

**COUNCIL MEETING MINUTES  
JANUARY 13, 2014**

0:00 **DATE COUNCIL CHAMBERS, CITY HALL, CITY OF WOODBURN, COUNTY OF MARION, STATE OF OREGON, JANUARY 13, 2014**

**CONVENED** The meeting convened at 7:10 p.m. with Mayor Figley presiding.

**ROLL CALL**

Mayor Figley	Present
Councilor Cox	Present
Councilor Lonergan	Present
Councilor McCallum	Present
Councilor Morris	Present
Councilor Ellsworth	Present
Councilor Alonso Leon	Present

**Staff Present:** City Administrator Derickson, City Attorney Shields, Interim Public Works Director Scott, Economic and Development Director Hendryx, Finance Director Shearer, Captain Garrett, Human Resource Director Hereford, Urban Renewal Manager Stowers, Communications Coordinator Horton, City Recorder Pierson

0:00 **ANNOUNCEMENTS**

City Hall and the Library will be closed on January 20 for Martin Luther King Jr. Day. The Aquatic Center will be open normal hours.

0:00 **COMMUNITY/GOVERNMENT ORGANIZATIONS**

Chamber of Commerce – Harry Lee Kwai, newly appointed Executive Director, introduced himself to the City Council and informed them that the Distinguished Service Awards dinner will take place on March 14<sup>th</sup>.

0:03 **BUSINESS FROM THE PUBLIC**

Patricia Hyatt presented a letter to the Mayor and City Council asking them what is being done to get an Amtrak stop in Woodburn. Mayor Figley stated that she is on the Corridor Forum and Woodburn is still on the radar for getting this stop. City Administrator Derickson stated that the City is advocating for the Amtrak stop.

0:12 **CONSENT AGENDA**

- A. Woodburn City Council minutes of December 9, 2013
- B. Woodburn City Council Executive Session minutes of December 9, 2013
- C. Woodburn Planning Commission minutes of November 14, 2013
- D. Woodburn Park Board minutes of November 12, 2013

**McCallum/Cox** adopt the Consent Agenda. The motion passed unanimously.

0:12 **PUBLIC HEARING**

A Public Hearing to consider expansion of the Woodburn Enterprise Zone. Mayor Figley declared the hearing open at 7:24 pm for the purpose of hearing public input on the expansion of the Woodburn Enterprise Zone. Economic and Development Director Hendryx provided a staff report. Councilor Ellsworth asked Director Hendryx if this will have minimal impact on

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his work day and Director Hendryx answered yes, it would be minimal. Councilor Cox expressed concern for Director Hendryx, as a Woodburn City Employee, having to advocate for both Woodburn and Gervais and Director Hendryx answered that his job is to provide the public with facts and information and let the company make their decision based on the facts. Councilor McCallum asked if there was an opt-out provision for either side and was told no, that the agreement would be in place until 2020. Susie Zwemke, City Administrator for the City of Gervais was introduced and stated that she is available for questions. Mayor Figley asked if there is already one employer who is looking to utilize the Enterprise Zone in Gervais and Ms. Zwemke answered yes. No members of the public wished to speak in either support or opposition of the expansion of the Woodburn Enterprise Zone. Mayor Figley declared the hearing closed at 7:42 pm. Councilor McCallum stated that he sees this as a positive thing and Councilor Lonergan concurred. Councilor Cox stated that he is in support of this and believes it will help Gervais and won't hurt Woodburn. Councilor Ellsworth stated that she believes that this will help Woodburn. Councilor Alonso Leon stated that this is a good way to support our neighbors and Councilor Morris concurred.

0:34 **COUNCIL BILL NO. 2942 - A RESOLUTION REQUESTING THAT BUSINESS OREGON, AN AGENCY OF THE STATE OF OREGON, CHANGE THE BOUNDARY OF THE WOODBURN ENTERPRISE ZONE TO INCLUDE THE CITY OF GERVAIS AND THAT THE ZONE BE RENAMED THE WOODBURN-GERVAIS ENTERPRISE ZONE**

**McCallum** introduced Council Bill 2942. Recorder Pierson read the bill by title only since there were no objections from the Council. On roll call vote for final passage, the bill passed unanimously. Mayor Figley declared Council Bill No. 2942 duly passed.

0:34 **COUNCIL BILL NO. 2943 - AN ORDINANCE ENABLING THE FORMATION OF ECONOMIC IMPROVEMENT DISTRICTS PURSUANT TO OREGON STATE LAW**

**McCallum** introduced Council Bill 2943. Recorder Pierson read the two readings of the bill by title only since there were no objections from the Council. Councilor Ellsworth stated that she believes this is a really good program and she wants to make sure we do it right up front so we don't discourage participation. On roll call vote for final passage, the bill passed unanimously. Mayor Figley declared Council Bill No. 2943 duly passed.

0:48 **COUNCIL BILL NO. 2944 - AN ORDINANCE REPEALING ORDINANCE 1015 (RELATING TO STREET DECORATIONS) AS PART OF THE ORDINANCE REVIEW/REVISION PROJECT INITIATED BY THE CITY COUNCIL**

**McCallum** introduced Council Bill 2944. Recorder Pierson read the two readings of the bill by title only since there were no objections from the Council. On roll call vote for final passage, the bill passed unanimously. Mayor Figley declared Council Bill No. 2944 duly passed.

0:50 **COUNCIL BILL NO. 2945 - A RESOLUTION RENEWING AN INTERGOVERNMENTAL AGREEMENT WITH MARION COUNTY FOR THE COORDINATION OF PERMIT ISSUANCE AND INSPECTIONS AND AUTHORIZING THE CITY ADMINISTRATOR TO SIGN SAID AGREEMENT**

**McCallum** introduced Council Bill 2945. Recorder Pierson read the bill by title only since

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there were no objections from the Council. On roll call vote for final passage, the bill passed unanimously. Mayor Figley declared Council Bill No. 2945 duly passed.

0:53 **PLANNING COMMISSION APPROVAL OF VARIANCE VAR 2013-01, LOCATED AT 498 BROADWAY STREET**

Council declined to call this item up for review.

0:54 **CITY ADMINISTRATOR'S REPORT**

The City Administrator had nothing to report.

1:25 **MAYOR AND COUNCIL REPORTS**

Councilor Ellsworth thanked the people who take an active role in city government and stated that she appreciates hearing from people.

Councilor Cox concurred with Councilor Ellsworth.

1:27 **ADJOURNMENT**

**McCallum/Ellsworth**... meeting be adjourned. The motion passed unanimously.

The meeting adjourned at 8:05 p.m.

