

**Woodburn Planning Commission
Meeting Minutes
January 26, 2023**

Convened: The Planning Commission met at 7:00 p.m. both in person and through a public online/virtual session via Microsoft Teams.

Roll Call:

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

Staff Present:

McKenzie Granum, Assistant City Attorney
Chris Kerr, AICP, Community Development Director
Colin Cortes, AICP, CNU-A, Senior Planner
Dan Handel, Planner

Introduction: Chair Piper began the meeting at 7:00pm. Chair Piper asked staff to begin roll-call. Chair Piper led everyone through the Pledge of Allegiance.

Minutes: Chair Piper brought up the minutes for January 12, 2023. He asked for a motion to approve of these minutes. Commissioner Hernandez-Mejia motioned to approve of the minutes from January 12, 2023. Vice-Chair Ellsworth seconded. The vote was unanimous and the minutes of January 12, 2023, were approved.

Business from the Audience: None.

Communications: None.

Public Hearings:

CU 22-02, DR 22-11, & VAR 22-09

Chair Piper opened the public hearing for **CU 22-02, DR 22-11, VAR 22-09: Townsend Farms Addition/Expansion at 960 Young St.**

Chair Piper asked the Commission if there are any declarations, potential conflicts of interests, *ex-parte* contacts, or site visit and there were none. Chair Piper asked if there were any challenges to the Commission and there were none.

Chair Piper asked for the public hearing statement and Assistant City Attorney McKenzie Granum read the statement.

After the statement, Senior Planner Colin Cortes began the staff report with a presentation on **CU 22-02, DR 22-11, VAR 22-09 Townsend Farms Addition/Expansion at 960 Young St.** He began with describing that the project was a Type III land use application, and the Planning Commission can decide upon, and he entered the staff report and attachments with similar documents into the record. Senior Planner Cortes gave an executive summary of the project, and he explains why it's a conditional use. He showed a few maps of the project location, such as the zoning map, aerial view, and a vicinity map. Senior Planner

Cortes displayed the plans of the proposed project, showing the proposed addition located at the SW corner of the property, along with other directional viewpoints of the proposed addition.

Senior Planner Cortes then explained the variance portion of the application. He explained what the Boundary Street improvements that the applicant needs to improve, and he explained how it correlated to the Woodburn Development Ordinance (WDO). **Senior Planner Cortes** gave more context to more specific improvements, such as a bike/pedestrian path, adding curbs, replacing shrubbery to provide a screening, and other improvements. **Senior Planner Cortes** then discussed about the tree removal and what staff is doing to mitigate the applicant's tree removal. He then talked about the regulations and went over the land-use application types.

After, **Senior Planner Cortes** asked if the **Planning Commission** had any questions. **Commissioner Corning** asked if the staff report is the most updated version, in terms of conditions of approval and final decision for the variance. **Senior Planner Cortes** said that it is, and staff is recommending approval with certain conditions in the staff report. **Chair Piper** asked if there was already a right-of-way for "Joyce Way" and **Senior Planner Cortes** said yes. **Chair Piper** asked how long the right-of-way had been in effect, rather how long has the City had that right-of-way. **Senior Planner Cortes** said he believed that the City had the right-of-way since the '60s or at least since the 19th century and prompted **Assistant City Attorney Granum** for more information. She responded that the City had the right-of-way since at least 1962, according to documentation that the City had. Staff had been working on gathering the acquisition documents for that right-of-way, and it appeared that the right-of-way moved about 100 feet in the '60s to the current location. **Chair Piper** asked how the right-of-way moved and **Assistant City Attorney Granum** said it was due to a land-swap agreement from a different property owner to the east, the City acquired the 50-foot wide section at the time. **Chair Piper** asked about the old right-of-way **Assistant City Attorney Granum** said that it was never improved and explained the layout of the right-of-way for that location and its history. **Senior Planner Cortes** added that the proposed project is a freezer only and nothing else will be added, like more truck trips or additional workers.

