

**Woodburn Planning Commission
Meeting Minutes
March 23, 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	Present (Late)

Staff Present:

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

Introduction: Chair Piper called the meeting to order at 7:01pm and asked staff to begin roll-call. Chair Piper led everyone through the Pledge of Allegiance.

Minutes: Chair Piper brought up the minutes for **March 9, 2023**. He asked for a motion to approve of these minutes. **Commissioner Berlin** motioned to approve of the minutes from **March 9, 2023**. **Commissioner Corning** seconded. The vote was unanimous and the minutes of **March 9, 2023**, were approved.

Commissioner Lassen joined the **Planning Commission Meeting** via videocall after the vote for minutes.

Business from the Audience: None.

Communications: None.

Public Hearings:

MOC 22-03 to PUD 21-01

Chair Piper opened the public hearing for **MOC 22-03 to PUD 21-01: Sprague Lane Multifamily at 2385 Sprague Lane**.

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, **Planner Dan Handel** presented the staff report for **MOC 22-03 to PUD 21-01: Sprague Lane Multifamily at 2385 Sprague Lane**. **Planner Handel** explained that the application before the **Planning Commission** is a modification of conditions to a prior approval that the **Planning Commission** saw about a year and a half ago. He gave some context about the history of the property and the prior land use decisions involving it. He then entered the staff report and its attachments into the record. He explained

that the main reason for the modification is to drop the unit count down to 73 units and change the type of housing from senior housing to standard multifamily. Modifications were also proposed to indoor common areas, adding a clubhouse building, and adjustments to parking lot and outdoor common areas. After he concluded his presentation, he asked the **Planning Commission** if they had any questions.

Commissioner Corning asked why the **Planning Commission** modified the screening between the RM and the CG zones, as they decided to go with 6ft shrub rather than a wall. **Planner Handel** stated that the reason why is because the **Planning Commission** wasn't enthused with the idea of an architectural wall. They even considered a fence along with the shrubbery. **Commissioner Corning** asked if the shrubbery is more of a visual screen and **Planner Handel** said it would be a more of a natural screen. He also added that the code requirement is that the architectural wall can be up to 6-7ft tall, that can be used as a buffer between the two properties. **Commissioner Corning** asked if the **Planning Commission** could change that item and **Planner Handel** said yes if they saw fit to change it.

Commissioner Berlin asked about the exit and where it's located for the site. **Planner Handel** said that there is only one way in and out, which is traveling on Sprague Lane, located near the back of the outlet mall. **Planner Handel** pulled up a site plan map and explained the route to the **Planning Commission**. **Commissioner Berlin** commented that the facility traffic would be colliding with the mall traffic and **Planner Handel** said that the Public Works Department and the traffic consultant shared that concern. Hence, the recommended condition to remove foliage and relocate utility boxes to prevent site obstruction.

Testimony by the Applicant: Jason Haslam, Cobalt Project Director, 9460 SW 160th Ave. Beaverton, OR 97007. **Applicant Haslam** presented a presentation that introduced Cobalt Development LLC., as they are a new developer to the Woodburn area. After his presentation, **Applicant Haslam** asked if there were any questions, which there were none.

Testimony of Proponents: None.

Testimony of Opponents: Jeremy Rodgers, Security Director for Woodburn Premium Outlets, 3135 7th Pl #23, Salem, OR 97303. **Mr. Rodgers** is the Security Director at the Woodburn Premium Outlets and said he is not opposed to the project but just wanted to share some concerns. He is mainly concerned with the entrance's location since it's close to their gate into the mall's back entrance. While the traffic report stated that it won't be much activity from the housing complex, it's still a concern for the mall such as potential crime activity. **Mr. Rodgers** stated that the mall isn't opposed to this project being built, it's more about sharing the mall's concern.

Commissioner Berlin commented that traffic is always a concern and is wondering if they could move the exit somewhere else. **Commissioner Corning** asked **Planner Handel** to show where the gate is located, and he displayed it on the screen and explained the layout. **Commissioner Corning** asked **Mr. Rodgers** if the gate closes at night and he said no, as it stays open for 24 hours for access to the mall's employees. **Commissioner Berlin** asked how many feet the distance between the exit and the gate and **Mr. Rodgers** said it's probably 60 ft.

Commissioner Hernandez-Mejia stated that her biggest concern would be the overflow of vehicles that would be parking back there in the mall parking lot and then walking over to the apartments. She said that's her experience as someone who works with apartment complexes. **Commissioner Corning** asked **Planner Handel** about the utility box near the gate and what that's going to look like after construction is finished. **Planner Handel** displayed a site map from the staff report and showed it to the **Planning Commission**. He said that there would be a 26 ft wide driveway off to the side of the gate. **Commissioner Corning** asked about the trees near the utility box and if they are going to be removed and **Planner Handel** confirmed this. **Commissioner Corning** asked where the white fence is located is where they would put in 6ft shrubs and **Planner Handel** said yes.

