

**WOODBURN PLANNING COMMISSION PUBLIC  
HEARING/MEETING MINUTES  
May 22, 2014**

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

**ROLL CALL:**

<b>Chair</b>	<b>Lima</b>	<b>Present</b>
<b>Vice-Chair</b>	<b>Piper</b>	<b>Present</b>
<b>Commissioner</b>	<b>Grigorieff</b>	<b>Present</b>
<b>Commissioner</b>	<b>Valladares</b>	<b>Present</b>
<b>Commissioner</b>	<b>Comer</b>	<b>Present</b>
<b>Commissioner</b>	<b>Corning</b>	<b>Present</b>
<b>Commissioner</b>	<b>Carney</b>	<b>Present</b>

**Staff Present:** Jim Hendryx, Economic and Development Services Director  
 Don Dolenc, Associate Planner  
 Jon Stuart, Assistant City Attorney  
 Vicki Spitznogle, Recording Secretary

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

**Minutes**

The January 9, 2014 minutes were unanimously approved.

**Business from the Audience**

None

**Communication**

None

**Public Hearing**

777 Arney Road – ZC 2014-01; DR 2014-01; PAR 2014-02; PLA 2014-01. The applicant requested a zone change to remove the conditional zoning restriction, Design Review for four retail and restaurant buildings totaling approximately 39,000 square feet, Partition to divide one parcel into three, and Property Line Adjustment to relocate an existing property line. The property is zoned Commercial General (CG), and is designated Commercial on the Comprehensive Plan Map. Abutting properties are zoned Commercial General (CG).

Commissioner Rob Carney noted that he had a potential conflict of interest. Assistant City Attorney Jon Stuart said that each Commissioner must decide individually as to

whether their potential conflict of interest would bias them to the case, in which case they should recuse themselves.

Commissioner Carney chose to recuse himself.

Associate Planner Don Dolenc presented the staff report. The property was rezoned in the past (Ordinance 2202) with the restriction that the change to Commercial Retail is for a proposed auto dealership only. The proposed Zone Change would remove this restriction and allow any use described in the Commercial General (CG) zone.

The property was developed before the Interchange Management Area (IMA) was adopted, so the property is not included in the maximum peak hour vehicle trip limitation. The application is subject to Oregon Department of Transportation (ODOT) notification and Traffic Impact Analysis (TIA) requirements. The TIA concludes that “all study area intersections are anticipated to meet City and ODOT mobility standards”. The TIA concluded that the proposed development would not cause significant traffic issues.

The Bonneville Power Administration (BPA) has an easement that runs through a portion of the property, which raises some issues.

There will end up being four parcels, each with its own building. The Woodburn Fire District has determined that the revised plans submitted by the applicant demonstrate adequate Fire Department access, including width and radius. A secondary access to Arney Road will not be required. Thus, one of the Conditions of Approval (#4) is removed.

A future vehicular access to the abutting property to the west would be created by Condition of Approval #9, which would allow a customer to patronize the abutting development and then cross over to the applicant’s development, without going out onto Arney Road.

The proposed development does not meet two guidelines, though these are stated as “should” guidelines and not “must” restrictions:

- At least 30% of the wall surface abutting a street should be glass.
- All building faces abutting a street or a public parking areas should provide weather protection for pedestrians.

The overall conclusion by the staff is that the applicant can meet the conditions for the application. Therefore, the Planning Division recommends that the Commission forward cases ZC 2014-01, DR 2014-01, PAR 2014-02, and PLA 2014-01 to the City Council with a recommendation of approval.

In response to a question by the Commission about weather protection, Dolenc pointed out that Section 3.07.06.B.5 provides that all building faces abutting a street or a public parking area should provide weather protection for pedestrians. Features to provide this protection should include:

- a. A continuous walkway at least eight feet wide along the face of the building utilizing a roof overhang, arcade, awnings or canopies
- b. Awnings and canopies that incorporate the following design features:
  1. Angled or curved surfaces facing a street or parking area
  2. A covering of fabric, or matte finish vinyl
  3. A constant color and pattern scheme for all buildings within the same development
  4. No internal back lighting

The site plan shows awnings at the building entrances, but not continuously along the face of the buildings.

