

**WOODBURN PLANNING COMMISSION MEETING MINUTES
December 11, 2008**

CONVENED The Planning Commission met in a regular session at 7:00 p.m. in City Hall Council Chambers with Chairperson Bandelow presiding.

Chairperson Bandelow questioned members of the Planning Commission having potential conflicts such as family, financial, or business relationship with any of the applicants or with regard to the project in question. If such a potential conflict exists, she asked whether the Commissioner in question believes he or she is without actual bias or whether he or she would like to step down from the Planning Commission during the case. There were none. There were no objections from those present.

Chairperson Bandelow announced: agenda is available at the back of the room. We will consider cases one at a time according to the order listed in the agenda. We will follow the hearing procedure outlined on the public hearing procedure board. All persons wishing to speak are requested to come to the podium and give their name and address. Any individuals speaking from other than the podium will not be recognized.

Commissioner Jennings led the salute to the flag.

ROLL CALL

Chairperson	Bandelow	P
Vice Chairperson	Vancil	P
Commissioner	GrosJacques	P
Commissioner	Grigorieff	P
Commissioner	Hutchison	P
Commissioner	Jennings	P
Commissioner	Kenagy	P

Staff Present: Scott Derickson – City Administrator
Natalie Labossiere – Interim Community Development Director
Dan Brown – Public Works Director
Jon Stuart – Assistant City Attorney
Carrie Brennecke – Associate Planner
Don Dolenc – Associate Planner
Alexandra Sprauer – Interim Administrative Assistant

MINUTES

- A. Woodburn Planning Commission Meeting Minutes of October 23, 2008.
Commissioner Jennings moved to accept the minutes. Vice Chairperson Vancil seconded the motion, which unanimously carried.

PROCEEDURAL MOTION

Commissioner Jennings offered a procedural motion to move Agenda Item 6.B. Discussion Item: Election of Chair and Vice Chair moved to Item 3. Commissioner Grosjacques seconded the motion, which unanimously carried.

Commissioner Jennings moved to nominate Ellen Bandelow for Planning Commission Chairperson, and David Vancil as Planning Commission Vice Chairperson, for term of office to expire December 31, 2009. Commissioner Grosjacques seconded the motion.

ROLL CALL

Chairperson	Bandelow	Yes
Vice Chairperson	Vancil	Yes
Commissioner	GrosJacques	Yes
Commissioner	Grigorieff	Yes
Commissioner	Hutchison	Yes
Commissioner	Jennings	Yes
Commissioner	Kenagy	Yes

BUSINESS FROM THE AUDIENCE

City Administrator Derickson discussed recent city budget adjustments. The general fund is expected to experience a \$175,000 budget shortfall. The Building Division is expected to experience a \$75,000 budget shortfall. One Planning Division staff member and two Building Division staff members have been reassigned to contractual services with another city department.

City Administrator Derickson stated that the new Community Development Director, Jim Hendryx, is assigned to begin work on Monday, December 15, 2008. Derickson encouraged Planning Commissioners to introduce themselves to Hendryx.

City Administrator Derickson suggested that the Planning Commission choose a set of board policies and encouraged the Community Development Department to move towards Economic Development.

Commissioner Jennings introduced Kevin Kenagy as a new Planning Commissioner.

Public Works Director Brown introduced himself to Planning Commissioners. Brown stated that he plans to serve as an interface between the Public Works Department and the community.

COMMUNICATIONS

- A. Woodburn City Council Meeting Minutes of September 22, 2008
- B. Executive Session Woodburn City Council Meeting Minutes of September 22, 2008
- C. Woodburn City Council Meeting Minutes of October 27, 2008
- D. Woodburn City Council Meeting Minutes of November 10, 2008
- E. Executive Session Woodburn City Council Meeting Minutes of November 10, 2008

No comments were made.

