

**WOODBURN PLANNING COMMISSION MEETING MINUTES**  
**February 28, 2008**

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

Commissioner Jennings led the salute to the flag.

Vice-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.

Vice-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.

**ROLL CALL**

<b>Chairperson</b>	<b>Lima</b>	<b>A</b>
<b>Vice Chairperson</b>	<b>Bandelow</b>	<b>P</b>
<b>Commissioner</b>	<b>GrosJacques</b>	<b>P</b>
<b>Commissioner</b>	<b>Vancil</b>	<b>P</b>
<b>Commissioner</b>	<b>Grigorieff</b>	<b>P</b>
<b>Commissioner</b>	<b>Hutchison</b>	<b>P</b>
<b>Commissioner</b>	<b>Jennings</b>	<b>P</b>

Staff Present: Jim Allen – Community Development Director  
Natalie Labossiere – Senior Planner  
Don Dolenc – Associate Planner  
Jon Stuart – Assistant City Attorney  
Marta Carrillo – Administrative Assistant

Vice-Chairperson Bandelow announced that application Design Review 2007-14 was placed on hold by request of the applicant and would be re-noticed for a future hearing.

**MINUTES**

**A. Woodburn Planning Commission Meeting Minutes of December 13, 2007.**  
Commissioner Jennings moved to accept the minutes. Commissioner GrosJacques seconded the motion, which unanimously carried.

**BUSINESS FROM THE AUDIENCE**

None.

## **COMMUNICATIONS**

- A. Special Woodburn City Council Meeting Minutes of November 15, 2007
- B. Woodburn City Council Meeting Minutes of November 26, 2007
- C. Woodburn City Council Meeting Minutes of December 10, 2007
- D. Woodburn City Council Meeting Minutes of January 14, 2008

No comments.

## **PUBLIC HEARING**

- A. Design Review 2007-12, Variance 2007-07, Exception 2007-08  
845 East Lincoln Street; Multi-Tech Engineering, Mark Grenz - Applicant

The applicant requests a design review for a 15-unit multiple-family development, a variance from WDO 2.104.06.B and Table 2.1.5 regarding density, and an exception to street right-of-way and improvements on East Lincoln Street

Vice-Chairperson Bandelow asked if anyone had a conflict, ex parte contact, or challenge.

Associate Planner Dolenc read the applicable ORS.

Associate Planner Dolenc began his presentation.

The subject property is zoned Medium Density Residential (RM) and designated Residential More than 12 Units per Acre on the Comprehensive Plan Map. The property is 0.936 acre in area and is currently occupied by a single-family dwelling constructed in 1950. No wetlands or floodplains exist on the site.

Properties on the north side of E. Lincoln Street are generally zoned Medium Density Residential (RM) and are designated Residential More than 12 Units per Acre on the Comprehensive Plan Map. Properties on the south side of E. Lincoln Street are zoned Residential Single Family (RS) and are designated Residential Less than 12 Units per Acre on the Comprehensive Plan Map.

The property immediately to the west (839 East Lincoln Street) is developed with a single-family dwelling, and is zoned RM. The Washington Elementary School site abuts the north property line, and is zoned Public and Semi-Public (P/SP). A multiple-family dwelling abuts the property to the east, and is zoned RM. Properties to the south, across East Lincoln Street, are developed with single-family dwellings, and are zoned RS.

The site plan elevations propose 15 dwelling units (a 6-plex and a 9-plex) on the property. The applicant has submitted a variance to allow 15 units on the property. The Woodburn Development Ordinance (WDO) allows 14 per acre and the net buildable acreage is .894 acres. The applicant must reduce the project to no more than 14 dwelling units.

The preliminary landscape plan shows a 6 foot high sight obscuring CMU wall (Materials: split face CMU wall with one band of standard smooth face CMU set 4' above finish grade. Wall includes anti-graffiti sealant.)” Architectural walls are intended to buffer adjacent properties from the subject property – not to buffer the subject property from adjacent properties.

