



Agenda Item

May 24, 2021

TO: Honorable Mayor and City Council through City Administrator
FROM: Martin Pilcher, Interim Chief of Chief
SUBJECT: **2020 Use of Force Report**

RECOMMENDATION

The Woodburn City Council receive and review the Woodburn Police Department's Use of Force Policies and Annual Use of Force Report.

DISCUSSION

Each year the Woodburn Police Department presents the Yearly Use of Force and Vehicle Pursuit Report to the City Council via the City Administrator (see Attachment 1). This report provides statistics on the force used by Woodburn police officers as they fulfilled their assigned duties and compares it to the same categories for the prior two years. Further, this year's report complies with the Mayor's Pledge Regarding Use of Force Resolution, dated August 10, 2020.

House Bill 4301 (HB4301) was passed by the Oregon Legislature during the 2020 Special Session. This new law brings Oregon statutes on use of physical force and use of deadly physical force into compliance with two landmark US Supreme Court cases governing use of force by police officers; Tennessee v. Garner and Graham v. Connor. Further, HB4301 statutorily regulates use of pressure on the throat or neck of another person by a peace officer or corrections officer. In August 2020, all Oregon law enforcement agencies, including the Woodburn Police Department underwent training on the changes to Oregon law with regard to use of physical force and use of deadly physical force as set out from the passage of HB4301.

Understanding that use of force policy (see Attachment 2) is driven by state and federal law, legal precedent and best practice, the Woodburn Police Department's use of force policy stresses de-escalation and disengagement whenever practical.

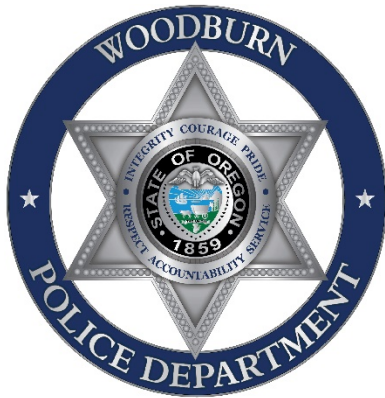
Agenda Item Review: City Administrator ____x____ City Attorney ____x____ Finance ____x____

The Woodburn Police Department trains its personnel in use of force and use of deadly physical force using evidence based best practice reflective of state and federal law.

The Woodburn Police Department continues to be an accredited law enforcement agency, holding accreditation from the Oregon Accreditation Alliance. All department policies, including those governing use of physical force and use of deadly physical force and related training are reviewed for law compliance and use of evidence based and best practice during the accreditation process.

FINANCIAL IMPACT

None



2020

Woodburn Police Department **Use of Force & Vehicle Pursuit Report**

Use of Force

A goal of the Woodburn Police Department is to resolve each situation safely and peacefully. While most incidents end with no physical force being used, a small number of contacts require physical force to resolve the situation.

The Woodburn Police Department's use of force is guided by department policy and state and federal law, from a reasonable officer's perspective and based upon the totality of the circumstances at the time the force was used.

In addition to state and federal law, the Woodburn Police Department has several policies that outline the types of devices and techniques officers can use and the circumstances for use, including:

Use of Force

Control Devices and Techniques

Conducted Energy Device

Firearms

Vehicle Pursuits

Canine Program

After each use of force incident, the involved Police Officer(s) are required to document the event in a Use of Force Report. This report is reviewed by department's supervisory and command staff.

At the end of each year, a report of the year's force and pursuit incidents is completed for the Chief of Police and Command Staff. This report is used to evaluate current trends and techniques in order to address any training or equipment needs, or policy changes.

Historical Use of Force Overview

The Woodburn Police Department's three-year trend shows a 14.6% increase in Use of Force incidents from 2018-2019. From 2019 to 2020, there was a 34% decrease.

Chart 1

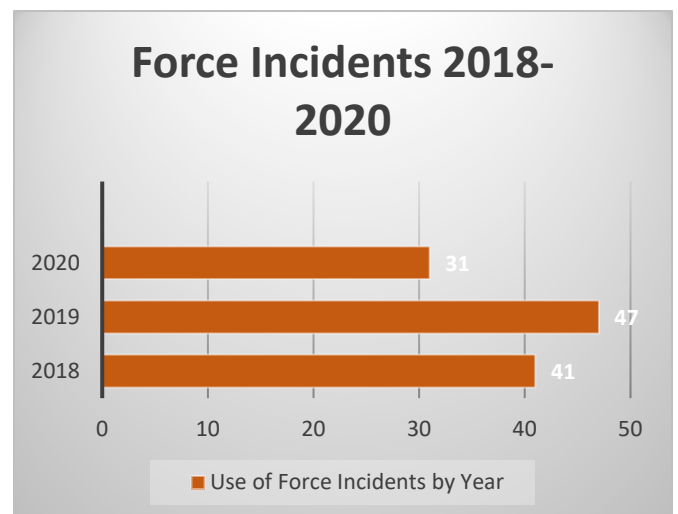


Chart 1 shows the annual number of use of force events for the last three years

Table 1 represents annual data to include the percentage change compared annually over the last three years.

Table 1

Force Incidents 2018-2020		
Year	Incidents	% + or -
2018	41	+0.01%
2019	47	14.6%
2020	31	-34%

Table 1 shows the yearly increase or decrease from the previous year.

In 2020, the Woodburn Police Department responded to approximately 14,000 calls for service. This is down from previous years, likely due to the Pandemic. The number of arrests from 2019 to 2020 increased by 66. The ratio between arrests made and use of force incidents average 1 use of force event for every 36 arrests for 2020.

Table 2

Rates of Force Incidents Per Arrest			
Year	# of Arrests	# Involving Force	Rate
2018	1012	41	1 in 25
2019	1052	47	1 in 22
2020	1118	31	1 in 36

Table 2 shows the ratio of arrests made per year and those involving force used.

It is important to note the Woodburn Police Department did not receive a citizen complaint surrounding a use of force event in 2020.

Force Data

The Woodburn Police Department records certain information from each Use of Force report. Gender, intoxication, suspect injury, officer injury, and the type of force used are captured in the charts and graphs below.

Chart 2

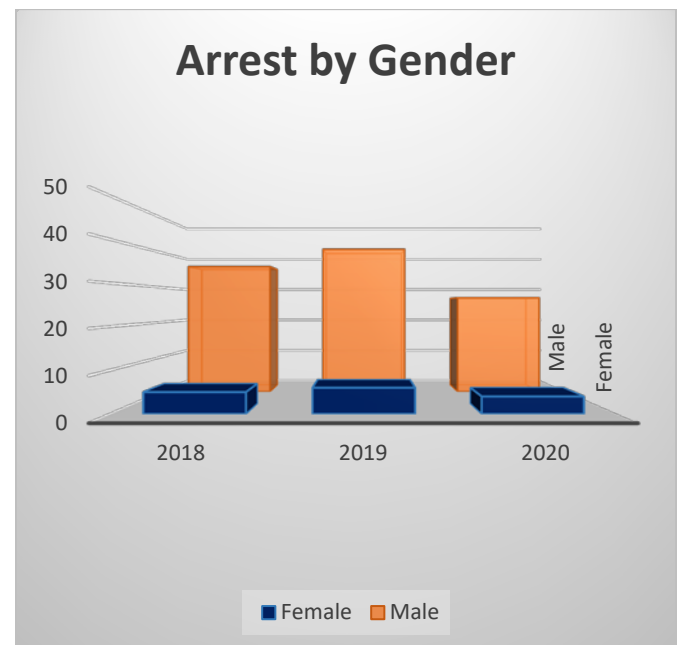


Chart 2 compares the number of force events involving females vs. males.

As shown in Chart 1, for 2020, Woodburn Officers reported 31 use of force incidents. Each officer is to report the individual force used even if the force is used upon the same suspect by multiple officers.