PUBLIC HEARING

- A. Benavidez Tires – Arnoldo Benavidez, Applicant – Conditional Use 2008-01

The applicant requests a conditional use for auto parts sales, tire and wheel sales and installation, and general automotive repair in the Commercial General (CG) zone.

Chairperson Bandelow asked if any of the Planning Commission members have any conflicts that they would like to declare.

None.

Staff Report

Associate Planner Don Dolenc read the applicable ORS then commenced his presentation.

The subject property is located on Highway 99E. It is 1.1 acre in area and is zoned Commercial General (CG) and designated Commercial on the Comprehensive Land Use Plan Map. It is currently occupied by two 3,000 square foot commercial building constructed in 1940 and a 1,860 square foot commercial building constructed in 1967. No wetlands or floodplains exist on the site.

Adjacent properties to the west, south and east are zoned Commercial General (CG). A portion of the property to the north is zoned Single Family Residential (RS). Two properties to the north are zoned commercial but are developed with single family dwellings.

The aerial photo depicts three structures on the property. One of the larger buildings is occupied by a beauty salon and the other by a restaurant. The proposed use would occupy the 1,860 square foot building.

Property to the south and west are developed with an auto repair facility. Property to the north is developed with a restaurant and a professional office, and single family dwellings. Property across Highway 99 is developed with mobile home sales operation and a vacant commercial lot.

The 1,860 square foot building was constructed in 1967 as a gasoline service station. Its previous uses include auto repair and transmission repair shop. The auto repair use has continued as a non-conforming use.

The applicant is currently conducting business at the location. The CG zone allows the selling of auto parts without installation. The non-conforming use for auto repair is not the subject of the conditional use; the non-conforming use may continue until the use is terminated, as provided in WDO 1.104.

The Commercial General regulations distinguish between selling auto parts without installation, a bi-right use, and selling auto parts with installation, a conditional use. The applicant wishes to sell auto parts, tires, and install them. The applicant is requesting a conditional use to install auto parts.

There was discussion amongst the Planning Commission and staff in regards to the interpretation of the term auto part, concerns of conditional use fees, and the reason why the "installation element" would trigger a conditional use.

Vice Chairperson Vancil stated the intent of the ordinance is to prevent noise pollution.

Assistant Attorney Stuart stated that there was a legislative reason behind the WDO. Stuart recommended the Planning Commission hear the complete staff report with recommendations, and then make a decision. If necessary, Planning Commission could then deny.

Chairperson Bandelow stated if Planning Commission denied the application the applicant would lose money.

Associate Planner Don Dolenc stated that staff is sensitive to the fee issue. Staff looked at the issue closely and determined that the language used in the Commercial General (CG) regulations is clear, and it would be inappropriate for staff to "go around it". Staff does not have the discretion or authority to make the decision.

Vice Chairperson Vancil asked if there were records indicating previous decisions made by former staff members.

Associate Planner Don Dolenc answered no. There were no records from the former transmission shop.

Commissioner Jennings stated that years ago the property had zoning issues.

Associate Planner Don Dolenc continued to present the staff report. The business is currently operating without installation. Dolenc presented the applicant's site plan.

The sign on the property is nonconforming. The sign code requires the sign that is attached to the tenant space be brought into conformity when there is as conditional use. One of the conditions of approval is to remove the nonconforming pole sign or convert it into a monument sign. The applicant and the property owner are both aware of the requirement. The sign requirement is included in the conditional use process because the conditional use is the trigger that requires the sign to be brought into conformity.

The aerial view depicts tire racks on the property. The tire racks display tires and rims. The WDO regulates outdoor storage. However, the racks have wheels and are brought into the building after hours. Staff has determined that the tire racks are product display; they are not outdoor storage.

The original site plan depicted garbage containers behind the building. The applicant has instead decided to use the existing containers. The garbage containers are not included in the project.

The existing outdoor storage is to be enclosed. The applicant is aware that it must be enclosed. The applicant can enclose the area around the building where it is currently being stored. This requirement is not a condition of approval.