Applicant Haslam stated that those trees are in the prior approval to be removed for the site line to the driveway. He also said that the driveway does move a little bit closer, and it probably gives better visibility. He said where the driveway currently is, is where the bench was located. **Commissioner Corning** asked

about the driveway, and will it be where the red curb is in the photo. **Applicant Haslam** said yes and clarified it with the photo. The **Planning Commission** expressed their opinions on what is the better and safer way people would be accessing that apartments. **Vice-Chair Ellsworth** commented on their past decisions and the reason why they went with the vegetation, especially to separate the RV and the other property was for aesthetics look, since the property would be an apartment complex.

Rebuttal by the Applicant: Steven Aiello, Director of Design at Cobalt, 8215 SW Tualatin-Sherwood RD, Suite #200, Tualatin OR 97062. Mr. Aiello wanted to address that the driveway entry point was approved back when the project was senior housing development, and it hasn't been moved from the prior approval and it meets the development standards. The utility boxes will be moved since they are in the way. Mr. Aiello said that if there was a different entry point to the site, they would be using it, but because the property is landlocked, the back entrance from the mall is the only way in and out from the site. Mr. Aiello said that there may be a connection from Senecal Creek to the property that the City thought of, but at this time there are no plans to develop that route. He closed his rebuttal by expressing his surprise on hearing the concerns from the outlet mall because these concerns had not been brought up at any point prior to this.

Chair Piper closed the public hearing and moved to the deliberation. **Commissioner Corning** asked **Planner Handel** about the significant tree and whether if there can be an arborist to verify the condition of the tree before removal or is it not necessary. Planner Handel stated that the code states that an arborist report from a certified arborist is needed before any removal of a significant tree. **Commissioner Corning** asked if the Planning Commission can implement that into the conditions of approval and Planner Handel said that they could, since this is a planned unit development (PUD). **Chair Piper** commented that one of the ideas that they were considering for the tree code, was to have **Public Works** be the examiners for the tree removals and that potentially they can do that for this project. **Commissioner Corning** said she's all for this project and thinks it's a good idea. **Vice-Chair Ellsworth** agreed and said that it would provide a variety of apartments that would cater to different needs and hopefully would provide a wide range of price points for these apartments. The Planning Commission discussed about the carports from the first approval and **Commissioner Bartel** reminded them that when it was going to be the senior apartments, the developers wanted to remove the carports, but the **Planning Commission** said no. They felt that the seniors living there would prefer carports rather than open parking.

Chair Piper made two comments. One being that the entrance and exit to the site isn't better or worse than other development's entryways and exits, that the mall exits onto Arney RD, and it works. He said that it's a wonderful place to put an apartment complex there and it's a great use for the site. **Commissioner Hernandez-Mejia** agreed that it's a wonderful use for the site and that there is a saved space for future development to make more of a route into the apartment complexes.

Chair Piper entertained a motion. **Commissioner Corning** moved that the **Planning Commission** approve of **MOC 22-03 to PUD 21-01: Sprague Lane Multifamily at 2385 Sprague Lane**, subject to the condition of the staff report, with Public Works to review the health of the significant tree and the order to be prepared for the signature of the **Chair**. **Commissioner Hernandez-Mejia** seconded. Before the **Planning Commission** could approve the first motion, **Staff** told them that they have a particular statement that needed to be read as the motion. **Assistant City Attorney Granum** gave the statement to the **Planning Commission**. She stated that condition 5B requires the arborist report and per the recommendation for **Planning Commission** they would be modifying the language; basically, to remove the requirement for an arborist report, but substituting in a report from the Public Works' Staff confirming that the tree is diseased, dying, or dead and couldn't be preserved, would allow the removal for that tree. She also stated that they would be keeping in the removal fee, and it applies to other significant trees that have been removed for the site. **Commissioner Corning** moved to add **Assistant City Attorney Granum** statement into the motion. **Vice-Chair Ellsworth** seconded. **Chair Piper** asked for all of those in favor and the vote was unanimous, therefore **MOC 22-03 to PUD 21-01: Sprague Lane Multifamily at 2385 Sprague Lane** was approved.

MOC 23-01 to PUD 22-01

Chair Piper opened the public hearing for **MOC 23-01 to PUD 22-01: Mill Creek Meadows at 1490, 1550, & 1636 Brown Street.**

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 are none.

