

IN THE PLANNING COMMISSION OF WOODBURN, OREGON

DR 2010-05)
EXCP 2010-04) FINAL ORDER
VAR 2010-04)

WHEREAS, a request was made by William Pease, PE, representing Wilbur-Ellis Company dba Woodburn Fertilizer, property owner, for a Design Review for a 5,600 square foot enclosure over existing and new liquid storage tanks, an Exception to Street Right-of-Way and Improvement Requirements for Hardcastle Avenue, and a Variance for building setback and wall requirements, and;

WHEREAS, the Planning Commission reviewed the matter at the meeting of September 23, 2010 and;


WHEREAS, the Planning Commission considered the written and oral testimony presented by staff and the applicant, and;

WHEREAS, the Planning Commission closed the hearing, and;

WHEREAS, the Planning Commission moved to approve case numbers DR 2010-05, EXCP 2010-04, and VAR 2010-04 and instructed staff to prepare findings and conclusions,

NOW, THEREFORE, IT IS HEREBY ORDERED BY THE COMMISSION:

The Planning Commission approves case numbers DR 2010-05, EXCP 2010-04, and VAR 2010-04 based on the findings and conclusions contained in Exhibit "A", and subject to the conditions of approval contained in Exhibit "B", which are attached hereto and by reference incorporated herein and which the Planning Commission finds reasonable.

Approved: 
Ellen Bandelow, Chairperson

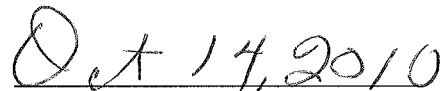

Date

EXHIBIT A

General Provisions

Findings: Per Table 4.1, Design Reviews for structures 2,000 square feet or more, Exceptions to Street Right-of-Way and Improvement Requirements, and Variances are Type III decisions. The current application is a Design Review for 5,600 square foot enclosure over existing and new liquid storage tanks, a Variance from wall and setback requirements, and an Exception to Street Right-of-Way and Improvement Requirements for Hardcastle Avenue. Per Section WDO 4.101.10.B, the Planning Commission is the City decision-maker for Type III decisions.

WDO 2.110 Light Industrial (IL) district standards

Findings: Table 2.1.17 provides that “In an IL zone, the lot area for a non-residential use shall be adequate to contain all structures within the required setbacks. There shall be no minimum width or depth.” The plans show that the proposed non-residential building meets required setbacks.

Findings: Section 2.110.06.B provides that the maximum height of buildings shall not exceed 70 feet. The elevation drawings show the maximum building height to be approximately 31 feet.

Findings: Section 2.110.06.C.1.a provides that “The minimum setback abutting a street shall be 10 feet plus any Special Setback, Section 3.103.05.” The project plans show the building to be located approximately 140 feet from Hardcastle Avenue.

Findings: Section 2.110.06.C.1.b.1 provides that “Off street parking, maneuvering and storage shall be prohibited within a required setback EXCEPT for parking, maneuvering and storage adjacent to a wall.” The project plans show parking and maneuvering areas within the side setbacks along the northwest and southeast property lines. The project plans do not show a wall at those locations. The property to the northwest is in common ownership and is part of the same industrial complex as the subject property. A variance has been requested to not install a wall along the southeast property line.

TABLE 2.1.18 Interior Yard and Buffer Standards for IL Zones			
Abutting Property	Landscaping	Wall	Interior Setback
RS, R1S, RM, CO, P/SP zone; or Existing residential unit	There is no buffer yard landscaping requirement for an interior yard abutting a buffer wall.	Solid brick or architectural wall with anti-graffiti surface, no less than 6 feet or greater than 9 feet in height.	30 ft.
CG, DDC, NNC, IP, SWIR or IL zone	There is no buffer yard landscaping requirement for an interior yard abutting a buffer wall.	Alternative A: Wall requirements shall be determined in conjunction with the applicable Design Review process. Alternative B: No wall required.	Alternative A: 5 ft. Alternative B: Zero setback abutting a building wall.

