

WOODBURN PLANNING COMMISSION MEETING MINUTES
April 24, 2008

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

Commissioner Jennings led the salute to the flag.

Chairperson Lima 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, he 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 Lima 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

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

Staff Present: Jim Allen – Community Development Director
Jon Stuart – Assistant City Attorney
Marta Carrillo – Administrative Assistant

MINUTES

- A.** **Woodburn Planning Commission Meeting Minutes of March 13, 2008.**
Commissioner GrosJacques moved to accept the minutes. Vice-Chairperson Bandelow seconded the motion, which unanimously carried.

BUSINESS FROM THE AUDIENCE

None.

COMMUNICATIONS

- A. Woodburn City Council Meeting Minutes of February 19, 2008
- B. Woodburn City Council Meeting Minutes of February 25, 2008
- C. Woodburn City Council Meeting Minutes of March 10, 2008

PUBLIC HEARING

- A. Design Review 2007-14, Exception 2008-02, Variance 2008-01, Variance 2008-02 and Variance 2008-03
395 Shenandoah Lane
Kerr Contractors, Inc.; Scott Beck Architects - Applicant

The applicant requests a Type III Design Review for the construction of an 8,360 square foot addition to an existing 8,500 square foot building; an Exception to the street right of way and improvement standards; a variance to the standard for driveway width of twenty-six feet to a twenty-five foot; a variance to the curb flare radius of 30 feet to allow 24 feet; a variance from the standard for providing an architectural buffer wall adjacent to property lines; a variance to a paved drive aisle; and a variance to the landscaping requirements and proposes that any landscaping removed by the proposed building addition is to be replaced in and around the building.

Chairperson Lima asked if anyone had a conflict, ex parte contact, or challenge.

Commissioner Jennings stated that he had visited the site and spoke with the applicants, but did not discuss the case.

Community Development Director Allen read the applicable ORS.

Community Development Director Allen began his presentation.

The applicant is proposing a Design Review for an addition to an existing building with an office complex; variances and an exception to the street right of way. The property is located at 395 Shenandoah Lane at the northern end and borders both the Urban Growth Boundary and the Woodburn City limits. The property is zoned Light Industrial (IL). The building would have an addition at each end.

The Shenandoah Lane on the Kerr Property recedes up to a parking area in front of the existing office complex. The driveway gate entrance is for large trucks and is of gravel on the east side. There is a landscape strip and has a cyclone fence with slats on the west side around the property. On the east and northern most part of entrance driveway has an area that is currently gravel and has the cyclone fence and it does not have heavy equipment based on one of the site visits made.

Commissioner Jennings asked about the property being on or near wetlands.

Community Development Director Allen stated that the comprehensive plan map shows only the property outside the city limits was designated as wetlands and this property is about 1000 feet from the identified wetland areas.

Community Development Director Allen proceeded with Variance 2008-01 pertaining to the driveway width and the turn radius curb flares. The variance is for a 25-foot wide driveway from the 26 foot standard and turn radius curb flares. Shenandoah Lane has a circular (cul-de-sac type) of turn radius and is atypical of a turn movement. Staff has reviewed and recommends that the existing curb flare radius of 24 feet is authorized to be retained.

Variance 2008-02 references the architectural walls and standard for pavement for the service drive and the north and west sides of the existing warehouse and proposed gravel in lieu of pavement. The applicant would have a substantial amount of wall to provide and the applicant is proposing landscaping in lieu of the wall. The site map shows the service drive on the North and West sides of the existing warehouse and proposes gravel in lieu of pavement.

Regarding the architectural walls, the condition recommended by staff is that the applicant shall construct an architectural wall that begins at the southwesterly interior property line, near the driveway consistent with the decision of the Planning Commission last fall during a design review decision. The wall shall continue southwest along the property, a distance of 225 feet, and to plant a landscape area within the 30 foot setback adjacent to the wall to serve as a buffer.

Variance 2008-03 references the landscape requirements. The landscaping areas are the front yard, buffer yard and other yard areas. There are a substantial number of plant units required for the property in the IL zone. The variance would be for a reduction of the number of plant units required for all yard areas.