APPROVED \_\_\_\_\_  
KATHRYN FIGLEY, MAYOR

ATTEST \_\_\_\_\_  
Heather Pierson, City Recorder  
City of Woodburn, Oregon

**WOODBURN PLANNING COMMISSION PUBLIC  
HEARING/MEETING MINUTES  
December 12, 2013**

**CONVENED:** The Planning Commission met in a public meeting session at 7 p.m. in the City Hall Council Chambers, with Chair Claudio Lima presiding.

**ROLL CALL:**

<b>Chair</b>	<b>Lima</b>	<b>Present</b>
<b>Vice-Chair</b>	<b>Piper</b>	<b>Present</b>
<b>Commissioner</b>	<b>Grigorieff</b>	<b>Present</b>
<b>Commissioner</b>	<b>Valladares</b>	<b>Present</b>
<b>Commissioner</b>	<b>Bandelow</b>	<b>Present</b>
<b>Commissioner</b>	<b>Corning</b>	<b>Absent</b>
<b>Commissioner</b>	<b>Carney</b>	<b>Present</b>

**Staff Present:** Jim Hendryx, Economic and Development Services Director  
Don Dolenc, Associate Planner  
Jon Stuart, Assistant City Attorney  
Vicki Spitznogle, Recording Secretary

Chair Lima opened the meeting at 7 pm, and led the Commissioners in the flag salute.

**Minutes**

The November 14, 2013 minutes were unanimously approved.

**Business from the Audience**

None

**Communication**

None

**Public Hearing**

**VAR 2013-01 498 Broadway Street** – The applicant requested a variance to reduce the Special Setback abutting “D” Street from 25 feet to 20 feet, and a variance to reduce the setback abutting “D” Street from 20 feet to 8 feet.

The planning Division recommended approval of a variance to reduce the Special Setback abutting “D” Street from 25 feet to 20 feet, and a variance to reduce the setback abutting “D” Street from 20 feet to 8 feet, with the following conditions of approval:

1. The property owner shall execute an acceptance of this decision on a form provided by the City.

2. The property owner shall develop and maintain the subject property in accordance with all provisions of the WDO, whether or not addressed in the staff review, conditions of approval, or public hearing.
3. The property shall be developed in substantial conformity to the plans attached hereto as Exhibit B.
4. Before issuance of a building permit, the existing foundation shall be removed.

Commissioner Piper raised a question about the existing foundation. Associate Planner Don Dolenc said that originally, a structure was built in the early 1900's with no foundation. Eventually, a foundation was added, but without a permit. Over time, part of it has cracked and there is no way to verify that the foundation is adequate.

Commissioner Carney expressed interest in how a request for removal might affect the variance process. Associate Planner Dolenc told him that the Commission could approve the variance with the foundation removal being a condition of approval. The Building Official has no objection to the variance, but has stated that the foundation must be removed.

Assistant City Attorney Jon Stuart asked that the Commissioners discuss any *ex parte* contact with 498 Broadway Street. Commissioner Bandelow is familiar with the property. Commissioner Carney has walked past the property on numerous occasions. Commissioner Valladares works two blocks away, and is also familiar with it.

There was some discussion from the Commission about a crumbling retaining wall next to D Street, as well as overall soil conditions, which Associate Planner Dolenc said would be addressed during the building permit process. He also told the Commission that they could make dealing with the retaining wall a condition of approval. Another subject of concern dealt with why the D Street right-of-way had not been vacated. Public policy is reluctant to do away with public rights-of-way, and despite additional discussions with the applicant, nothing happened to vacate the rights-of-way.

Applicant Testimony: Bruce Goldson, Theta, LLC, PO Box 1345, Lake Oswego, 97035, the applicant's representative, has been associated with the property for about three years, and addressed some of the issues raised by the Commission. Vacation of rights-of way is complicated, since everyone involved has to agree. D Street has no utilities. The resident of the closest existing house will be at least 48 feet away from the proposed building. Mr. Goldson feels that the existing foundation probably does need to be removed. This area is part of a subdivision that was created in 1890. To be consistent with the neighborhood, the applicant's submitted plan makes the best sense, with the variance achieving what the applicant needs. If this submission is approved, the applicant plans to move forward in the next 6 months.

The Commission further discussed the issue of the retaining wall and its removal. Assistant City Attorney Stuart clarified that the Commission's focus must be solely on the variance and land-use application. They are required to work within the confines of

the variance as it applies to the Woodburn Development (WDO). Anything beyond that is outside of their purview. The building code will lay out all the requirements that the applicant would have to meet as to the site-specific foundation and building structure.

Commissioner Lima declared the public hearing part of the meeting closed.

Commissioner Bandelow was in favor of the application. She noted that there are unique aspects to this case, and though she wished that they had gone through the process of vacating this piece of land, felt that there was no reason to deny the application.

Commissioners Piper, Valladares, Lima and Grigorieff concurred.

Commissioner Carney was assured by Associate Planner Dolenc that the entire existing foundation would be removed.

Commissioner Bandelow made a motion that they approve VAR 2013-01, and authorized the Chair to sign a Final Order. Commissioner Grigorieff seconded the motion. It was unanimously approved.

The Commission convened into a workshop to discuss Planned Unit Development (PUD) standards.

Economic and Development Director Jim Hendryx noted that PUDs were discussed at the November 14, 2013 workshop, and the purpose at the present workshop is to further that discussion. PUDs are designed to provide flexibility in permitted uses, and are intended to encourage innovation in developing land. Our current Woodburn Development Ordinance (WDO) PUD section has limited incentives, does not offer flexibility, does not allow different housing types (row houses/townhomes), does not incentivize open space preservation, and requires a lengthy review process. In some instances, standards are *more* restrictive than the underlying zoning.

Director Hendryx brought up the following questions for further discussion:  
Does the Commission support the concept of Density Transfer PUDs?

1. Minimum size – what should it be?
2. Density Transfer: What percentage?
3. Neighborhood design compatibility – should that be a consideration?
4. What does the community get in exchange for the PUD being built?

A Transfer of Density PUD is used to transfer residential density from undevelopable areas of a site, such as a riparian corridor, a floodplain, wetlands, unstable soils or slopes, to developable areas of a site, but not to increase the overall number of dwelling units allowed on the site.

Discussion about what constitutes a dwelling unit revealed that the WDO does not designate any minimum square footage, but states that a dwelling unit includes all the common amenities and complete independent living facilities – such as a kitchen and a bathroom.

Vice-Chair Piper stated that he is in favor of creativity in the Density Transfer PUDs. The developer needs to convince the Planning Commission that his development will serve the public benefit and that it will be aesthetically pleasing.

Commissioner Piper felt that two reviews were essential, concept and final review. The Commission needs to have two opportunities to examine PUD submissions and make wise decisions that reflect the way Woodburn wants to have buildings built in the community.

Commissioner Bandelow felt that landscaping standards should be adhered to, and that all standards should not be given up simply to encourage and achieve creativity. She is in favor of upholding minimum standards with PUDs.