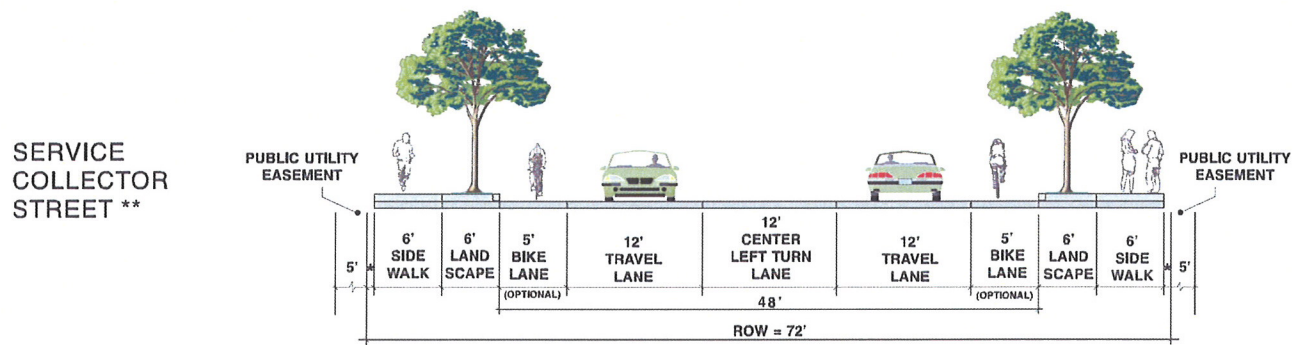
Findings: Table 2.1.18 sets the side and rear yard requirements in the IL zone. The property abuts land zoned Light Industrial (IL) and Residential Single Family (RS.) The property to the southwest is zoned IL but is developed with a single-family dwelling. The project plans show the proposed building to be located approximately 27 feet from the southeast property line and more than 50 feet from all other property lines. The applicant has requested a variance from the interior setback requirement.

Findings: Section 2.110.07.E.3 provides that “Common refuse collection facilities shall be screened on all sides by an architectural block wall and solid gate, both with an anti-graffiti surface, a minimum of six feet and a maximum of seven feet in height.” The project plans do not show refuse collection facilities. The applicant reports that the facility will use trash receptacles in the existing building.

WDO 2.113 Riparian Corridor and Wetlands Overlay District (RCWOD) Standards

Findings: Section 2.113.02 provides that “the RCWOD includes ... a riparian corridor extending upland 50 feet from the top of the bank of the main stem of Senecal Creek and Mill Creek and their tributaries.” The site plan shows both wetlands and a floodplain associated with a tributary of Mill Creek. The proposed structure is located approximately 120 feet from the wetland.

Findings: Hardcastle Avenue is the Boundary Street and also the Connecting Street for the property, as defined in Section 1.102 and shown in WDO Figure 6.12. Hardcastle Avenue is designated as a Service Collector in the Transportation System Plan. The required cross-section for a Service Collector is a 72 foot right-of-way, 36 foot improved driving surface (two 12 foot traffic lanes and a 12 foot center turn lane), 6 foot bike lanes (optional), 6 foot landscape strips and 6 foot sidewalks on both sides. The existing cross-section of Hardcastle Avenue is a 40 foot right-of-way, improved with (north to south) a 4' sidewalk, 2' planter strip, 6" curb, 13' travel lane, 13' travel lane, 6" curb, 2' planter strip, and 4' sidewalk. The site plan shows a 16 foot right-of-way dedication on the north side of Hardcastle Avenue, for a total dedication of 36 feet from centerline. The applicant has requested an Exception to Street Right-of-Way and Improvement Requirements for Hardcastle Avenue, which is discussed in detail below.



Detail from Figure 7-2 of the Transportation System Plan

WDO 3.104

Access

Findings: Section 3.104.01.B.1 provides that “A City permit shall be required for any new or modified vehicular access to a street that is under City jurisdiction.” The project does not include a new vehicular access or modifications to the existing access points.