This project has four conditions of approval.

Staff recommends approval of case CU 2008-01 subject to the conditions of approval attached to the staff report. Associate Planner Dolenc concluded the staff report.

Chairperson Bandelow asked if there were any questions to the staff.

Commissioner Hutchison asked if the sign currently being displayed at the location had been approved.

Associate Planner Don Dolenc answered that the applicant had been approved for a temporary sign. The code allows the temporary sign to be displayed. The sign is not permanent.

Chairperson Bandelow asked if there were any further questions of the staff.

None.

Chairperson Bandelow invited the applicant for testimony.

Arnoldo Benavidez, 595 N. Pacific Highway, Woodburn, OR 97071. Benavidez owns Benavidez Tires. He has operated the business for twenty years, and would like to continue providing service to his customers at his new location.

Vice Chairperson Vancil asked if the new location was in addition to the existing location across the street.

Arnoldo Benavidez answered no. The new business location is in place of the old business location.

The Planning Commissioners applauded Arnoldo Benavidez for the appearance of the new location.

Chairperson Bandelow asked if there were any further questions of the applicant.

Chairperson Bandelow asked if there were any proponents for this application.

Jake Jacobson, 1585 W. Main Street, Molalla, OR 97038. Jake Jacobson addressed the Planning Commission. He is a local business person that knows Arnoldo Benavidez personally. He knows staff and is aware of planning requirements. He considers tire to be car parts. Tire businesses need to be able to install the tires they sell. He has worked with Arnoldo Benavidez to address the sign and tire storage issues. He asked the Planning Commission to approve Arnoldo Benavidez's request for conditional use.

Don Judson, 2815 Hazel Avenue, Woodburn, OR 97071. Don Judson is the Executive Director of the Woodburn Chamber of Commerce. Forty-five days ago he received his first telephone call from a chamber member regarding the dilemma with Benavidez Tires. He spoke with Arnoldo Benavidez and contacted City Administrator Derickson and community development staff. He is frustrated with how long it takes to open a business in the City of Woodburn. The business would be operating if it was located in county land across the street. The delay is costly and hurts business. He requested that the Planning Commission approve the conditional use as soon as possible. Installation should be grandfathered to the location. The City of Woodburn should support Benavidez Tires.

Chairperson Bandelow invited Don Judson to the Planning Commission meetings. He would find the Planning Commission to be business friendly. The Commission does not want Arnoldo Benavidez to have to pay fees for the conditional use. Staff and Planning Commission must work within the parameters of the WDO.

Vice Chairperson Vancil encouraged the members of the Chamber of Commerce to involve themselves in WDO revisions. The previous update involved little participation.

Cliff Zauner 2662 Hazelnut Drive, Woodburn, OR 97071. Cliff Zauner and his wife own WCAT, a local radio station. He has known the Benavidez family personally for many years. Benavidez Tires is a great small business. He requested that Planning Commission approve the conditional use.

Conde Benavidez, 245 Polly Street, Woodburn, OR 97071. Conde Benavidez is co-owner of Benavidez Tires with his brother. They have owned Benavidez Tires for twenty-eight years. This is their fourth location. One of the brothers recently passed away; he and his wife owned the previous location across the street. In their twenty-eight years in business they have never received a noise complaint. They would like to remain in business.

Chairperson Bandelow asked if there were any additional proponents.

None.

Chairperson Bandelow asked if there were any opponents for this application.

Daniel Atkinson, 110 N. 2nd Street, Silverton, OR 97381. Daniel Atkinson is the attorney for Margarita Benavidez. He submitted a memo to the Planning Commission. He asked them to move carefully with the case. Approving the conditional use is against the WDO. The proposed use may not meet the standards for off street parking. Tire racks would consume parking space. The proposed use may not even meet setbacks to the north. Atkinson concluded by stating that the application is not compatible by the described uses in the zone.

Commissioner Jennings asked if the county property across the street installs tires.

