

**Woodburn Planning Commission
Meeting Minutes
January 11, 2024**

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	Absent
Commissioner	Bravo	Present
Commissioner	Corning	Present
Commissioner	Lassen	Present

Staff Present:

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

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

(Editor’s note: **Commissioner Lassen** attended the meeting, but due to technical difficulties, he could hear and be seen but not be heard and had to call in via the Director’s cell phone.)

Minutes: The minutes were from **December 14, 2023**. **Chair Ellsworth** asked if there were any corrections or additional information needed. **Vice Chair Hernandez-Mejia** commented on the typo in the roll call attendance sheet, which should read **Commissioner Lassen** was present. **Chair Ellsworth** asked **City Attorney McKenzie Granum** if this would affect approving the minutes. **City Attorney Granum** stated that if a motion stated that the minutes can be approved with the condition that **Commissioner Lassen’s** attendance be changed from absent to present. **Chair Ellsworth** asked if there is a motion and **Vice-Chair Hernandez-Mejia** made the motion to approve of the minutes with the change to add that **Commissioner Lassen** was present and not absent at the roll call section of the minutes. **Commissioner Corning** seconded. **Chair Ellsworth** asked for all those in favor and the vote was unanimous and the **December 14, 2023** minutes were approved with the condition to correct the noted section.

Business from the Audience: None.

Communications from Staff: None.

Public Hearings:

MOC 23-03 to CU 22-02

Chair Ellsworth opened the hearing for **MOC 23-03: Townsend Farms at 960 Young St.** and gave a 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. **Assistant City Attorney Chris Killmer** read the public hearing statement and **Senior Planner Colin Cortes** presented the staff report and recommended denial of the application, reiterating the reasons found in the staff report. After the presentation, **Senior Planner Colin Cortes** asked if any **Commissioners** had any questions for **Staff**. **Commissioner Corning** asked if the developer had completed the building yet, and **Senior Planner Cortes** stated no and that there hasn't been a request yet for building or other inspectors to inspect. **Chair Ellsworth** asked commissioners for other questions of staff, which there were none. She moved onto the testimony of applicant.

Testimony by Applicant's representative: Tim Beaubien from Triumph Specialty Construction, Inc. 2132 Davis Rd, Flint, MI 48506, representing applicant Chris Peck of Triumph Specialty Construction and client Townsend Farms. He started by wanting to address each of the reasons for the denial and wanted to go into specific detail to each one. **Mr. Beaubien** discussed the timing of the project when it started back in 2022 and how staff had help Townsend Farms through the problems it was facing and that it missed having the expansion done by harvest season. He then explained why the company made modification of conditions request 1. The main reasons were that improving Young Street frontage would be unnecessarily burdensome to the applicant, to avoid fee in-lieu, and that the applicant already bonded for street improvements for about \$200,268 when the contractor received the building permit on June 20, 2023. **Mr. Beaubien** then presented his presentation and used the photos to press his case for why the improvements on Young Street are impossible. **Chair Ellsworth** asked for any more questions for the applicant, there were none and she moved on to testimony of proponents.

Testimony by Proponents: None.

Testimony by Opponents: None.

Before the **Commission** moved onto deliberation, **Vice-Chair Hernandez-Mejia** had a few questions about points in the construction and **Senior Planner Cortes** answered. **Commissioner Bartel** asked about the right-of-way (ROW) and **Senior Planner Cortes** answered. **Chair Ellsworth** asked the applicant to come up and answer some more questions, which he did. Having moved on to MOC request 2 about shrubbery, he asked about the Joyce Way ROW [the unnamed, unimproved ROW along the east lot line], to be a park, and if the **City** was going to maintain the trees and shrubbery that would be planted in that area. **Senior Planner Cortes** affirmed. In the context of the conditioned requirement to plant shrubbery along the east side of the outdoor storage yard, **Mr. Beaubien** gave some historical context of the relationship between Townsend Farms and the City plans for Joyce Way that changed over the years. **Mr. Beaubien** stated that the City plan to widen all of Young Street was infeasible because of existing developments and that it wouldn't happen soon anyway. **Mr. Beaubien** reassured the **Planning Commission** when it would be time to widen the street, the company will play its part to make it happen. **Chair Ellsworth** asked if there was any more testimony and there was none.