The condition recommended by staff is to establish a 30 foot wide landscape buffer strip adjacent to the perimeter of the buffer yards of the property and the gravel service yard. The 30 foot wide landscape buffer strip shall be landscaped with trees, shrubs and groundcover to a minimum of one plant unit per 20 square feet with plant material that will obtain minimum height of 6 feet and 80% ground coverage within 3 years. The area to be landscaped would be approximately 41,250 square feet requiring approximately 2,063 plant units. The landscaping shall be required to be established prior to occupancy of the new office addition areas.

The final application is Exception 2008-02, which is an exception to the street right of way and improvement requirements. The cross section includes a 6 foot sidewalk, 6 foot landscape strip, 6 foot bike lane, 12 foot travel lane, 12 foot center turn lane, and the same on the opposite side of Front Street. The current Front Street conditions are a 19 foot wide paved surface, does not have following: bike lanes, the center turn lane, the curbs drainage facilities, landscape strip nor sidewalks, It is a rural cross section with ditches, gravel shoulder and is a substandard street. The minimum standards are to have a safe passage for travel, pedestrians, bicyclists and other forms of non-vehicular traffic.

The WDO identifies minimum safe standard would include one (1) 10 foot travel lane in each direction and required curbs, where the classification specifies a maximum standard of two travel lanes; required drainage facilities; and the pedestrian and bikeway facilities located on one side of the street that comply with the standards for the subject street classification. In locations where the street classification specifies a maximum standard of two travel lanes, the connecting segment on the side with the pedestrian/bikeway facilities shall be completed to standards, including the landscaped parkway strip.

The conditions recommended by staff is that the applicant shall construct the minimum safety standards for Front Street south from Shenandoah Lane. The minimum safety standard includes one travel lane in each direction that is a minimum of ten feet wide, curbs, drainage facilities, pedestrian, and bikeway facilities located on one side of the street that would comply with the standards for a Minor Arterial Street in the Woodburn Transportation System Plan, Figure 7-2.

The property owner shall enter into a non-remonstrance agreement to participate in the cost of reconstructing Shenandoah Lane and Front Street to the standards in the Transportation

System Plan when such reconstruction becomes timely.
Community Development Director Allen closed the presentation and was open for questions.

Assistant City Attorney Stuart commented on Condition #53 and #54 with regards to the safety standards for Front Street and the non-remonstrance agreement.

The Planning Commission members made comments with regards to the wetlands area, surrounding properties, architectural wall, street improvements, landscape requirements and the conditions of approval, during the presentation.

Chairperson Lima invited the applicant for testimony.

Brent Kerr, 10910 Hwy 240, Yamhill, Oregon, property owner, President of Kerr Contractors, Inc. and applicant. He commented on the history of the property, previously submitted applications and results of previous hearings. He stated that he is providing a nice building for the City and progression of the property with continual improvements. He stated that some of the conditions were not reasonable.

He stated that the area at the North end of the property entrance is used to store heavy equipment.

Chairperson Lima asked the applicant why he did not agree with some of the conditions of approval.

Kerr stated that he was not against certain conditions of approval, but was requesting leniency with some of the conditions.

Commissioner Hutchison asked the applicant about the non-remonstrance agreement and the future share of the street improvement.

Kerr stated that the City had at one time the project fronts Shenandoah Lane and now is being determined that Front Street is the fronting street.

Community Development Director Allen clarified that Shenandoah Lane is the boundary street and Front Street is the connecting street and that the non-remonstrance agreement is only for participation in the improvement of the City streets. There are three typical funding mechanisms: 1. Capital Fund, 2. Traffic Impact Fees for oversized facilities, and 3. the Special Assessment for the local improvement district decided by City Council. The evaluation is done when the district is formed and the share percentage of each of the properties.

Assistant City Attorney Stuart stated that by not signing the non-remonstrance agreement will not exclude the applicant from being a part of the improvement process.

Chairperson Lima stated that the purpose of the Planning Commission members and staff is to review the Woodburn Development Ordinance (WDO), interpret the ordinance and make recommendations.

Scott Beck, 361 NE 3rd Ave, Canby, OR, applicant. Read a statement with regards to the scope of work, the development ordinance does contain some triggers that implement the ordinance standards and makes the project expand further than originally expected.

