

WOODBURN PLANNING COMMISSION MEETING MINUTES
June 10, 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.

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.

Commissioner Jennings led the salute to the flag.

ROLL CALL

Chairperson	Lima	A
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
Don Dolenc – Associate Planner
Carrie Brennecke – Associate Planner
Jonathon Stuart – Assistant City Attorney
Marta Carrillo – Administrative Assistant

MINUTES

A. Woodburn Planning Commission Meeting Minutes of June 26, 2008.

Commissioner Jennings moved to accept the minutes. Commissioner GrosJacques seconded the motion, which unanimously carried.

BUSINESS FROM THE AUDIENCE

None.

COMMUNICATIONS

None.

PUBLIC HEARING

A. 2400 N. Pacific Hwy – Cascadia Development, Applicant
Annexation 2008-01, Zone Change 2008-01

The applicant requests the subject property be Annexed in to the City of Woodburn and a Zone Change to Commercial General (CG).

Vice-Chairperson Bandelow asked if anyone had any conflicts, ex parte contacts, and/or declarations. There were no announcements.

Staff Report

Associate Planner Dolenc read the applicable ORS.

The property is located on Hwy 99E North of Hwy 214. The Urban Growth Boundary (UGB) runs along the northern part of the property and abuts the City limits along Hwy 99E. The City limits are to the East and along Hwy 99E. The year 2000-dated aerial photograph shows a mobile home and a tree that have been removed and also shows the Kilroy’s Self-Storage on the adjacent property to the south. The City limit abuts the property on three sides and bounded by the UGB. A photograph was shown of the self-storage facility to the south that is in common ownership with the subject property. The applicant intends to expand the self-storage facility onto the subject property.

The Comprehensive Plan Map designates the subject property as Commercial. The zoning map shows the property is abutted by Commercial General (CG) zoning. The applicant has requested CG zoning and staff recommends this as the appropriate zoning for this property. He stated that Planning Staff is in support of the application and recommends that the Planning Commission forward the findings and conclusions to City Council for approval.

Associate Planner Dolenc stated that the applicant is unavailable and cannot represent himself for public testimony.

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 and was open for discussion amongst the Planning Commission members.

Commissioner Jennings moved to approve Annexation 2008-01 and Zoning Change 2008-01 with conditions and forward the recommendation to City Council. Commissioner Vancil seconded the motion, which unanimously carried.

ROLL CALL

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

B. 1495 Cooley Ct – Jeff Potts, Applicant
Variance 2008-05

The applicant requests a Variance from the required 24 foot rear setback to a 5 foot rear setback.

Vice-Chairperson Bandelow asked if anyone had any conflicts, ex parte contacts, and/or declarations. There were no announcements.

Associate Planner Brennecke read the applicable ORS.

The subject lot is located in the Single-Family Residential (RS) zone. Adjacent property uses are: Nelson Park to the North, single-family homes to the East, West and South. Nelson Park has undeveloped ball field and a storm water detention facility adjacent to the subject property's rear property line.

The purpose for the variance request is that the current setbacks leave the applicant a 19 foot deep buildable area on the lot's narrowest point. The applicant considers the buildable area too narrow to construct a single-family home. The situation exists due to the development of Kathryn Estates Subdivision in 2004. A variance was submitted for allowing for a reduction in lot depth from 100 feet to 78 feet resulting in the buildable land area was not closely examined as a part of the variance and no variances were submitted for setbacks.

The applicant requests a reduction for the rear yard setback from the required 24 feet to 5 feet. The request proposes a dwelling that would be 36 feet deep and would meet all the other required setbacks. The applicant is proposing a one-story, 1750 square foot home with an attached garage. Staff has concluded that the house is of equal size or less than other homes in the subdivision.

Submitted with the application are images of the proposed structure with a rendering of the front, the rear elevation (elevation adjacent to the rear property line facing Nelson Park with the 5 foot setback). The park has a baseball backstop and a picnic bench, but no other developed facilities.

There are two lots adjacent to the park in this subdivision that have similar setbacks to those proposed in this application. One has a 5 foot setback and the other has an 8 foot setback (both of these houses are abutting the park with a side yard). They were developed similarly as to the applicant's proposed development.

Staff recommends approval of the variance with conditions. She concluded her presentation and was open for questions.

Commissioner Vancil inquired about the development of facilities.

Associate Planner Brennecke stated that there were no facilities developed adjacent to the property.

Vice-Chairperson Bandelow invited the applicant for testimony. The applicant was not present.

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 and was open for discussion amongst the Planning Commission members.

There was discussion amongst the Planning Commission members with regards to the proposed rear setback, the surrounding properties, possible liability with Nelson Park being so close to the subject property, orientation of the proposed structure, public easement and requiring a 6' fence.

Associate Planner Brennecke stated that requiring a 6 foot fence along the property line and the park could be a condition of approval. There is a 15 foot distance from the easement to the proposed structure.

Commissioner GrosJacques made a motion to deny Variance 2008-05. Seconded by Commissioner Vancil, which there was a tie vote on the motion.