Intoxication levels often times are a key factor when a suspect becomes non-compliant, resulting in the need of the officer to escalate the force to make an arrest.

Table 3

Under the Influence			
Year	2018	2019	2020
Alcohol	11	9	7
Drugs	6	10	9
Alcohol & Drugs	0	7	1
Unknown	11	11	3
Not Under the Influence	13	10	11

Table 3 represents the number incidents of self-reported use of alcohol and/or drugs by suspects and/or officer observations.

Officers must report any use of force situation if the force used, could or would likely cause injury to the suspect. Table 4 shows the type of force used in each incident.

The display of an officer's service weapon, is recorded separately from use of physical force.

Table 4

Physical Control by Frequency			
Year	2018	2019	2020
Firearm Displayed	27	24	18
Control Hold	0	10	5
Takedown	9	7	5
K9	5	3	1
Focus Blows	2	3	2
ECD	5	19	9
Wrist Lock	11	6	7
Shoulder Lock	6	8	5
Other	3	15	0

Table 4 represents the type of force used and the number each technique or device was used.

In 2020, our officers used a mechanical restraint system in 1 incident. This device is designed to secure an individual safely for transport to the jail in order to prevent injury to themselves or others, or causing damage to a vehicle.

The Woodburn Police Department has a K9 program consisting of two patrol protection/detection canines. The K9's are utilized as force options.

The K9 can be deployed two ways. The first is to track and apprehend a fleeing suspect. The second is a show of force to non-compliant suspects. Anytime the K9 deployment results in the canine biting a subject, the incident is considered a Use of Force, therefore requires reporting.

Table 5

Patrol K9 Team Deployments				
Year	# of Deployments	# of Captures	# of Deployments resulting in a canine bite	% of Deployments resulting in a canine bite
2018	31	9	2	6.5%
2019	43	14	4	9.3%
2020	31	11	1	3.2%

Table 5 represents three years of K9 deployments, captures, bites and percentage of bites resulting from deployment

The Woodburn Police Department utilizes the Electronic Control Device (ECD) as a force option. The ECD can be utilized under four options.

Two of the options are considered mere presence and the other are considered use of force.

The laser of the ECD is activated showing the suspect where the ECD darts will hit. The spark demo is when the cartridge is removed and the ECD is triggered. The ECD's electrodes arc across metal conductors giving off a spark as a visual demonstration.

The probe mode is when the two ECD probes are fired from the ECD at the subject. The thin insulated wires which connect the ECD to the metal probes deliver the electronic stimulant. The drive stun mode is when the ECD is pressed upon the subject's body, sending the electronic stimulant from the ECD itself.

Table 6

ECD Use and Arrest Involving ECD's			
Year	ECD Use	Arrests	% of Arrest & ECD's
2018	5	1012	.004%
2019	19	1052	.018%
2020	9	1118	.008%

Table 6 represents three years of data on ECD use and the relationship it is used during use of force incidents.

Injuries reported in Use of Force Incidents

Injuries can occur to both officers and suspects during violent encounters. Data shows that officers are less likely to be injured than the suspect is during a use of force incident. The tables below represent the number of officers and suspects injured and what type of injury was sustained.

Table 7

Officer Injury by Type			
Year	2018	2019	2020
No Injury	41	42	31
Cuts/Abrasions	0	3	0
Bruise/Swelling	0	2	0
Injured Joint/Torn Ligaments	0	0	0

Table 7 shows the number of officers injured and the injury sustained

In 2020, 100% of the time force is used, Officers were not injured compared to 68% of the time force is used, and the subjects are not injured.

Table 8

Suspect Injury by Type			
Year	2018	2019	2020
No Injury	30	16	19
Abrasions	3	9	7
ECD Puncture	4	12	5
Cut/Puncture	2	9	0
Bruise/Swelling	2	1	0

Table 8 shows the number of suspects and the injury sustained

Days and hours of the Week

Tables 9 and 10 display the number of incidents regarding the Use of Force during each work shift.

Table 9

U of F by Shift	Day Shift	Night Shift
2020	11	20

Table 10

U of F by day of week	Total # for 2020
Monday	4
Tuesday	2
Wednesday	5
Thursday	3
Friday	5
Saturday	4
Sunday	8

Tables 11 and 12 display the number of incidents regarding pointing a firearm/ECD. The Woodburn Police Department operates on two shifts. Dayshift hours are 6:00am to 6:00pm. Night shift hours are 6:00pm to 6:00am. This report also displays days of the week when Use of Force incidents occurred.

Table 11

Pointing a Firearm/ECD	Day Shift	Night Shift
2020	12	11

Table 12

Pointing a Firearm/ECD by day of the week	Total # for 2020
Monday	6
Tuesday	4
Wednesday	1
Thursday	4
Friday	1
Saturday	4
Sunday	3

Vehicle Pursuits

The Woodburn Police Department reports and reviews each vehicle pursuit. Vehicle pursuits are inherently dangerous to the community, the pursuing officer and the suspect being pursued. Each vehicle pursuit is unique and poses a wide variety of risks and outcomes. Vehicle pursuits are closely monitored and reviewed to ensure best practices and training are adhered to.

Table 13

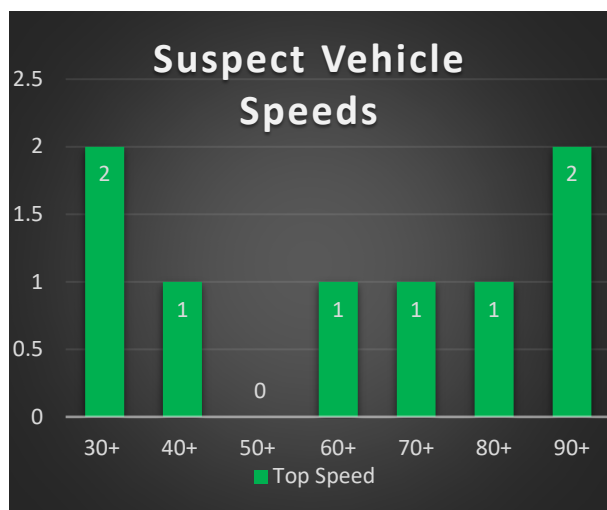
Vehicle Pursuits by Year		
Year	# of Pursuits	% + or -
2018	6	-25%
2019	0	-100%
2020	8	800%

Table 13 shows the number of pursuits each year along with the percentage change

The annual report is used by the Chief of Police and Command Staff to evaluate the department's pursuit training, response, and liability for each vehicle pursuit.

Pursuits dropped significantly from 2018 to 2019 because the Woodburn Police Department shifted to a more restrictive pursuit policy that focused on initiation and continuation of pursuits. This has been a growing trend by law enforcement agencies throughout the country. Case law, litigation, and community expectations regarding use of force have been the primary factors in changing the way law enforcement views vehicle pursuits. For 2020, there was an increase in pursuits. Three of the eight pursuits involved a subject who was wanted for attempted murder. Six of the pursuits were discontinued.

Chart 3



Additional facts for 2020 vehicle pursuits:

- 7 of the of 8 pursuits occurred between the hours of 6:00pm and 6:00am
- 3 occurred on a Monday, 1 on a Tuesday, 2 on Thursday, and 2 on Saturday.
- There were no injuries reported.

The most concerning factor with pursuits is how the pursuit ends. Vehicle pursuits end in either termination or conclusion.

Termination is when the pursuing officers stop their attempt to apprehend the suspect. Conclusion means the vehicle was stopped and is no longer moving. Any officer or supervisor can make the decision to terminate a vehicle pursuit. Pursuits are terminated for a variety of reasons. Often because the risk of apprehension does not rise to the level of the associated dangers of continuing to pursue.