The word “should” above indicates that this is a guideline, and the Planning Commission has the discretion as to whether to require the developer to meet the code of at least 30% of the wall surface abutting a street being glass.

### **Applicant Discussion:**

Kendra Howell, representing the applicant Deacon Development Group, 901 N.E Glisan Street, Portland, OR 97232, said that although this is Deacon Development Group’s first foray into developing, they are part of S.D. Deacon, who developed the Woodburn Premium Outlets. She feels that this proposal fits into Woodburn’s aesthetic. She pointed out that the 30% glazing is a guideline, rather than being required. Canopies are planned at the entrances, similar to other new Woodburn construction, such as KFC.

Mark Person, Mackenzie, land-use planner, 1515 SE Water Avenue, #100, Portland, 971214 stated that the proposal is for a four-building, retail-focused development to service both Woodburn and people driving along the I-5 corridor. ODOT controls the access to Arney Road, so the applicant plans to gain access through Sprague Lane. This was designed to open up to Woodburn Premium Outlets. There is a sidewalk along Sprague Lane.

Ron Heiden, landscape architect, Mackenzie, 1515 Water Avenue, #100 Portland, OR 97214, said that fifteen percent of the entire site will be landscaped. The individual species are not yet chosen, but they are fully aware of requirements and will comply with them.

William Boyd, architect, Mackenzie, 1515 SE Water Avenue, #100, Portland, OR 97214, spoke about Building A’s layout and its loading dock and trash compactor area. The building has over 23,000 square feet of space, meant for a single retailer. Building B, which is about 7,000 square feet, will be divided up into individual retail spaces. Building C is a single tenant building, meant to be used as a restaurant and Building D is meant as a single use/café type building. There is a pedestrian connection to Arney Road from Building B. Overall, the development will be a contemporary, northwest design with horizontal siding and ground-faced CMU.

Katie Atkins, Mackenzie, 1515 SE Water Avenue, #100, Portland, OR 97214, discussed ODOT and Woodburn’s requirements. The “reasonable worst-case development trip generation” is 177 additional peak hour trips over what the present trip count totals. Mackenzie estimates a more accurate estimate of “specific development trip generation” would be 67 additional peak hour trips.

Mark Person said that they lined up their driveways to match the driveways at the Woodburn Premium Outlets.

Commissioner Comer expressed concern that there is a need for a crosswalk across to the Woodburn Premium Outlet mall, and that the City currently has no plan to install any in that area. Director Hendryx suggested talking to the City Engineer about it.

Chair Lima asked for input from the public.

An e-mail was presented to the Commission, stating opposition to the project from Olivier and Susan Logeais, 256 N. Arney Road, Woodburn, OR 97071.

In rebuttal, Kendra Howell said that Deacon Development Group met with them about a year ago to work on circulation issues. She feels that their objection is in actuality an economic competition issue, rather than the circulation issue they discussed in the e-mail. In rebuttal to that concern, Ms. Howell says that this development will bring more business to the area.

Chair Lima closed the public hearing.

Commissioners Piper, Comer, Corning and Valladares spoke in favor of the application. Commissioner Corning brought up the idea of a continuous canopy for encouraging increased foot traffic, but the Commission decided not to require it. There was some discussion about safety, with Commissioner Comer saying that a barrier would be useful, if no crosswalk was planned. Commissioner Grigorieff noted that people tend to cross the street wherever they want to, regardless of safety measures.

Commissioner Piper moved to approve ZC 2014-01, DR 2014-01, PAR 2014-02, and PLA 2014-01 with Conditions 1-3 and 5-19 intact, and to authorize the Chair to sign the final order. This was unanimously approved, with Commissioner Carney abstaining.

#### **LA 2013-01 Planned Unit Developments**

Associate Planner Don Dolenc noted that a good portion of the last few years have been spent revising the WDO and making it user-friendly. The last section to be reviewed and revised is Section 3.09, Planned Unit Developments. The idea behind Planned Unit Developments (PUDs) is to provide flexibility and fit the particular needs of a property. It allows for unique street cross-sections and a variety of uses. They are appropriate when developing properties with unique topographic, geotechnical or other constraints. Woodburn has several of these properties, especially along creeks and streams.