Findings: Section 3.104.03.A.3.b provides that “Similar, and/or compatible, uses on abutting lots should have interconnected on-site access and parking facilities.” The property to the northwest is part of the same industrial complex as the subject property. The project plans show shared parking and vehicular access between the two parcels.

Findings: Section 3.104.05.E.1.b.1 provides that driveways for commercial uses have a throat and travel lane width of 26 feet minimum, 36 feet maximum. The project plans show a driveway width of approximately 31 feet.

Findings: Section 3.104.05.E.4.b provides that the throat length of a driveway onto a major street, extending from the closest off-street parking space to the outside edge of right of way, be a minimum of 50 feet. The project plans show the nearest parking space to be approximately 160 feet from the front property line.

Findings: Table 3.1.2 gives the required regulations for off-street parking ratio. The site plan shows that the existing and proposed structures have a total gross floor area of 9,200 square feet. The site design plan shows four parking spaces.

TABLE 3.1.2 Off-Street Parking Ratio Standards	
Use	Parking Ratio - spaces per activity unit or square feet of gross floor area (sfgfa)
40. Warehousing 0 to 49,999 sfgfa	Greater of: 1.0/ 5,000 sfgfa or 1.0/ employee

Findings: Section 3.105.02.E.3 provides that “The number of disabled person vehicle parking spaces shall be provided to the standards of the state Building Code and applicable federal standards.” The state requirements are codified in ORS 447.233.

The number of accessible parking spaces shall be:

Total Parking In Lot	Required Minimum Number of Accessible Spaces
1 to 25	1

[ORS 447.233(2)(a)]

In addition, one in every eight accessible spaces, but not less than one, shall be van accessible. [ORS 447.233(2)(b)]

A van accessible parking space shall be at least nine feet wide and shall have an adjacent access aisle that is at least eight feet wide. [ORS 447.233(2)(b)]

The project plans do not show an accessible parking space.

Findings: Table 3.1.3 sets the minimum requirements for loading spaces. The proposed building will contain 5,600 square feet of gross floor area. The other existing building on the site contains approximately 3,600 square feet of gross floor area, for a total gross floor area of 9,200 square feet. The plans show a “drive-thru loading area” that qualifies as a loading space.

TABLE 3.1.3 Loading Space Requirements				
Use	Minimum No. of Spaces	Minimum Size of Space		
		Width	Length	Height
For all uses other than residential or entirely office use (square feet of gross floor area) 0-9,999	1	12 feet	20	14

Findings: Table 3.1.4 sets the minimum dimensions for parking spaces and drive aisles. The project plans show 90° parking with spaces called out as 9 feet wide and 19 feet long.

Aisle	Type	Width (Measured from the midpoint of the double stripe)	Curb Length	1-Way Aisle Width	2-Way Aisle Width	Stall Depth
90°	Standard	9.0 feet	9.0 feet	24.0 feet	24.0 feet	19.0 feet

Findings: Section 3.105.02.H.5 provides that “Off-street parking and maneuvering areas shall have directional markings and signs to control vehicle movement.” A site inspection found existing signs to control vehicle movement.

Findings: Section 3.105.02.H.6 provides that “Off-street parking spaces shall be delineated by double parallel lines on each side of a space. The total width of the lines shall delineate a separation of 2 feet.” The site plan shows single stripes.

WDO 3.106 Landscaping Standards

Findings: Section 3.106.01 provides that the landscaping requirements apply to the site area for all new structures and related parking. There is an existing warehouse and existing tank facility on the property. Section 1.104.05.B provides that where the change or expansion increases the required area for parking, loading, or landscaping by 25 percent or more, all landscaping shall conform to the standards of the WDO.

Findings: Section 3.106.03.A.1 requires street trees. The proposed development does not increase the requirement for street trees.

Findings: Section 3.106.03.A.2 requires landscaping in the front yard. The site design plan shows the proposed structure to be located behind the existing warehouse.

Findings: Section 3.106.03.B requires landscaping in buffer yards. The proposed structure is not located in a buffer yard.