When a pursuit is terminated, the officer must deactivate all emergency equipment

and end the attempt to apprehend the suspect.

The conclusion of a pursuit takes place when the suspect vehicle stops on its own, whether stopped by intervention techniques (stop sticks or PIT), or the suspect vehicle crashes.

Chart 4 shows how each of the 2020 pursuits ended.

Chart 4

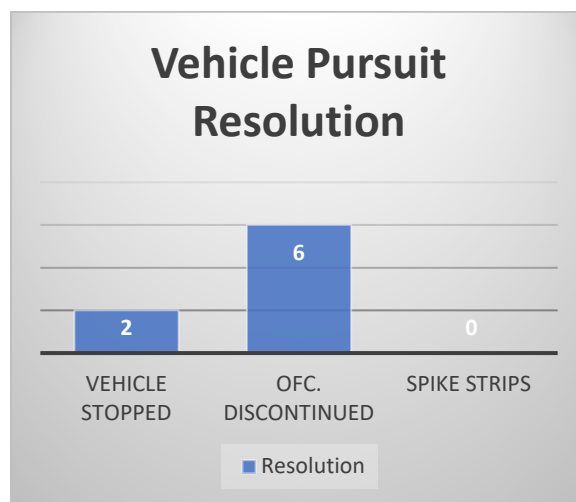


Chart 4 shows how each 2020 pursuit was resolved.

2020 Conclusion

All of the Use of Force incidents were deemed within policy and in compliance of state and federal laws.

COUNCIL MEETING MINUTES

MAY 10, 2021

DATE COUNCIL CHAMBERS, CITY HALL, CITY OF WOODBURN, COUNTY OF MARION, STATE OF OREGON, MAY 10, 2021

CONVENED The meeting convened at 7:02 p.m. with Mayor Swenson presiding.

ROLL CALL

Mayor Swenson	Present
Councilor Carney	Present -via video conferencing
Councilor Cornwell	Present -via video conferencing
Councilor Schaub	Present -via video conferencing
Councilor Swanson	Present- via video conferencing
Councilor Puente	Present- via video conferencing
Councilor Cabrales	Present- via video conferencing

Staff Present (via video conferencing): City Administrator Derickson, City Attorney Shields, Economic Development Director Johnk, Acting Police Chief Pilcher, Community Development Director Kerr, Operations Director Stultz, Public Works Project and Engineering Director Liljequist, Finance Director Turley, Human Resources Director Gregg, Assistant City Attorney Granum, Parks and Recreation Manager Cuomo, City Recorder Pierson

PRESENTATION

COVID-19 Update - Parks and Recreation Manager Cuomo provided an update on the COVID-19 response in Woodburn.

CONSENT AGENDA

- A. Woodburn City Council minutes of April 26, 2021,
 - B. Woodburn City Council Executive Session minutes of April 26, 2021,
 - C. Liquor License Application for The Playce.
- Carney/Cornwell...** adopt the Consent Agenda. The motion passed unanimously.

PUBLIC HEARINGS

A Public Hearing to consider input on declaring certain city owned property as surplus property. Mayor Swenson declared the hearing open at 7:19 p.m. for the purpose of hearing public input on declaring certain city owned property as surplus property. Operations Director Stultz provided a staff report. No members of the public wished to speak in either support or opposition of declaring certain city owned property as Surplus Property. Mayor Swenson closed the hearing at 7:22 p.m.

A Public Hearing to consider input on the Woodburn-Gervais Enterprise Zone Re-Designation. Mayor Swenson declared the hearing open at 7:22 p.m. for the purpose of hearing public input on the Woodburn-Gervais Enterprise Zone Re-Designation. Economic Development Director Johnk provided a staff report. No members of the public wished to speak in either support or opposition of the Woodburn-Gervais Enterprise Zone Re-Designation. Mayor Swenson closed the hearing at 7:25 p.m.

ACTION ON FINAL DECISION DOCUMENT DENYING ANNEXATION OF APPROXIMATELY 39.68 ACRES OF TERRITORY KNOWN AS THE OREGON GOLF ASSOCIATION PROPERTY WITH NO STREET ADDRESS ALONG THE EAST SIDE

COUNCIL MEETING MINUTES

MAY 10, 2021

OF BOONES FERRY RD NE NORTH OF HAZELNUT DR (ANX 2020-01) AND RELATED LAND USE APPLICATIONS FOR DEVELOPMENT INTO THE TRILLIUM RESERVE PLANNED UNIT DEVELOPMENT (PUD 2020-01)

Councilor Schaub stated that although she was not at the public hearing when this item was brought before the City Council she has read the minutes from the meeting and read the information that was provided in the agenda packet and that she intends to vote on this matter. Community Development Director Kerr provided a staff report. **Carney/Cornwell...** take action on the Final Decision Document denying annexation of approximately 39.68 acres of territory known as the Oregon Golf Association Property with no street address along the east side of Boones Ferry Rd NE of Hazelnut Dr and related land use applications for development into the Trillium Reserve Planned Unit Development (PUD 2020-01). City Attorney Shields asked for confirmation that a yes vote on this motion means the applications are denied. Councilor Carney answered that that was correct. On roll call vote the motioned passed unanimously.

COUNCIL BILL NO. 3149 - AN ORDINANCE ANNEXING APPROXIMATELY 31.13 ACRES OF TERRITORY KNOWN AS THE SCHULTZ FARM PROPERTY WITH NO STREET ADDRESS INTO THE CITY OF WOODBURN, LOCATED ALONG THE WEST SIDE OF BOONES FERRY ROAD NE NORTH OF HAZELNUT DRIVE, MARION COUNTY, OREGON

Carney introduced Council Bill No. 3149. City Recorder Pierson read the bill twice by title only since there were no objections from the Council. Community Development Director Kerr provided a staff report. On roll call vote for final passage, the bill passed unanimously. Mayor Swenson declared Council Bill No. 3149 duly passed.

COUNCIL BILL NO. 3150 - AN ORDINANCE DESIGNATING ZONING TO APPROXIMATELY 31.13 ACRES OF ANNEXED TERRITORY KNOWN AS THE SCHULTZ FARM PROPERTY WITH NO STREET ADDRESS LOCATED ALONG THE WEST SIDE OF BOONES FERRY ROAD NE NORTH OF HAZELNUT DRIVE, MARION COUNTY, OREGON AS RESIDENTIAL SINGLE FAMILY (RS) ZONING DISTRICT

Carney introduced Council Bill No. 3150. City Recorder Pierson read the bill twice by title only since there were no objections from the Council. On roll call vote for final passage, the bill passed unanimously. Mayor Swenson declared Council Bill No. 3150 duly passed.

APPROVAL OF FINAL DECISION DOCUMENT FOR DOVE LANDING PLANNED UNIT DEVELOPMENT (PUD 2020-02)

Carney/Cornwell... approval of Final Decision Document for Dove Landing Planned Unit Development (PUD 2020-02). The motioned passed unanimously.

COUNCIL BILL NO. 3151 - A RESOLUTION DECLARING CERTAIN CITY OWNED PROPERTY AS SURPLUS PROPERTY AND AUTHORIZING THE CITY ADMINISTRATOR TO SOLICIT THE SALE OF SAID PROPERTY

Carney introduced Council Bill No. 3151. City Recorder Pierson read the bill by title only since there were no objections from the Council. Operations Director Stultz provided a staff report. On roll call vote for final passage, the bill passed unanimously. Mayor Swenson declared Council Bill No. 3151 duly passed.

COUNCIL BILL NO. 3152 - A RESOLUTION INITIATING THE ENTERPRISE ZONE APPLICATION SUBMITTAL WITH STATE OF OREGON, BUSINESS OREGON

COUNCIL MEETING MINUTES

MAY 10, 2021

DEPARTMENT FOR THE DESIGNATION OF THE WOODBURN-GERVAIS ENTERPRISE ZONE

Carney introduced Council Bill No. 3152. City 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 Swenson declared Council Bill No. 3152 duly passed.