Daniel Atkinson answered yes.

Commissioner Jennings asked why his objection only applies to the property within the city.

Daniel Atkinson answered that the property across the street is within the county and not carried by the WDO. The city has different standards.

Commissioner Jennings stated that it should be a level field. Both sides should receive fair treatment.

Chairperson Bandelow asked if there were any additional opponents.

None.

Chairperson Bandelow invited the applicant for rebuttal.

Jake Jacobson is Arnoldo Benavidez's contractor. Jake Jacobson stated that the community does not distinguish itself into separate corridors. There is no reason that the county side of a street should be granted uses that the city side of a street is not. He disagreed with Daniel Atkinson and his methodology behind his decisions. This should be a simple application. The only opposition to this application derived from an outside, pending civil suit. The Benavidez family has worked very hard, they have asked for the outside consultation when needed, they are open and ask for guidance.

Chairperson Bandelow closed the hearing and was open for discussion.

Commissioner Jennings stated that the application should be approved. He recognized that staff did not feel that they had the authority to challenge the WDO. The use of the property is not an issue, the cost of the approval is an issue of concern.

Vice Chairperson Vancil agreed with Commissioner Jennings. He respects staff for their knowledge of the WDO, and realizes the complexity of the ordinance. The Planning Commission should approve the conditional use application as presented and recommended by staff. In the future, conditional use requirements should be analyzed and revised.

Commissioner Hutchison applauded staff for the quality of their work. The WDO should remain consistent in regards to signage and storage, in how it is applied throughout the city. He is in favor of the application.

Commissioner Grosjacques agreed with Commissioner Jennings.

Chairperson Bandelow asked Commissioner Jennings for clarification on his earlier statement. She asked Commissioner Jennings if he believed that auto repair should be grandfathered to the location. This application should not be considered a change of use.

Assistant Attorney Stuart stated that there is not a provision to avoid a fee. Because the Planning Commission is a non-elected body, they are limited to what the WDO will allow. Legislative decisions are made by City Council. He agreed with Commissioner Jennings in that there is room for interpretation. The Planning Commission needs to make a decision based on the facts. They can approve the application with conditions, approve the application without conditions, deny the application, or make a motion to continue the hearing. All of the options have their own ramifications. If they disagree with staff's interpretation they should leave the record open and continue the hearing to determine the next step.

Chairperson Bandelow stated that the Planning Commission is concerned about the project being delayed any further. Delaying a decision would only hurt Arnoldo Benavidez's business, and would not ensure that the fees would be refunded.

Assistant Attorney Stuart stated that staff has the option to recommend approval with the recommendation that the fee be returned. Approving the application would make it a conditional use. They have the option to deny the application. They also have the option to determine that the use has been grandfathered to the location, becoming an outright non-conforming use. The Planning Commissions should document their findings and justifications no matter the determination.

Commissioner Grigorieff asked if the Planning Commission could approve the application and recommend that City Council refund the fees.

Assistant Attorney Stuart answered yes.

Commissioner Grigorieff stated that they could then put conditional use on the list for WDO revisions.

There was discussion amongst the Planning Commission members in regards to the effects of grandfathering installation to the location.

Associate Planner Don Dolenc stated that the application must be processed. If the application is denied the applicant is not entitled a refund. If the application is approved, Planning Commission has the opportunity to recommend the fee be returned.

Assistant Attorney Stuart stated various decisions Planning Commission could make.

Vice Chairperson Vancil moved to approve Conditional Use 2008-01 as written with a recommendation to staff that the fee be waived. Commissioner Grosjacques seconded the motion.

Commissioner Jennings discussed the term “waived” and suggested “waived” be replaced with “refunded”.

Vice Chairperson Vancil moved to amend the motion to replace the word waived with the word refunded. Commissioner Grosjacques seconded the motion, which passed unanimously.