Commissioner Grigorieff pointed out that each property is going to be different, and agreed that two reviews were needed per application.

Vice-Chair Piper agreed with Commissioner Bandelow that the Commission could come up with a list of minimum standards that must be addressed, and use them to tell the developer whether they had addressed those minimums to the Commission's satisfaction.

Commissioner Bandelow raised the concern that the more detailed review might not be able to be able to be done objectively. Can the Commission make decisions and still keep within objective criteria? Can decisions be made without being arbitrary?

Assistant City Attorney Stuart stated that the WDO presents a minimum standard. The PUD submissions must follow a cohesive minimum standard.

Director Hendryx said that asking how the public benefits should figure into any PUD submittal. Hendryx noted that if there are requests to alter standards through the PUD process, then the community should get something tangible out of it.

Commissioner Valladares noted that creative PUDs could be very attractive to new development. New ways of building can attract outside developers.

Vice-Chair Piper said that applicants should use the two step process (concept and final) to make their case as to why the Commission should approve a PUD, and if they fail to do so, then it's clear that the application is not appropriate for the property and neighborhood.

Director Hendryx brought up the issue of design compatibility; compatibility of both size and type of housing with the rest of the neighborhood. Can an applicant combine a single-family neighborhood with multi-family units? Size and scale should be considered. How do lot standards apply? Should the size and scale of the neighborhood determine what's built there?

Carney felt that there shouldn't be any threshold size in a PUD, since each is different. However, a density transfer percentage can be decided, and then use it to make a rational trade-off. He was comfortable with the other two types of PUDs, and thought that we should have the same criteria on all three. He suggested that the percentages be revised downwards. If we require too much land, the developers will want to build multi-story apartment buildings to make it profitable.

Vice-Chair Piper agreed, saying the City needs to make PUDs economically feasible and thus prevent three story apartment buildings in single family residential areas.

Commissioners Bandelow and Grigorieff stated that the infill, unbuildable properties are unique and need to be dealt with on a case-by-case basis. The amount of density transfer is going to depend on the property.

**Items for Action:**

The Planning Commission and staff wish to recognize Commissioner Ellen Bandelow, who has served the City for well over 10 years, as she steps down from the Commission. This will be her last meeting as a Commissioner. Her integrity is greatly respected and it was noted that she embodies the Planning Commission ideal.

**Business from the Commission:**

None

**Adjournment**

Commissioner Grigorieff made a motion that the meeting be adjourned, and Commissioner Piper seconded it. The meeting was adjourned at 8:40pm.

APPROVED  1/9/14  
Claudio Lima, Chair Date

ATTEST  1/10/14  
James N.P. Hendryx Date  
Economic & Development Services Director  
City of Woodburn, Oregon

**1. CALL TO ORDER**

The meeting was called to order at 6:36 p.m.

**2. ROLL CALL**

Position I	J.D. Mitchoff (12/17)	Present
Position II	Kristen Matthews (12/17)	Absent
Position III	Nancy Kirksey, President (12/17)	Present
Position IV	Neal Hawes, Vice-President (12/15)	Present
Position V	Ian Niktab (12/17)	Present
Position VI	Phyllis McKean (12/16)	Present
Position VII	Vacant	

**3. MINUTES – October 9, 2013**

**Neal Hawes/JD Mitchoff** – Motion to accept the minutes was offered and seconded. The motion passed unanimously.

**4. BUSINESS FROM THE PUBLIC**

None.

**5. BOARD REPORT**

None.

**6. OLD BUSINESS**

None.

**7. NEW BUSINESS**

**Kindle Lending Program** – John Hunter

John presented an overview of the library’s forthcoming Kindle Lending Program. Five Kindle Paperwhite e-readers were purchased by the Friends of the Library and \$1,700 was committed for the purchase of e-books over the next year. John sought board input on the Borrower Agreement which will be required from all participating patrons.

Neal Hawes moved and JD Mitchoff seconded a motion to approve the Borrower Agreement as modified. Clarifications to the agreement include the addition of seniors as eligible patrons; a 10-day loan period, a \$1 per day overdue fine, and an explicit request that patrons not return the Kindles in the book drop.

### **Library Closing Procedures – John Hunter**

John informed the board that, in rare instances, patrons have become upset because the library offers limited services in the last few minutes of the day. This is due to the fact that library staff are also required to perform closing procedures, such as counting money, ensuring the library is empty, locking doors throughout the facility, and turning off lights. To better make patrons aware of this practice, John asked for board approval to post signs with the following language: “To ensure service, please be in line 5 minutes before library closing.” John indicated that he would supplement the signs by also providing a brief explanation of the situation at closing on the library website.

Neal Hawes moved and Phyllis McKean seconded a motion to post the signs with the language as provided. The board further approved that the closing period be extended to 10 minutes if 5 minutes proves to be insufficient. Neal Hawes also suggested adding a Russian translation to the sign.

## **8. MANAGER REPORTS**

### **Library Statistics – October-December 2013 – John Hunter**

Quarterly statistics indicated relatively stable library usage. Circulation was up or down 1-2% each month. However, the library performed better than CCRLS as a whole, which had a circulation decrease of 5.32% for the quarter. Library attendance was down 11% in November and 14% in December, most likely due to the exceptionally cold weather.

### **Friends of the Library Report**

Neal Hawes indicated that the Friends met in December. As there was not a quorum, no business was conducted.

## **9. FUTURE BOARD BUSINESS**

Next scheduled meeting is April 9, 2014

## **10. ADJOURNMENT**

**J.D. Mitchoff / Neal Hawes** – Motion to adjourn meeting and seconded at 7:24 p.m.

**Call to Order**

The meeting began at 5:30 p.m.

**Present**

Position I	Ricardo Rodriguez, Member (12/14)	Present
Position II	Sofie Velasquez (12/14)	Present
Position III	Joseph Nicoletti, Board Secretary (12/17)	Present
Position IV	Rosetta Wangerin, Board Chair (12/17)	Present
Position V	Chris Lassen, Member (12/17)	Present
Position VI	Ardis Knauf (12/16)	Present
Position VII	Gevin Gregory (12/16)	Present

Staff present: Jim Row, Community Services Director; Stu Spence, Recreation Services Manager; Kristin Wierenga, Aquatics Supervisor

**Annual Review and Goal Setting**

Kristin and Stu provided a 2013 year in review presentation for the Aquatics and Recreation programs. The Board then reviewed the following eight goals identified in the 2009 Parks and Recreation Master Plan:

**Goal 1: Maximize the Planning Effort**

**Goal 2: Improve Marketing, Communications, and Credibility**

**Goal 3: Track Performance Measures**

**Goal 4: Strategically Increase Programming and Partnerships**

**Goal 5: Increase Cost Recovery and Funding**

**Goal 6: Create a Cohesive Operations and Maintenance System for Recreation and Parks**

**Goal 7: Continue to Provide an Equitable Level of Service in Existing Parks and Facilities**

**Goal 8: Plan for Community Growth**

The Board concluded the meeting with a discussion of potential projects for 2014. They agreed to rank the projects for discussion at the February meeting.