Testimony by the Applicant: Timothy Beaubien, with Triumph Specialty Construction, 1001 E. Fork Dr, Flint, MI 48503. **Applicant Beaubien** is the representative of Townsend Farms, and he would like to thank staff for their hard work and cooperating with his team. **Applicant Beaubien** said that they agreed with 23 of the staff conditions out of 24 total. The one **Applicant Beaubien** and his team objected to was the extending the right-of-way from 50 ft to 60 ft [Condition V2a about 5-foot west half-street dedication]. He felt that is overly burdensome and it takes away from the property. This was the only condition that **Applicant Beaubien** and his team requested for the **Planning Commission** to consider removing, otherwise they accepted the other conditions. **Applicant Beaubien** presented a PowerPoint slide presentation that highlighted the right-of-way and why it would be an issue to complete the condition for the extended right-of-way. **Applicant Beaubien** asked if the **Planning Commission** had any questions and **Commissioner Hernandez-Mejia** asked to him to clarify whether any to none of the trees along the line on the eastside of the property would be cut down. **Applicant Beaubien** answered with that the trees are proposed to stay and he said he would love to keep those trees. He said that the only way the trees get removed is if "Joyce Way" was developed. **Chair Piper** asked if Townsend are leasing or if they owned the property and **Applicant Beaubien** said that Townsend owns it. **Commissioner Corning** asked what trees were removed and **Applicant Beaubien** that the only trees removed were on the southside of the property.

Senior Planner Cortes added that while it was true that there were three trees proposed for removal on the southside, there are also three proposed for the east side. **Commissioner Berlin** asked what will be the type of trees that will replace the removed trees. **Applicant Beaubien** clarified that the reason why they had to remove trees to begin with was because they were in the way of construction, due to the fire truck access pointed needed, along with other utilities, but the trees will be replaced. He used the map from his presentation to explain to the **Planning Commission** what they are doing.

Mike Townsend, Townsend Farms, 23400 NE Townsend Way, Fairview, OR 97024. **Mr. Townsend** wanted to say that they had a nice experience with the staff of Woodburn. He continued saying that while they have developed, granted not a lot, but they wanted to add improvement to the site in order to make it better, due to material cost to produce their blueberries. He said that every square footage on the property

is of value to them and the blueberries are the pride of Woodburn. **Chair Piper** asked about how the fruit gets transported around to different areas and **Mr. Townsend** explained the process of how they handle and transport the berries.

Testimony of Proponents: None.

Testimony of Opponents: None.

Chair Piper closed the public hearing and moved to the deliberation. The **Planning Commission** discussed the right-of-way and **Chair Piper** agreed with the applicant to remove that condition for the final decision. **Vice-Chair Ellsworth** asked staff a few questions. One being if they make a pathway from “Joyce Way” through the railroad track since it’s a dead end in that direction, would they need to place a railroad crossing and **Senior Planner Cortes** confirmed with a yes. Her second question is if the property directly adjacent to the open field that used to be the Young Market, and what is the current zoning. **Senior Planner Cortes** said that it’s Mixed-Use Village (MUV). **Senior Planner Cortes** said that there was an application that a developer has made for 1030 Young Street, and it stands incomplete now with development pending. **Vice-Chair Ellsworth** said it would be burdensome for Townsend to develop a road that none of its employees would use and it could be saved later in the future for other developers, who would be developing for a different property, essentially agreeing with the applicant to remove the condition. **Commissioner Hernandez-Mejia** commented that she appreciated that the applicant wanted to keep the trees as the buffer, rather than them replanting them and waiting for them to grow the appropriate height, and **Commissioner Bartel** agreed with her.

Senior Planner Cortes commented that the **Planning Commission** should acknowledge what the applicant is appears to be requesting, which is a second variance request, that the applicant is also asking to deviate from the requirement to not dedicate the right-of-way, and that the Commission would be approving two variance requests. **Chair Piper** asked if the first variance request would become moot, since the applicant wouldn’t have right-of-way responsibilities. **Senior Planner Cortes** said that the first variance would continue to apply, the change to the proposal would be to have two separate requests from two different parts of the WDO that are being varied from. The **Planning Commission** and **staff** discussed how to word the motion.