Findings: Section 3.106.03.C requires landscaping in unpaved land within the off-street parking areas, and within 20 feet of the paved edge of off-street parking and/or circulation improvements. The site design plan shows the extent of existing pavement and shows no unpaved land within 20 feet of the parking spaces and driveway.

Findings: Section 3.106.03.E requires landscaping in all yard areas not subject to more intensive landscaping requirements.

Findings: Section 3.107.08.A provides that “The following design guidelines shall apply to all structures and buildings in the IP, IL and SWIR zones.” The proposed development is in the Light Industrial (IL) zone.

Findings: Section 3.107.08.B.1 provides that loading facilities should be located at the rear or side of structures, and that the visual impact from the abutting street should be mitigated. The loading berth is located on the side of the building. The site plan shows an existing fence and gate that would mitigate the visual impact of the loading berth from the Hardcastle Avenue.

Findings: Section 3.107.08.B.2 provides that outdoor storage should be screened from the view of abutting streets by a solid brick or architectural block wall not less than 6, nor more than 9 feet in height. The proposed building would enclose the existing outdoor storage tanks. The site plan shows an existing fence and gate that would mitigate the visual impact of the loading berth from Hardcastle Avenue.

Findings: Section 3.107.08.B.3 provides that outdoor lighting should be designed so as not to shine or reflect into any adjacent residentially zoned or used property, and shall not cast a glare onto moving vehicles on any public street. The applicant states that “lighting has not been designed but will be the minimum necessary for security. The neighboring properties will be considered during final design.”

Findings: Section 3.107.08.B.5 provides that long blank walls abutting streets should be avoided. The applicant states that “the proposed building has irregularities and openings but is too small to accommodate significant architectural treatment.”

The applicant is requesting an Exception for Hardcastle Avenue. Section 5.103.12 requires the applicant to analyze the effect of a proposed development on streets near the development (the boundary streets and connecting streets), and on the larger transportation system.

Subsection C.1 requires an estimate of the extent to which the rights-of-way and improvements will be used by persons served by the building or development.

Applicant’s analysis: “This request for an exception to street right of way and improvement requirements involves the creation of additional warehousing space at the Woodburn Fertilizer plant at its site at 295 Hardcastle Ave. in Woodburn. The proposed expansion adds 5,610 sq. ft. to the existing 3,618 sq. ft. of warehousing/wholesale sales building. The proposed building will cover the existing eight liquid fertilizer tanks and the additional 6 new tanks under one structure.

The 8th edition of the ITE Trip Generation Manual estimates that a Warehousing (ITE #150) facility will generate 4.96 trips per day (ADT) per 1000 sq. ft. (ksf). During the AM Peak traffic period the site will generate 0.45 trips/ksf. During the PM Peak traffic period the site will generate 0.47 trips/ksf. The 5.61 ksf expansion is estimated to generate 27 trips each day and 3 trips during the AM Peak and 4 trips during the PM Peak traffic periods.

The Hardcastle Avenue right-of-way is 40 feet wide. Traffic counts provided by the City of Woodburn were taken on February 4, 2009. The data is summarized in Table 1. The count showed an average of 3,505 vehicles per day with 324 vehicles during the AM Peak Hour and 382 vehicles during the PM Peak Hour. It is estimated the 5.61 ksf addition will generate 3 trips during the AM Peak and 4 trips during the PM Peak periods. The Woodburn Fertilizer Company has indicated a willingness to sign a waiver of remonstrance agreement for the site. It appears the proportional benefit of those improvements is between 0.9% and 1.00% of the Hardcastle Avenue traffic and costs.

It is reasonable for the City of Woodburn to require Woodburn Fertilizer to pay the transportation system development charges (TSDC). These funds are identified to pay for roadway improvements to the transportation system away from the site.”

Findings: The traffic count referenced by the applicant was taken between Corby Street and Front Street, and is the most recent City data available.

Subsection C.2 requires an estimate of the improvements needed to meet the estimated use of the building or development.