CALL-UP BRIEFING: PLANNING COMMISSION APPROVAL OF MODIFICATION OF CONDITION EX2 OF ALLISON WAY APARTMENTS ALONG STACY ALLISON WAY (MOC 2020-02 RELATED TO DR 2019-05 & EXCP 2020-05)

The City Council declined to call this item up.

CITY ADMINISTRATOR'S REPORT

The City Administrator stated that there are a lot of things happening with the City and he will keep the Council updated on upcoming items.

MAYOR AND COUNCIL REPORTS

Mayor Swenson stated that Kurt Schrader visited Woodburn and along with the City Administrator and the Chamber of Commerce Director the talked to the people at the Trapala Restaurant, spoke with Ben at Yes Graphics and visited the Food Bank.

Councilor Swanson stated that one of her goals as a City Councilor for the City of Woodburn is that every project that comes before the Council is given due consideration and represents the promise of livability.

ADJOURNMENT

Swanson/Schaub... meeting be adjourned. The motion passed unanimously.

The meeting adjourned at 7:52 p.m.

APPROVED _____
ERIC SWENSON, MAYOR

ATTEST _____
Heather Pierson, City Recorder
City of Woodburn, Oregon

Woodburn Police Department

MONTHLY ARRESTS BY OFFENSES 2021 Year to Date

CHARGE DESCRIPTION	Jan	Feb	Mar	Apr	Total
AGGRAVATED ASSAULT	4	0	0	3	7
ANIMAL ORDINANCES	1	0	0	1	2
ARSON	1	0	0	0	1
ASSAULT SIMPLE	9	4	5	11	29
ATTEMPTED MURDER	0	1	0	0	1
BURGLARY - BUSINESS	0	1	0	0	1
BURGLARY - OTHER STRUCTURE	1	0	0	0	1
BURGLARY - RESIDENCE	0	1	0	0	1
COMPUTER CRIME	0	0	0	1	1
CRIME DAMAGE-NO VANDALISM OR ARSON	3	1	0	2	6
CURFEW	4	0	0	0	4
CUSTODIAL INTERFERENCE	0	1	0	0	1
CUSTODY - MENTAL	8	3	3	3	17
DISORDERLY CONDUCT	6	3	2	6	17
DRIVING UNDER INFLUENCE	10	7	12	9	38
DRUG LAW VIOLATIONS	10	4	1	2	17
DWS/REVOKED - FELONY	0	0	1	1	2
DWS/REVOKED-MISDEMEANOR	3	4	7	2	16
ELUDE	1	2	0	2	5
EXTORTION/BLACKMAIL	1	0	0	3	4
FAIL TO DISPLAY OPERATORS LICENSE	0	1	0	0	1
FAILURE TO REGISTER AS SEX OFFENDER	1	0	1	1	3
FORCIBLE RAPE	3	0	0	0	3
FRAUD - OF SERVICES/FALSE PRETENSES	0	0	0	1	1
FUGITIVE ARREST FOR ANOTHER AGENCY	48	33	26	38	145
HIT AND RUN-MISDEMEANOR	3	0	1	3	7
INTIMIDATION /OTHER CRIMINAL THREAT	7	1	1	6	15
KIDNAP - FOR ADDITIONAL CRIMINAL PURPOSE	1	0	0	2	3
MINOR IN POSSESSION	0	1	0	0	1
MOTOR VEHICLE THEFT	1	0	2	2	5
OTHER	5	2	2	2	11
PROVIDE FALSE INFORMATION TO LAW ENFORCEMENT	1	3	0	3	7
RECKLESS DRIVING	2	3	1	5	11
RECKLESSLY ENDANGERING	4	0	0	2	6
RESTRAINING ORDER VIOLATION	1	0	2	1	4
ROBBERY - BUSINESS	1	1	0	0	2
ROBBERY - RESIDENCE	1	0	0	0	1
RUNAWAY	1	1	1	0	3
SEX CRIME - CONTRIBUTE TO SEX DELINQUENCY	0	0	0	1	1
SEX CRIME - EXPOSER	0	0	0	2	2
SEX CRIME - NON-FORCE RAPE	0	0	0	1	1
SEX CRIME - PORNOGRAPHY/OBSCENE MATERIAL	0	0	0	2	2
SEX CRIME - SEXUAL ASSAULT WITH AN OBJECT	1	0	0	0	1
STALKER	0	0	0	3	3
STOLEN PROPERTY - RECEIVING,BUYING,POSSESSING	1	0	0	1	2
THEFT - BUILDING	0	1	0	0	1
THEFT - FROM MOTOR VEHICLE	0	4	0	0	4
THEFT - OTHER	3	0	0	2	5
THEFT - SHOPLIFT	3	2	1	2	8
TRAFFIC VIOLATIONS	8	0	10	0	18
TRESPASS	1	3	0	4	8
UNAUTHORIZED ENTRY INTO MOTOR VEHICLE	1	2	0	0	3
VANDALISM	4	3	1	0	8
VEHICLE RECOVERD FOR OTHER AGENCY	2	2	0	2	6

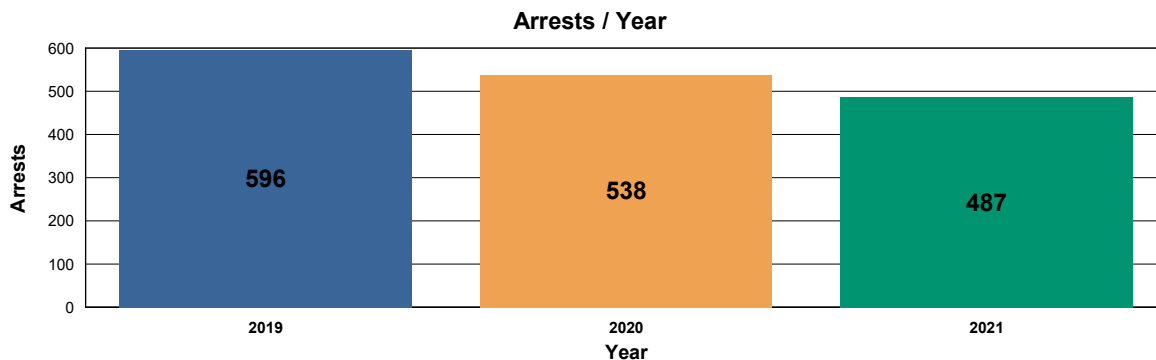
Woodburn Police Department

MONTHLY ARRESTS BY OFFENSES

2021 Year to Date

	Jan	Feb	Mar	Apr	Total
WEAPON - EX FELON IN POSSESSION	1	1	1	1	4
WEAPON - POSSESS ILLEGAL	5	1	0	3	9
WEAPON - SHOOTING IN PROHIBITED AREA	1	0	0	0	1

	Jan	Feb	Mar	Apr	Total
2021 Total	173	97	81	136	487
2020 Total	161	139	105	133	538
2019 Total	178	115	157	146	596



