

**WOODBURN PLANNING COMMISSION WORKSHOP/MEETING
MINUTES
October 11, 2012**

CONVENED: The Planning Commission met in a public meeting session at 7 p.m. in the City Hall Council Chambers, with Chair Ellen Bandelow presiding.

ROLL CALL:

Chair	Bandelow	Present
Vice-Chair	Piper	Present
Commissioner	Corning	Present
Commissioner	Grigorieff	Present
Commissioner	Lima	Present
Commissioner	Ellsworth	Absent
Commissioner		Vacant

Staff Present: Jim Hendryx, Economic & Development Services Director
 Robert Shields, City Attorney
 Don Dolenc, Associate Planner
 Vicki Musser, Recording Secretary

Chair Bandelow opened the workshop/meeting at 7 pm, and Commissioner Piper led the Commissioners in the flag salute.

Minutes

The September 27, 2012 minutes were unanimously approved.

Business from the Audience

There was none.

Communication

There was none.

Items for Action

There were none.

Public Hearing

VAR 2012-05; 1300 N. 2nd Street, Nuevo Amanecer: The applicant previously proposed a 40-unit affordable housing development. This was approved by the Commission through cases DR 2008-05 and EXCP 2008-08. The applicant now requests a variance to substitute a 6' composite wood fence for a 6'-7' architectural wall required by the Woodburn Development Ordinance and the previous decision.

The hearing began with VAR 2012-05, 1300 N. Second Street, Nuevo Amanecer, which was continued from the September 27, 2012 Planning Commission Meeting.

The WDO requires multi-family apartment buildings to have an architectural concrete block wall wherever it abuts single-family dwellings, or where parking is located within a required setback. The applicant has been seeking a variance to build a composite fence instead of the wall, at least partially to avoid disturbing the roots of trees growing along the property line. Since the last meeting, Halstead's Arboriculture Consultants has visited the site, and sent a letter regarding the nature and health of the trees along the property line to Nuevo Amanecer applicant Emily Breidenbach. In this arborist's opinion, the proposed construction of a wall would severely impact the trees. This letter was handed out to the Commissioners.

Public Discussion:

Speaking on Behalf of the Project:

Applicant: Roberto Jimenez, FHDC 4105 Madison Street: Mr. Jimenez felt that the composite fence was the best option available. The arborist's report verifies that most of the trees are healthy, and Nuevo Amanecer would like to avoid any damage. The composite fence looks like wood and yet is very long-lasting. They are willing to put up a 7' composite fence, but not a 7' concrete wall. There are 3 small windows that overlook Ms. Torralba's property. The 2 lower windows view would be blocked by the fence, and only the upper window would look into her property. There would be funds in reserve to replace the fence if and when it was needed during the estimated 50 year life span of the building on the property.

Speaking in Opposition to the Project:

Angelica Torralba, 1266 N. 2nd Street, Woodburn: Ms. Torralba objected to the proposed fence, and had submitted a letter detailing her reasons prior to the meeting. She was in the audience, and had a City interpreter at hand, since she speaks only Spanish. She requested that the Commissioners take her letter into consideration, in which she expressed her concerns regarding safety, security and privacy.

Chair Bandelow closed the public portion of the hearing, and the Commissioners discussed the request for a variance. Chair Bandelow felt that the wall would be a better solution in terms of longevity and noise reduction. She pointed out that a fence would not be a material advantage to abutting property owners, since the fence would be just as close to their properties as the proposed wall.

Commissioner Corning agreed with her statement.

Commissioner Lima brought up the matter the wall's height requirements, and was told that they could include a condition specifying a 7' wall, if they so wished. He felt that the architectural concrete wall would be fine.

Commissioners Piper and Grigorieff noted that the trees along the property line were not in the best of health, were "common" trees and easily replaceable.

Motion: Commissioner Piper made a motion to deny VAR 2012-05, a variance to substitute a 6-7' composite fence for an architectural wall. Commissioner Grigorieff seconded the motion. The vote was unanimous, and the variance was denied.

VAR 2012-06; 2720 Newberg Highway, West Coast Bank: The applicant is requesting variance approval to exceed the allowable number of parking spaces and approval to reduce the amount of required landscaping. The property is zoned Commercial General (CG).

This application was withdrawn. Chair Bandelow asked if anyone was in audience to talk about this variance. No one responded.

MOC 2012-01; the Links at Tukwila, Phases IV and V: Application to Modify Condition # 21 VAR No. 04-14 (Street Improvement for Secondary Access) of PUD 04-03 (Links at Tukwila – Phases IV and V).

The applicant requests modification of a condition of approval for Phases IV & V, requiring bonding for the construction of the secondary access.

Commissioner Piper stated that he was on the Woodburn Fire Board and that the matter had been discussed in a meeting, but he felt he could be fair and unbiased in listening to the application for the modification of conditions.

Michael Robinson, attorney for Renaissance Homes, requested a summation of the Fire Board's discussion. Commissioner Piper responded that they were told that there is a bond costing the applicant, Renaissance Homes, \$15,000 a year, which is tied up in a boundary dispute over the Urban Growth Boundary (UGB), and the applicant is asking to be relieved of that bond. Renaissance would be willing to bring up the road to standard, and to give the City \$15,000 for future maintenance, and in return, they have requested that the City take over responsibility for the road.

