

**Woodburn Planning Commission
Meeting Minutes
May 11, 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	Absent
Commissioner	Lassen	Present

Staff Present:

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

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

Minutes: Chair Piper brought up the minutes for **April 27, 2023**. He asked for a motion to approve of these minutes. **Vice-Chair Ellsworth** motioned to approve of the minutes from **April 27, 2023**. **Commissioner Lassen** seconded. The vote was unanimous and the minutes of **April 27, 2023**, were approved.

Business from the Audience: Chair Piper asked if there was any business from the audience and there was none.

Communications: Chair Piper asked if there were any communications from **Staff**. **Community Development Director Chris Kerr** stated that there is one item. **Director Kerr** stated that it was a letter that **Staff** received on May 2nd, 2023, from the applicant with the Boones Crossing Phase 6.

General Business: Director Kerr gave a summary about the last **Planning Commission** meeting and how the **Planning Commission** denied the application of Boones Crossing Phase 6 and instructing **Staff** to come back with findings for the **Commission** to consider. Since that time, the public record was closed, and the applicant is requesting for the record to be reopened, to allow the applicant the opportunity to provide additional information essentially to address some of the issues that were raised from the meeting by the **Planning Commission**.

The applicant will address the concerns about additional guest parking, which the developers and the design team had a chance to look at guest parking and how to improve parking, while maintaining the development code requirements. Additionally, they were looking for an opportunity to provide additional grounds for the request to eliminate the commercial component of that application. **Director Kerr** wanted to clarify that because the public records were closed, letters can still be received but no evidence or testimony are allowed, since the public records are closed. **Director Kerr** stated that if the **Commission** were inclined, they could choose to reopen the hearing again, to allow the applicant to provide alternative plans for review. Those will come in early for **Staff** to review and make sure the applicant is following the development code. This needs to be 30 days out and make sure that **Staff** will provide a notice to everyone who was at the last meeting, those who have standing so they have a chance and opportunity to view and see those site plan revision and come in to testify on that new evidence.

Chair Piper stated the **Planning Commission's** options of either settling with the decision or going ahead with the applicant's request and reopening the hearing with revised plans. He asked the rest of the **Commission** for their thoughts. Some **Commissioners** voiced the opinion of having the public hearing to reopen and **Vice-Chair Ellsworth** asked if Boones Crossing Phase 6 will reach the **City Council**. **Assistant City Attorney McKenzie Granum** stated that it could go to **City Council**, as this land-use is a Type III, therefore it does not go to **Council**. She stated that the only time it goes to the **City Council** is when they decide to call it up or if the applicant or another party upheld your decision. **Chair Piper** talked about his process of reviewing the staff report for Boones Crossing Phase 6 and what he thought about the recording of the meeting two weeks ago. **Chair Piper** stated that the best course of action is to reopen the hearing of Boones Crossing Phase 6 and that **Staff** would just need to send out mailing notifications to the citizens, to let them know what the Planning Commission's decision is. He also said it would be a wonderful opportunity to have the applicant come back and address the concerns of the citizens with revised plans. **Commissioner Corning** stated that it's a good idea.

Chair Piper entertained a motion. **Commissioner Corning** moved to reopen the public hearing for **Boones Ferry Crossing Phase 6 Development, DR 22-18, MOC 22-02, VAR 22-16**, with the hearing being scheduled for the **Planning Commission's Meeting on June 8th, 2023**, with notice of the reopened hearing be provided to all parties and persons who have standing related to this matter. **Commissioner Hernandez-Mejia** seconded.