ROLL CALL

Chairperson	Bandelow	Yes
Vice Chairperson	Vancil	Yes
Commissioner	GrosJacques	Yes
Commissioner	Grigorieff	Yes
Commissioner	Hutchison	Yes
Commissioner	Jennings	Yes
Commissioner	Kenagy	Yes

- B. Nuevo Amanecer – Farmworker Housing Development Corporation, Applicant – Design Review 2008-05; EXP 2008-08

The Applicant requests a design review for a 40-unit affordable housing development and an exception to street right-of-way and improvements on 2nd Street.

Chairperson Bandelow asked if any of the Planning Commission members have any conflicts that they would like to declare.

Commissioner Jennings stated that he has recently traveled the site, but does not have ex parte conflict.

Staff Report

Associate Planner Brennecke read the applicable ORS then commenced her presentation.

The subject property is located in Medium Density Residential zone (RM). Adjacent properties to the north and east are zoned medium density residential. Adjacent properties to the south and east are zoned Residential Single Family (RS).

The ariel view of the site depicts the existing adjacent land uses. Property to the north is occupied by Nuevo Amanecer Phases I and II and Stonehedge Apartments. Property to the west and south is occupied by older, single family homes. Property to the west is occupied by single family homes and commercial property. The project proposes a pedestrian connection between the proposed and existing Nuevo Amanecer complexes. The entrance to the proposed complex is Second Street. The street improvements are proposed for Second Street.

The photo of the property depicts a vacant lot.

The project is a medium density residential development consisting of forty dwelling units, nine two-story and three-story buildings, eighty off street parking spaces and two drive ways, a multi-purpose community room, laundry room, management office, playground and community plaza.

The project proposes six foot architectural walls where the development abuts single family dwellings and where parking is located in the required setback. The project also proposes off site street improvements and water detention facilities.

The site design plan depicts the building locations, parking, street and open space.

The elevation drawing depicts the building facing Second Street.

The proposed plans meet the architectural design guidelines, or propose equal or better alternatives. The only exception to the guidelines is the required fifty percent of parking that should be covered by garages. Staff concurred with the applicant that the requirement would not be appropriate to require garages because the surrounding multifamily development does not include garage parking. It would not be an equitable situation for the residents. The added cost would make the project less affordable to low income residents.

Vice Chairperson Vancil asked why the garage requirement should be waived for the proposed development.

Associate Planner Brennecke stated that the Planning Commission can apply standards at their discretion.

There was discussion amongst the Planning Commission in regards to nodal housing and rezoning property.

Vice Chairperson Vancil asked if the proposed project would look similar to the renovated portions of Nuevo Amanecer Phases I and II.

Associate Planner Brennecke stated that the applicant would give a presentation on the project's design and function.

Associate Planner Brennecke continued to present the staff report. The landscaping plan depicts plant unit requirements in various colors. The plan also includes the required planting areas, which include buffer yards, common area, and landscaping adjacent to parking. Each planting area has an area typical.

The applicant requests an exception to the street right-of-way and improvement requirements on Second Street. Second Street is the boundary street and connecting street for the project. Second Street is classified in the TSP as a local residential with parking on both sides.

The picture depicts two ten foot travel lanes, two seven foot parking lanes, two seven foot landscape strips, and two five foot sidewalks. The WDO Street Standards require a cul-de-sac at the termination streets with a minimum radius of fifty-five feet with an improved street radius of forty-five feet.

The existing conditions of Second Street include a sixty foot right-of-way. The street is nineteen hundred feet in length, extending from Harrison Street to the site. Second Street dead-ends at the project site without a turnaround. The boundary portion of the street consists of a twenty foot gravel surface, the connecting portion has twenty-seven foot paved surface. Parking is permitted on both sides of the street. There is a planter strip and four foot wide sidewalk.

The applicant proposes two ten foot travel lanes, one seven foot parking lane, one seven foot planting strip, one five foot wide sidewalk, a cul-de-sac with a thirty foot radius and a

hammerhead turnaround to accommodate emergency vehicles.