Woodburn Police Department

MONTHLY CRIMINAL OFFENSES

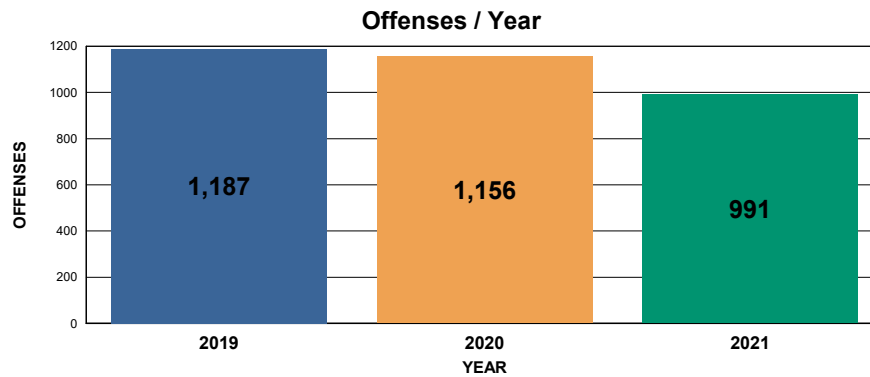
2021 Year to Date

CHARGE DESCRIPTION	Jan	Feb	Mar	Apr	Total
AGGRAVATED ASSAULT	2	3	1	7	13
ANIMAL CRUELTY	0	0	1	0	1
ANIMAL ORDINANCES	1	0	0	1	2
ARSON	1	0	0	0	1
ASSAULT SIMPLE	10	7	9	10	36
ATTEMPTED MURDER	0	1	0	0	1
BURGLARY - BUSINESS	1	4	3	2	10
BURGLARY - OTHER STRUCTURE	0	3	0	4	7
BURGLARY - RESIDENCE	2	4	1	1	8
COMPUTER CRIME	0	0	0	1	1
CRIME DAMAGE-NO VANDALISM OR ARSON	5	10	12	18	45
CRIMINAL MISTREATMENT	1	0	0	0	1
CURFEW	1	0	1	0	2
CUSTODIAL INTERFERENCE	0	1	0	0	1
CUSTODY - MENTAL	8	3	3	3	17
DISORDERLY CONDUCT	5	4	4	5	18
DRIVING UNDER INFLUENCE	10	7	12	9	38
DRUG LAW VIOLATIONS	6	3	1	2	12
DWS/REVOKED - FELONY	0	0	1	1	2
DWS/REVOKED-MISDEMEANOR	3	4	7	2	16
ELUDE	2	2	3	4	11
ESCAPE FROM YOUR CUSTODY	0	0	1	0	1
EXTORTION/BLACKMAIL	1	1	0	2	4
FAIL TO DISPLAY OPERATORS LICENSE	0	1	1	0	2
FAILURE TO REGISTER AS SEX OFFENDER	1	0	1	1	3
FORCIBLE RAPE	2	2	3	2	9
FORGERY/COUNTERFEITING	2	0	3	2	7
FRAUD - BY DECEPTION/FALSE PRETENSES	2	1	4	4	11
FRAUD - CREDIT CARD/AUTOMATIC TELLER MACHINE	1	4	1	1	7
FRAUD - OF SERVICES/FALSE PRETENSES	0	0	0	1	1
FUGITIVE ARREST FOR ANOTHER AGENCY	33	26	27	28	114
HIT AND RUN FELONY	1	0	1	2	4
HIT AND RUN-MISDEMEANOR	15	13	14	15	57
IDENTITY THEFT	2	2	4	0	8
INTIMIDATION /OTHER CRIMINAL THREAT	3	1	1	5	10
KIDNAP - FOR ADDITIONAL CRIMINAL PURPOSE	2	0	0	2	4
MINOR IN POSSESSION	0	2	1	0	3
MISCELLANEOUS	10	19	22	21	72
MOTOR VEHICLE THEFT	9	6	14	12	41
NON CRIMINAL DOMESTIC DISTURBANCE	9	10	11	8	38
OTHER	5	4	3	4	16
PROPERTY - FOUND LOST MISLAID	4	3	2	1	10
PROPERTY RECOVER FOR OTHER AGENCY	2	1	1	3	7
RECKLESS DRIVING	1	3	3	7	14
RESTRAINING ORDER VIOLATION	1	0	2	1	4
ROBBERY - BUSINESS	1	1	0	0	2
ROBBERY - CONV.STORE	0	1	0	0	1
ROBBERY - OTHER	0	0	1	1	2
ROBBERY - RESIDENCE	1	0	0	0	1
RUNAWAY	2	1	1	0	4
SEX CRIME - CONTRIBUTE TO SEX DELINQUENCY	0	1	0	0	1
SEX CRIME - FORCIBLE SODOMY	1	0	1	1	3
SEX CRIME - MOLEST (PHYSICAL)	1	1	1	1	4
SEX CRIME - NON-FORCE RAPE	0	0	0	1	1
SEX CRIME - PORNOGRAPHY/OBSCENE MATERIAL	1	0	0	1	2
SEX CRIME - SEXUAL ASSAULT WITH AN OBJECT	1	0	1	0	2
STALKER	0	0	1	1	2

Woodburn Police Department

MONTHLY CRIMINAL OFFENSES 2021 Year to Date

	Jan	Feb	Mar	Apr	Total
STOLEN PROPERTY - RECEIVING,BUYING,POSSESSING	1	0	1	1	3
THEFT - BICYCLE	1	0	0	0	1
THEFT - BUILDING	2	0	1	2	5
THEFT - FROM MOTOR VEHICLE	8	8	7	14	37
THEFT - MOTOR VEHICLE PARTS/ACCESSORIES	6	1	6	3	16
THEFT - OTHER	12	12	12	10	46
THEFT - SHOPLIFT	15	11	14	11	51
TRAFFIC VIOLATIONS	10	1	14	3	28
TRESPASS	3	6	2	4	15
UNAUTHORIZED ENTRY INTO MOTOR VEHICLE	2	0	1	0	3
VANDALISM	18	9	10	8	45
VEHICLE RECOVERD FOR OTHER AGENCY	6	3	2	3	14
WEAPON - EX FELON IN POSSESSION	0	1	1	1	3
WEAPON - POSSESS ILLEGAL	2	1	1	3	7
WEAPON - SHOOTING IN PROHIBITED AREA	1	0	0	1	2
	Jan	Feb	Mar	Apr	Total
2021 Total	259	213	257	262	991
2020 Total	307	322	249	278	1,156
2019 Total	330	235	325	297	1,187