Chair Piper asked if the current final decision still stands until it's either confirmed or changed. **Assistant City Attorney Granum** stated that everything from the last meeting will stay the same and if the outcome of the final decision is the same, they would simply readopt the decision or if he has instructions for **Staff** to prepare a different final decision, **Staff** would do so at that time and add any modification to motion statement. **Chair Piper** asked if anyone had any additional comments or questions. **Vice-Chair Ellsworth** restated that it must be re-noticed and the people with interest and those who have standing were in attendance of the last meeting. **Assistant City Attorney Granum** stated that what **Vice-Chair** was saying is correct and no testimony shall be received this evening and a mailed notice to everybody who was here at the last meeting, as well as the applicant. The **Planning Commission** will go through the entire public hearing procedure and give either a new or readopted motion. **Director Kerr** wanted to add that the **Planning Commission** will receive a supplemental addendum to the staff report, addressing what modifications came into the plan. He also mentioned that **Staff** will be reviewing the new items that will be coming into the project to make sure it satisfies landscaping, civil, fire and the other major development requirements. **Chair Piper** asked about the statutory development agreement, as he didn't see a copy of it in the last staff report. He is wondering if the **Planning Commission** could have a copy of it in the next staff report packet. **Director Kerr** stated that they have the document and what **Staff** can do is post it on the project's webpage on the **City's** website. Staff will send a link to the **Planning Commissioners** via email for them to look at the document.

Chair Piper asked for a roll-call vote for the motion that was stated earlier. All members of the **Planning Commission** voted in favor of moving the public hearing of **Boones Ferry Crossing Phase 6 Development, DR 22-18, MOC 22-02, VAR 22-16** to June 8th, 2023.

Commissioner Corning asked if the **Planning Commission** could request **City Council** to investigate certain public hearings that have testimony regarding concerns about roads or streets, such as Iris Street being too small and not having multiple access or exits. **Chair Piper** mentioned that at one point the **Planning Commission** wanted to write letters to the **City Council**, like they were going to do for HWY 211. **Commissioner Berlin** asked wasn't it ODOT who's responsible for HWY 211 and **Chair Piper** said yes. **Chair Piper** stated that for now, they will have **Director Kerr** take the question and pass it on to the proper individuals. **Director Kerr** stated he will.

Public Hearings: None

Workshop: Senior Planner Colin Cortes stated that he had a presentation for the **Planning Commission** for the **LA 21-03: WDO Legislative Amendments: Tree Removal & Preservation Workshop No.5**. He began the presentation and started by addressing the agenda for the workshop tonight. **Senior Planner Cortes** talked about the three questions that the **Planning Commission** should consider tonight; these questions range from is the present draft of strikethrough-and-underline amendments adequate, what are the tree preservation and removal fees, and is the **Commission** ready to hold a public hearing on July 13, 2023. **Commissioner Corning** asked if July 13th would be the date of the public hearing and **Senior Planner Cortes** stated yes. He gave a quick summary of the draft amendment; as it would be about trees on private property, what's classified as a "Significant Tree," add definitions to the Woodburn Development Ordinance [1.02], revise the meaning of trunk diameter and adding more illustrations, add a purpose statement, and outline arborist's report minimum content, to name a few changes. **Senior Planner Cortes** stated that there would be two topics that the commissioners might talk about the most, which were clarification and tightening of the removal criteria & the staff memo table of draft removal and mitigation fees.

Senior Planner Cortes then discussed the tiers of standards and explained what each category will offer and summarized Tier 1 for homeowners & Tier 2 is for every other landowner or landlords. He then talked about removal criteria for Tier 2. **Senior Planner Cortes** moved on to draft fees for removal & mitigation fee in-lieu. **Commissioner Corning** asked what the letters "S" and "T" mean on the table and **Senior Planner Cortes** stated that it's the different classification of the significant trees. He explained that the "S" classification for 2-3 feet of diameter for a tree and "T" would be 3 feet to wider diameter. **Commissioner Corning** asked if she wanted to remove a tree, she would need to pay a fee and **Senior Planner Cortes** stated based on the memo table of draft fees that an applicant would need to pay the application fee and pay \$100 dollars and plant a tree. If she didn't want to plant a tree, then she would pay \$150 dollar fee. **Commissioner Berlin** asked if that amount was for any size of tree and **Senior Planner Cortes** stated that each fee will correlate to the applicable size of Significant Tree, but these draft fees are a proposal only and isn't set in stone.