Staff recommends approval of cases DR 2008-05 and EXP 2008-08 subject to the conditions of approval attached to the staff report. Associate Planner Brennecke concluded the staff report.

Vice Chairperson Vancil asked what the outcome would be if the Planning Commission did not approve the exception to the street right-of-way.

Associate Planner Brennecke stated that if the exception was denied, the applicant would be required to build out the boundary and connecting street to the TSP standards.

Associate Planner Brennecke entered into record the full drawings provided by the applicant. The drawings include the elevation, unit floor plans, and the layout for all of the buildings.

Chairperson Bandelow invited the applicant for testimony.

Brian Carleton, 322 N.W. 8th Ave., Portland, OR 97209. Brian Carleton is with Carleton Hart Architecture and is representing the applicant on the Nuevo Amanecer project. Karen Pierson is also an architect with Carleton Hart and will answer technical questions. Jesse Olson is with Farmworker Housing Developer Corporation.

Brian Carleton presented the project through a slideshow.

The presentation showed the relationship from Nuevo Amanecer Phases I and II to the proposed development. It included a turnaround with a pedestrian connection. There would not be an automotive connection. He explained that the design and site plan attempted to achieve a sense of neighborhood for the residents. Each apartment would have a private front door and a front porch. The buildings would be focused on open spaces while the parking would be focused towards the edges. The townhouses would be located near the adjacent single family dwellings, and the three-story buildings would be located towards existing multifamily buildings. The development would be broken into small buildings with fewer units. They would build a variety of building designs. They have organized the site for solar access for sustainability. All of the buildings have southern exposure and the open spaces would receive sunlight.

He presented elevation drawings for several buildings. The front of buildings and the rooflines varied in dimension. Each building would be broken into sections representing each residence to give the residents a sense of individuality. Typical materials included lap siding and metal roofing for rain harvesting. They hope to utilize the rainwater collection for the community building immediately.

Karen Pearson addressed the Staff Report comments and conditions. In general, Carleton Hart Architecture and Farmworker Housing Development Corporation agree with the recommended conditions of approval. They have proposed a buffer wall against the north property line behind the parking area. However, a buffer wall is not proposed on the property line adjacent to existing multifamily developments because the WDO allows discretion as to whether it is required. A chain link fence is proposed. There is a driveway between the two properties. The landscape plan also buffers the property. She stated that they agreed with staff that the Fire Department access turnarounds be finalized by the Fire Marshal and Public Works during the construction phase. The two hammerhead turnarounds should have the appropriate turning radiuses and the fire access lanes will be marked.

Commissioner Jennings asked if Second Street would be the only access point.

Karen Pearson answered yes. The property is landlocked on all other sides. She stated that they will collaborate with the city in determining the directional markings for the property per City of Woodburn standards. They would like to provide well lit paths for safety and security, and functionality. An electrical engineer will provide a complete photometric plan depicting the development's lighting during the construction phase. Lights located near the property line will be fitted with shields to prevent light pollution. She acknowledged that the back patio's private open space did not meet WDO minimum requirements, and that it was unacceptable.

Chairperson Bandelow asked how many one, two and three bedroom units would there be.

Karen Pearson answered that there would be five, one bedroom units, fifteen, two bedroom units, and twenty, three bedroom units. She addressed the one-hundred foot maximum roofline requirement by explaining that the depth of the roofline would vary by section.

Commissioner Jennings asked if there would be firewalls in the attic space between the various sections.

Karen Pearson answered that they would comply with building codes. They have not drawn the construction plans. She stated that WDO section 3.107 requires exterior staircases not be visible from the street. There are two stairways that are visible from the street. She stated that it meets the intent of the code because they are located far from the street. Nuevo Amanecer Phases I and II do not have garages. She stated that adding garages to the proposed development would bring inequality between each complex.

There was discussion in regards to the equitability of garages.