The applicant has submitted an exception to the street right of way and improvement requirements. The purpose of an exception is to allow a deviation from a WDO development standard cited in Section 3.101.02. If granted, the Exception would identify the level of improvements the property owner would be responsible for. A non-remonstrance agreement for

public improvements could be required as part of the Exception. If the Exception is not granted, the property owner would be required to construct East Lincoln Street to the cross-section specified in the Transportation System Plan, which is to Carol Street.

The right-of-way dedication and specified improvements are needed to provide vehicle and non-motorized transportation facilities throughout the street corridor.

All front yards and yards abutting a street shall be landscaped at a density of one (1) plant unit (PU) per 20 sq. ft. WDO 3.106.03.A.2. The front yard contains approximately 3,934 square feet of area. The landscaping plan shows the front yard to be stocked with 141 plant units, or 0.72 plant units per 20 square feet. A total of 197 plant units are required to provide 1 plant unit per 20 square feet.

**Yard, Buffer:** An yard improved with landscaping and/or screening to applicable standards of the WDO that is located between two land uses of differing character to minimize potential conflicts and to provide a more aesthetic environment. WDO 1.102. All buffer yards shall be landscaped at the rate of one (1) plant unit (PU) per 20 sq. ft. EXCEPT for interior buffer yards abutting a wall which are paved and which may be used for parking or site access and vehicular circulation. WDO 3.106.03.B. The buffer yards contain approximately 264 plant units, or 1.52 plant units per 20 square feet. A total of 174 plant units is required to provide 1 plant unit per 20 square feet.

The entire yard area of a property, EXCLUDING areas subject to more intensive landscaping requirements shall be landscaped to a standard of at least one (1) plant unit (PU) per 50 square feet prior to final occupancy. WDO 3.106.03.E This portion of the east side yard contains 5,376 square feet and is landscaped with 71 plant units, or 0.66 plant units per 50 square feet. A total of 108 plant units is required to provide 1 plant unit per 50 square feet. All other yard areas are subject to more intensive landscaping requirements.

All unpaved land within off street parking areas, and within 20 feet of the paved edge of off street parking and/or circulation improvements, shall be landscaped in the following proportions: RM zones: 20% of the paved surface area for off street parking and circulation. WDO 3.106.03.C.1. The density of landscaping required in and adjacent to off street parking and circulation facilities, EXCLUDING required trees, shall be one (1) plant unit per 20 square feet. WDO 3.106.03.C.2. The landscaped area of just the buffer yards and east side yard contains 4,129 square feet of area and 327 plant units (excluding the trees required to satisfy WDO 3.106.03.C.3), for a plant density of 1.58 plant units per 20 square feet.

All common areas shall be landscaped with at least three (3) plant units per 50 square feet. WDO 3.106.03.D. The Planning Division recommends that the Commission adopt the interpretation that the "common areas" referred to in WDO 3.106.03.D do not include the setbacks. The central common area contains 3,390 square feet and is landscaped with 211 plant units, which equates to 3.11 plant units per 50 square feet. A minimum of 11,683 square feet of common open space and facilities would be required to meet the guideline of WDO 3.107.05.B.1.c.1. The development contains approximately 9,588 square feet of common open space, which amounts to approximately 24.6% of the site area. The landscaping surrounding the picnic table and barbeque pit partially describes a circle approximately 18' in diameter. A circle 18' in diameter has an area of 255 square feet. Each bench scales at 6' long - two squares 6' on a side have a combined area of 72 square feet.

Vice-Chairperson Bandelow and Commissioner Vancil inquired about the ambiguous term of "common area" and "common space" and size of the open lawn area.

Associate Planner Dolenc stated that the facilities with the picnic area, bbq pit and 2 park benches did not meet the educational/recreation requirements. The required size is 720 square feet of outdoor space and the applicant is proposing 255 square feet. If considering the open lawn area as "common area", then the site plan would meet the requirements.

Associate Planner Dolenc continued with the floor plans of the units; the first floor, second floor and third floor of both 6-plex and the 9-plex. The discretion is left to the Planning Commission members to require 6 garages or accept the 4 garages proposed by the applicant. The 9-plex unit does not meet the requirement and discussed parking requirements. The

Planning Division recommends that the Commission adopt the interpretation that the “common areas” referred to in WDO 3.106.03.D do not include the setbacks.