Applicant’s analysis: “It is reasonable for the City to expect the developer to pay into the TSDC fund at the City and to be reimbursed from those funds for off-site street improvements. It is estimated that approximately 1.14% of the traffic on Hardcastle Ave. along the front of the site will be from the planned 5,610 sq. ft. improvement.”

Findings: The existing cross-section of Hardcastle Avenue is a 40 foot right-of-way, improved with (north to south) a 4’ sidewalk, 2’ planter strip, 6”curb, 13’ travel lane, 13’ travel lane, 6”curb, 2’ planter strip, and 4’ sidewalk. The site plan shows a 16 foot right-of-way dedication on the north side of Hardcastle Avenue, for a total dedication of 36 feet from centerline.

Subsection C.3 requires an estimate of the impact the building or development will have on the larger public infrastructure system.

Applicant’s analysis: “There were 322 vehicles using Hardcastle Ave. during the AM Peak Hour on February 06, 2009. There were 371 vehicles using Hardcastle Ave. during the PM Peak Hour on February 06, 2009. It is estimated that the 5.61 ksf expansion of the Woodburn Fertilizer facility will generate 3 new AM trips and 4 new trips during the PM Peak Hour trips. This represents approximately 1.14% of the average total traffic on Hardcastle Ave.”

Findings: The traffic impact on the larger public infrastructure system is substantially smaller than the impact on Hardcastle Avenue.

Subsection C.4 requires an estimate of the improvements needed to mitigate the impact of the building or development on the larger public infrastructure system.

Applicant's analysis: "The intersection of the site entrance with Hardcastle Ave. is functioning at LOS (Level of Service) A. There are no additional turning lanes needed or recommended at this time. If Hardcastle Ave. does not conform to current City of Woodburn standards and specifications for streets, those improvements should be made by the City. Woodburn Fertilizer does not own property along Hardcastle Ave. The waiver of remonstrance agreement between Woodburn Fertilizer and the City should provide assurance to the City that the company will participate in future street improvements. There may be additional improvements needed to conform to the City of Woodburn's long term plan, however a LID (Local Improvement District) may be a better mechanism to accomplish the improvements."

Findings: The traffic impact on the larger public infrastructure system is substantially smaller than the impact on Hardcastle Avenue.

Findings: Section 5.103.12.D prohibits exceptions from construction specifications. The applicant has not requested an exception from construction specifications, but rather an exception to the street cross-section requirement.

Findings: Section 5.103.12.E requires that rights-of-way meet minimum standards of safety (specified in Section 3.101.02.D) to be eligible for a street exception.

Findings: Section 3.101.02.D.1.a requires full right-of-way dedication unless a street exception is granted. The site plan shows a 16 foot right-of-way dedication on the north side of Hardcastle Avenue, for a total dedication of 36 feet from centerline.

WDO 5.103.11 Variance

The applicant requests a Variance for the building setback to the southeast property line, and wall requirements along the southeast property line.

Section 5.103.11.A provides that a variance from dimensional requirements may be granted when strict adherence to the WDO standards is not possible or imposes an excessive burden on the property owner, and when variance to the standards will not unreasonably impact adjacent existing or potential uses or development. Section 5.103.11.C lists five factors to be used as a guide in deliberations on the application:

Section 5.103.11.C.1: The variance is necessary to prevent unnecessary hardship relating to the land or structure, which would cause the property to be unbuildable by application of the WDO.

Applicant's statement: "The subject property is constrained due to its size, topography, existing improvements and historic use.

The proposed building location is determined by the existing tanks and containment structure. Further, existing buildings, paving and lot width preclude relocation of existing facilities that in turn will not allow a different building location.

Existing truck traffic utilized the full paved width of the lot. The new building will not materially impact this traffic flow. The existing use predates the current WDO and is assumed to have complied with appropriate regulations when constructed. Perhaps considered as self-imposed, the hardship was actually a result of changes to the WDO not the fault of the owners.”

Findings: The property is currently developed. The requested variances would not change the existing use of the property.