\_\_\_\_\_  
Joseph Nicoletti, Board Secretary

\_\_\_\_\_  
Jim Row, Community Services Director

Date \_\_\_\_\_

Date \_\_\_\_\_

Workshop Minutes

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# Agenda Item

January 27, 2014

TO: Honorable Mayor and City Council through City Administrator  
FROM: Jim Hendryx, Director of Economic & Development Services  
SUBJECT: **Planning Commission approval of annexation case ANX 2013-01, located at 1225 Brown Street**

## **RECOMMENDATION:**

Adopt a Resolution setting the date for a public hearing on the proposed annexation.

## **BACKGROUND:**

The applicant requested annexation of a 1.1 acre parcel at the corner of Brown Street and Vine Avenue. The property is designated Low Density Residential on the Comprehensive Plan Map. The subject property is zoned Urban Transition 20 by Marion County. The site is currently vacant. Abutting properties within the City are zoned Residential Single-Family (RS) and are designated Low Density Residential on the Comprehensive Plan Map.

The Planning Commission conducted a public hearing on January 9, 2014, received testimony from staff and the applicant, and forwarded the matter to the Council with a unanimous recommendation of approval.

## **DISCUSSION:**

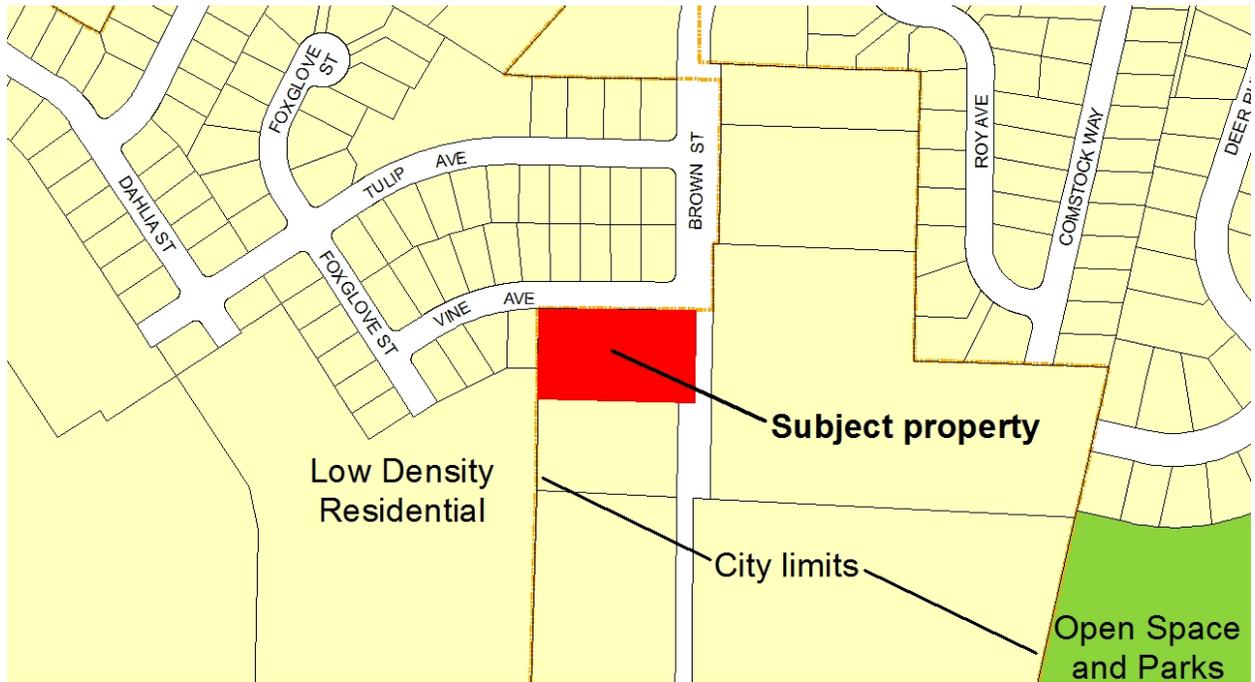
None.

## **FINANCIAL IMPACT:**

This decision is anticipated to have no public sector financial impact. The property can be served with existing public utilities, and improvements to Brown Street will be made by the property owner upon subdivision or partition. System Development Charges, to cover improvements to public water, sewer, storm drain, and park systems, will be assessed when building permits are issued.

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Agenda Item Review: City Administrator  City Attorney  Finance



Comprehensive Plan Map showing the subject property

COUNCIL BILL NO. 2946

RESOLUTION NO. 2040

**A RESOLUTION CALLING FOR A PUBLIC HEARING ON THE ANNEXATION OF CERTAIN PROPERTY LOCATED AT 1225 BROWN STREET AND IDENTIFIED ON MARION COUNTY TAX ASSESSOR'S MAPS AS TAX LOT 051W18C01000**

**WHEREAS**, Simon Molodih, property owner, requested that the subject property be annexed to the City of Woodburn; and

**WHEREAS**, it is in the public interest to also annex the abutting portion of Brown Street; and

**WHEREAS**, the Woodburn Planning Commission held a public hearing to consider the matter; and

**WHEREAS**, the Woodburn Planning Commission forwarded the case to the Council with a unanimous recommendation of approval; **NOW, THEREFORE**,

**THE CITY OF WOODBURN RESOLVES AS FOLLOWS:**

**Section 1.** Pursuant to ORS 222.120, 7:00 p.m. on February 24, 2014 is declared to be the time set for public hearing before the Woodburn City Council on whether the City of Woodburn shall annex the property described in Exhibit "A" attached hereto.

**Section 2.** Pursuant to ORS 222.120, no election is required on this issue.

**Section 3.** Notice of said hearing shall be published once each week for two successive weeks prior to the day of hearing, in a newspaper of general circulation in the City, and notices of the hearing shall be posted in four public places in the City for a like period.

