and the fees are adding up.

**Applicant Wood** stated that they are a small staff, and they aren't planning to add more people. He stated while they make products and their facility is huge, it's not a lucrative business as it tends to look like, given the size of the property. **Applicant Wood** mentioned a few challenges that he had dealt with earlier this year. **Applicant Wood** stated that his Planner Steve Kay did a great job and that he's more than happy to put in the sidewalk. He said it's about \$30,000 to \$40,000 thousand on landscaping, building an easement, additional parking, etc. The project is becoming more expensive than the building is worth. **Applicant Wood's** final comment is that he's asking for that original fee price to be removed.

**Chair Ellsworth** asked if any Commissioners had questions for the applicant. **Commissioner Bravo** asked **Applicant Wood** how long his business has been at the location and **Applicant Wood** said since 2010.

**Testimony by Proponents: None.**

**Testimony by Opponents: None.**

Due to no opposition testimonies, **Chair Ellsworth** closed the public hearing and the **Planning Commission** moved onto deliberation. The **Planning Commission** discussed the fee-in-lieu and the discussion of undergrounding powerlines. Some commented that it was necessary and others commented that it wouldn't be fair to the applicant, as many of the businesses in the area don't have to bury lines. Others are worried about setting a precedent of not being able to complete important tasks for the **City** like burying powerlines, if applicants either won't do it or can't afford to do it. The **Planning Commission** did a quick summary of how they can either pass or deny a motion.

**Chair Ellsworth** entertained a motion. **Commissioner Bartel** moved for **MOC 23-02: Fleet Sales West Shop Building, located on 2175 N. Pacific Hwy.**, to vote to deny the variance request but approve amending Condition #6 to pay a fee-in-lieu in the amount of \$67,715 dollars as recommended by **Staff** and presented in the staff report. Both **Commissioner Bravo** and **Commissioner Lassen** seconded. **Chair Ellsworth** requested a roll call vote and **Director Kerr** started the vote. **Commissioners Bravo, Bartel, and Berlin** voted yes, while **Commissioner Lassen and Chair Ellsworth** voted no. The vote was 3-2, therefore the motion for **MOC 23-02: Fleet Sales West Shop Building, located on 2175 N. Pacific Hwy** was passed. The **Planning Commission** denied the variance request but approved the modification of Condition #6 to pay a fee-in-lieu in the lesser amount of \$67,715 as recommended by **Staff**.

*DR 22-06, PLA 22-04, SA 23-04, & VAR 23-04*

**Director Kerr** gave a brief introduction about the second item of **DR 22-06, PLA 22-04, SA 23-04 & VAR 23-04: 1030 Young Street Apartments, located on 1030 Young St.** He stated that **Staff** made a memo stating that applicant requested to continue the public hearing on October 12, 2023. **Director Kerr** stated that **Staff** supported the continuance and **Planning Commission** would need a motion and a vote to approve of the continuance request.

**Chair Ellsworth** entertained a motion. **Commissioner Bartel** moved that the public hearing of **DR 22-06, PLA 22-04, SA 23-04 & VAR 23-04: 1030 Young Street Apartments, located on 1030 Young St.**, to be continued on October 12, 2023. **Commissioner Lassen** seconded. **Chair Ellsworth** called for a vote, and it was unanimously in-favor. Therefore, **DR 22-06, PLA 22-04, SA 23-04 & VAR 23-04: 1030 Young Street Apartments, located on 1030 Young St** was continued to October 12, 2023.

*LA 21-03*

**Chair Ellsworth** moved into the public hearing of **LA 21-03: Legislative Amendment of the Woodburn Development Ordinance (WDO) related to tree preservation and removal.** **Director Kerr** gave a quick summary of what would need to be done tonight and that the role of the **Planning Commission** is to give a recommendation to the **City Council**.

**Senior Planner Colin Cortes** gave a presentation summarizing the results of past discussions about the tree code and what the agenda packet draft tree code looked like from fees to tier qualifications to remove trees in certain areas in Woodburn. **Senior Planner Cortes** gave the recommendation if the **Planning Commission** wished to recommend **LA 21-03** this evening and concluded his presentation.

The **Planning Commission** discussed ways of how to spread the word about the new tree code once it's been approved by **City Council**.

They discussed fees with staff and how it would look like for the public, depending on what qualifications are being applied for removal. In short, the proposed fee table is a clear and clean way to determine who pays for what depending on the situation presented in the application. Homeowners who don't plant a tree pay a fee-in-lieu and the money goes to the City to plant a tree somewhere in the city. **Assistant City Attorney McKenzie Granum** discussed the implementation of fees, to help the discussion the **Planning Commission** is on about fees.

The **Planning Commission** and staff discussed more about the draft tree code. **Chair Ellsworth** stated that the draft tree code looked great and didn't see any glaring issues with it and the rest of the **Commission** agreed. **Chair Ellsworth** mentioned that staff did a great job on it and commented on what she liked about it. **Chair Ellsworth** asked if anyone had other comments or questions and there were none.

**Chair Ellsworth** entertained a motion. **Commissioner Berlin** motioned to recommend that the Council approve **Legislative Amendment LA 21-03 and fees** as recommended in the staff report. **Commissioner Lassen** seconded. **Chair Ellsworth** asked for all those in-favor and the vote was unanimously in approval and the motion for **LA 21-03: Legislative Amendments of the Woodburn Development Ordinance (WDO) related to tree preservation and removal** was recommended.

**Business from the Commission: Chair Ellsworth** thanked everyone for their hard work on the tree code ordinance.

#### *Updates from Staff*

**Director Kerr** gave an explanation on introducing new WDO amendments to be considered, with the project file labeled LA 23-03 and creating a master plan of what needs to be amended from the WDO.

**Director Kerr** mentioned the upcoming meeting on October 12, 2023, with the 1030 Young Street Apartments project (DR 22-06) that the Commission had just continued to that date. **Planner Handel** mentioned he has an industrial project coming up in the next meeting.

**Director Kerr** added that they will be discussing the Economic Opportunities Analysis (EOA) project and **Special Projects Director Renata Wakeley** will lead that discussion.

**Director Kerr** thanked **Chair Ellsworth** and **Commissioner Corning** for going to attend the training on Saturday, September 30, 2023. He stated to the **Planning Commission** that he'll let them know about future training opportunities and to let him know if they are interested in taking any of those trainings.

**Commissioner Berlin** asked **Staff** if the **City** handles complaints about rent, poor building maintenance, landlord disputes, tenant's rights, etc. **Director Kerr** stated that while the **City** doesn't get directly involved, they have access to resources for the public to get in contact with the right organizations and offices to help with those issues.

**Adjournment:** The **Planning Commission** adjourned the September 28 meeting at 8:41 p.m.

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

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