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

After the statement, **Senior Planner Colin Cortes** presented the staff report for **MOC 23-01 to PUD 22-01: Mill Creek Meadows at 1490, 1550, & 1636 Brown Street.** **Senior Planner Cortes** explained that the land-use presented to the **Planning Commission** is a modification of conditions to a prior approval that the **Planning Commission** granted. He gave some context about the land use history and that it was a Type III land use decision and stated that staff report, and its attachments are entered into the record. **Senior Planner Cortes** began his presentation explaining that through this Modification of Condition application, the applicant was specifically requesting to further subdivide 21 of the previously planned lots, such that the total number of dwelling and lots within the approved subdivision would increase to 116 dwellings (45 houses and 71 townhouses). After his presentation, he asked if the **Planning Commission** had any questions.

Commissioner Corning asked for clarification on the concluding notes, particularly with the part about the 21 partitions. **Senior Planner Cortes** explained that the **Planning Commission** granted approval for the preliminary subdivision of this land into lots. To make that legal, the developer had to take the step of platting, which is a process through county government of creating the lots themselves and having them recorded. It gives them legal existence. **Senior Planner Cortes** stated that at this moment now, those lots do not exist yet legally. He stated that the developer has a preliminary approval from the City that these lots would be acceptable to the City, but the developer must comply with state statutes about division of land. **Senior Planner Cortes** stated that the developer needs to record the lots with the County, to make them legal lots and any changes to the total number of lots in the subdivision should be made now before the final plat is recorded.

Commissioner Corning asked about the 4.37 acres that were dedicated to parkland and she is wondering if that is still there. **Senior Planner Cortes** said yes, and it hasn't been changed to anything else. **Commissioner Berlin** asked about the difference in the request for more housing and **Senior Planner Cortes** stated that the applicant would better answer that question.

Testimony by the Applicant: Rick Givens, Planning Consultant for Icon Constructions - Woodland Development, from Rick Givens Consulting, 18680 Sunblaze Dr, Oregon City, OR 97045-8153. **Applicant Givens** stated that the proposal in front of the **Planning Commission** this evening, in agreeing with **Senior Planner Cortes**, is a way of simplifying and making this change to increase the number of units. **Applicant Givens** stated that it will help when it comes to recording the plat as a single subdivision, rather than recording the subdivision currently approved and then coming back with 21 separate, individual partitions. It would help the County as well and avoid creating a mess when it came to recording the lots. **Applicant Givens** talked about the House Bill [2001] back in 2021 and the changes that came with it related to middle housing land division. **Applicant Givens** talked about the change in the housing market, and they will try to make sure the units reflect what type of housing is needed and try to make the cost reflect affordability.

Testimony of Proponents: None.

Testimony of Opponents: None.

Chair Piper closed the public hearing and moved to the deliberation. **Vice-Chair Ellsworth** agreed with the request and felt it's reasonable for this project. **Chair Piper** agreed with her.

Chair Piper entertained a motion. **Commissioner Corning** moved that the **Planning Commission** approve of **MOC 23-01 to PUD 22-01: Mill Creek Meadows at 1490, 1550, & 1636 Brown Street**, subject to the staff report and its conditions, and an order be prepared for the signature of the **Chair**. **Vice-Chair Ellsworth** seconded. **Chair Piper** asked for all of those in favor and the vote was unanimous, therefore **MOC 23-01 to PUD 22-01: Mill Creek Meadows at 1490, 1550, & 1636 Brown Street** was approved.

CU 22-03, DR 22-14 & SA 23-01

Chair Piper opened the hearing of **CU 22-03: U-Haul at 0 [zero] Stacy Allison Way**.

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, **Senior Planner Cortes** began the staff report with a presentation on **CU 22-03, DR 22-14, & SA 23-01: U-Haul at 0 [zero] Stacy Allison Way**. **Senior Planner Cortes** explained that the land-use presented to the **Planning Commission** is a conditional use with a design review and significant adjustments for a U-Haul Truck Rental & Mini Storage. He gave some context about the land-use's history and that it was a Type III land use decision and stated that staff report, and its attachments are entered into the record. **Senior Planner Cortes** began his presentation. After his presentation, he asked if the **Planning Commission** had any questions.