The Planning Division recommends disapproval of case VAR 2007-07.

The Planning Division recommends approval of cases DR 2007-12 and EXCP 2007-08 subject to conditions of approval.

The Planning Division requests that the motion direct Staff to amend the findings, conclusions, and conditions of approval regarding exhibit designations and entries to ground-level units.

He introduced attachment “J” into the records, which were the written comments by the surrounding neighbors.

He concluded his presentation and was open for questions from the Planning Commission members.

Commissioner Vancil asked Associate Planner Dolenc to explain the variance application submitted.

Associate Planner Dolenc stated that the variance addresses the parcel with Lincoln Street and dedicating the right of way to allow 15 units instead of the 14 units permitted by the WDO.

Community Development Director Allen also stated that the variance submitted was due to the increase by 7% in allowed use.

Vice-Chairperson Bandelow invited the applicant for testimony.

Brandie Dalton, Multi-Tech Engineer, 1155 13<sup>th</sup> Street SE, Salem, OR 97302, applicant. Dalton submitted photos into the record of an existing building. These were labeled attachments “K”.

Vice-Chairperson Bandelow accepted the attachments “K” into the record.

Dalton stated that the site needs much needed improvement and this project will be appealing to the site and the neighborhood.

Commissioner Vancil asked the applicant, if they had explored other re-designs and other building types.

Commissioner Grigorieff also asked the applicant about the expectancy of units for families and why a playground was not included as a part of the design.

Dalton stated that she would leave those questions for the property owner to answer.

Brad Schnell, 17900 NW Evergreen Pkwy #00, Beaverton, OR 97006, property owner. He stated that the project will be sold as condominiums and not as apartments and the subject property is a great site for this type of 6-plex and 9-plex project. The open area would provide a “play” area for families with children.

Vice-Chairperson Bandelow inquired if the property was purchased.

Schnell stated that the property purchase is contingent on the approval of the project.

Vice-Chairperson Bandelow invited proponents of the application. There were none.

Vice-Chairperson Bandelow invited opponents of the application.

Bob Hilton, 778 E. Lincoln Street, Woodburn, OR 97071, resident. He stated that he submitted the letter (attachment "K") to the Planning Commission for consideration. He commented on his concern with the surrounding residential properties, the playground area, school crossing, traffic impact and the properties being sold as apartments as opposed to condominiums.

Filomino Alvarez, 900 E. Lincoln Street, Woodburn, OR 97071, resident. He stated that he believed that the condominiums were a good idea but not in this highly residential area, but perhaps in an area where it is not highly impacted by increased traffic. He expressed that the construction of an apartment complex would cause more impact on the school crossing and school capacity with future families. This will also impact traffic as it is already a very busy street with the school nearby.

Jose Sifuentes, 860 E. Lincoln Street, Woodburn, OR 97071, resident. He stated that he agreed with the previous testimony.

Bob Schiedler, 839 E. Lincoln Street, Woodburn, OR 97071, resident. He stated that his property neighbors the subject property. He also stated that the "play" area is less than 1000 square feet and it is not an adequate amount for units that will have families with children. He mentioned that the property owner (current purchaser) had no communication with the surrounding property owners to inform them of project, neighboring property lines with tall hedges, or the effect of landscaping. He stated that allowing a multi-plex project in such a small lot would be very tight living quarters and would allow for peering into his bedrooms because the buildings would be 3 stories tall.

Cathy Maldonado, 840 E. Lincoln Street, Woodburn, OR 97071, resident. She stated that she agreed with what commented from the previous testimony and added that the major issue with the project would be the traffic impact would cause traffic to be backed-up for up to 200 feet in each direction. She stated that she was never contacted by the property owner.

Maria Martinez, 756 E. Lincoln Street, Woodburn, OR 97071, resident. She reiterated the previous testimony and was opposed to the construction of the project.

Vice-Chairperson Bandelow invited the applicant for a rebuttal.

Dalton stated that the applicant did not contact the surrounding property owners.

Schnell stated that they inquired with the Planning Division with regards to a Home Owners Association (HOA) and none existed, but this property will be run by a managing group to maintain and upkeep the property.