ROLL CALL

Chairperson	Lima	---
Vice Chairperson	Bandelow	no
Commissioner	GrosJacques	yes
Commissioner	Vancil	yes
Commissioner	Grigorieff	no
Commissioner	Hutchison	no
Commissioner	Jennings	yes

With the tie vote, the Planning Commission members continued discussion with regards to the applicant's request. Commissioner Grigorieff suggested that having the applicant present would help answer questions. They discussed standards of development, the need for the size of the structure, hardship on the property owner by requiring a smaller structure, condition for the requirement of a 6 foot fence along the rear and adjacent property lines, and moving the structure further from the rear property line (Nelson Park).

Commissioner Jennings made a motion to continue the public hearing to July 24, 2008 at the regularly scheduled Planning Commission meeting. Commissioner GrosJacques seconded the motion, which unanimously carried.

ROLL CALL

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

Commissioner Jennings made a motion to remove Item 6C from the Agenda, which is the Final Order for Variance 2008-05. Commissioner GrosJacques seconded the motion, which carried unanimously.

Vice-Chairperson Bandelow opened the record from a previous request for an amended landscape plan, phasing drawing and additional written testimony from the applicant for Design Review 2008-01 and Exception 2008-03.

Associate Planner Dolenc announced that the applicant had also requested to withdraw Variance 2008-04 and submitted a revised landscape plan.

Commissioner Vancil stated that he had no reason not to except additional information from the applicant therefore, suggested to accept all amended landscape plan, phasing drawing and any additional written testimony.

Vice-Chairperson Bandelow stated that all submitted evidence would be admitted into the record.

Associate Planner Dolenc stated that the revised Staff Report includes the new information of the landscape plan showing conformity with the WDO and has withdrawn the Variance request. The applicant has submitted a phasing drawing. The proposed condition of approval for a phasing plan is to be submitted per section 5.103.05, which is a separate land use application and decision. The purpose of the phasing plan is to ensure that the entire property is considered in an orderly manner.

Assistant City Attorney Stuart stated that to confirm what has been admitted into the record must be clearly stated.

Vice-Chairperson Bandelow asked staffs to confirm the submitted amended landscape plan and the phasing plan that were introduced as evidence to the Planning Commission.

Associate Planner Dolenc stated that the applicant submitted an amended landscape plan and a phasing plan on July 2, 2008. On July 10, 2008, the applicant submitted a letter detailing the plant units in the area that shows conformity and can be accepted into the record, but not as an exhibit.

Vice-Chairperson Bandelow closed the record accepting all documents that were submitted by the applicant.

Commissioner Jennings requested clarification with regards to the phasing plan. He referred to page 8 of the accepted Planning Commission meeting minutes of June 26, 2008. The minutes read, "Assistant City Attorney Stuart stated that perhaps removing the phrase 'shall provide' and replacing with 'will discuss' improvements at each phasing plan." He stated that the word "shall" still exists in the staff report. He stated that there was a consensus to remove the word "shall" and replace with a more appropriate word and Assistant City Attorney Stuart made a suggestion of using "will discuss".

Community Development Director Allen stated that there was discussion and an agreement amongst the Planning Commission members with regards to the word "shall" and staff will make necessary adjustments with the verbiage in the final order.

Commissioner Jennings stated that he would like to see the Final Order with the appropriate verbiage that was agreed upon.

Associate Planner Dolenc referred to the submitted phasing drawing. The identified phase III has parking drive aisle and dead-ends into a landscape area, which leaves no alternate exit for vehicles. With a phasing plan issues can be addressed. A phasing plan is a separate land use decision, which binds the entire property and not just the first phase.

Community Development Director Allen stated that the phasing drawing document submitted by the applicant does not need to be voted on and can be discussed later, but it is an item addressing the conditions of approval.

Vice-Chairperson Bandelow inquired about mandating the applicant to adhere to the condition as opposed to having a discussion with staff.

Community Development Director Allen stated that the applicant submitted a phasing drawing and staff did not request this document. The applicant appears to be attempting to show compliance before a decision is made by submitting the phasing drawing. There is no application submitted for a phasing plan; there has been no notice of a public hearing for a phasing plan and there is no land use decision at this time for a phasing plan.

Vice-Chairperson Bandelow asked if this is only a condition requiring the applicant to submit a phasing plan as the project progresses and prior to occupancy.

Community Development Director Allen stated that staff has recommended a phasing plan because of the existing conditions and the proposed phasing drawing does not fit with current development proposal and existing substandard elements. The purpose for the phasing plan is to show connectivity between the phases, pedestrian access, vehicle access, landscaping, and enough parking areas. The applicant can move ahead with the project and the condition states that the applicant needs to submit a phasing plan prior to occupancy of the structure.

Associate Planner Dolenc stated that the applicant proposes to use opaque spandrel glass at ground level of the pharmacy to meet the frontage 30 percent requirement. The draft condition is that the 30 percent does not meet the requirement. The opaque spandrel glass is a mirror type glass that is not see through.

Commissioner Vancil stated the purpose of the guideline was to deter from a building looking like a box and not as an attraction to look inside a building.

Vice-Chairperson Bandelow inquired about the differential percentage of the glass requirement.