Approved as to form: \_\_\_\_\_  
City Attorney Date

Approved: \_\_\_\_\_  
Kathryn Figley, Mayor

Passed by the Council \_\_\_\_\_

Submitted to the Mayor

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Approved by the Mayor

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Filed in the Office of the Recorder

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ATTEST: \_\_\_\_\_

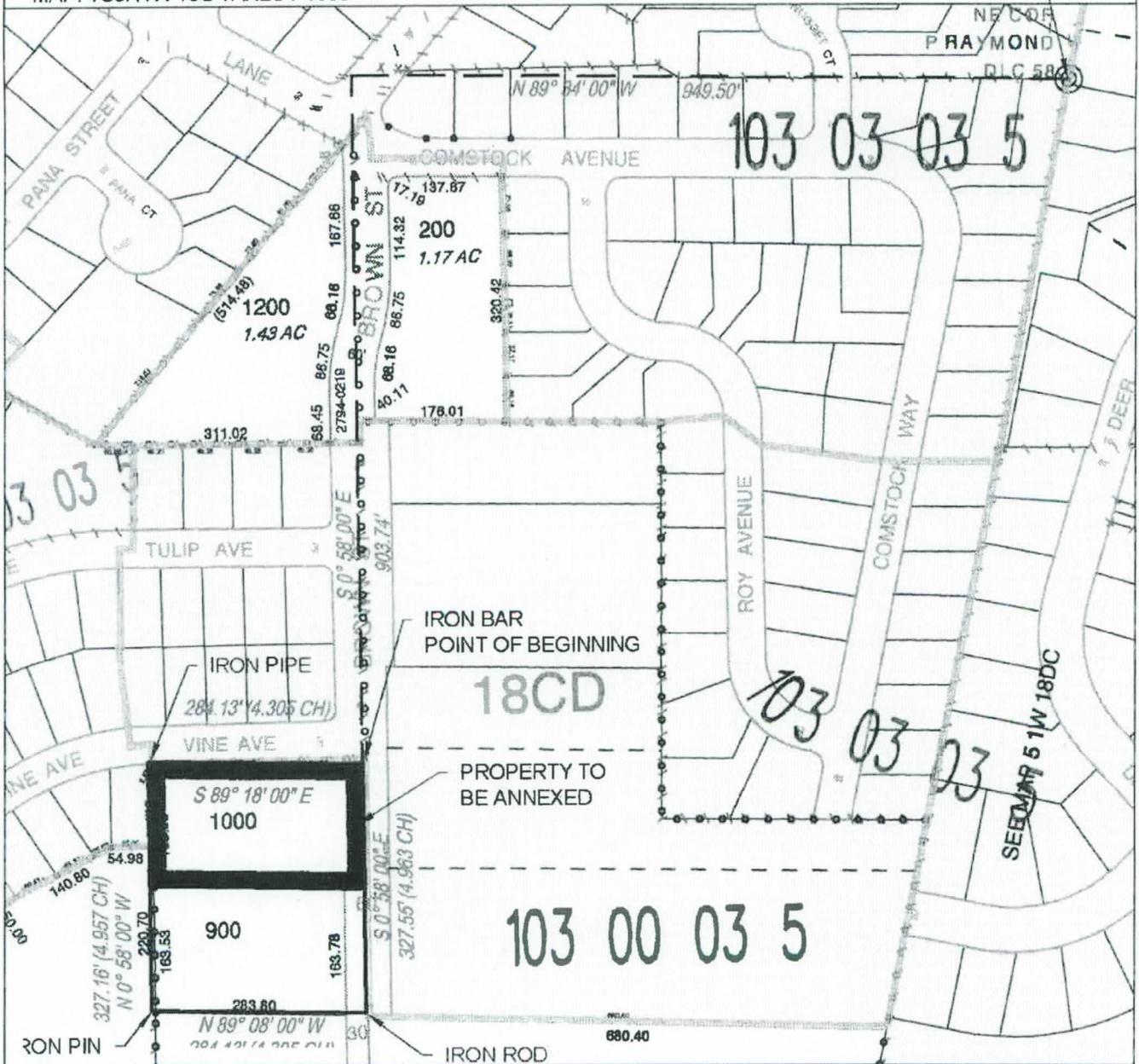
Heather Pierson

City Recorder, City of Woodburn, Oregon

**PROPERTY DESCRIPTION**

1225 BROWN STREET  
 WOODBURN, OR 97071  
 SIZE: 1.06 ACRES  
 MAP: TS5R1W 18C TAXLOT 1000

NORTHEAST CORNER OF THE  
 PETER RAYMOND DLC 58



**LEGAL DESCRIPTION**

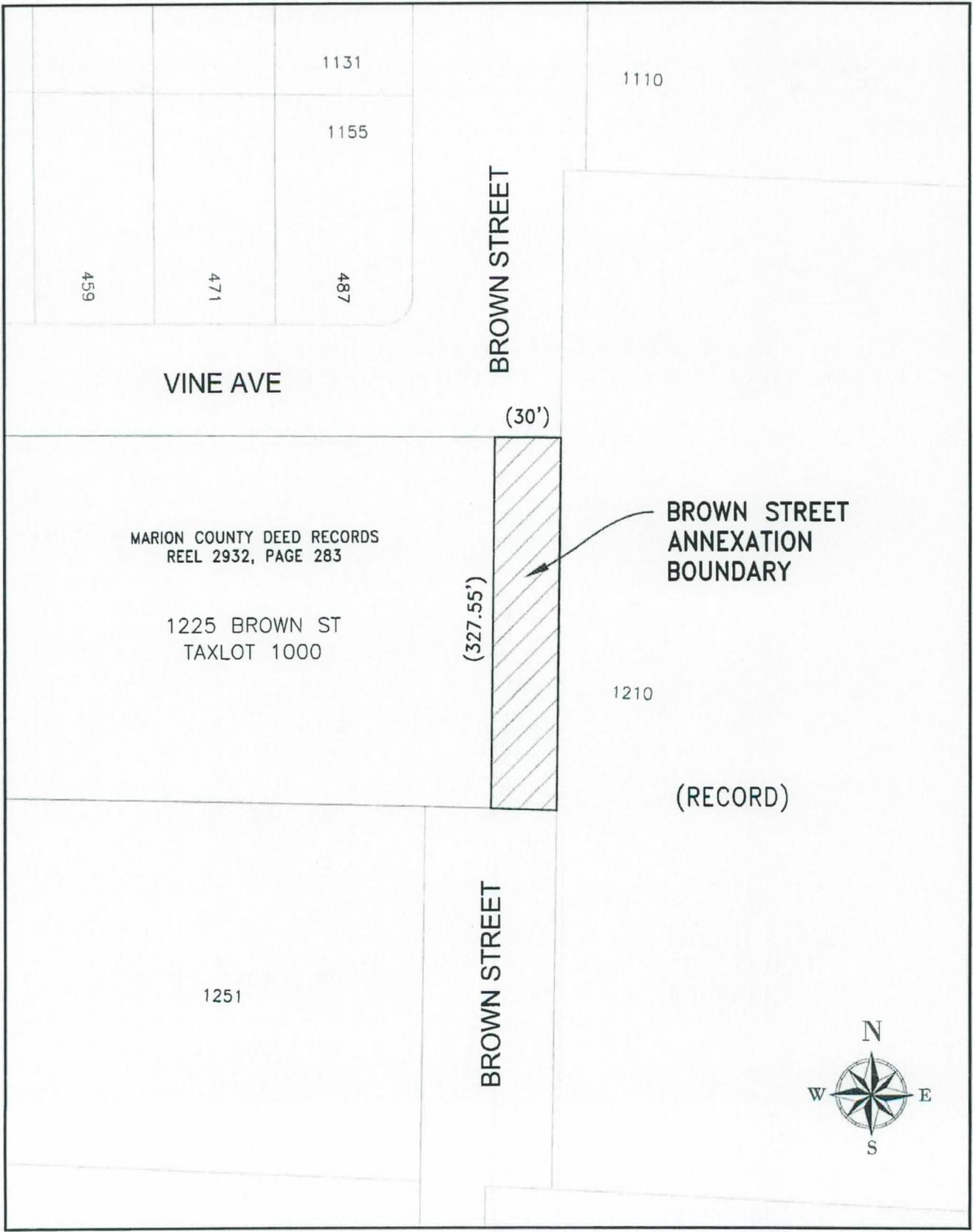
THE NORTHERLY ONE-HALF OF THE FOLLOWING DESCRIBED PROPERTY:

BEGINNING AT AN IRON BAR NORTH 89° 34' WEST 949.5 FEET AND SOUTH 0° 58' EAST 903.74 FEET FROM THE NORTHEAST CORNER OF THE PETER RAYMOND DLC 58; THENCE SOUTH 0° 58' EAST 327.55 FEET (4.963 CHAINS) TO AN IRON ROD THENCE NORTH 89° 8' WEST 284.13 FEET (4.305 CHAINS) TO AN IRON PIN; THENCE NORTH 0° 58' WEST 327.16 FEET (4.957 CHAINS) TO AN IRON PIPE; THENCE SOUTH 89° 18' EAST 284.13 FEET (4.305 CHAINS) TO THE POINT OF BEGINNING, BEING A PART OF THE PETER RAYMOND DLC 58 IN TOWNSHIP 5 SOUTH, RANGE 1 WEST OF THE WILLAMETTE MERIDIAN IN MARION COUNTY, OREGON.

Annexation Legal Description for Brown Street

That portion of Brown Street adjacent to the East Boundary line of that certain tract of land described in Reel 2932, Page 283, Marion County Deed Records, located in Section 18, Township 5 South, Range 1 West of the Willamette Meridian, Marion County Oregon.

SKETCH FOR LEGAL DESCRIPTION  
SECTION 18, TOWNSHIP 5 SOUTH, RANGE 1 WEST, MARION COUNTY, OREGON





# Agenda Item

January 27, 2014

TO: Honorable Mayor and City Council through City Administrator  
FROM: Randy Scott, Interim Public Works Director  
SUBJECT: **Acceptance of a Public Utility Easement within the Memory Care Development at 2325 N. Boones Ferry Road, Woodburn, OR 97071 (Tax Lot 051W07BD08300)**

## **RECOMMENDATION:**

That Council accepts the 16 foot wide Public Utility Easement for City water facilities granted by WMC Holding Company LLC, property owner of 2325 N. Boones Ferry Road, Woodburn, OR 97071 (**Tax Lot 051W07BD08300**).

## **BACKGROUND:**

A permanent public water line easement was required as a Public Works condition of building permit B13-003. This waterline easement will create a looped water main for the City water system, providing better water distribution and water quality.

## **DISCUSSION:**

The Public Utility Easement is a 16.0 feet wide Waterline Easement that is located within the new Memory Care Development at 2325 N. Boones Ferry Road. It provides a permanent easement and right-of-way to construct, reconstruct, operate, and maintain Water Mains, Service Lines and Appurtenances.

## **FINANCIAL IMPACT:**

There is no cost to the City for this Public Utility Easement since it was donated by the property owner as a condition to building permit B13-003.

## **ATTACHMENTS**

A Copy of the properly signed public utility easement document is attached.

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Agenda Item Review: City Administrator \_\_\_x\_\_\_ City Attorney \_\_\_x\_\_\_ Finance \_\_\_x\_\_\_

AFTER RECORDING RETURN TO:

Woodburn City Recorder  
City of Woodburn  
270 Montgomery Street  
Woodburn, OR 97071

**CITY OF WOODBURN, OREGON  
PUBLIC UTILITY EASEMENTS  
(Temporary and Permanent)**

WMC Holding Company LLC, an Oregon limited liability company, hereinafter called *GRANTOR*, grants to the CITY OF WOODBURN, OREGON, hereinafter called *CITY*, a permanent easement and right-of-way, including the permanent right to construct, reconstruct, operate, and maintain public water mains and appurtenances on the following described land:

*See attached Exhibit "A" Legal Description of Permanent Easement and attached Exhibit "B" Sketch for Legal Description of Permanent Easement which are by this reference incorporated herein*

It being understood that said temporary easement is only for the original excavation, construction and installation of the public utilities referenced above and upon the completion of the construction thereof shall cease to exist, save and except for that portion hereinbefore described as being a permanent easement.

*GRANTOR* reserves the right to use the surface of the land for any purpose that will not be inconsistent or interfere with the use of the easement by *CITY*. No building or utility shall be placed upon, under, or within the property subject to the foregoing easement during the term thereof, however, without the written permission of *CITY*.

Upon completion of the construction, *CITY* shall restore the surface of the property to its original condition and shall indemnify and hold *GRANTOR* harmless against any and all loss, cost, or damage arising out of the exercise of the rights granted herein.

The true consideration of this conveyance is Zero Dollars (\$0.00), and other valuable consideration, the receipt of which is acknowledged by *GRANTOR*.

*GRANTOR* covenants to *CITY* that *GRANTOR* is lawfully seized in fee simple of the above-granted premises, free from all encumbrances and that *GRANTOR* and their heirs and personal representatives shall warrant and forever defend the said premises and every part thereof to *CITY* against the lawful claims and demands of all persons claiming by, through, or under *GRANTOR*.