Associate Planner Dolenc stated that he wanted to submit the exhibits presented by the applicant as exhibits "M-Q".

Vice-Chairperson Bandelow closed the hearing to discuss amongst the Planning Commission members.

The Planning Commission members made commentary on when the property was zoned Multi-Family Residential (RM), which dated back to 1978; on the project allowed on the RM zoned property, which a multi-plex is an allowable use in the WDO; on the units per square followed allowed, which is 14 units; on the traffic impact and livability is not a reason in the code to deny the project.

Commissioner Vancil made a motion to approve Design Review 2007-12, Variance 2007-07 (to allow a 15-unit multi-plex) and Exception 2007-08 to the street right of way subject to the Conditions of Approval and interpretations by the Planning Commission, seconded by Commissioner GrosJacques, motion passed.

### **ROLL CALL**

<b>Chairperson</b>	<b>Lima</b>	<b>A</b>
<b>Vice Chairperson</b>	<b>Bandelow</b>	<b>yes</b>
<b>Commissioner</b>	<b>GrosJacques</b>	<b>yes</b>
<b>Commissioner</b>	<b>Vancil</b>	<b>yes</b>
<b>Commissioner</b>	<b>Grigorieff</b>	<b>yes</b>
<b>Commissioner</b>	<b>Hutchison</b>	<b>yes</b>
<b>Commissioner</b>	<b>Jennings</b>	<b>yes</b>

B. Design Review 2007-13 – 1755 Mt. Hood Avenue  
Carl's Jr. Restaurant and Drive-Through; Varvitsiotis Architecture - Applicant

The applicant requests a Type III Design Review for the construction of a new restaurant and a drive-through to be located at the parking lot of Mid-Valley Plaza Mall.

Vice-Chairperson Bandelow asked if anyone had a conflict, exparte contact, or challenge. There were none.

Commissioner Jennings stated that he knew Mark Wolf, the property owner, but had no conflict of interest.

Senior Planner Labossiere read the applicable ORS.

Senior Planner Labossiere commenced her presentation.

The subject property is part of the Mid-Valley Plaza; the plaza is currently developed with a variety of commercial retail uses.

The landscape plan has not yet been submitted by the applicant, but the required plants/shrubs for the subject site is 339 units. The pole sign on the subject property should be replaced and conform to the WDO requirements. The building should be painted with earth-tone colors as required by the WDO, the submitted prototype shows bright colors in the red canopies and yellow upper half of the building.

Commissioner GrosJacques inquired about the existing driveway or will there be a new entrance to accommodate the flow of traffic.

Senior Planner Labossiere stated that the entrance would be at the east side of the parcel off of Mt. Hood Avenue, which currently exists on the property.

Commissioner Hutchison inquired about the walking path for pedestrians from the bus shelter to the restaurant.

Senior Planner Labossiere stated the access and circulation from the building should be linked to the sidewalks and abutting streets by internal pedestrian ways. Such pedestrian ways should be either raised or delineated by distinctive pavers. The parking areas should be designed in multiples of no more than 50 spaces separated by landscaped buffers or raised pedestrian ways in order to minimize negative visual impacts associated with expansive parking.

The site plans shows a new sidewalk from the bus stop shelter that provides a route to the entrance of the proposed building. Vehicular access and circulation is depicted by directional markings. The proposed sidewalks for pedestrian access are raised therefore, the proposed development meets the guideline. Also, they should show a pathway between the bus shelter and the existing retail Mid-Valley Plaza.

Senior Planner Labossiere concluded her presentation and was open for questions.

Vice-Chairperson Bandelow inquired about the pole sign and the compliance.

Assistant City Attorney Stuart stated that clarification is not on the parcel but the interpretation of the sign location being attached to the parcel or on the tenant space.

Vice-Chairperson Bandelow invited the applicant for testimony.

Thomas Bertrand, Varvitsiotis Architects, 151 W. 7<sup>th</sup> Avenue, Eugene, OR 97401, applicant. He addressed the comments by the Planning Commission members and included items from the conditions of approval. He stated that the current Margarita's sign would be replaced with the Carl's Jr. Restaurant sign. He requested that non-remonstrance agreement (item #9) with the City to improve Hwy 214 (Mt. Hood Avenue) would be only for the section pertaining to where the new restaurant will exist.