Woodburn Police Department

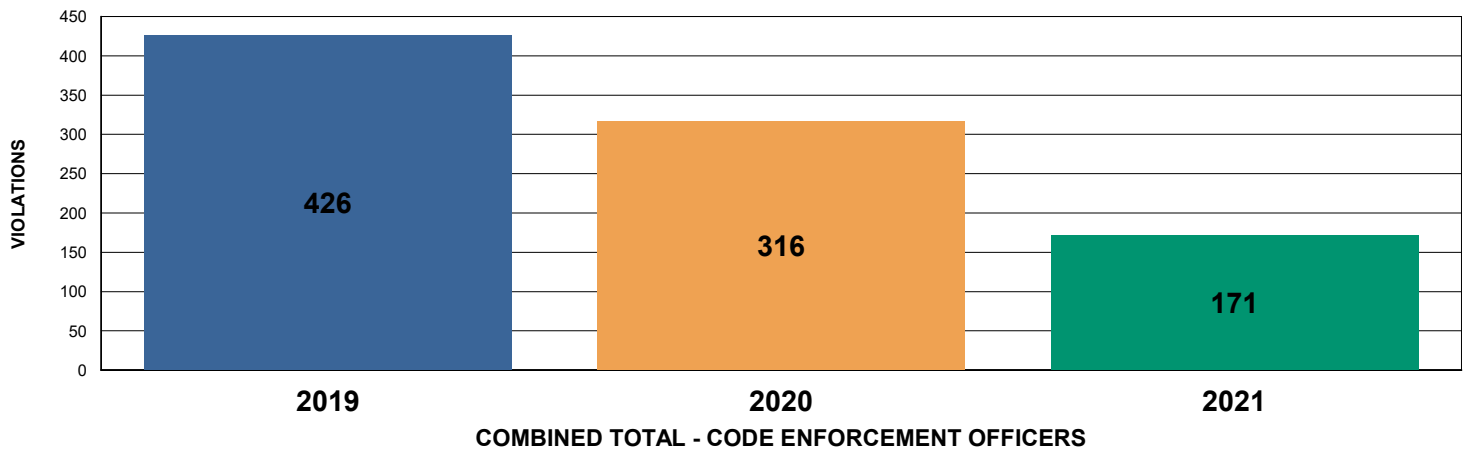
ORDINANCE VIOLATIONS

2021 Year to Date

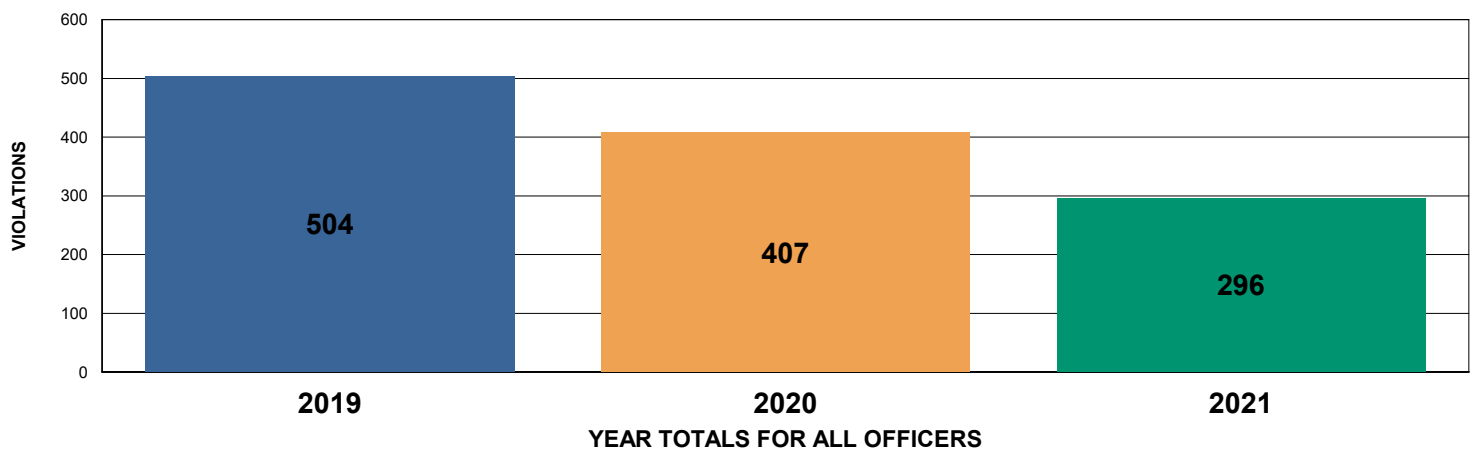
5/17/2021

Ordinance Discription	Jan	Feb	Mar	Apr	Total
Animal Complaint	18	32	41	47	138
Ordinance - Abate/Nuisances	2	0	0	0	2
Ordinance - Abandoned Vehicles	16	22	26	26	90
Ordinance - Abate Graffiti	0	0	2	4	6
Ordinance - Land Use Violations	1	0	1	1	3
Ordinance - Oth Violation	14	12	13	18	57
2021 Total	51	66	83	96	296
2019 Total	141	99	148	116	504
2020 Total	109	121	97	80	407

Ordinance Violations / Code Enforcement Officers



Ordinance Violations / Year





Agenda Item

May 24, 2021

TO: Honorable Mayor and City Council through City Administrator
FROM: Eric Liljequist, Public Works Projects & Engineering Director
SUBJECT: **Acceptance of Two Public Utility Easements at 2215 Progress Way, Woodburn, OR 97071 (Tax Lot 051W08B001500)**

RECOMMENDATION:

Authorize the acceptance of two Public Utility Easements to be granted by Ivanov Investment Group LLC, owners of the property located at 2215 Progress Way, Woodburn, OR 97071 (Tax Lot 051W08B001500).

BACKGROUND:

As a condition of approval of Design Review (DR 2019-14), the property owner is required to provide a 5-foot wide public utility easement and a 16-foot wide public waterline easement.

DISCUSSION:

The 5-foot wide Public Utility Easement is located along the easterly boundary of the property, adjacent to Progress Way. The 16-foot wide public waterline easement is located within the property, adjacent to Progress Way. The PUE dedication provides a permanent easement and right to construct, reconstruct, and operate public and franchised utilities within the identified area. Similarly, the waterline easement dedication provides a permanent easement and right to construct, reconstruct, operate and maintain water mains and appurtenances within the identified area.

FINANCIAL IMPACT:

There is no cost to the City for the Public Utility Easements.

ATTACHMENTS

A Copy of the Public Utility Easement documents are included in Exhibit "A" and Exhibit "B" for each dedication.

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**

Ivanov Investment Group LLC *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 Utilities 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

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*.

DATED this 18 day of May, 2021.

Ivanov Investment Group LLC

BY: _____

Kiril Ivanov, Member

CORPORATE ACKNOWLEDGEMENT

STATE OF OREGON, County of Clackamas.

The foregoing instrument was acknowledged before me this 18 day of May, 2021 by Kiril Ivanov, as a Member of Ivanov Investment Group LLC a corporation and the foregoing instrument was signed and sealed on behalf of said corporation by authority of its Board of Directors; and each of them acknowledged said instrument to be its voluntary act and deed.

Shannon Marshall

NOTARY PUBLIC FOR OREGON

My Commission Expires: 7/16/22

City of Woodburn
270 Montgomery Street
Woodburn, OR 97071

(Grantee's Name and Address)

By Signature below, the City of Woodburn, Oregon,
Approves and Accepts this Conveyance Pursuant to
ORS 93.808.

City Recorder:

Heather Pierson



Exhibit A

Beginning at a 5/8" Iron Rod at the Northeast corner of a tract of land recorded in Reel 4227, Page 256 Marion County Deed Records, located in the Northwest Quarter of Section 8, Township 5 South, Range 1 West, Willamette Meridian, City of Woodburn, Marion County, Oregon; thence along the West Right of Way Line of Progressive Way, 45.73 feet along a 683.09 foot radius curve to the left (the chord of which bears South 28°45'22" West 45.72 feet) to a 5/8" iron rod at the most Easterly Southeast corner of said tract of land; thence along the most Easterly South line of said tract, South 89°38'50" West 5.62 feet; thence 45.62 feet along a 688.09 foot radius curve to the right (the chord of which bears North 28°31'27" East 45.62 feet) to the North line of said tract of land; thence along said North line, North 89°38'57" East 5.83 feet to the point of beginning and containing 228 square feet more or less.

