

**COUNCIL MEETING MINUTES
OCTOBER 29, 2018**

0:00 **DATE COUNCIL CHAMBERS, CITY HALL, CITY OF WOODBURN, COUNTY OF MARION, STATE OF OREGON, OCTOBER 29, 2018**

CONVENED The meeting convened at 7:00 p.m. with Mayor Figley presiding.

ROLL CALL

Mayor Figley	Absent
Councilor Carney	Present
Councilor Lonergan	Present
Councilor Schaub	Present
Councilor Morris	Present
Councilor Ellsworth	Present
Councilor Serratos	Absent

Staff Present: City Administrator Derickson, City Attorney Shields, Assistant City Administrator Row, Public Works Director Liljequist, Economic Development Director Johnk, Community Development Director Kerr, Senior Planner Cortes, Assistant City Attorney Granum, City Engineer Garcia, Communications Coordinator Moore, Community Relations Manager Gutierrez-Gomez, City Recorder Pierson

APPOINTMENTS

Lonergan/Schaub...appoint Merri Berlin to the Planning Commission. The motion passed unanimously.

CONSENT AGENDA

- A. Woodburn City Council minutes of September 24, 2018,
- B. Woodburn City Council Meeting Executive Session minutes of September 24, 2018,
- C. Woodburn Special City Council Meeting minutes of October 9, 2018,
- D. Woodburn City Council Meeting Executive Session minutes of October 9, 2018,
- E. Woodburn Planning Commission Meeting minutes of June 28, 2018,
- F. Acceptance of Public Utility Easement at 1055 Mt. Hood Avenue, Woodburn, OR 97071 (Tax Lot 051W08BC00600),
- G. Building Activity for September 2018,
- H. Crime Statistics through September 2018.

Lonergan/Ellsworth... adopt the Consent Agenda. The motion passed unanimously.

PUBLIC HEARING

A Public Hearing to consider input on annexation and development of approximately 150 acres of territory known as the Smith Creek Development generally north and west of 690 Ben Brown Ln (ANX 2017-05 etc.). Mayor Figley declared the hearing open at 7:17 p.m. for hearing public input on the annexation and development of approximately 150 acres of territory known as the Smith Creek Development generally north and west of 690 Ben Brown Ln (ANX 2017-05 etc.). Mayor Figley asked if there were any conflicts of interest, ex-parte contacts or site visits. Mayor Figley noted that she lives close to the project, that she knows some of the family members and that she is familiar with the project. She added that she can still be objective when voting. Councilor Lonergan stated that he is familiar with the property; he knows the Smith family very well but has not spoken with them about the sale of this property. He added that he has heard from citizens about this project but does not have an

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opinion on this project one way or another. Councilor Carney stated that he has had people speak to him about this project and that he listened but made no comments. Councilor Schaub stated that she had two members of Woodburn Estates and Golf bring her a petition on this project and that she promptly brought it to City Hall. She added that she has not made any decisions and has made no opinions on it. Councilor Ellsworth stated that she has no conflicts or any ex-parte contacts. Mayor Figley asked if there were any challenges and there were none. City Recorder Pierson read the Public Hearing Statement. Senior Planner Cortes provided a staff report and answered clarifying questions of the Council. The Applicant, Gordon Root of Stafford Land Company, provided testimony in favor of the annexation and answered questions of the Council. Councilor Lonergan stated that in regards to the homes with an alley, he would like to see addresses required on both sides of the home. Mayor Figley asked for testimony from those in favor of the project.

Jason Susee, Vancouver, WA, stated that he is the 5th grandchild of Hazel Smith and that he is in favor of the project and wants to do right by his grandmother and grandfather. Their grand plan was to do something good for the City. He stated that what is important for the family is to carry on the standard that she set for them.

Yvonne "Smith" Thomas, Corvallis, OR, stated that the time has come to approve this. She added that the Stafford people had the family's heart with the master plan and with the streets being named after citizens as well as a memorial park named after their parents. It is the time to turn this over to Woodburn.