Chair Ellsworth closed the hearing and moved into deliberation. She asked if the **Commission** had any comments or questions, and **Commissioner Bravo** asked if it is feasible to expand and what is staff's take on this topic. **Senior Planner Cortes** explained that the purpose of the condition comes from the fact that the **City** has a Transportation System Plan (TSP), which has a number of diagrams or figures, and one of them indicates what are called functional classes of streets. He then explained that the class determines ROW and roadway widths. **Commissioner Corning** asked if the growth of the city affected the flow of traffic, and if that would determine how soon changes are made to streets. **Senior Planner Cortes** responded that the TSP adopted 2019 addresses these factors. **Chair Ellsworth** asked about "fee in-lieu". [Editor's note: Instead of a fee in lieu of Young Street improvements, she meant a fee the applicant would pay to buy out the shrubbery requirement.] She also asked whether the applicant deciding to do the improvements or pay the fee instead is up to him, and **Senior Planner Cortes** answered yes. The **Planning Commission** discussed the shrubbery in depth, the barrier, street improvements, fee, and the many other concerns that the applicant addressed.

After deliberation began to indicate that the Commission leaned towards approval with conditions **Senior Planner Cortes** introduced and distributed the addendum memo of January 11 and drew attention to page

2 item D as a “Plan B” recommended condition of approval were the Commission inclined to approve MOC request 2 about the shrubbery (at 1 hour, 8 min. and 9 seconds into the videoconference recording).

Chair Ellsworth invited the applicant to return to the microphone (at 1 hour, 11 min. and 27 seconds into the videoconference recording), to comment on item D which he was seeing for the first time. Before he could speak, **Ms. Margaret Townsend**, Vice President of Townsend Farms intervened (by videoconference, not in-person) to ask that a previously shown staff slide of the fence image [Editor’s note: Slide 11, which showed the same photo that was CU 22-02 final decision Condition CU5 Exhibit CU5.]. Staff brought it up on screen. **Ms. Townsend** complained about Condition CU5 and asserted that the company had been mowing Joyce Way grass for decades.

The Commission recessed for almost ten minutes. When the hearing recommenced, **Mr. Beaubien** stated he found the Plan B acceptable. The Commission deliberated further.

Chair Ellsworth entertained a motion. **Vice-Chair Hernandez-Mejia** made a motion to approve application **MOC 23-03** request 2 with Condition of Approval Letter D as staff recommends in the January 11 addendum memo and to deny request 1. **Commissioner Corning** seconded the motion. **Chair Ellsworth** called for a vote, and it was unanimously in-favor. Therefore, **MOC 23-03: Townsend Farms at 960 Young St** was acted upon.

DR 23-09, SA 23-07, & VAR 23-07

Chair Ellsworth opened the hearing for **DR 23-09, SA 23-07, & VAR 23-07: Salud Medical Center Renovation at 1175 Mt Hood Ave** and gave a 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 **Commissioner Bartel** stated that she had one. **Commissioner Bartel** stated that she works at and operates a medical clinic that is neighboring the Salud Medical Center (2050 Progress Way). **Chair Ellsworth** asked if there was anything that would stop **Commissioner Bartel** from making a fair decision and **Commissioner Bartel** stated that she can be neutral but understands if others want her to step aside from the vote in belief that this would be a potential conflict of interest. **Chair Ellsworth** asked if anyone else had any of the previous to declare and **Vice-Chair Hernandez Mejia** stated that she drives by the site on her way home. **Chair Ellsworth** asked if there was anything that would stop **Vice-Chair Hernandez Mejia** from making a fair decision and she said no. **Chair Ellsworth** asked if there were any challenges to the **Planning Commission** and there were none. **Assistant City Attorney Killmer** read the public hearing statement and **Planner Handel** presented the staff report as well as a staff memo dated January 9, 2024 outlined modifications to the due date for certain conditions that staff and the applicant agreed upon after the staff report was published.

After the presentation, **Planner Handel** asked if any **Commissioners** had any questions for **Staff**. **Commissioner Corning** asked to see the aerial view of the neighborhood because she wanted to see the driveway of the storage facility and how close it is to Salud’s. **Planner Handel** explained that any changes to that area would be **ODOT’s** jurisdiction and they would have the final say and one of their conditions to supporting this far was that it’s to be an exit only going westbound. **Commissioner Bartel** asked about the crosswalk improvements and wondered if the applicant would be allowed to make those improvements due to it being within **ODOT** jurisdiction. **Planner Handel** stated that it would be a permit through **ODOT**, as they would do the review and approve of it. **Chair Ellsworth** asked if shielding the tall lights is part of the application and **Planner Handel** said yes.