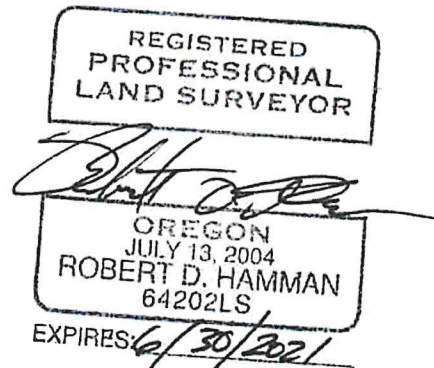
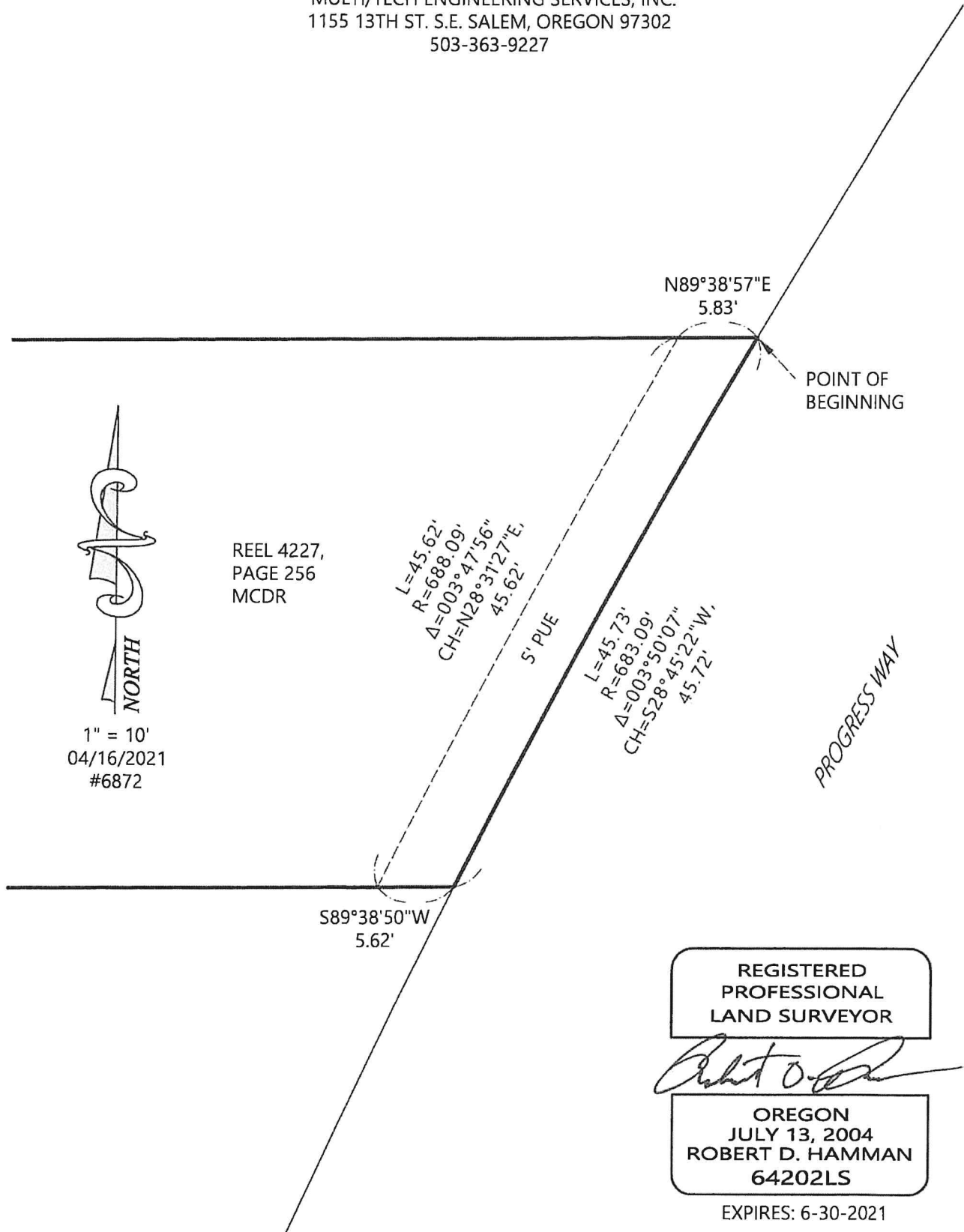


EXHIBIT B

BY:
MULTI/TECH ENGINEERING SERVICES, INC.
1155 13TH ST. S.E. SALEM, OREGON 97302
503-363-9227



REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 13, 2004
ROBERT D. HAMMAN
64202LS

EXPIRES: 6-30-2021

SHEET 4 of 4

AFTER RECORDING RETURN TO:

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

**CITY OF WOODBURN, OREGON
PUBLIC UTILITY EASEMENTS**

Ivanov Investment Group LLC *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 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

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*.

DATED this 18 day of May, 2021.

Ivanov Investment Group LLC

BY:

Kiril Ivanov, Member

CORPORATE ACKNOWLEDGEMENT

STATE OF OREGON, County of Clackamas.

The foregoing instrument was acknowledged before me this 18 day of May, 2021 by Kiril Ivanov, as a Member of Ivanov Investment Group LLC a corporation and the foregoing instrument was signed and sealed on behalf of said corporation by authority of its Board of Directors; and each of them acknowledged said instrument to be its voluntary act and deed.

Shannon Marshall
NOTARY PUBLIC FOR OREGON
My Commission Expires: 7/16/22

City of Woodburn
270 Montgomery Street
Woodburn, OR 97071

(Grantee's Name and Address)

By Signature below, the City of Woodburn, Oregon,
Approves and Accepts this Conveyance Pursuant to
ORS 93.808.

City Recorder:

Heather Pierson

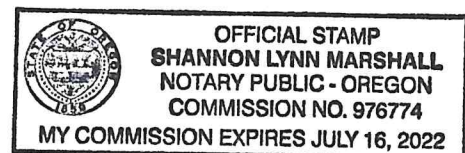


Exhibit A

Commencing at a 5/8 inch iron rod at the Northeast corner of a tract of land recorded in Reel 4227, Page 256 Marion County Deed Records, located in the Northwest Quarter of Section 8, Township 5 South, Range 1 West, Willamette Meridian, City of Woodburn, Marion County, Oregon; thence along the West Right of Way line of Progress Way 5.29 feet along a 683.09 foot radius curve to the left (the chord of which bears South 30°27'07" West 5.29 feet) to the True Point of Beginning; thence North 60°06'39" West 8.39 feet; thence South 89°38'34" West 347.97 feet; thence North 48°43'26" West 72.63 feet; thence South 89°59'35" West 3.25 feet; thence North 44°51'54" West 10.41 feet; thence South 45°07'55" West 10.46 feet; thence South 89°59'35" West 92.66 feet; thence North 00°00'25" West 38.45 feet; thence South 89°59'35" West 16.00 feet; thence South 00°00'25" East 38.45 feet; thence South 89°59'35" West 273.42 feet; thence South 41°16'39" West 87.90 feet; thence North 48°43'21" West 1.00 feet to the West line of said tract of land; thence along said West line South 41°16'39" 10.00 feet; thence South 48°43'21" East 1.00 feet; thence 41°16'39" West 350.24 feet; thence South 00°00'00" East 21.91 feet to the South line of said tract of land; thence along said line South 88°34'28" East 16.00 feet; thence North 00°00'00" East 16.29 feet; thence North 41°16'39" East 434.87 feet; thence North 89°59'35" East 314.84 feet; thence South 00°00'25" East 10.53 feet; thence North 90°00'00" East 16.51 feet; thence North 00°00'00" East 10.53 feet; thence North 89°59'35" East 55.47 feet; thence South 48°43'26" East 72.69 feet; thence North 89°38'34" East 349.73 feet; thence South 60°06'39" East 4.16 feet; thence 16.00 feet along a 638.09 foot radius curve to the right (the chord of which bears North 29°33'33" East 16.00 feet) to the Point of Beginning and containing 21,362 square feet more or less.