While his mic couldn't quite pick up the questions clearly, **Chair Piper** asked a question about the overall fees that a homeowner would pay to the **City** to remove a tree. **Senior Planner Cortes** stated that there's the fee for the tree removal application, which will increase to \$220 dollars starting on July 1, 2023 [Ordinance No. 2609], plus the amount the applicant would add; an example would be \$100 dollars per tree removed and replaced or \$100 dollars and \$150 dollars if the person decided to no plant a replacement tree. **Chair Piper** commented that what is being presented right now would be a potential danger, as this could be a hardship for both new and old homeowners, who don't have financial ability to do so. **Chair Piper** stated that he had no opinion on these fees, as he just wanted to comment that some homeowners may not be able to afford these fees from the **City** and fees they would need to pay a professional to actually remove the tree. **Commissioner Corning** stated that she rather have the fees be cheaper but the rules be stronger for tree removal.

Senior Planner Cortes stated that **Staff** had come up with the criteria for reasons to remove a tree and recommended that the Commission talk about that and then come back later to discuss the fees. **Commissioner Hernandez-Mejia** asked when someone plant trees back on a property and not needing to pay the fee not to plant, are there any restrictions of what size trees are going to be planted. **Senior Planner Cortes** stated that in the existing development ordinance, there is a minimum size of 2 inches caliper or 10 feet in height when it's planted. He also mentioned that there is a table of species that are prohibited for street trees, but homeowners have more range to choose what type of trees to plant. **Commissioner Corning** asked about the size requirement for replacement trees on private property and **Senior Planner Cortes** referred to the minimum requirement mentioned earlier.

Senior Planner Cortes moved on to explain the objectives of the workshop which were about Tier T1 standards for homeowners and what is acceptable, Tier T2 for what is acceptable for existing development other than houses and what the proposed fees will correlate to T1-T4 tiers and whether a tree is Class S or T. **Commissioner Corning** stated that she is strongly against the idea of having a homeowner removing a tree a year for any reason and **Commissioner Berlin** agreed with her. **Vice-Chair Ellsworth** commented on the fact that some trees on private property were there before the homeowners and that the way the

tree was planted or located can cause serious complications and it could be the reason why the homeowners want it removed. She continued to comment on the proposed fees and how much the homeowner would have to pay to remove the tree from both the **City** and professional removers. **Commissioner Corning** suggested that some of those reasons like damaging property or overgrown, to have a reasonable application with fees that correlate to those reasons. **Chair Piper** stated that part of the discuss about this topic the last time, he remembered a part of concerned about the size of the trees being a factor in establishing the revised code, such as the more significant the tree is, the greater the criteria need to be met before removal. He also asked If the tree is smaller, like a homeowner planting a tree and it grew into being a problem, at what one point can it be determined to be significant, as he remembered that they seemed to agree that anything under 24 inches can be cut. The **Planning Commission** talked a little more about this subject.

Commissioner Corning asked what the current code is about 24-inch diameter trees and **Senior Planner Cortes** stated that anything below 24 inches can be removed. **Commissioner Corning** stated that the word "significant" is a problem for her, because she is thinking about the acres of new residential areas that have been developed within the last two years and how the lots don't have room to plant trees. She stated that they need trees. **Vice-Chair Ellsworth** stated that it's a different standard of tree code for new development vs. older properties and **Commissioner Corning** stated that the burden of maintaining trees fall to the older parts of town, as the new development is having only street trees.

Senior Planner Cortes recommended that he could put on the fee table on the screen and go to Attachment 2 that had the clean version of proposed WDO 3.06.07, including text addressing homeowners and the criteria, to see how it would look like if it was the code today and see what changes might interest the **Planning Commission**. **Senior Planner Cortes** explained the tables and explained the different prices for the different types of trees in residential areas. **Commissioner Corning** asked what the current fee for Tier 1 and **Senior Planner Cortes** stated that there are no tiers currently, only an application fee. **Commissioner Corning** stated that she is confused with Tier 2 and who does it apply for **Senior Planner Cortes** stated that it's for everyone else but homeowners. **Commissioner Hernandez-Mejia** asked about renters, and would they fall into Tier 2 and **Senior Planner Cortes** said the landlords who are renting out the space would be in that category and not the renters. **Commissioner Corning** asked about what if renters wanted to cut a tree down trees and **Senior Planner Cortes** stated that there is a category of owners of other kinds of property, like property that is not a house. He stated in the proposed draft, it would only grant homeowners the ability to remove a tree once a year without an arborist report and **Commissioner Corning** stated that she believes that they shouldn't have any words that allow to remove one tree per year. **Commissioner Berlin** agreed with her. **Senior Planner Cortes** stated that they would be changing Attachment 2-page 156 paragraph E.1.