Testimony by Applicant: Meghan Panarella, a Project Manager from Clark KJOS Architects 621 SW Adler St. Portland, OR 97205. She introduced **Robin Southards, 604 West First Avenue, PO BOX 190, Toppenish, WA 98948**, who was representing the owner. **Ms. Southards** presented a small portion of the presentation about Salud Medical. After, **Applicant Panarella** presented the next portion of the presentation which was about the proposed project. **Mr. Tyler Carlson** spoke a few times and he’s the

Principal from Clark KJOS Architects 621 SW Adler St. Portland, OR 97205. Once the presentation was finished, **Chair Ellsworth** asked the Commission if there were any questions for the applicant. **Commissioner Corning** referenced the letter written by **Mr. Walt Griffiths** and asked his question on where loading areas would be located on-site. **Applicant Panarella** indicated where loading would occur on the site plan. **Chair Ellsworth** asked for any more questions for the applicant, there were none and she moved on to testimony of proponents.

Testimony by Proponents: None.

Testimony by Opponents: While there was no verbal testimony, **Chair Ellsworth** noted that the **Planning Commission** received written testimony from **Walt Griffiths of KWG Enterprises, LLC**, who neighbors the project site.

Rebuttal by Applicant: **Applicant Panarella** offered to respond to the concerns shared by **Mr. Griffiths** in his letter. She went through the letter and addressed his concerns one by one. **Commissioner Bartel** asked if there will be additional street lighting and **Applicant Panarella** said yes and they are working with both **PGE** and **ODOT**.

Chair Ellsworth closed the public hearing and moved onto deliberation. **Chair Ellsworth** thanked the applicant for addressing the concerns of the neighbor. **Commissioner Corning** commented that **Mr. Griffiths** provided very good questions and that the applicant had very good answers. **Chair Ellsworth** liked the landscaping plans, especially the safety aspects of it. **Commissioner Bravo** commented that it's a good use of the space and **Commissioner Bartel** commented that it's a great plan and it was thought out very well. **Director Kerr** asked **Commissioner Lassen** if he had anything to comment on and he did not. **Chair Ellsworth** entertained a motion. **Commissioner Corning** moved that the **Planning Commission** approved **DR 23-09, SA 23-07, & VAR 23-07: Salud Medical Center Renovation at 1175 Mt Hood Ave.** subject to the provisions of the staff report and that a final decision be prepared for the signature of the **Chair. Vice-Chair Hernandez Mejia** seconded the motion. **City Attorney Granum** asked **Chair Ellsworth** to amend the motion to incorporate the changes that were presented in the staff memo from January 9. Both **Commissioner Corning** and **Vice-Chair Hernandez-Mejia** agreed to that revised motion and it was seconded. **Chair Ellsworth** called for a vote for the revised motion, and it was unanimously in-favor. Therefore, **DR 23-09, SA 23-07, & VAR 23-07: Salud Medical Center Renovation at 1175 Mt Hood Ave.** was approved.

DR 23-08, SA 23-05, & VAR 23-06

Chair Ellsworth opened the hearing for **DR 23-08, SA 23-05, & VAR 23-06: Grating Pacific Building C at 2775 N. Front St.** and gave a 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. **Assistant City Attorney Killmer** read the public hearing statement and **Planner Dan Handel** presented the staff report and entered a piece of written testimony from Mr. William Pease as well as several background documents that were referenced within Mr. Pease's letter into the record. After the presentation, **Planner Handel** asked if any **Commissioners** had any questions for **Staff**. **Chair Ellsworth** asked **Planner Handel** that the **City** hasn't been asking for a fee-in-lieu for the past improvements of this development. He clarified that for these prior expansions, the property owner entered into non-remonstrance and improvement agreements with the **City** and explained what those were. The **Planning Commission** discussed the letter that Mr. William Pease wrote.

Chair Ellsworth asked **City Attorney Granum** a procedural question about the meeting and this agenda item. **Chair Ellsworth** then asked if there were any questions from the **Planning Commission** to **Staff**, which there were none.