Vice-Chair Ellsworth asked about item #7 in the conditional use summary. Her main concern is the language that described "having reasonably architecture" and how someone would meet that qualification and asked **Senior Planner Cortes** to clarify. He explained that warehouses and mini storage are generally difficult to treat architecturally like office or department buildings. **Senior Planner Cortes** described them as large closets and that it's hard to treat them like other buildings that have more people and activities in them. **Senior Planner Cortes** stated what the applicant is proposing for the West side of the building is very good because it follows what new construction mini-storage buildings across the region look like. **Vice-Chair Ellsworth** commented on the other storage places in town and how most of them have aesthetically pleasing architecture. She felt that the language surrounding that phrase is hard to meet, unless there is a little more guidance on what the City of Woodburn is requiring or what the applicant is proposing. **Senior Planner Cortes** clarified with stating that if the other point of comparison is other types of building, its "reasonably decent". However, he said if you take mini storage and warehousing on its own basis, it's even greater architecture. **Vice-Chair Ellsworth** commented that it's a big building and anything that can help it being more aesthetically pleasing, will help it fit-in with the neighborhood, as the site is located between two apartment complexes.

Chair Piper commented that what the applicant presented as the proposed building looked fine to him. **Commissioner Corning** asked how many storage units are in the individual storage unit building. **Senior Planner Cortes** said he's not sure, as it wasn't part of the review process, but said that there are multiple floors, indicating that there's a lot of storage units.

Testimony by the Applicant: Erik Hall, architect from Eric Hall Architect Inc., 116 HWY 99 N Ste 100, Eugene, OR 97402. **Applicant Hall** introduced the other members of his team, who worked with him on the project. He then gave his compliments to the **Planning Commission**, as they put a lot of their own time to attend and make big decisions at these meetings, as he can relate since he was on a similar committee back in Springfield. **Applicant Hall** explained the history of this project, as they applied about 3 times, and had to revise their plans multiple times before they can present it to them tonight. He then talked about the history of U-Haul and how it became more than a storage facility and provided more services such as

renting vehicles to help move and a pick-up service. **Applicant Hall** explained that this facility for Woodburn is going to have storage units and customers can pick out whatever size unit they want and rent it for storage. **Chair Piper** asked if the storage unit will be a 24-hours operation and **Applicant Hall** said yes.

Applicant Hall talked about the parking spaces and the reason to why it is spacious was because of the pandemic, due to ensure their customers can still use the services without interacting with anyone. **Applicant Hall** wanted to address two issues with the **Planning Commission**. The first one being condition 6, as it's requesting the 8ft tall architectural wall going along the West property. He believed that there is a bit of confusion around this notion about fleet parking and outside storage, as he sees it as just parking because their vehicles simply parked there. **Applicant Hall** stated that they find several places in the review where the discussions seemed to contrast those standards and somehow these are different. **Applicant Hall** referenced page 24 of 28 from the staff report, item D4 talked about parking standards, which aren't applicable to parking outdoor or storage to fleet vehicles. He stated that further in page 24 out of 84, referring to the attachment of 102 report item D4, which stated excluding stalls that could be seen as fleet parking or outdoor storage merchandise, i.e., U-Haul trucks. **Applicant Hall** concluded that U-Haul trucks are viewed as, at least in according to the finding, being treated as outdoor storage. He explained that this brought up the question of what outdoor storage or fleet parking, prompting them to investigate the development code and there was nothing concrete in the code. **Applicant Hall** moved onto his slide presentation, which was images of examples of other sites in Woodburn that would either contradict the code now or don't fit with the code's development standards on fleet and outdoor parking. He even showed images that had outdoor parking with security fences, some with landscaping and none on the fence. **Applicant Hall** read the code about screens and how they should provide coverage; he included images that would meet that requirement and some that don't meet that requirement. **Applicant Hall** mentioned working with staff on how to address the issue with their site and how they would screen it. **Applicant Hall** moved on to showing photos of the U-Haul vehicles and how tall their headlights measure for each sized vehicle. He stated that the screening for these trucks would be planter beds and a hedge that would provide the necessary screening for their headlights.

Applicant Hall moved on to discussing the architectural wall. He then talked about that the Stacy Allison Way site is the perfect place to have a U-Haul location in Woodburn. **Applicant Hall** showed some slides of tagging that are in some areas in Woodburn. He stated that they would not like to be a site that would provide canvases for tagging and discussed some ways to help avoid that scenario. He provided a site map of the proposed site and how the landscaping and architecture can help provided screening and security. **Applicant Hall** stated that he and **City Staff** discussed this issue thoroughly to find solutions. **Applicant Hall** brought up the second issue, which was about the South elevation of the building that **Vice-Chair Ellsworth** brought up earlier. He showed a site drawing on the South wall with a full fence of a 6 ft cedar fence. He explained how it will be built and it would allow some greenery to provide more coverage. **Applicant Hall** showed a drawing how the screen would look like from a side view. He talked more about the fence and then concluded his testimony and said he's ready to answer any questions. **Commissioner Corning** asked **Applicant Hall** to clarify the site drawing, specifically where the building's south wall is located, and he showed where the wall is and showing where it will be constructed and how it will be constructed. **Vice-Chair Ellsworth** asked for **Senior Planner Cortes** to pull up the site plan for U-Haul so the **Planning Commission** can see it. **Chair Piper** asked if there were any more questions and there were none.