Director Kerr commented that he is glad that the **Planning Commission** are the ones who are making these tree code decisions, as some of the suggestions they are making about the tree code may not be popular with the public. He stated that he wanted to clarify to the **Planning Commission** that going forward into the next meeting, that **Staff** will have a clean and revised language for a proposal for the **Planning Commission** to consider and they will have people come to give testimony about the positives or negatives about the proposed code. **Director Kerr** stated that the **Planning Commission** would have to give a recommendation to the proposal so it can go to **City Council** for the final decision. He explained that he wants to give **City Council** a coherent proposal and while some of the **Commission** may agree or disagree on certain items, majority in agreement with a certain part of the code and only a few that are not, the majority will have that idea either be part of the code or not be in the final proposal. **Director Kerr** then discussed more of what and how the **City Council** will be viewing the proposal. He also states that he is indifferent to what decisions the **Planning Commission** makes with the tree code, but he does need something specific by the end of this meeting. **Director Kerr** stated the current issues that haven't been solved yet in the draft tree code, specifically Attachment 2 pages 156 and 157 as they determine the criteria of who gets to cut down a tree and what is required to do so.

Director Kerr commented on how well the City's tree protection code is written out for new development and is hoping to incorporate that into other aspects of the WDO. He stated that he likes how it's written, and it makes for good documentation of who cuts trees down illegally to fine them accordingly. **Commissioner**

Hernandez-Mejia stated that for her, it's the part of the proposed draft that stated that she should switch out Tier 2's F.1. A, B, C for E.1, as that would help reduce cost and make it easier to understand the code. **Director Kerr** stated that it makes sense and that the big picture about the Tier Table and what it means for existing development for Tier 1 or 2, is that developers are not coming in to redevelop their site but are coming in to because they want to cut down a tree. **Director Kerr** provided an example of how the situation would look like if they got rid of Tier 1 and only had Tier 2 for all existing development, while also meeting the criteria that is labeled for that specific tier. **Director Kerr** stated while Tier 2 is nice and clean, they would still need to work on the criteria, and it would be like what is currently presented in the WDO.

Director Kerr moved onto the second part they will look at is new development criteria in Tiers 3 and 4. He explained that this is for when a new site plan comes into the department for a new expansion, and they need a tree removed for a reason. He also mentioned that there are plenty of opportunities for the applicant to work around those trees on the properties and preserve them. **Director Kerr** explained that Tiers 3 and 4 tells applicants that they must identify all those significant trees before they start their developments and plan it out to save 30 or 50% of those significant trees [Tier 4 or 3], but he asked **Senior Planner Cortes** to clarify the percentages. **Senior Planner Cortes** stated that Tier 3 is a third of significant trees and Tier 4 is 50% of significant trees [that otherwise fail to meet removal criteria]. **Director Kerr** stated that the main difference is that the fees will be higher.