Karen Pearson stated that another reason they did not include garages was because they add considerable cost. The goal is to provide affordable housing. Garages would add a density problem to the site and consume valuable dwelling and open space. If they included garages they would need to replace many of the two story buildings with three story buildings and would lose units. They will work with the Planning Division to comply with the signage requirement condition of approval. Prior to building permit approval they will complete the performance guarantee condition of approval. They plan to meet minimum street standards allowed in the WDO. They propose to build out the planting strip, sidewalk, curbing, parking and the drive lane on their side of the property to the center line. They also propose to build another drive lane and curb. The only item that is not included is the parking space, planting strip and sidewalk on the opposite side of the property.

Commissioner Jennings asked if they were going to improve the west side of the street.

Karen Pearson answered that they would not provide a planting strip or a sidewalk. They would improve to the minimum standards.

There was discussion amongst the Planning Commission and the applicant in regards to street parking on only one side of the street and the effects it would have on the residents of Second Street.

Karen Pearson stated that they are proposing not to provide full street improvements to the connecting street. Lancaster Engineering's traffic analysis determined that the proposed development would not generate a large enough impact to warrant full street improvements.

Brian Carleton stated that although they are not meeting the full development standards of the Woodburn Transportation Plan they are meeting the minimum standards in the WDO. The full street development is a budget issue.

Vice Chairperson Vancil stated that the Planning Commission has an obligation to provide a livable community to its resident's. Transportation is a major issue.

There was discussion amongst the Planning Commission and the applicant in regards to the traffic study and its findings.

Jessie Olson stated that Farmworker Housing Development Corporation has generated several market studies that indicate affordable housing is needed in the City of Woodburn. Nuevo Amanecer Phases I and II have a waiting list of over one hundred and fifty families that meet the income requirements proposed for the current project. They have connected with residents of Second Street to meet their needs.

Chairperson Bandelow asked if there were any additional proponents.

Brent Wyden, 1425 N. Front Street. He is representing his landlord, Tom Lockran. He asked if the property had access to Front Street, on the drive adjacent to Roughing Trucking. He was concerned about privacy. There is a swale that runs through the corner of the site property. The owners of the site property recently sprayed for weeds and accidentally killed Mr. Lockran's Monkey Pod tree and Arborvitae hedge. He is concerned about crowding along the property line plantings.

Public Works Director Brown stated that the city would require a local street standard at minimum for access to the subject property. Front Street is an arterial street that carries a substantial amount of traffic. Access to Front Street without an established intersection would create significant problem.

Chairperson Bandelow asked if there were any additional proponents.

Charlie Harris, 19400 N.E. Jaquith Road, Newberg, OR 97132. He works for the developer, Casa of Oregon. He believes Nuevo Amanecer is a worthwhile benefit to the community and the project should move forward. Improving the street will not address the parking issue on Second Street.

There was discussion amongst the Planning Commission and Charlie Harris in regards to parking on Second Street.

Charlie Harris stated that the applicant has agreed to the non-remonstrance agreement. When the money is available the road will be improved.

Juanto Santo Jr., 1279 N. Second Street. He would like Second Street to be paved. After hearing the Planning Commission's concerns about street improvements, he is concerned about losing parking space on Second Street.

Commissioner Jennings asked Public Works Director Brown if it would be difficult to grant "no parking" on one side of the street.

Public Works Director Brown answered staff must demonstrate to City Council that there is significant justification to restrict the WDO requirement. He stated that there was

misunderstanding between the applicant and the Planning Commission in regards to Second Street. To meet the proportionality requirements of the development, the applicant proposed a half street improvement. The city could look for other funding mechanisms to build out the remaining portion of the street or could leave it as it is. The applicant's proposal should not exacerbate restriction of on street parking. They are proposing to economize the street improvements and not make improvements outside of the travel lanes on the west side. The curbs would be established at full build-out. Their proposal allows the residents to continue to use the right-of-way as they have.