Paula Kilgore, 636 Oregon Way, stated that she has concerns about the Hayes Street stop sign being removed and that she would like it to stay there to keep the golfers and walkers safe. She added that better crosswalks like the ones on 213 would also be helpful.

Nancy Kirksey, 1049 McKinley St., stated that she knew Hazel very well and that she would be proud of the development. She added that Hazel was a very caring giving person. She hopes this development passess.

Connie Doyon, 577 E. Clackamas Dr., stated that she is also concerned about the stop sign being removed on Hayes Street. She added that there is a lot of traffic that goes through and people on Oregon Way will have a hard time making a left turn. She asked if Cozy Way and Leisure Street were be turned into ways off of Hayes?

Mayor Figley stated that it wasn't in this project but asked that Senior Planner Cortes address that question in rebuttal.

Tom Staskiewicz, 3151 Jonah Pl., General Manager of Woodburn Estates, stated that he tried to speak with Councilor Lonergan about this development and was told due to a conflict of interest he couldn't discuss it. He questioned whether or not it was a conflict of interest for a Councilor to speak with members of the community that they represent. He stated that the bigger conflict of interest is for staff or Council to compromise safety for money. He stated that he is not against the project but he is concerned about the stop sign being removed from Hayes Street and he believes that they are not taking into consideration all of the traffic studies and added that an independent study should be done. He asked if the park maintenance at the

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new park will be maintained the same way as the park in Senior Estates.

City Attorney Shields interjected to tell the Council that this is a quasi-judicial hearing and under state law you have to act like a judge and that means you cannot have an ex-parte contact. So if somebody comes up to you and wants to talk about this stating they have concerns and want to talk to you right now, you have to, under state law, say that the time to talk is tonight where everyone can come and every one can hear.

Ray Webb, 370 Cascade Dr., stated that this project can be a positive for the City but he is also positive Hayes Street will be a death trap if the stop sign is removed. He added that he is also concerned about the Santiam Strip. He does not want access to the development and he doesn't want others to come into their area. He also questioned where the connection for Smith Dr. and Evergreen would be made.

Steve Rippeteau, 562 Prairie St., thanked the Smith family for the great work but stated that he is concerned about affordability and traffic. He would like to see the density reduced and the flow to go towards Parr Road and added that there needs to be another access to I-5.

Jana Aiken, 1331 Princeton Rd., stated that she is concerned about the Santiam Road greenway and that homeowners don't want strangers coming into their space. She added that she is not against the project but homeowners are old and they enjoy the quiet and there will be a lot of kids going through there.

Don Wells, Woodburn, OR, stated that he is a farmer and contractor. He added that he owns two homes, one in Tukwila and one in Walker Court. The trees there are lifting the sidewalk and the sewer lines were put in wrong. He wanted to caution that the City needs to be watching for these things.

Nancy Ballinger, Woodburn, OR, stated that the homes on Santiam are built up to the property line and it's a shame. It is a non-conforming area there right now and homes would not be able to sell. The property line had been changed 10 to 15 years ago. She added that Hayes Street is a mess and that Parr and Crosby need more I-5 access and that Hayes should be closed off to Senior Estates. She finished by saying the project is beautiful.

Mickey Harrison, 924 Oregon Way, stated that you won't be able to get out to go to anywhere if the stop signs are removed on Hayes Street.

Mayor Figley asked if there was anyone in the audience that would like to speak against the project.

Louise Davidson, 643 S. Columbia Dr., stated that she is against the stop sign removal on Hayes Street but she is not opposed to the project. She stated that even now it is hard to cross the street. Golf cart crossings are only for the golf carts so they have to cross at the corners.

Mayor Figley stated that they will now hear rebuttal by the applicant. Gordon Root stated that he will defer to staff on the stop sign issue and the connectivity to Santiam. In response to the question about the independent traffic consultant he stated that they use DKS but the City has hired Lancaster Engineering separately to review the work of DKS to make sure it is up to

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snuff and fair. In response to the question on maintenance for parks he stated that this development will add a huge tax base along with SDCs to help maintain the parks and infrastructure. He added that Smith Drive ends at Ben Brown and that Ben Brown will be the connectivity to Evergreen. He believes that the site has a lot of connectivity. In regards to density they are within the code. The setbacks along Senior Estates have a shallow backyard which is why the lots next to them are so deep. In response to the change of the property line being changed he stated that those lines were never moved.