He stated that there were conditions that he felt that were beyond reasonable. He then stated that the following conditions be removed or modified from what is recommended:

- #7 – An architectural wall shall be established along the north, west, and south property lines as a buffer from the residential and public uses on these area properties, unless a variance to the buffer wall requirement is authorized. This condition is covered in the variance.
- #9 – The applicant shall provide the full right-of-way required by the Transportation System Plan for Shenandoah Lane and Front Street and complete improvements to the public streets, in accordance with WDO 3.101.02.D, prior to issuance of building construction permits, unless an exception to street right of way and improvement requirements is approved. This condition is covered in the Exception.
- #12 – The property owner shall establish a 26 foot wide driveway unless a variance to the driveway width is authorized. This condition is covered in the variance.
- #14 – The minimum curb radius standard is 30 feet, unless a variance to that standard is approved. Improvements to comply with the 30 foot radius shall be completed prior to occupancy of the office addition. This condition is covered under the variance.
- #35 - Within the public street right-of-way fronting the subject property, the applicant shall provide 9 small trees, 7 medium trees, or 5 large trees, subject to Clear Vision Standards, WDO 3.103.10 and 6.103, in accordance with WDO 3.106.03.A.b, unless an exception to the street right of way and improvements is approved. Street trees shall be from the approved street tree list specified in WDO 6.103. This is covered in the Exception to the street right of way.
- #40 - The applicant shall provide a six-inch concrete curb between all landscaped and improved as part of this project and project areas or access ways, in accordance with WDO 3.106.05.C. He proposed having railroad ties in lieu of the six-inch concrete curb.
- #44 - Outdoor storage areas must be screened from view of the abutting street, including the storage area located east of the driveway. Landscaping shall be established at density of one plant unit per twenty square feet of the area utilized for storage east of the driveway. He requested that the storage area not be required to be paved, since it is used for heavy equipment storage.
- #51 - The driveway north of the warehouse shall be paved. The driveway west of the warehouse shall be constructed of a gravel surface consistent with the standards for gravel areas contained in WDO 2.110.06.C.1.b. He stated that it should be removed due the gravel area around the warehouse should remain gravel and required to be paved

Community Development Director Allen informed the Planning Commission that the WDO required that the storage area be paved. He also clarified the requirements of the plant units per square footage in lieu of the architectural wall.

- #53 - The applicant shall construct the minimum safety standards for Front Street south from Shenandoah Lane. The minimum safety standard includes one travel lane in each direction that is a minimum of ten feet wide, curbs, drainage facilities, pedestrian, and bikeway facilities located on one side of the street that would comply with the standards for a Minor Arterial Street in the Woodburn Transportation System Plan, Figure 7-2. He stated that this should be stricken.

- #54 - The property owner shall enter into a non-remonstrance agreement to participate in the cost of reconstructing Shenandoah Lane and Front Street to the standards in the Transportation System Plan when such reconstruction becomes timely. The property owner shall bear costs of such reconstruction proportionate to the property owner's share of impacts to the street system. He requested this should be removed from the Conditions of Approval.

Chairperson Lima asked Beck, if the building was built 30 years prior should the current project reflect the previous code or should the project reflect the current code, since it is a current project.

Beck stated that current projects should be accountable to the current codes, unless there is a dramatic change to the use of a project, there should be exceptions to the existing code. He also understood that for those exceptions there are Variance applications, which are submitted for review by the Planning Commission.

Commissioner Jennings inquired about the newly created jobs for this project.

Beck stated that the project would create about 20 new jobs.

Community Development Director Allen stated that the evaluation showed that currently there are 25 jobs and would increase to an additional 32 new jobs based on the submitted information. He also stated that parking is based on the number of employees and the increase of employees. The landscaping is triggered by the evaluation of the entire site.

Chairperson Lima invited proponents of the application.

Scott Grossen, 393 Shenandoah Ln, Woodburn, OR 97071. He stated that he did not agree to have the applicant place an architectural wall or a chain link fence along the shared property lines. He stated that he would favor adding plants versus a fence or wall.

Chairperson Lima invited opponents of the application. There were none.

Chairperson Lima closed the hearing and was open for discussion amongst the Planning Commission.

There was discussion amongst the Planning Commission with regards to the non-remonstrance agreement and asked the Assistant City Administrator Stuart to clarify the non-remonstrance agreement between the City of Woodburn and the property owners.