Originally, the applicant sought to simply remove the requirement for the performance bond, but the City did not agree. The applicant now proposes to remove the requirement for the performance bond, transfer maintenance responsibility for the emergency access road to the City; provide the City with \$15,000 to maintain the emergency access road; and transfer the responsibility to dedicate and construct a local street (upon development of the property) from the applicant to the underlying property owner.

The easement would become a 60-foot ROW and be dedicated to the City for public street purposes. City recommends approval by modification of Condition 21 of VAR 04-14 as follows:

- Provide the City with an emergency access easement to ensure adequate access for emergency vehicles to the adjacent properties;
- Transfer maintenance responsibility for the emergency access road to the City;
- Provide the City with \$15,000 from the applicant to maintain the emergency access road; and

- Transfer the responsibility to dedicate and to construct a local street (upon development of the property) from the applicant to the underlying property owner.

In addition, the applicant shall provide an easement agreement, to be executed by the property owner for emergency vehicle access.

The applicant shall continue to maintain the performance bond until the City decides that all conditions have been satisfied.

Associate Planner Dolenc provided background on the request, history of the original subdivision and condition for the emergency access road. He noted that a fully loaded dump truck drove over the road to determine its status. There was no deflection, and the roadbed is not degraded. The road is in reasonably good shape.

Public Discussion:

Speaking on Behalf of the Applicant:

Michael Robinson, 1120 NW Couch St, 10th Floor, Portland, representing Renaissance Homes, noted that the aforementioned performance bond was required is to secure construction, not to maintain the emergency access road. The builder's original intent was to be able to come back and buy the property and build the road. Due to the recessionary economy, this did not happen.

The applicants agree with the staff report's conditions of approval. Mr. Robinson noted that both Public Works Director Dan Brown and the Woodburn Fire District also agree with the staff's conditions of approval. Mr. Robinson handed out 3 letters to show support for the modified conditions of approval.

Applicant: Randy Sebastian, of Renaissance Homes, 16771 Boones Ferry Road, Lake Oswego said that the market is at present extremely challenging. It is Renaissance Home's intent to come back to Woodburn when the economic climate changes. He feels that the proposed conditions are fair.

Speaking in Opposition to the Project:

Frank Comer, of 689 Troon Avenue, Woodburn, was concerned as to whether the City has funding to continue the maintenance, and wondered if the City or the property owner was responsible for maintaining the road.

Economic and Development Services Director Jim Hendryx stated that it was the Public Works Director's evaluation that \$15,000 was enough to bring the road up to standard and keep up ongoing maintenance. The City feels they have sufficient funds for the future, and they are committed to keeping the road in condition.

Claudia Ingham, of 692 Tukwila Drive, Woodburn wondered how \$15,000 could be considered enough when the length of time the City would need to maintain the road has not been defined.

Chair Bandelow noted that the road is basically used for emergency access, and used only occasionally by the property owner.

Director Hendryx stated that maintenance should be minimal, since there's almost no traffic on it.

Michael Robinson, in rebuttal to Ms. Ingham, said that there has been some superficial damage over time due to farmer's tractor or pruning falling on the road, but the basic integrity of road remains.

He felt that there will be enough money to not only bring it up to standard, but also to maintain it at that standard.

Planning Commission Discussion:

Commissioner Piper saw no valid reason to have the performance bond maintained. The access way already exists and is reasonably serviceable. He has every confidence that the City will maintain it. He stated that he was in favor of approval for the modification of conditions.

Chair Bandelow was in favor of approval.

Commissioner Piper voted to approve MOC 2012-01, and added an authorization for the Chair to sign a Final Order. Commissioner Lima seconded the motion, and the motion passed unanimously.

Workshop

The Planning Commission has been going through sections of the WDO to simplify and clarify the ordinances. Discussion continued regarding Section 2. Significant changes were included in the updated version of Section 2. The original can be seen on the City website for comparison. This updated version reflects the Planning Commission's previous comments and the discussion that came out of that. The text includes the overlay zones, which were consolidated into one section. Director Hendryx requested that the Commissioners take Section 2 home and study it, so that policy discussion could begin on this section at the next meeting. Once discussions are completed, public hearings will begin. The section amendments would be advertised, and when each is to be discussed at the public hearing, so people can show up to attend section hearings they are specifically interested in.

Bob Shields, City Attorney, asked if the Commission had any questions regarding the proposed Urban Growth Boundary (UGB). An amendment to the UGB is presently in the Court of Appeals, after being well briefed. The Attorney General's office did a good job, and now the City is waiting to hear the results.

Items for Action

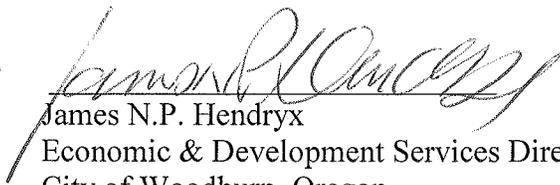
The next Planning Commission meeting is scheduled for Thursday, October 25th.

Adjournment

Commissioner Piper made a motion that the meeting be adjourned, and Commissioner Lima seconded it. The meeting was adjourned at 8:49.

APPROVED 
Ellen Bandelow, Chair

Oct 25, 2012
Date

ATTEST 
James N.P. Hendryx
Economic & Development Services Director
City of Woodburn, Oregon

10/26/2012
Date