Testimony of Proponents: None.

Testimony of Opponents: None. **Chair Piper** concluded that there is no need for a rebuttal.

Chair Piper closed the public hearing and moved to the deliberation. **Chair Piper** stated his appreciation for the applicant and his responses to their questions, especially to their response on tagging. **Chair Piper** said if they decided to remove the requirement of a wall or fence, that there should be a greater hedge in excess of 42 inches. **Chair Piper** talked about how the old Woodburn Development Ordinance affected the development of the storage properties back then and how the new code would not allow what was approvable back then. He said that the City has had a chance to reexamine the development code to do better this time around.

Commissioner Corning commented that she liked the conditions of approval as they are, as she's in favor of having the fence in the front and commented that it's great when the landscaping grows. She went on commenting that she thinks that they can screen trucks with a brand-new hedge, but that's optimistic. **Commissioner Berlin** commented on the lighting is reflective for visibility. **Vice-Chair Ellsworth** agreed with the space being used for storage as it was what the collective of past development committees in Woodburn envisioned it being used for. She commented about the height of the building being massive compared to the fence. **Vice-Chair Ellsworth** talked about the landscaping and the architecture of the site. She commented on the apartments that would be around the storage business, and she wanted the applicant to make sure that there is a distinct separation from the business and the residential neighborhood, which she's grateful that they made such arrangements. The **Planning Commission** talked more about what they liked from the presentation.

Commissioner Lassen commented that he liked the presentation and how it was put together. He agreed that this project would be a valuable addition to Woodburn and can't wait to see it completed. **Commissioner Lassen** stated he agreed with what **Staff** was proposing with the walls. **Commissioner Hernandez-Mejia** appreciated that the applicant brought in photos to correlate with the fact that the ordinance has developed and changed, which helped her see to why these changes were made. **Commissioner Hernandez-Mejia** commented on the landscaping and talked more about the potential tagging that may occur and talked about potentially having a mix of shrubbery and fence to deter a canvas for tagging. **Commissioner Bartel** commented that she agreed with **Commissioner Hernandez-Mejia**. **Commissioner Bartel** commented that there should be a harder fence around there, to help provide more security. While she agreed with wanting it to look nice and she did like the landscaping view, but having an actual fence there, would help deter theft from happening on the site.

Chair Piper entertained a motion. **Commissioner Corning** moved that the **Planning Commission** to approve of **CU 22-03: U-Haul at 0 [zero] Stacy Allison Way**, subject to the staff report and its conditions, and an order be prepared for the signature of the **Chair**. **Commissioner Hernandez-Mejia** seconded. **Chair Piper** asked for all of those in favor and the vote was unanimous, therefore **CU 22-03: U-Haul at 0 [zero] Stacy Allison Way** was approved.

Business from the Commission: None.

Staff Update: Community Development Director Chris Kerr stated that he had a few items to discuss. He said the next **Planning Commission** meeting will be April 10, 2023. That meeting will have the continued items from the **Woodburn School District** of the play structures for the elementary and middle schools.

Chair Piper asked **Assistant City Attorney Granum** if she can only read the statement once for the school district's items to save time, but **Assistant City Attorney Granum** said she cannot, as these land-use items have been filed separately for different property and there are minor differences for each of the land-use applications.

Director Chris Kerr said April 10th's meeting will also have an annexation and retail quasi-judicial items. He said there will be more land-use items for review during the next couple of **Planning Commission** meetings. He's hoping to have the tree code rewrite meeting on April 27, 2023, if it's possible.

Lastly, **Director Chris Kerr** encouraged the **Planning Commission** to get in touch with **Staff**, if they have any questions about the land-use items for any upcoming meetings. **Chair Piper** asked if they could discuss the land-use item among themselves as a **Planning Commission**, but **Assistant City Attorney Granum** cautioned that they should not outside of the hearing process due to the legal reasons that it could be seen as an actual (unnoticed) meeting and create additional ex parte contacts.

Adjournment: The meeting was adjourned at 9:35pm.

Approved _____
Charles Piper
Chair of Planning Commission
City of Woodburn, Oregon

Date

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

Date