Director Kerr stated that the developers who mostly work on residential projects really try to save as much as the trees that they can. He gave a story about the big oak tree at the Smith Development [Phase 1A park] and the developers saved it, as it was the lone tree on the entire acreage property. **Director Kerr** stated that the trees on properties also mark where the development's park would usually end up at the end of the development process. **Director Kerr** talked more about the Smith Development. **Director Kerr** emphasized how he likes Tiers 3 and 4, as they have proven to work with current development and it's about time to make it official in the WDO. **Vice-Chair Ellsworth** commented that she liked to have Tiers 1 & 2, as it would make it simple to differentiate between a homeowner and a landlord/other type of property owner. She also mentioned how she liked the idea that the homeowner should pay less to remove a tree, while a landlord should pay more. **Vice-Chair Ellsworth** commented that the one thing that she doesn't agree on is the requirement of the arborist, due to the additional cost added to the homeowner to be burden with. What she does like is the language in Tier 1, which states that an arborist is not required. **Vice-Chair Ellsworth** stated that she does agree with the homeowner needing a valid reason. **Commissioner Corning** stated that they could save the last half of the criteria listed in Tier 1, as she agrees with that and noted that she didn't see that portion of Tier 1 earlier.

Vice-Chair Ellsworth remembered that the reason why the whole one tree per year removal was due to **Chair Piper's** friend, who visited the **Planning Commission** last time they had a meeting. [Note: She means Mr. Pat Schaecher, and it was actually two workshops ago, on July 28, 2022]. She suggested that and it being an easier way to go about tree removal, as that was done in other places. She wanted to recognize that the average homeowner, who is taking out a significant tree is a huge expense and it's not usually something someone takes lightly. **Chair Piper** talked about one tree per year argument and stating he's not going to die on that hill and if the **Commission** wants that rule to exist, that is fine with him. The second thing was that he pointed out that some of the **Commission** members feel very strongly about preserving the historical part of the old town. **Chair Piper** suggested that possibly having special criteria for different areas in Woodburn, for example, the downtown area having special requirements that a normal residential area would need to follow. **The Planning Commission** then went into discussion of different opinions of tree removal. **Commissioner Corning** gave an example about a tree nearby her house and the property owners were pruning it until the tree died, as it's expensive to remove trees. **Chair Piper** then asked how the **Planning Commission** would prevent that from happening, as people would still do that, regardless of what the City's code is saying. The **Planning Commission** began chatting about instances where they see trees getting cut down on weekends and the trees that are being planted in the new development. **Commissioner Corning** emphasis that she doesn't mind that the fees are cheaper for homeowners if there is a strict tree code.

The **Planning Commission** discussed more about their beliefs and opinions of how to preserve trees. **Commissioner Hernandez-Mejia** stated that she thinks that the reason why they seem to be at odds with

coming to agreement about the proposed code is because of the language it's presenting; that if the code can state more that the one tree per year removal in terms of criteria, it might help people think about it before enacting the removal. She stated that it's an optimistic view, but if they leave the language open enough to not penalize homeowners but will give homeowners a chance to prove that it's necessary to remove the tree and not just cut it down because they don't want it. The **Planning Commission** discussed more about the issue of people cutting down trees. **Chair Piper** asked **Director Kerr** what would happen if he built a variance process into this proposed tree code. **Director Kerr** responded stating that there is something in the code and asked **Senior Planner Cortes** to give the name of the process. [Note: Director Kerr meant Zoning Adjustment.] **Chair Piper** also asked about who would have jurisdiction over the variance. **Senior Planner Cortes** started by summarizing Tiers 1 and 2, as these provisions were in place today and if someone wanted to do something different than what is in the code, they would need to request a variance. If so, the Planning Commission would need to review and decide upon the variance. As for Tiers 3 and 4, there's what is called a Zoning Adjustment, which is an existing process in the code and it's like a minor variance. An applicant can deviate from the standard, but only so much before they would need a variance. **Senior Planner Cortes** stated that this proposal for Tiers 3 and 4, as just for development and construction of a building, allows a Zoning Adjustment. He went on to provide an example that Tier 3 is to preserve one-third of the trees that don't meet the criteria's requirement for removal. **Senior Planner Cortes** stated that developers can request to adjust that to be no less than a quarter of the trees to be preserved and he said that can be done also with Tier 4 to be 35% preserved significant trees rather than 50%.