Assistant City Attorney Stuart stated that with Hwy 214 being a state highway, Oregon Department of Transportation would have jurisdiction over the obligation for improvements.

Bertrand addressed item #18 with regards to the access points based on the jurisdiction of the Transportation System Plan (TSP). He requested that the entry point not have a 25 foot turn radius. He addressed item #28 with regards to the loading space. He stated that the shared parking section of the WDO would apply, since it is not a 24-hour restaurant. He addressed item #55 with regards to the 30% wall surface abutting Mt. Hood Avenue be glass coverage. He addressed item #58 with regards to the color scheme used on the exterior of the building and admitted Exhibit "L" in to the record showing a more accurate color scheme than the proposed prototype. He addressed item #63, which the applicant must submit proposed wall signs showing the size and location of each sign. He is requesting that the number proposed be allowed as it follows suit with any Carl's Jr restaurant. He lastly addressed item #72, which pertains to the pole on the property or on the parcel and not have to upgrade the pole sign because it is not attached to the parcel, but to the whole property. He was then open to questions.

The Planning Commission did not have any questions for the applicant.

Community Development Director Allen addressed the items requested by the applicant.

He stated that the submitted plan did not identify the 25 foot turn radius, but it may meet the requirement. The applicant however must move the curb cut and approach for the turn radius based on the jurisdiction. The non-remonstrance agreement is an ODOT jurisdiction and it is

based on a fair-share improvement. Majority of the funds are from the state and a certain percentage is the property owner's responsibility. The loading zone is not a part of the joint-use parking therefore they must dedicate one loading space per section 3.105.02.G.1. The 30% window coverage is discretionary for the Planning Commission to decide as the proposed coverage is at 27% and can be modified to accept the applicant's suggestion. The color scheme submitted as Exhibit "L" needs to indicate the color percentage for each. The signs submitted, proposed and allowed will need to meet the requirements of the WDO. The pole sign attached to the tenant space needs to be determined by the Planning Commission to decide whether it is attached to the tenant space or whether it is attached to the property.

Commissioner Vancil asked if there was a trigger that would cause the pole sign to be determined if it is on the property or the tenant space.

Community Development Director Allen stated that there is not a trigger for that other than the Planning Commission discretion to decide whether it is or if it is not attached to the tenant space.

Vice-Chairperson Bandelow invited proponents of the application. There were none.

Vice-Chairperson Bandelow invited opponents of the application. There were none.

Vice-Chairperson Bandelow closed the hearing to discuss amongst the Planning Commission members. There was nothing further discussed.

Commissioner Vancil made a motion to approve Design Review 2007-13 with the following conditions and interpretations by the Planning Commission: remove the terms tenant space from item #72 and determine that the pole sign is a part of the complex; modify and accept the applicant's proposed window coverage plan of 27%; the applicant must meet item #63 conformance of the required signage allowance; and to accept item #58 as is in the conditions of approval, seconded by Commissioner Hutchison, motion passed.

### **ROLL CALL**

<b>Chairperson</b>	<b>Lima</b>	<b>A</b>
<b>Vice Chairperson</b>	<b>Bandelow</b>	<b>yes</b>
<b>Commissioner</b>	<b>GrosJacques</b>	<b>yes</b>
<b>Commissioner</b>	<b>Vancil</b>	<b>yes</b>
<b>Commissioner</b>	<b>Grigorieff</b>	<b>yes</b>
<b>Commissioner</b>	<b>Hutchison</b>	<b>yes</b>
<b>Commissioner</b>	<b>Jennings</b>	<b>yes</b>

### **ADJOURNMENT**

Commissioner Jennings moved to adjourn the meeting Commissioner Grigorieff seconded the motion, which unanimously carried. Meeting adjourned at 11:03 pm.

APPROVED \_\_\_\_\_  
ELLEN BANDELOW, VICE-CHAIRPERSON Date

ATTEST \_\_\_\_\_  
Jim Allen Date  
Community Development Director  
City of Woodburn, Oregon