Section 5.103.11.C.2: Development consistent with the request will not be materially injurious to adjacent properties.

Applicant’s statement: “The requested variance will have minimal impact upon adjacent properties. Conditions and use will remain substantially as they are at this time. Construction of a building cover should actually reduce impacts on neighboring properties.

The existing landscape barrier on adjacent properties will remain, while construction of a buffer wall is very likely to harm existing plantings. The existing trees and/or shrubs provide the intended visual and noise barrier.

The canopy encroachment into the required setback will have no negative impact on adjacent properties. A majority of truck traffic associated with this facility will now utilize the canopy, which is further from residential properties than existing traffic patterns.”

Findings: The proposed development is an extension of the existing use and is not anticipated to have a material negative affect on adjacent properties.

Section 5.103.11.C.3: Existing physical and natural systems, such as, but not limited, to traffic, drainage, dramatic land forms or parks will not be adversely affected because of the variance.

Applicant’s statement: “Existing physical features will not be negatively impacted and, in fact, should be enhanced by the proposed improvements.

Traffic changes are minimal and, if anything, will be directed further from residential properties.

Drainage will be improved by protecting the existing tank containment area from rainwater, which will improve the quality of runoff.”

Findings: The proposed building is not anticipated to affect drainage or other physical or natural systems. There are no dramatic land forms nearby. Wyffels Park, the nearest public park, is approximately 500 feet south of the proposed building.

Section 5.103.11.C.4: The variance is the minimum deviation necessary to make reasonable economic use of the property.

Applicant’s statement: “The requested variance is necessary to allow the improvement while minimizing impact on neighboring properties. Paving is mostly existing and is needed for truck maneuvering and parking as well as storage.

The footing for a buffer wall would harm the root system of existing landscaping, negating its benefit.

The proposed canopy overhang will simply provide a weatherproof cover to trucks while loading and will prevent polluted runoff. It has no negative impact.”

Section 5.103.11.C.5: The variance does not conflict with the Woodburn Comprehensive Plan.

Applicant’s statement: “The requested variance has no conflict with the Woodburn Comprehensive Plan. In fact, granting of this variance will augment economic development by allowing an existing business to improve its facilities.”

Findings: The property is zoned Light Industrial (IL) and is designated Industrial on the Comprehensive Plan map. The use of the property is industrial. Abutting properties are zoned Light Industrial (IL) and Residential Single Family (RS) and are designated Industrial and Low Density Residential on the Comprehensive Plan map.

EXHIBIT B

The Planning Commission approves cases DR 2010-05, EXCP 2010-04, and VAR 2010-04 subject to the following conditions of approval:

1. The property owner shall execute an acceptance of these conditions of approval.
2. The property shall be developed in substantial conformity to the preliminary plans (Exhibits A through E) except as modified by these conditions of approval.
3. The property owner shall record a legal document dedicating 16 feet of additional right-of-way on the north side of Hardcastle Avenue.
4. The property owner shall provide one van accessible parking space, in accordance with ORS 447.233(2) (a) through (c), either on the subject property or on an adjacent property through a joint-use parking agreement pursuant to Section 3.105.02.I.
5. The property owner shall delineate the parking spaces with double parallel lines, in accordance with Section 3.105.02.H.5.
6. Prior to issuance of a building permit for the proposed structure, the property owner shall demonstrate compliance with the outdoor lighting guidelines of Section 3.107.08.B.3.
7. The property owner shall enter into a non-remonstrance agreement with the City to participate in future street improvements to Hardcastle Avenue.

Exhibit "A"	Vicinity Map/Street & Utility Plan, Sheet DR1, dated August 4, 2010
Exhibit "B"	Site/Grading Plan, Sheet DR2, dated August 4, 2010
Exhibit "C"	Proposed Site Design Plan, Sheet DR3, dated August 4, 2010
Exhibit "D"	Architectural Plan, Sheet DR4, dated August 4, 2010
Exhibit "E"	Architectural Elevations, Sheet DR5, dated August 4, 2010