Senior Planner Cortes stated that there is no actual change to the local streets in regards to the question about Cozy Way. In regards to the fencing there is already a condition on that and its PUD 16. In regards to the stop sign at Hayes he stated that they are proposing it be removed because it is not warranted, this condition could be struck if the Council is so inclined.

Mayor Figley stated that it may not be warranted but a lot of people cross there. Councilor Lonergan asked if we could hold off removing those stop signs and revisit the issue as the project develops. City Administrator Derickson and Public Works Director Liljequist agreed that they could. There was a concurrence of the Council in favor of doing that. City Attorney Shields added that the City Council could revisit this at a later time with or without a land use application as they are the traffic control entity in the City. Senior Planner Cortes provided the Council with a list of the conditions of the approval. Councilor Lonergan asked about whether having the addresses required on both sides of the alley houses need to be conditioned and Senior Planner Cortes stated that a condition is not required but perhaps have staff provide a note to the applicant to work out a potential arising of a problem about addresses in the alleys with the utility provider. In response to the Santiam greenway, the developer is not changing anything to this tract. He added that this tract, that is in the Estates, has no address or lot number but it is a public tract with a blanket easement granting public access. Councilor Schaub asked if a fence can be built on this tract. Community Development Director Kerr stated that it will be used for public utilities and that has to remain open and available to get to those utilities.

Mayor Figley declared the hearing closed at 10:09 p.m.

Mayor Figley stated that this is a beautiful project and Hazel would be proud of it. With the concerns of the stop signs and the golf cart crossing taken care of, I am very comfortable with it.

Councilor Lonergan concurred and that this will be a great asset to the City.

Councilor Carney agreed with Mayor Figley and Councilor Lonergan.

Councilor Schaub stated that following the UGB approval and the need for housing she likes the design standard, that it ensures pedestrian orientation and compatability. She believes the project is a real asset and she is favor of this project.

Councilor Ellsworth stated that she has concerns about the lot size but likes all of the greenspace. She added that she respects the recommendation of staff and the Planning Commission. She also stated that there is good mix of different types of housing in the project

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and she is in favor of this project and appreciates the time the family took to get this right.

Senior Planner Cortes provided direction on the motions that could be made by the City Council.

City Attorney Shields stated that there could be a motion to tentatively approve the land use applications, direct staff to prepare ordinances, and to eliminate the present requirement for stop signs on Hayes Street. In one motion. He added that this is not a land use decision it's a tentative approval. So the motion would be something like to tentatively approve the applications, and direct staff to prepare the appropriate ordinances and resolution with the exception of eliminating the requirement that Hayes Street stop signs be eliminated. We had a motion like that, or even a so moved, that would work. **Schaub/Ellsworth**... so moved. On roll call vote the motion passed unanimously.

Mayor Figley called for a 5-minute recess.

CITY ADMINISTRATOR'S REPORT

City Administrator Derickson had nothing to report.

MAYOR AND COUNCIL REPORTS

Councilor Carney stated that he was pleased to be back. He added that the Public Art Public Hearing was taking place tomorrow at 6:30 p.m.

Councilor Lonergan thanked staff and the Planning Commission for their work tonight. He also mentioned that he received a call from a citizen who mentioned that the signage is still at Success High School.

Mayor Figley thanked staff for their efforts on this project.


Councilor Ellsworth thanked the citizens that attended and spoke at the meeting. She added that there is trick or treating downtown on Halloween.

Councilor Schaub stated that she agrees with what all the other Councilors have said. She wanted to thank staff for always being helpful and providing information.

ADJOURNMENT

Ellsworth/Schaub... meeting be adjourned. The motion passed unanimously.
The meeting adjourned at 10:31 p.m.

ATTEST


Heather Pierson, City Recorder
City of Woodburn, Oregon

APPROVED


KATHRYN FIGLEY, MAYOR