The PUD process, as it stands now, puts up barriers to development, rather than making things easier. There is a lengthy review process and PUDs require variances to reduce setbacks or lot size. The minimum 5 acre size precludes smaller developments, and some standards are actually more restrictive than the underlying zoning.

Proposed changes are to:

- Reduce the minimum PUD size
- Give maximum flexibility in development standards

- Provide greater variety of housing types and uses
- Require justification for relaxation of standards

There are three types of PUDs:

Transfer of Density, which involves moving the density in the undevelopable area of the property to another section of the land (cluster housing).

**Differences from today's Section 3.09:**

- No minimum size for PUD
- Flexible standards
- Simplified process
- Mix of housing types

Residential PUDs, which consists entirely of property zones RS RSN, R1S or P/SP (and are not allowed in the Neighborhood Conservation Overlay District (NCOD))

**Differences from today's 3.09:** reduced minimum size for PUD

- Reduced minimum size for PUD
- Flexible standards
- Mix of housing types

Mixed-Use PUD:

Any use is allowed in any zone, though it is not allowed in Neighborhood Conservation Overlay District (NCOD). They are limited to a maximum of 1/3 of the gross floor area of non-district uses, trying to preserve the character of the underlying zone.

**Differences from today's Section 3.09**

- Reduce minimum size for PUD
- Flexible standards
- Wider mix of uses
- Non-district uses limited to 1/3 of the floor area

The proposed changes would make the developer's design easier to implement. The developer is allowed to propose the standards he wants and then justify that design to the Planning Commission. He needs to provide a public benefit to justify relaxed standards. Part of the Commission's responsibility is to make sure this public benefit occurs. Variances would seldom be required. Staff would continue to prepare a staff report, stating where the developer is deviating from the code and giving recommendations.

Assistant City Attorney Stuart noted that the WDO is still the foundation of the application process. The applicant must justify why they are varying from the code, showing that it would take so many variances to otherwise achieve their goal that it doesn't make sense. The bottom line is whether the proposed development is justifiable, and how it will benefit the public.

Associate Planner Dolenc pointed out that any PUD application would get two public hearings with the Commission. First, the Conceptual Development Plan would be presented, during which the applicant would give the general layout and address unique characteristics of the property. During the second hearing, a Detailed Development Plan would be examined, which would refine and specify the details of the Conceptual Plan.

The most common PUD would be a residential PUD. Forty percent of the density in undevelopable areas may be transferred as a baseline incentive to development. Additional density (not to exceed 100% total) may be transferred if specific public benefits are demonstrated to the Planning Commission. A PUD decision is a Type III quasi-judicial decision by the Commission. Notice will be given and appeals are allowed.

Director Hendryx said that this is a tool that can assist the master plan for the City, by people dedicating an area for public benefit in exchange for a percentage of increased density.

Residential density, boundary streets, and connecting streets may not be modified through the PUD process. The director may administratively approve minor modifications to an approved detailed development plan. Major modifications must be brought back before the Planning Commission. Any WDO standard that is not proposed for modification automatically applies to the PUD.

If an application is denied, the applicant will need to wait a year before reapplying. The applicant can choose to address the objection/question the Planning Commission poses and stay within the land use application process, though they cannot infinitely extend that application process.

Genevieve Comer, 689 Troon Ave, Woodburn, OR 97071, asked who would be responsible for maintaining wetlands which are donated to the City as part of a PUD, once the developed land is sold. Director Hendry told her that the ownership of the land denotes responsibility for maintenance and selling the land transfers that responsibility to the new owner.

Vice-Chair Piper moved that LA2013-01 be forwarded to City Council with a recommendation of approval. Commissioner Comer seconded the motion, and the vote was passed unanimously.

**Items for Action:**

At the last meeting, elections were determined to be held at this meeting. Commissioner Corning nominated Chair Lima to remain as Planning Commission Chair. Vice-Chair Piper was nominated to remain as Vice Chair. Both motions were passed unanimously.

**Business from the Commission:**


None

**Adjournment**

Commissioner Piper made a motion that the meeting be adjourned, and Commissioner Corning seconded it. The meeting was adjourned at 9:41pm.

APPROVED   
Claudio Lima, Chair

7/10/2014  
Date

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

7/10/2014  
Date