Chair Piper entertained a motion. **Commissioner Corning** moved that the **Planning Commission** to approve the **CU 22-02, DR 22-11, VAR 22-09: Townsend Farms Addition/Expansion at 960 Young St.**, subject to the conditions of the staff report, apart from omitting Condition V2a, b, & c, regarding “Joyce Way” west half-street improvements, and for staff to prepare a final decision for signature by the **Chair**. **Vice-Chair Ellsworth** seconded. **Chair Piper** said that the motion was made and seconded. He asked for all those in favor and the vote was unanimous and **CU 22-02, DR 22-11, VAR 22-09: Townsend Farms Addition/Expansion at 960 Young Street** was approved.

PAR 22-04 & VAR 22-11

Chair Piper opened the public hearing for **PAR 22-04 & VAR 22-11 Commerce Way Partition: 1420 Commerce Way**. He gave a brief description of the site and its historical significance.

Chair Piper asked the **Commission** if there are any declarations, potential conflicts of interests, *ex-parte* contacts, or site visits and there were none. **Chair Piper** asked if there were any challenges to the **Commission** and there were none.

Chair Piper asked for the public hearing statement and **Assistant City Attorney Granum** read the statement.

After the statement, **Planner Dan Handel** presented the staff report for **PAR 22-04 & VAR 22-11 Commerce Way Partition: 1420 Commerce Way**. After **Planner Handel** concluded his presentation, **Chair Piper** asked if anyone had questions, which there were none.

Testimony by the Applicant: Jason Haslam, 9460 SW 160 Ave. Beaverton, OR 97007. Applicant Haslam is the **Project Director from Cobalt Development**. He stated that Cobalt owns the properties adjacent to the proposed property and introduced **Steven Aiello**, an architect with Cobalt. **Chair Piper** asked where the properties are located, and **Applicant Haslam** said they are located south of the property, and they recently acquired them. He stated that the homeowner is looking into selling his property and that property could be designed into something later in the future. **Applicant Haslam** stated that they as Cobalt, are currently in design to improve Commerce Way through their properties and the variance would be a deferral for the work that needs to be done on the homeowner's property. **Commissioner Berlin** asked **Applicant Haslam** to clarify when that property will have its improvements done and he said until a new owner decided to develop in the future, which may or may not happen.

Testimony of Proponents: None.

Testimony of Opponents: None.

Chair Piper closed the public hearing and moved to the deliberation. The **Planning Commission** shared comments and opinions about the project and expressed agreement with the proposed plan. **Chair Piper** entertained a motion. **Commissioner Corning** moved that the **Planning Commission** to approve **PAR 22-04 & VAR 22-11 Commerce Way Partition: 1420 Commerce Way**, subject to the staff conditions of approval, and a final order to be prepared for signature of the **Chair**. **Vice-Chair Ellsworth** seconded. **Chair Piper** said that the motion has been motioned and seconded. He asked for all those in favor and the vote was unanimous and **PAR 22-04 & VAR 22-11 Commerce Way Partition: 1420 Commerce Way** was approved.

VAR 22-14

Chair Piper opened the public hearing for **VAR 22-14 WinCo Lighting Variance: 400 S. Woodland Ave.**

Chair Piper asked the **Commission** if there are any declarations, potential conflicts of interests, *ex-parte* contacts, or site visits and there were none. **Chair Piper** asked if there were any challenges to the **Commission** and there were none.

Chair Piper asked for the public hearing statement and **Assistant City Attorney Granum** read the statement.

After the statement, **Planner Handel** presented the staff report for **VAR 22-14 WinCo Lighting Variance: 400 S. Woodland Ave.** **Planner Handel** concluded his presentation and **Chair Piper** asked for any questions. **Vice-Chair Ellsworth** asked if the lighting will be properly shielded from the freeway and **Planner Handel** responded that the lights will be in the south part of the property and are far away from the off ramps.