Associate Planner Dolenc stated that the submittal did not detail the extent of the glass requirement, but it indicated that it showed the spandrel glass to be at mid-point of the wall.

Vice-Chairperson Bandelow stated that the WDO does not specify as to the type of glass, but only the requirement of glass and if the applicant is meeting the requirement, the Planning Commission cannot require a condition. The Planning Commission agreed that the applicant has met the criteria.

Commissioner Jennings made a motion to approve Design Review 2008-01, Exception 2008-03 and the withdrawal of Variance 2008-04 with conditions of approval and the removal of condition 36 with regards to the spandrel glass and condition 5 with regards to the modification of the word "shall" and replaced with "will discuss". Commissioner GrosJacques seconded the motion, which passed unanimously.

ROLL CALL

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

Vice-Chairperson Bandelow announced that Item 6, Items for Action, on the agenda, which are

the final orders for the two hearings will moved after Item 7, Discussion Items.

DISCUSSION ITEMS

A. Legislative Amendment 2007-03 Workshop

1. Ornamental Fences

Community Development Director Allen stated that the Focus Group liked the concept and verbiage to allow the decision making body on allowing ornamental fences. The verbiage describes the type of ornamental fences and excludes wooden fences and vinyl coated fences from the definition.

Commissioner Vancil asked if this change is to expand the options from the current definition of a fence.

Community Development Director Allen stated that the changes in table 2.1.7 includes authorizing language changes to allow the decision maker to accept other options for fences and walls, during the design review process.

Commissioner Jennings stated that having the ornamental fences as an option allows for a developer to present an option other than a wrought iron fence and gives the Planning Commission a view of what is acceptable and not acceptable.

Commissioner Vancil commented that the suggested list is very prescriptive and asked if it necessary. Although some fencing may not look presentable, it may be appropriate in some zones.

Vice-Chairperson Bandelow stated that there should be more allowances on the type of fences, if they look presentable without requiring a specific style and increase cost.

Community Development Director Allen stated that the effort was to deregulate the current wall requirements.

Community Development Director Allen stated that the topic needs to be discussed at the staff level and present options at the decision-making level by either the Planning Commission or staff based on the type of application submitted. The decision-maker determination would be based on a process of "should/shall" and what is proposed by the applicant would determine what is required or not required through a land use process.

Commissioner Vancil stated that the decision should be based on the zoning of the property.

2. Locations of Flagpoles.

Community Development Director Allen stated that the location of a flagpole topic was a result of individuals requesting a flagpole on their property. The WDO does not specify if flagpoles are allowed in residential areas therefore, it is now being included in the various zones.

Commissioner Vancil inquired about the process of placing a flagpole on a front yard.

Associate Planner Dolenc stated that the Building Code does not regulate the flagpoles therefore the Planning Division has to review the request as a structure and meet the setbacks.

Community Development Director Allen stated that there were discussions with property owners and the definition of a structure. The WDO defines a structure as anything built above or below ground therefore the structure has to meet the setbacks. Authorizing and allowing flagpoles that do not have to meet the 20 foot setback on the front property line. Including specifically the flagpole in the various zones and not requiring it to meet the setback for a structure, will allow property owners to place a flagpole on their property.

Vice-Chairperson Bandelow asked if a light pole, bird house or flowerpot pole considered structures. If a flagpole is being strictly defined, then other structures should be defined as well, since the WDO does define other similar type of poles as structures.

Community Development Director Allen stated that WDO defines a structure as “that which is built or constructed, an edifice or building of any kind or any piece of work artificially built up or composed of parts joined together in some definite manner regardless of whether it is wholly or partly above or below grade”. The purpose of adding “flagpole” in the various zones areas is to clarify and allow it with a special setback, which would be within a standard setback but within 5 feet of a structure.

Commissioner Jennings stated that the focus group decided that this item had become an issue therefore it needed to be addressed and this was the best way to address the situation by allowing it in the various zones.

3. Home Occupations

Community Development Director Allen stated that this was an item typically addressed at the counter, phone and/or as a submitted Business License application. This verbiage change would allow a home occupation to be established in a duplex or multi-family dwelling and also puts additional parameters that currently do not exist for single-family dwellings.

There was discussion about day care centers in the residential area amongst the Planning Commission members.

4. Public Notice – 100 feet

Commissioner Jennings stated that the focus group had discussions with regards to the 250 feet public hearing notices and concluded that 100 feet would be sufficient.

5. Woodburn Street Tree Guideline

Associate Planner Brennecke stated that the WDO has a list of tree species. The street tree guideline needs to be more flexible. Some species need to be added and/or removed, when new information becomes available. An example is an elm tree is prohibited because they are susceptible to dutch elm disease, but there are also certain species that are resistant to dutch elm disease. The WDO prohibits an elm tree to be planted as a street tree. The purpose of the list is to take the tree species and guidelines out of the WDO and staff is working on preparing a street tree selection guide to use as a policy document for applicants to have a selection of species. The selection was made by comparing the list to other cities.

Community Development Director Allen stated that the list will be useful for staff and for developers in selecting certain street trees.

6. Parking Requirements for drive-through only establishments

