

**Woodburn Planning Commission
Meeting Minutes
July 28, 2022**

CONVENED: The Planning Commission met in a 7 p.m. in both an in-person & virtual public meeting session via GoToMeeting video conferencing, Chair Piper presiding.

ROLL CALL:

Chair	Piper	Present
Vice-Chair	Ellsworth	Present
Commissioner	Hernandez-Mejia	Present
Commissioner	Berlin	Absent
Commissioner	Corning	Present
Commissioner	Bartel	Present
Commissioner	Lassen	Present

Staff Present:

Chris Kerr, Community Development Director
Colin Cortes, AICP, CNU-A, Senior Planner
McKenzie Granum, Asst. City Attorney

Introduction: Meeting started at 7:00pm. **Chair Piper** led everyone through the Pledge of Allegiance.

Minutes: **Chair Piper** addressed the minutes of June 9, 2022 & June 23, 2022. **Commissioner Lassen** motioned to approve the minutes and **Vice-Chair Ellsworth** seconded. **Chair Piper** asked for all those in favor of approving the minutes and the vote was unanimously in favor. The minutes of June 9 & June 23, 2022 were approved.

Business from the Audience: None.

Communication: None.

Public Hearings:

VAR 22-08

Chair Piper opened the public hearing for **VAR 22-08 “Flower Shop Variance” for 2515 Newberg Hwy.** **Chair Piper** asked the **Commissioners** for any potential conflicts of interest, ex-parte contacts, site visits and challenges: There were none.

Asst. City Attorney McKenzie Granum read the public hearing statement.

Community Development Director Chris Kerr gave the staff report for **VAR 22-08.**

Testimony of the Applicant: **Lucinda “Cindy” Wurdinger-Kelly, 16751 Boones Ferry Road NE Woodburn, Oregon 97071.** **Ms. Wurdinger-Kelly** owned the flower shop in Woodburn for 31 years. She is excited to have her own building and explained the parking situation. While the neighboring business was okay with her using the parking stall, they didn’t want her to do an easement.

Testimony of Proponents: None.

Testimony of Opponents: None.

Since there was no testimony by opponents, there is no rebuttal. **Chair Piper** closed the public hearing and led the **Commissioners** to begin deliberating. **Vice-Chair Ellsworth** asked where the driveway on the plan is and **Director Kerr** answered by showing it on the plan and explained that it's a shared driveway with Kentucky Fried Chicken. **Commissioner Corning** can't wait to see how the site would look like after its completion. **Chair Piper** expressed how he thinks it's a wonderful use for the site and it's in a noticeable location and it'll do well in a retail perspective.

Chair Piper entertained a motion. **Commissioner Corning** moved to approve **2515 Newberg Hwy "Flower Shop Variance" VAR 22-08**, subject to the conditions of the staff report and final decision be prepared for signature of the **Chair**. **Vice-Chair Ellsworth** seconded. **Chair Piper** asked for all those in favor in approving **2515 Newberg Hwy "Flower Shop Variance" VAR 22-08**. The vote was unanimous in favor and the motion was approved.

LA 21-03

Chair Piper opened the workshop for **LA 21-03 Tree Preservation & Removal: Legislative Amendment 21-03 of the Woodburn Development Ordinance (WDO)**, to improve tree preservation and removal regulations. **Chair Piper** addressed his concerns about the tree preservation & removal and the importance of understanding to why the **Commission** is here for tonight. He introduced **Pat Shecker**, a retired nurseryman, who specialized in Shade Trees. **Mr. Shecker** is there tonight to help the **Commission** answer any questions they might have about trees.

Senior Planner Colin Cortes agreed with the idea about having **Mr. Shecker** assisting the meeting tonight. **Director Kerr** discussed that the entire tree ordinance is a process and he appreciates the feedback from the **Commission**. **Director Kerr** explained to the commission that **Senior Planner Cortes** will present a quick presentation, then discussed the draft language and past suggestions, including to bring in a professional to help discuss about trees. **Senior Planner Cortes** began his presentation. He gave a recap of the last work session and the main goal tonight is to see that staff understood the feedback and comments from the **Planning Commission** and to see if there are any more changes to be addressed, in order for potential approval.

Senior Planner Cortes explained about homeowners and existing residential development, when it comes to the process of tree removal. **Vice-Chair Ellsworth** asked for the definition of a significant tree and **Senior Planner Cortes** explained the qualifications of a significant tree. He also talked about the potential fee change and that **Commissioner Corning** asked for the purpose statement to be fixed and **Commissioner Berlin** asked to add health benefits to the purpose statement. **Chair Piper** asked for a menu of reasons for reasons to remove a tree.

Director Kerr gave a few examples of how other cities handle significant trees and their removal. He pointed out the former code [from years ago] and how the former language was struck. He gave a reading of the old code on Significant Trees and how some of these former codes aren't beneficial to the homeowner. **Commissioner Corning** asked if a tree arborist ever mentioned in their report about a tree being healthy. **Director Kerr** stated that he had rejected tree permits before, due to the arborist not indicating valid reasons for the tree to be removed. **Director Kerr** read a few arborist reports that he has received in the last 6 months as examples of how arborists are writing them. He also explained the term targets, which is what arborists describe as potential hazards and scenarios with the tree in question.