Senior Planner Cortes stated that a Zoning Adjustment is a Type II administrative decision and that's decided by **Director Kerr** and **Staff**. He gave an example of Tier 3 and if someone wanted to lower minimum preservation of trees even further or get rid of it entirely, that would be a full-on variance and the **Commission** would review it. **Director Kerr** wanted to add that these zoning adjustments he sees as a type of very minor variance, as these have a limitation of how much an applicant can vary a code provision. He went on to explain that it's important to understand the reason why a variance is Type III is that it triggers a few things, such as **Staff** must make more robust findings and criteria, specifically adjustment criteria to prevent unnecessary hardship to a land. **Director Kerr** stated that he and **Staff** wouldn't have to determine whether a hardship exists based on smaller variance. He said that these types of scenarios don't happen often but doesn't want them to rise, as these take a lot of time to review. **Director Kerr** asked **Senior Planner Cortes** about Type II decision and **Senior Planner Cortes** stated that **Staff** decides and then mail out notices to the neighboring properties to provide a chance to appeal. **Director Kerr** stated that it would go up as a potential call-up item for the **City Council**.

Director Kerr summarized what the **Planning Commission** suggestions for the code revisions and asked if there is anything they wanted to change. **Commissioner Corning** stated that she's suggesting deleting the first sentence of paragraph E.1 for Tier 1 and leaves the exemption of an arborist report is not required. **Senior Planner Cortes** asked to summarize and paraphrase what **Commissioner Corning** is saying by saying all tiers must meet removal criteria, and the homeowner must meet the same criteria, as those in Tier 2 would for removal and **Chair Piper** said yes. **Senior Planner Cortes** stated that those would be the results by striking out the first sentence of Tier 1. **Commissioner Hernandez-Mejia** stated that one part of adjusting the criteria was to make it looser, if a homeowner does have some reason to remove a tree, that they just must provide some sort of reasoning still, but it would be more relaxed than what the other tiers would require. **Senior Planner Cortes** stated that would be the most valid way and that there would be Tier 1 and 2, with the difference of Tier 1 being the reasons being more lenient but also with the homeowner having to provide a reason. **Commissioner Corning** added that they should have hardship being a reason for a homeowner to remove a tree. **Senior Planner Cortes** stated that it would be easier for **Director Kerr** and **Staff** to have the reason listed for a homeowner, if the reasons are clear and objective, it being helpful to be fair and consistent.

The **Planning Commission** discussed how they can make the reasons clearer. **Chair Piper** said that there needs to be criteria, as **Staff** will be the one implementing the rules to the homeowner. **Commissioner Corning** asked if the code has dangerous/hazardous reason in the criteria and **Director Kerr** said that they have that reason, and his suggestions is to modify that rule to make it clearer to say hazardous to property in general. **Chair Piper** pointed out that while they'll have a list of criteria to allow someone to remove the

tree, he bought up what happens when someone raises a reason that doesn't meet these criteria. **Director Kerr** stated that would end up being a Zoning Adjustment, which would be a faster process than bringing it up to the **Commission**. It is also less expensive, and the threshold is lower. **Chair Piper** stated that what will stay in Tier 1 is the homeowner's price would be affordable and **Commissioner Corning** added that no arborist report is required. **Senior Planner Cortes** asked to summarize and paraphrase what is being said by the **Planning Commission**, which was to change Tier 1, so the criteria are the same as Tier 2, but to allow a homeowner to apply for a Zoning Adjustment if they have a situation that the criteria doesn't anticipate. **Commissioner Berlin** commented to add unique situation to the language.