Assistant City Administrator Stuart stated that the non-remonstrance agreement is not based on being included or not included to the street improvements once the LID is formed. By signing the non-remonstrance agreement, this will start the process of participation of forming the LID. The only circumstance by not signing will be that property can object to not forming the LID.

Planning Commission also made commentary on the landscaping requirements, the paving of around the storage area, the storage area for the heavy equipment, and the graveled drive aisles.

Commissioner Vancil recommended that the Planning Commission take each condition of approval and make decisions to remove, retain or modify each based on the information supplied by both staff and the applicant.

The following consensus was reached were made on the conditions of approval by the Planning Commission.

Commissioner Vancil stated the condition of approval #7 should be removed and granted with Variance 2008-02 with reference to the architectural wall. This condition was agreed upon by the Planning Commission members.

Condition of approval #9 should be removed and Exception 2008-02 granted with reference to the Front Street improvement. This condition was agreed upon by the Planning Commission members.

Condition of approval #12 should be removed and Variance 2008-03 granted with Variance 2008-03 with reference to the 25 foot wide driveway. This condition was agreed upon by the Planning Commission members.

Condition of approval #14 should be removed and Variance 2008-01 be granted with reference to the 30 foot radius. This condition was agreed upon by the Planning Commission members.

Condition of approval #16 should be removed and Variance 2008-01 be granted with reference to the turn around areas. This condition was agreed upon by the Planning Commission members.

Condition of approval #35 should be retained with reference to the street trees on public street right of way fronting the subject property. This condition was agreed upon by the Planning Commission members.

Condition of approval #30 should be retained with reference to the seven bicycle rack spaces required. This condition was agreed upon by the Planning Commission members.

Condition of approval #36 should be removed and Variance 2008-03 be granted with reference to the 10,329 plant units, 10540 buffer yard plant units, the 288 east side yard plant units and the outdoor storage area east of the driveway. This condition was agreed upon by the Planning Commission members.

Condition of approval #40 should be removed with reference to the six-inch concrete curb, but not place railroad ties in lieu of the curb. This condition was agreed upon by the Planning Commission members.

Condition of approval #44 should be retained with reference to the storage area must be screened from view of the abutting street, including the area located east of the driveway. This condition was agreed upon by the Planning Commission members.

Condition of approval #50 should be retained with reference to the gravel heavy equipment storage area not be required and establish a landscape buffer within 30 feet of the gravel storage area. This condition was agreed upon by the Planning Commission members.

Condition of approval #51 should be modified to reflect only: The driveway west of the warehouse shall be constructed of a gravel surface consistent with the standards for gravel

areas contained in WDO 2.110.06.C1.b. This modification would remove: The driveway north of the warehouse shall be paved. This condition was agreed upon by the Planning Commission members.

Condition of approval #53 should be removed and Exception 2008-02 be granted with reference to the construction of the minimum safety standards of Front Street. This condition was agreed upon by the Planning Commission members.

Conditional of approval #54 should be removed and Exception 2008-02 be granted with reference to entering into a non-remonstrance agreement. This condition was agreed upon by the Planning Commission members.

Commissioner Vancil made a motion to approve Design Review 2007-14, Exception 2008-02, Variance 2008-01, Variance 2008-02 and Variance 2008-03 with the deletions, retentions and modifications to the Conditions of Approval, Commissioner GrosJacques seconded the motion, which unanimously carried.

ROLL CALL

Chairperson	Lima	yes
Vice Chairperson	Bandelow	yes
Commissioner	GrosJacques	yes
Commissioner	Vancil	yes
Commissioner	Grigorieff	yes
Commissioner	Hutchison	yes
Commissioner	Jennings	yes

ITEMS FOR ACTION

The final order for Design Review 2007-14, Exception 2008-02, Variance 2008 – 01, Variance 2008-02, and Variance 2008-03 will need to be prepared for the next Planning Commission meeting to be held on May 8, 2008.

DISCUSSION ITEMS

None.

REPORTS

Reports will be discussed at the next Planning Commission meeting.

BUSINESS FROM THE COMMISSION

Commissioner Jennings read a statement with regards to the role of the Planning Commission, the set fees, concerns with land use projects, and having the discretionary authority to implement the ordinance.