Testimony by the Applicant: Levi Warner, PO Box 516 Stayton, OR 97833. Applicant Warner is the **Civil Engineer** for **North Santiam Paving Co.** He introduced **Daniel Henderson, CEO of Relumination** and the lighting consultant for the project. **Applicant Warner** thanked **Planner Handel** for the staff report. **Applicant Warner** explained why WinCo needs the lighting as they are a 24-hour operation and lighting is a needed necessity. He explained the layout of the lights and that they are placed in specific areas, so the big trailers can have space to maneuver around the property. **Commissioner Corning** asked if the other lights on the property matched the height of these proposed lights and **Applicant Warner** answered yes, apart from the three lights in the center of their main truck loading area, as those are approximately 100 feet tall.

Testimony of Proponents: None.

Testimony of Opponents: Margaret Schoessler, 367 Ben Brown LN. Woodburn, OR 97071. Ms. Schoessler is concerned that there will be no protection if these proposed lights are placed at the site. She pointed out that there is already so much development in that area, such as homes and condos, the light

would be discomforting to those who live in the area already and might be distracting to those on the freeway. While she lives on the opposite side of the freeway, she's a concerned citizen about the rate Woodburn is developing and believed that if no one voices an opinion that is in opposition, then no one will listen to people's concerns.

Rebuttal by Applicant: Daniel Henderson, 9453 E Saturn Ave. Mesa, AZ 85212 spoke about working with WinCo for about 6-7 years on various lighting projects all over the country. **Applicant Henderson** stated that he takes the concerns of homeowners to heart, as he believes that poor lighting design is the cause of issues, such as spraying lighting into properties. **Applicant Henderson** explained that the heat map they provided helped them see where the lighting would look like on the property and how far it would spread. They made sure the lights were pointed in a specific direction and placed far away from the freeway. With the trees that are 80 ft tall, it would help block out any lighting from getting onto the freeway.

Chair Piper closed the public hearing and moved to deliberation. The **Planning Commission** agreed that the variance for the lighting for WinCo is a reasonable request and if they were going to deny lighting, the **Planning Commission** would have been denying it a long time ago. **Vice-Chair Ellsworth** thanked **Ms. Schoessler** for testifying, as it's not easy to speak-up. **Commissioner Hernandez-Mejia** stated that she liked the heat map to document the lighting on the property.

Chair Piper entertained a motion. **Commissioner** moved that the **Planning Commission** to approve the **VAR 22-14 WinCo Lighting Variance: 400 S. Woodland Ave**, subject to the conditions of the staff report, and a final order to be prepared for signature of the **Chair**. **Vice-Chair Ellsworth** seconded. **Chair Piper** said that the motion has been moved and seconded. He asked for all those in favor and the vote was unanimous and **VAR 22-14 WinCo Lighting Variance: 400 S. Woodland Ave** was approved.

Business from the Commission: None.

Staff Update: Community Development Director Chris Kerr passed out copies of the **Development Activity Map** and **Planner Handel** displayed it on screen for the virtual attendees. **Director Kerr** stated that the map will be available online soon and said that if the public was curious to learn more about the current projects in Woodburn, they could visit our projects page on the City website.

Director Kerr explained the **Woodburn Residential Building Permit Activity Over 15 Years Map** and explained the increase of both new single-family and multifamily units within the 15-year timeframe.

Chair Piper asked about the **Woodburn Auction Yard** property and what's going on there. **Assistant City Attorney Granum** explained that the property is in Marion County. She said they have scrapped the site and are trying to use their vested right to rebuild, and if they build on the exact same footprint as the pervious facilities that were there, they can reconstruct without coming into the City under county jurisdiction. **Director Kerr** discussed the urban reserve, which consist with farmlands, and they are hoping to go to the state and have those lands become industrial zones.

Lastly, **Director Kerr** talked about the upcoming **Planning Commission** meetings. Two items will be on the February 9th meeting, one being the continuation of Brighton Pointe and the seconded being and annexation.

Adjournment: Chair Piper entertained a motion to adjourn. **Commissioner Berlin** motioned to adjourn for the evening and **Commissioner Corning** seconded. The vote was unanimous, and the meeting was adjourned at 8:51pm.

Approved _____

Lisa Ellsworth
Vice-Chair of Planning Commission
City of Woodburn, Oregon

_____ Date

Attest

Chris Kerr, AICP
Community Development Director
City of Woodburn, Oregon

Date