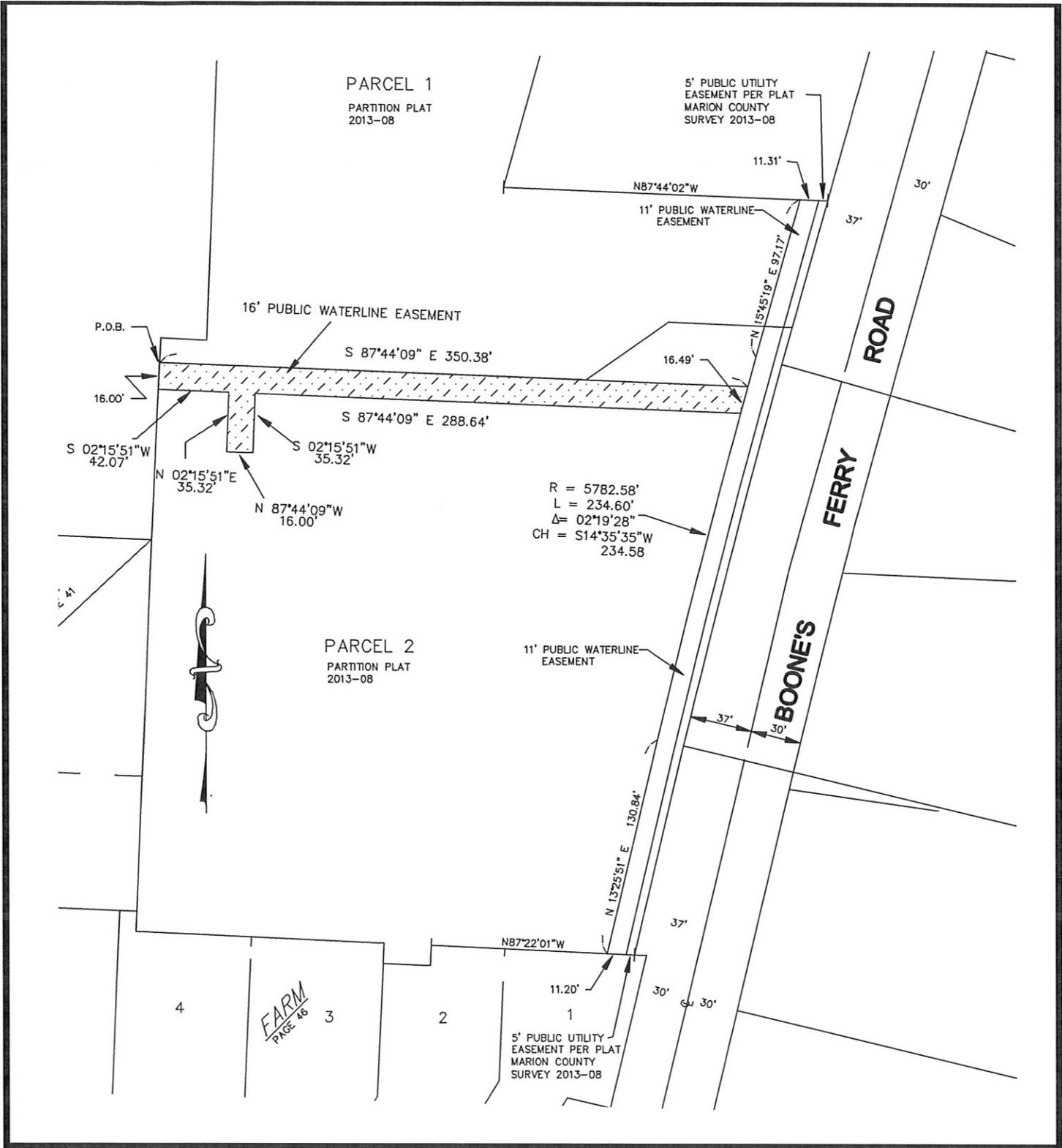
Public Utility Easements (Temporary and Permanent)  
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EXHIBIT "B"

16 FOOT UTILITY EASEMENT

Beginning at the Northwest corner of Parcel 2 of Partition Plat 2013-08 as recorded in Marion County, Oregon and being in the Northwest quarter of Section 7, Township 5 South, Range 1 West of the Willamette Meridian in said County and State, thence continuing along north line of said parcel 2 South  $87^{\circ}44'09''$  East 350.38 feet more or less to the westerly line of a 11 foot utility easement running along the west right of way of Boones Ferry road. Thence along a 5782.58 foot Radius curve to the left (Chord bears South  $15^{\circ}29'41''$  West 16.49 feet) 16.49 feet more or less; thence parallel and perpendicular to said line North  $87^{\circ}44'09''$  West 288.64 feet to a point; thence South  $02^{\circ}15'51''$  West 35.32 feet to a point; thence North  $87^{\circ}44'09''$  West 16.00 feet to a point; thence North  $02^{\circ}15'51''$  East 35.32 feet to a point; thence North  $87^{\circ}44'09''$  West 42.07 feet to a point on the west line of said parcel 2; thence north 16 feet to the place of beginning.



DRAWING NO.: 2012-051	<b>RIVERSIDE ENGINEERING CO.</b> 2015 25TH STREET P.O. BOX 3637 SALEM, OREGON 97302 PHONE 581-6362	JOB NO. 2012-051
DATE: 10/22/13		SCALE 1" = 80'
PREPARED FOR AND AT THE REQUEST OF		CHECKED BY: R.J.G.
CITY OF WOODBURN	LOCATION:	DRAWN BY: R.J.G.
EXHIBIT "B"	2325 N BOONE'S FERRY RD.	<b>PUBLIC WATERLINE EASEMENT</b>



# Agenda Item

January 27, 2014

TO: Honorable Mayor and City Council through City Administrator  
FROM: Randy Scott, Interim Public Works Director  
SUBJECT: **Acceptance of a Public Utility Easement within the Memory Care Development at 2325 N. Boones Ferry Road, Woodburn, OR 97071 (Tax Lot 051W07BD08300)**

## **RECOMMENDATION:**

That Council accepts the 11 foot wide Public Utility Easement for City water facilities granted by WMC Holding Company LLC, property owner of 2325 N. Boones Ferry Road, Woodburn, OR 97071 (**Tax Lot 051W07BD08300**).

## **BACKGROUND:**

A permanent public water line easement was required as a Public Works condition of building permit B13-003. This waterline easement will create a looped water main for the City water system, providing better water distribution and water quality.

## **DISCUSSION:**

The Public Utility Easement is an 11.0 feet wide Waterline Easement that is located along the frontage of the new Memory Care Development at 2325 N. Boones Ferry Road. It provides a permanent easement and right-of-way to construct, reconstruct, operate, and maintain Water Mains, Service Lines and Appurtenances.

## **FINANCIAL IMPACT:**

There is no cost to the City for this Public Utility Easement since it was donated by the property owner as a condition to building permit B13-003.

## **ATTACHMENTS**

A Copy of the properly signed public utility easement document is attached.

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Agenda Item Review: City Administrator  City Attorney  Finance

AFTER RECORDING RETURN TO:

Woodburn City Recorder  
City of Woodburn  
270 Montgomery Street  
Woodburn, OR 97071

**CITY OF WOODBURN, OREGON  
PUBLIC UTILITY EASEMENTS  
(Temporary and Permanent)**

WMC Holding Company LLC, an Oregon limited liability company, hereinafter called *GRANTOR*, grants to the CITY OF WOODBURN, OREGON, hereinafter called *CITY*, a permanent easement and right-of-way, including the permanent right to construct, reconstruct, operate, and maintain public water mains and appurtenances on the following described land:

*See attached Exhibit "A" Legal Description of Permanent Easement and attached Exhibit "B" Sketch for Legal Description of Permanent Easement which are by this reference incorporated herein*

It being understood that said temporary easement is only for the original excavation, construction and installation of the public utilities referenced above and upon the completion of the construction thereof shall cease to exist, save and except for that portion hereinbefore described as being a permanent easement.