Director Kerr wanted to add a comment, which was about Type II, as he is the one going to decide on it. **Director Kerr** said that he has heard all the different types of hardships, some valid and some not so much, but for him if someone wanted to get a zoning adjustment to cut down a significant tree and doesn't meet the criteria, he wants an arborist report. He said that it would make his decision easier when it comes to approving a Zoning Adjustment for a significant tree. **Commissioner Berlin** asked does the **City** call the arborist or the applicant. **Director Kerr** stated that the applicant calls the arborist. **Commissioner Berlin** asked if the arborist needs to be professional and **Director Kerr** stated yes that the arborist needs to be certified. The **Planning Commission** discussed among themselves for a bit and **Director Kerr** explained more about a Zoning Adjustment and that it's about a \$1,000 application fee. [Note: It's \$1,042.] **Commissioner Corning** asked about doing something with the \$1,000 dollar fee. **Director Kerr** stated that the zoning adjustment fee applies to being able to deviate from all sorts of sections of the code, such as building setback to height, this would be one more item to join that application's collective pot. The fee is to recoup **Staff's** time and effort for the review, as that would require findings and create and send out notices to neighbors. **Director Kerr** stated that he's happy to hear of any other way to help people cut down trees in both an affordable and safe manner, while following the code. The **Planning Commission** discussed among themselves for a bit.

Director Kerr asked **Senior Planner Cortes** to provide a summary of what changes the **Planning Commission** wanted to the draft tree code.

One was that Tier 1 homeowners must meet the same criteria as Tier 2 landowners do, and the criteria written currently are acceptable to the **Commission**.

The other main observation that he is hearing is that for Tier 1, in terms of fee policy, is that it should be lower for a Tier 1 scenario for homeowners than Tier 2 landowners. **Commissioners** nodded.

Director Kerr added that what he heard is the way is drafted right now is the **City** would be allowing for a Zoning Adjustment to be submitted for Tiers 3 and 4, with it being changed to allow submittal for Tier 2 also. **Commissioners** nodded again.

Director Kerr asked **Senior Planner Cortes** to go back to the Zoning Adjustment and direct the **Commission** to the page number. **Senior Planner Cortes** explained that the Zoning Adjustment is a later chapter in the code, and this is a subsection that has a list of parts of the code that are eligible to for zoning adjustment, therefore it would be adding another item to the existing list. **Commissioner Corning** stated that it would be Tiers 2-4 and **Senior Planner Cortes** stated yes. He also mentioned that **Staff** would need to come up with some limit, as all the limits in the Zoning Adjustment items what they have in common is that there is some sort of limit, so the applicant doesn't deviate too much from the code's percentage or amount. Therefore, it would give the applicant an idea of how much they can deviate, without wandering into a variance application. **Senior Planner Cortes** also emphasized that the percentages apply to construction and building otherwise known as Tier 3 and 4. The **Planning Commission** discussed more about the requirements for tree removal.

Senior Planner Cortes asked if the **Planning Commission** if there was any hard no or limits for a cause for removal that they don't want to be on the list as an option. The **Planning Commission** didn't have any currently.

Chair Piper stated that he wants the new code to live for a few years, to see what changes it brings or what needs to be improved and that he trusts the **Staff's** judgement. **Commissioner Corning** asked to change something, which was the first paragraph under Attachment 2 page 1, 3.06.07A. "Purpose", and she wanted it to be rewritten. She wants it to say "importance of preserving trees and the financial benefit" for number 13 of the list. **Vice-Chair Ellsworth** stated that they are all the same, but just reordered and **Commissioner Corning** said yes. **Chair Piper** commented that the **Planning Commission** probably beat this horse to death, signaling that they had reached a good stopping point for the evening. **Commissioner Corning** asked if they get to see the code again. **Senior Planner Cortes** stated that if the **Planning Commission** was ready to hold a public hearing, they would be looking at the July 13, 2023, and they will receive a packet with the draft language, which will contain what they discussed tonight in it. **Commissioner Corning** asked if they wanted to review it again before a public meeting and **Senior Planner Cortes** stated that the **Planning Commission** could choose to have another workshop. **Director Kerr** suggested instead having it as a memo as an agenda item under "Communications" and at least **Chair Piper** agreed.