There was discussion amongst the Planning Commission and staff in regards to the curbing.

Interim Community Development Director Labossiere stated the applicant was not proposing to put in a curb. They were proposing not to pave the seven foot parking area.

Chairperson Bandelow invited the applicant for rebuttal.

Brian Carleton stated that there are several solutions. They could put no parking signs on either side of the street. Nuevo Amanecer's side of the street would provide more parking, although it would not be assigned. He stated that they would complete the entire width of the street, including the parking on the opposite side. Their funds are limited and if they are required to build out the entire street, beyond the boundary section, they cannot continue the project.

Vice Chairperson Vancil asked if the developer if there was any consideration to purchase the right-of-way to Front Street.

Brian Carleton answered yes. The property owner was uninterested. The drainage swale on the property was examined by a wetlands expert and determined not to be wetlands. Drainage has been designed into the project. Screening along the property line will be planted according to code. The landscaping will not prevent growth of neighboring landscaping.

Vice Chairperson Vancil asked Public Works Director Brown if Fifth Street is a future capital improvement project.

Public Works Director Brown answered that the project has not been approved by City Council. Fifth Street may be included in the next budget cycle. The Public Works Department understands the potential issues that must be addressed.

Chairperson Bandelow closed the hearing and was open for discussion.

Commissioner Jennings stated that the developers have made a good compromise. He is satisfied with what the developer has agreed to. He recommended the approval of the project.

All other Planning Commissioners agreed with Commissioner Jennings.

Commissioner Jennings moved to approve DR 2008-05 and EXP 2008-08 with the condition that the boundary street is improved to a pavement width of thirty-four feet, curbs on both sides, and sidewalk and landscaping on the east side. Commissioner Grosjacques seconded the motion, which passed unanimously.

Chairperson Bandelow stated the motion included that staff return with the facts and findings, and the final order.

ROLL CALL

Chairperson	Bandelow	Yes
Vice Chairperson	Vancil	Yes
Commissioner	GrosJacques	Yes
Commissioner	Grigorieff	Yes
Commissioner	Hutchison	Yes
Commissioner	Jennings	Yes
Commissioner	Kenagy	Yes

The Planning Commission's final statement thanked Farmworker Housing Development Corporation for their affordable housing projects.

DISCUSSION ITEMS

Chairperson Bandelow stated that the first item of discussion was to reschedule the following Planning Commission meeting. A Special Planning Commission meeting could be scheduled for December 18, 2008, or as scheduled for January 8, 2009 to sign the Final Order.

A Special Planning Commission meeting was scheduled for December 18, 2008 at 7:00 p.m. The meeting will not be televised.

Planning Commission was provided land use applications that had been approved by staff.

REPORTS

Chairperson Bandelow asked if there were any comments or discussion on the reports.

None.

BUSINESS FROM THE COMMISSION

There was discussion amongst the Planning Commissioners about their current contact information.

Commissioner Jennings thanked staff. He also recommended that the Planning Commission and City Council have a joint meeting.

Chairperson Bandelow stated that a joint meeting will be scheduled soon.

Commissioner Jennings stated that the Planning Commission should work with Assistant Attorney Stuart to create rules and policies for the Planning Commission.

Chairperson Bandelow stated that the Planning Commission will review the conditional use issue that emerged.

Commissioner Hutchison asked about the status of the Carl's Junior project.

Interim Community Development Director Labossiere answered staff does not know why the applicant has not moved forward with the project.

There was discussion amongst the Planning Commission in regards to the future traffic problem that may exist on Second Street with the development of Nuevo Amanecer.

ADJOURNMENT

Commissioner Jennings moved to adjourn the meeting, Commissioner Grosjacques seconded the motion, which unanimously carried. Meeting adjourned at 10:25 pm.

APPROVED _____
Ellen Bandelow, Chairperson Date

ATTEST _____
Natalie Labossiere Date
Interim Community Development Director
City of Woodburn, Oregon