Chair Piper asked if some of the customers who come visit the department state that the reason why they want to remove the tree is because they don't want to deal with it anymore. **Director Kerr** explained the different ways that staff look at the proposed significant trees and that those who visit the office are the type who want to remove a tree the right way. **Commissioner Corning** asked if the code has anything about if a significant tree is effecting the foundation of a house. **Director Kerr** addressed the current language of the tree ordinance and that it needs more clarity. **Senior Planner Cortes** addressed the current code and the proposed code to the **Commissioners**. He suggested some language to help make the code clearer for a homeowner, such as framing the code's language to fit specific scenarios to remove a tree. **Commissioner Bartel** asked **Director Kerr** a question about what percentage would complaints and other

sketchy tree cutting would decrease too, if the code reflected on Significant Tree removal more clearly. **Director Kerr** said that while it would help a lot of people, he pointed out the amount of people who would take advantage of that type of code. **Vice-Chair Ellsworth** talked about the cost of someone on fixed income and how hard it would be to afford to hire an arborist, a tree removal service, and a permit from the city.

Vice-Chair Ellsworth expressed that people may try to remove the tree on their own to cut down cost, but could find themselves in a dangerous situation if they do it incorrectly. She also doesn't agree with having many barriers that homeowners would have to go through to get a tree removed. **Commissioner Bartel** agreed with that statement and believes that a homeowner doesn't need to wait until something unfortunate happens to remove a tree. **Chair Piper** said that a homeowner wouldn't be uniformed about a tree cutting permit, due to the fact that an arborist or tree removal service would know the information to inform the homeowner. **Vice-Chair Ellsworth** said that was not the case for the tree removal service that assisted her with her emergency tree removal during the ice storm last year. **Director Kerr** said that there is emergency tree language in the code to help homeowners out in serious situations, involving dangerous trees. **Chair Piper** asked **Frank** and **Pat**, the guests for the workshop, if they have anything they want to add into the discussion. **Commissioner Hernandez-Mejia** agreed with **Commissioner Bartel** in with not making any more barriers for homeowners to get a tree removed and have code to determine when trees can be removed, due to the roots getting into the foundation of a property. **Commissioner Bartel** agreed with **Commissioner Hernandez-Mejia** and she believes that if the tree is on a homeowner's property, they have the right to remove it. **Commissioner Bartel** understands about protecting the trees in the new development, but that is different compared to homeowners who have had their property for years and shouldn't be told that they can't remove a tree because it hasn't become a hazard.

Frank Lonergan, 245 N 2nd Street Woodburn, Oregon 97071, one of the public attendees for the workshop, stated that the City should be the one to decide on what to do with the trees that are in the public easement. He then talked about the trees on his property, the ones he planted and how some of them have grown too big and are ruining the landscaping. While they aren't significant trees, **Mr. Lonergan** said he will removed them and that a homeowner should have the right to remove a tree from their own property.

Pat Shecker, 4095 76th Ave. NE Salem, Oregon 97305. **Mr. Shecker** talked about his experience with growing shade trees and how his expertise is in new development. He stated that a homeowner should be able to cut down a tree on their property, if they believe that it's a hazard to their health or property. If the city denied someone from cutting a tree and the person gets hurt, the city could see a lawsuit. **Mr. Shecker** said he likes trees and some trees are important to keep, while others are not and those trees need to be removed.

Director Kerr followed up with how arborists would write in their report that the species of the significant tree that is on a property aren't supposed to be there in the first place. **Director Kerr** said the city has multiple trees that were planted many years ago and that the modern day homeowner and city have to deal with the repercussions of those type of trees being there. **Director Kerr** said that most arborist would want to preserve a tree as best they can, but when they have to deal with a tree like a sweetgum, there are no other options but to remove it.

Commissioner Bartel suggested to have an updated list of trees, such as a sweetgum, to be removable without being considered a significant tree. **Chair Piper** used an example about a maple tree in his backyard and how mature it is. It would have to be removed one day and asked what would be more valuable, his property or the tree. His home has been on the property much longer that the maple tree and if his home is in danger because of the tree, the tree would be removed and no longer maintained. He said that the code needs to have something to reflect removing trees on existing residential homes.

Chair Piper asked staff if the **Commission's** comments helped guide staff to make code changes and **Senior Planner Cortes** said no. **Director Kerr** said what the **Commission** is suggesting would be hard to put down on paper. **Director Kerr** gave some ideas to the commission and how arborist can only do so much when it comes to the evaluation of a tree. **Commissioner Bartel** expressed how frustrating the tree removal process is and how hard it is for homeowners to get a tree removed, due to the cost. Various

Commissioners agree on an idea that allows homeowners to have a 1 free tree cut a year, to help cut down on cost. **Chair Piper** suggested that homeowner can bring in a valid argument to why a tree on their property needs to be removed. **Director Kerr** does a quick review of what the **Commission** agreed on during tonight's meeting. **Director Kerr** highlighted the positives of the revised code language and how staff works together on the code and work with applicants. **Director Kerr** stated that the real challenge is the fees when it comes to homeowners and existing residential homes with trees already there since years ago. He even suggested ways to improve the significant tree permit for homeowners. The **Commission** discussed more examples with staff and after a while, concluded the workshop for the evening.

Business from the Commission: None.

Staff Update: **Director Kerr** gave a quick update. He talked about the gas station appeal went to the **City Council** and denied the appeal. **Director Kerr** will bring back a final decision to the **City Council** in 10 days for review and sign.

Director Kerr stated that he won't be surprised if the case goes to LUBA. **Director Kerr** stated that there will be no Planning Commission meeting for August 11, 2022. There will be an August 25, 2022 meeting.

Director Kerr addressed the certificates for each member of the **Planning Commission** from the **City Council**, to show appreciation for all the hard work that the **Planning Commission** has done for the city.

Adjournment: **Vice-Chair Ellsworth** moved to adjourn the meeting and **Chair Piper** second. Meeting adjourned at 8:30pm.

APPROVED _____
Charlie Piper
Chair of Planning Commission
City of Woodburn, Oregon
Date

ATTEST _____
Chris Kerr
Community Development Director
City of Woodburn, Oregon
Date