Testimony by Applicant: **Ron Robertson** and his brother **Jeff**, whom both are owners of **Cirrus Northwest, LLC** and for **Grating Pacific**, address at 2775 N. Front St. **Applicant Robertson** introduced

John Wells, a P.E. from Westech Engineers, Inc. Applicant Robertson thanked both **Staff** and their team for their efforts in helping them with this project. He asked **Mr. Wells** to give the **Planning Commission** a summary of the project and what they've been dealing with in trying to make the street wider. **John Wells, from Westech Engineers, Inc. 3841 Fairview Industrial Dr SE #100, Salem, OR 97302. Mr. Wells** discussed various issues that would complicate improvements to N. Front Street and concluded that improving the street would have to be a huge capital project to make the change happen. **Applicant Robertson** talked about **Mr. Pease's** letter and while they agreed to many of the 13 conditions, he listed out the ones they aren't in agreement with. He gave descriptions for each one and why they disagree, such as signage, trees, power line burial, and the fee-in-lieu for street improvements which includes street lights. **Applicant Robertson** stated that he did not oppose paying his fair share towards these improvements, he simply is requesting to wait to pay his share until those improvements are actually going to happen.

Chair Ellsworth asked if anyone has questions for the applicant. **Commissioner Bravo** asked what improvements could be included within an agreement. **Planner Handel** clarified that any of these improvements can be put into an improvement agreement. **Chair Ellsworth** asked if the **Planning Commission** wanted to, could they adjust the existing ones for another 40 years. **Planner Handel** explained the meaning of a non-remonstrance agreement and that it has an expiration date. **Commissioner Bravo** asked what benefit the fee-in-lieu provides the **City**. **Planner Handel** stated that it would give the **City** more certainty of improving areas, such as having the money available to do so and could move a project forward. **Director Kerr** helped provided clarification between an improvement agreement and a non-remonstrance agreement. **Chair Ellsworth** asked if anyone had any more questions. Hearing none, she moved onto testimony by proponents.

Testimony by Proponents: William Pease, MSC Engineering, Inc. 3470 Pipebend PI NE, Salem, OR 97301. Mr. Pease explained his history of the site and how he was involved with past public hearings for the improvements to the site. **Mr. Pease** noted that he submitted a written testimony prior to the hearing tonight and that he doesn't have too much to add. He did mention that probably the main issue is that he doesn't think that it's appropriate to pay a whole bunch of money now for something that is not going to happen for another 20, 30, or 40 years. He stated that he could make the argument that the minor arterial status is not the appropriate street classification for something that's going to turn into a turnpike with 24 feet of pavement. **Mr. Pease** stated that **Marion County** said that the traffic count doesn't justify them considering improvements. His final thought was that since the street is considered local industrial, it would not require all of the improvements since it's at the end of city limits.

Testimony by Opponents: None.

Since there was no testimony in opposition, **Chair Ellsworth** closed the hearing and moved onto the deliberation section. Before they started, she asked her fellow **Commissioners** if they would like to continue the deliberation and decision to the next meeting. **Commissioner Corning** stated that she would like to continue the discussion to another meeting date and **Chair Ellsworth** agreed with her. The rest of the **Commissioner** agreed to that idea and **City Attorney Granum** stated that someone needs to make a motion. **Chair Ellsworth** entertained a motion. **Commissioner Corning** motioned to continue considering the **Grating Pacific Building C** applications of **DR 23-08, SA 23-05, & VAR 23-06** to the next **Planning Commission Meeting on January 25, 2024. Vice-Chair Hernandez-Mejia** seconded the motion. **Chair Ellsworth** called for a vote for the motion, and it was unanimously in-favor. Therefore, **DR 23-08, SA 23-05, & VAR 23-06: Grating Pacific Building C at 2775 N. Front St.** was continued to the next **Planning Commission Meeting on January 25, 2024. City Attorney Granum** reminded them that no outside deliberation from the city council room is allowed.

Business from the Commission: None.

Updates from Staff: Director Kerr had one update. The first was that at the last **City Council** meeting on Monday night, all the current **Planning Commissioners** that were up for reappointment were reappointed to the Planning Commission and he congratulated them.

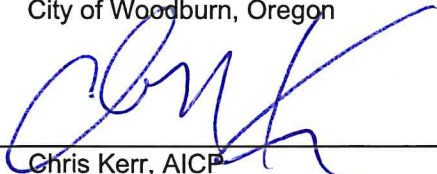
Adjournment: Chair Ellsworth entertained a motion. **Vice-Chair Hernandez-Mejia** motioned to adjourn the meeting and **Commissioner Bravo** seconded. **Chair Ellsworth** called for a vote, and it was unanimously in-favor. The meeting was adjourned around 10:26pm.

Approved 

Lisa Ellsworth
Chair of Planning Commission
City of Woodburn, Oregon



Date

Attest 

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



Date