*GRANTOR* reserves the right to use the surface of the land for any purpose that will not be inconsistent or interfere with the use of the easement by *CITY*. No building or utility shall be placed upon, under, or within the property subject to the foregoing easement during the term thereof, however, without the written permission of *CITY*.

Upon completion of the construction, *CITY* shall restore the surface of the property to its original condition and shall indemnify and hold *GRANTOR* harmless against any and all loss, cost, or damage arising out of the exercise of the rights granted herein.

The true consideration of this conveyance is Zero Dollars (\$0.00), and other valuable consideration, the receipt of which is acknowledged by *GRANTOR*.

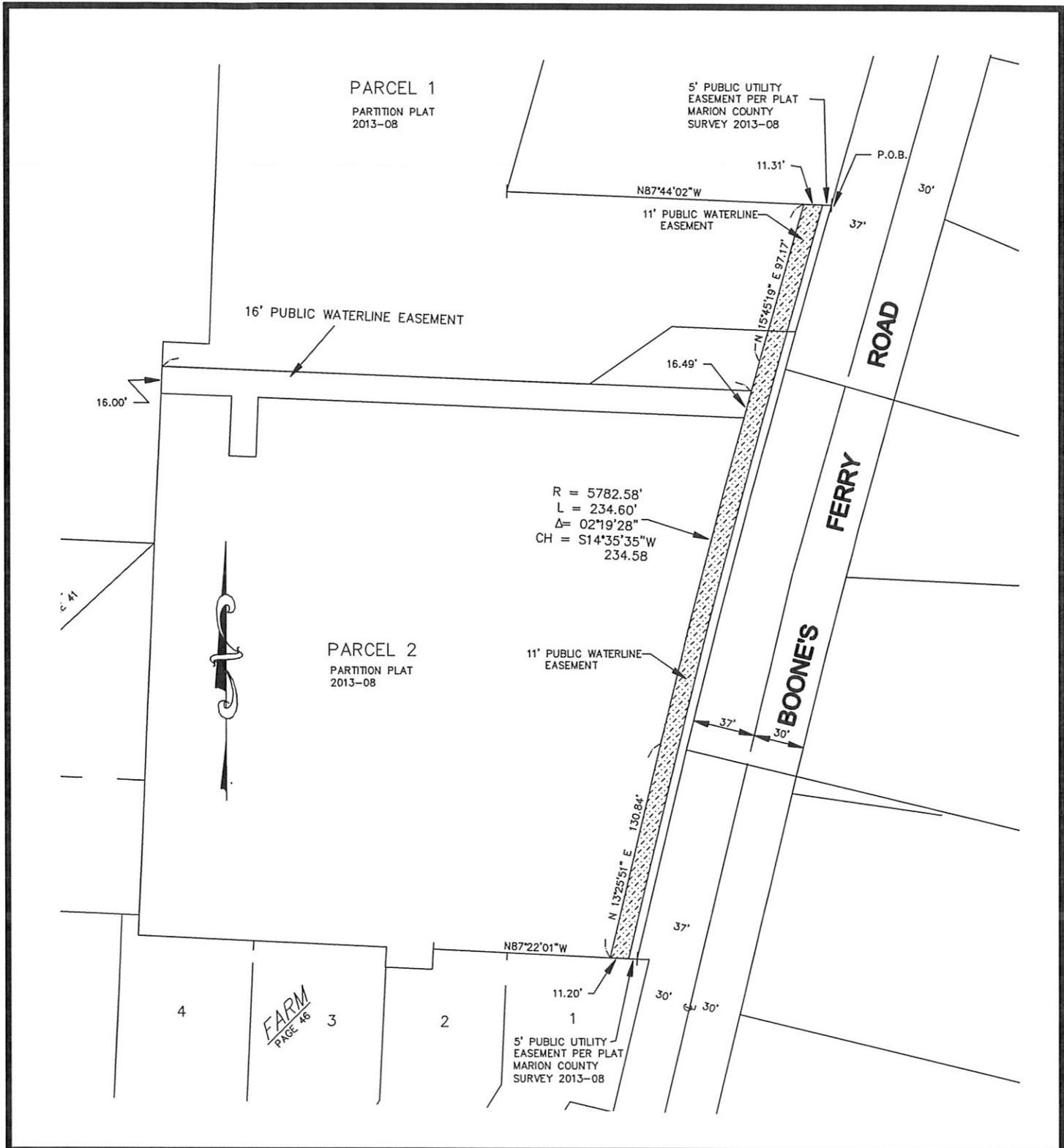
*GRANTOR* covenants to *CITY* that *GRANTOR* is lawfully seized in fee simple of the above-granted premises, free from all encumbrances and that *GRANTOR* and their heirs and personal representatives shall warrant and forever defend the said premises and every part thereof to *CITY* against the lawful claims and demands of all persons claiming by, through, or under *GRANTOR*.



## EXHIBIT "A"

### ELEVEN FOOT PUBLIC WATERLINE EASEMENT DESCRIPTION

Commencing at the most easterly Northeast corner of Parcel 1 of Partition Plat 2013-08 as recorded in Marion County, Oregon and being in the Northwest quarter of Section 7, Township 5 South, Range 1 West of the Willamette Meridian in said County and State, thence continuing along north line of said parcel North  $87^{\circ}44'02''$  West 16.45 feet more or less to the true point beginning of a 11 foot utility easement thence running south parallel with right of way of Boones Ferry road South  $15^{\circ}45'19''$  West 97.17 feet more or less; thence along a 5782.58 foot radius curve to the left (chord bears South  $14^{\circ}35'35''$  West 234.58 feet) 234.60 feet more or less; thence South  $13^{\circ}25'51''$  West 130.84 feet more or less to the south line of parcel 2 of said partition plat; thence along this line South  $87^{\circ}22'01''$  East 11.20 feet more or less to the 5 foot utility easement line per said plat; thence north along said easement perpendicular to and parallel with Boones Ferry road to the north line of parcel 1; thence North  $87^{\circ}44'02''$  West 11.31 to the place of beginning.



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<b>CITY OF WOODBURN</b>	LOCATION: 2325 N BOONE'S FERRY RD.	DRAWN BY: R.J.G.
<b>EXHIBIT "A"</b>		<b>PUBLIC WATERLINE EASEMENT</b>