Director Kerr wanted to comment on the matter of the tree code. He wanted to add two modifications to the tree code, as he referred to Attachment 2 page 157 to the specific criteria of Tier 2. He talked about the removal criteria for Tier 2, as he believes there's too much specificity on some of the criteria listed, such as simplifying 1.C and the building foundation. **Director Kerr's** main question is does the damage need to be happening or potential damage, as he and **Staff** get a lot of questions on that qualification. He said that there's both a positive and negative to this question, as what would help homeowners remove a potential problem before it happens or wait until there's reports from an arborist or engineer saying that there's damage. The bottom line is not to have the homeowner pay a lot of money to repair damaged water lines or foundation. **Commissioner Corning** stated that if a homeowner came in and brought photos showing potential damage to their home from a tree, she would be alright with the tree being removed. **Director Kerr** stated he appreciates that, as it would help make the language smoother and easier to understand. The second thing he wanted to change was subsection 2.D, which talked about the trunk distance from foundation [of 2 feet]. He suggested making it 10 feet as it's the most common rule-of-thumb distance from a wall or foundation.

Assistant City Attorney Granum stated that she has a few refinements she will be recommending returning to this at the next meeting. She mentioned the middle housing legislation, as they would have to be treating single-family homes and duplexes the same. **Assistant City Attorney Granum** recommended that they should add duplexes into Tier 1 level, so the **City** doesn't get into trouble. Then she mentioned Tier 3, which is the infill minor development such as the 1–4-unit including middle housing, expedited and middle housing subdivisions as statute allows should be added into that tier. **Assistant City Attorney Granum** stated that they need to put in expedited and middle-housing land visions, as it's a very technical term, meaning that if someone came in for a triplex or quadplex, regardless of whether it's one lot or if it's on a lot that gets subdivided later. It'll look the same, the only difference is if the triplex had lot lines to divide it. **Assistant City Attorney Granum** stated that it's a legal requirement to have these unit types in the tiers.

Director Kerr thanked **Senior Planner Cortes** for all his hard work in creating this draft proposal. **Senior Planner Cortes** had a question, and it was regarding the staff memo table of draft fees and if the **Planning Commission** had any additional thoughts. **Chair Piper** commented that adding additional fees for homeowners is an insult, as they would have to pay a lot for an arborist report, the removal tree service, application fee, and if they had to get a land use application, they would be spending so much already. He doesn't think it's a good idea. **Director Kerr** added a perspective that Tier 1 fees are standard for tree permit removal fee. He explained the lengthy process of reviewing a tree permit and how much time goes into it. **Commissioner Hernandez-Mejia** commented they could remove the Tier 1 \$100 dollar removal amount if they replant a tree, but if the homeowner decided not to replant, then the \$150 fee can be activated. **Director Kerr** seemed to agree with that idea of not charging the first fee of \$100 dollars for replanting and \$150 is charged when homeowners don't want to replant. **Commissioner Hernandez-Mejia** commented that it would encourage people to replant. The **Planning Commission** wrapped up any final thoughts they had about the tree code, specifically about hat-racking and the strict policy that's enforced by the **City**.

Business from the Commission: **Chair Piper** asked about the status of the Amazon Project. **Director Kerr** stated that it's still a going project and the reason why it looks slowed down is because the work is now being done inside the building. He gave a description in detail of what's being done, along with street adjustments. **Director Kerr** stated that Amazon is getting close to submitting a Final PLAT and are expecting to get their first Certificate of Occupancy in the Summer. He doesn't know when they will open their doors, but he can ask them.

Chair Piper asked about the apartments near 211 and Maclaren Youth Correction Facility, and **Director Kerr** gave an update, saying East apartments is mostly completed and West apartments is going to be done by the same developers. He explained the road improvements and La Morenita getting a factory out nearby the apartments. **Senior Planner Cortes** gave a more in-depth explanation of the routes and talked about an application for a gas station and convenience store near the apartments on N Pacific Hwy.

Chair Piper had an announcement to make to **Staff** the rest of the **Planning Commission**. **Chair Piper** declared that this would be his final year to serve as both **Chair** and member of the **Planning Commission**. He stated that he has served as a member of this **Commission** for 15+ years and enjoyed his time with everyone.

Staff Update: **Director Kerr** stated that there will be no **Planning Commission Meeting** on May 25th, 2023. **Staff** will send out an email to remind the **Planning Commission**.

Adjournment: **Planning Commission** meeting was adjourned at 8:50pm.

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

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