EXHIBIT B

BY:
MULTI/TECH ENGINEERING SERVICES, INC.
1155 13TH ST. S.E. SALEM, OREGON 97302
503-363-9227

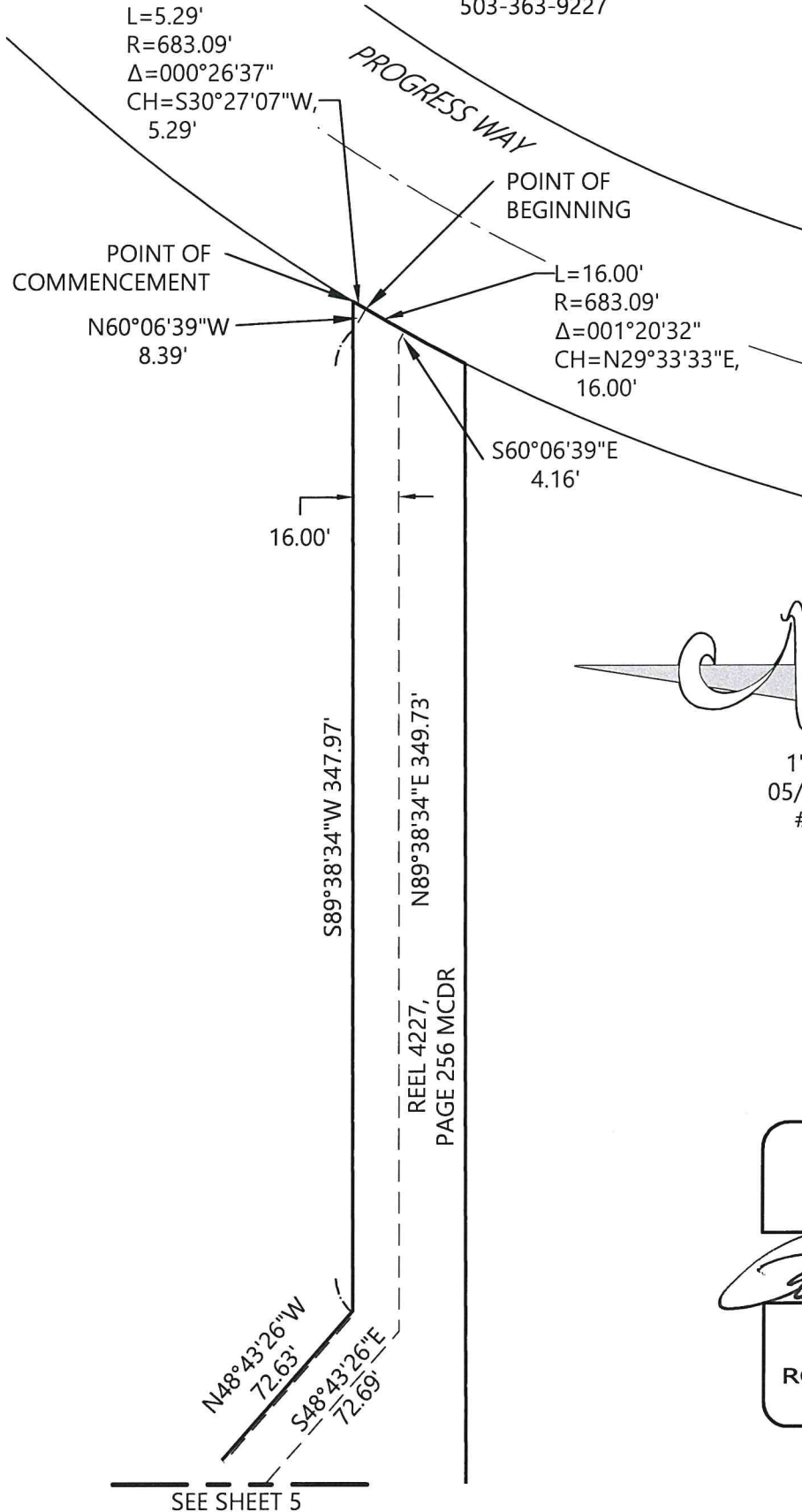
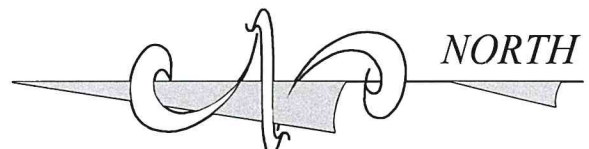
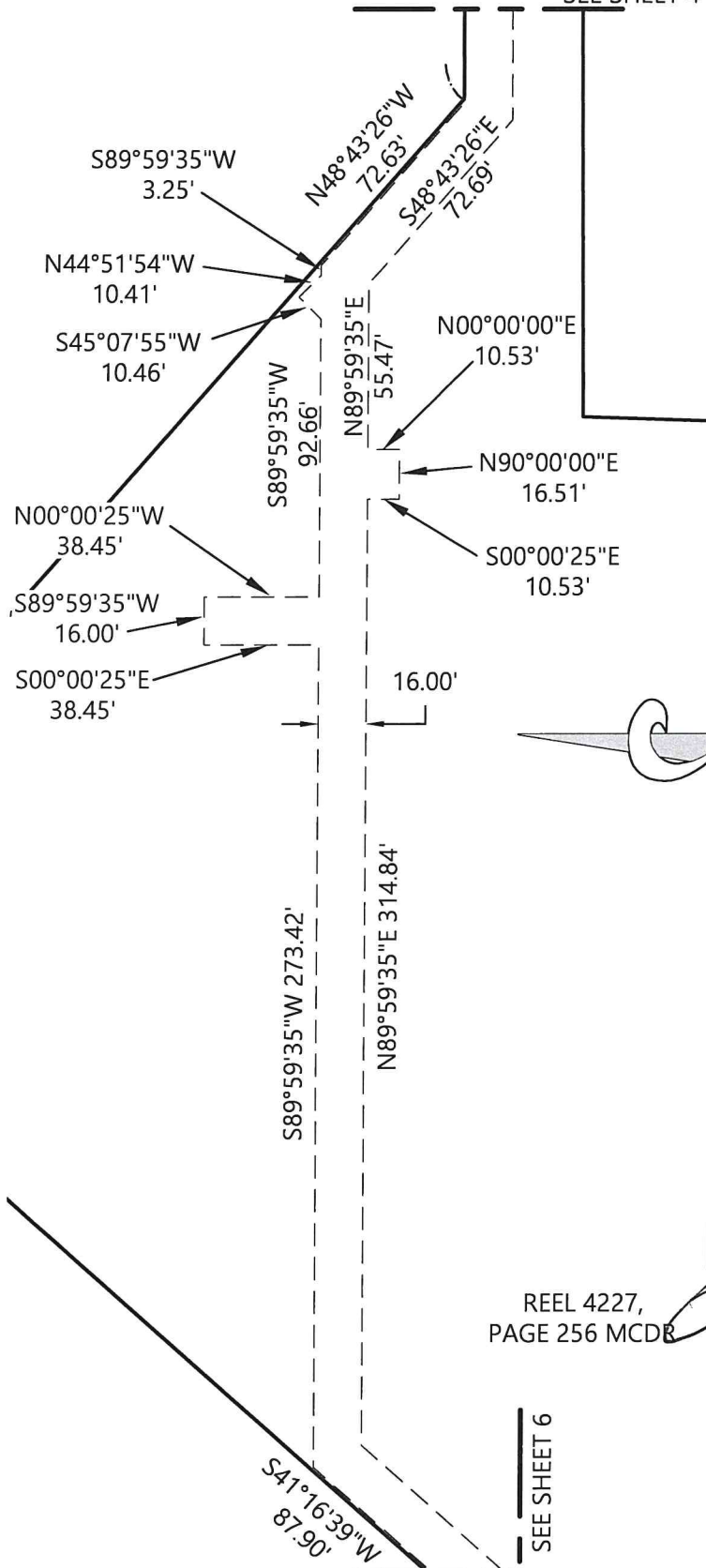


EXHIBIT B

BY:
MULTI/TECH ENGINEERING SERVICES, INC.
1155 13TH ST. S.E. SALEM, OREGON 97302
503-363-9227

SEE SHEET 4



1" = 60'
05/10/2021
#6872

REGISTERED
PROFESSIONAL
LAND SURVEYOR

REEL 4227,
PAGE 256 MCDR

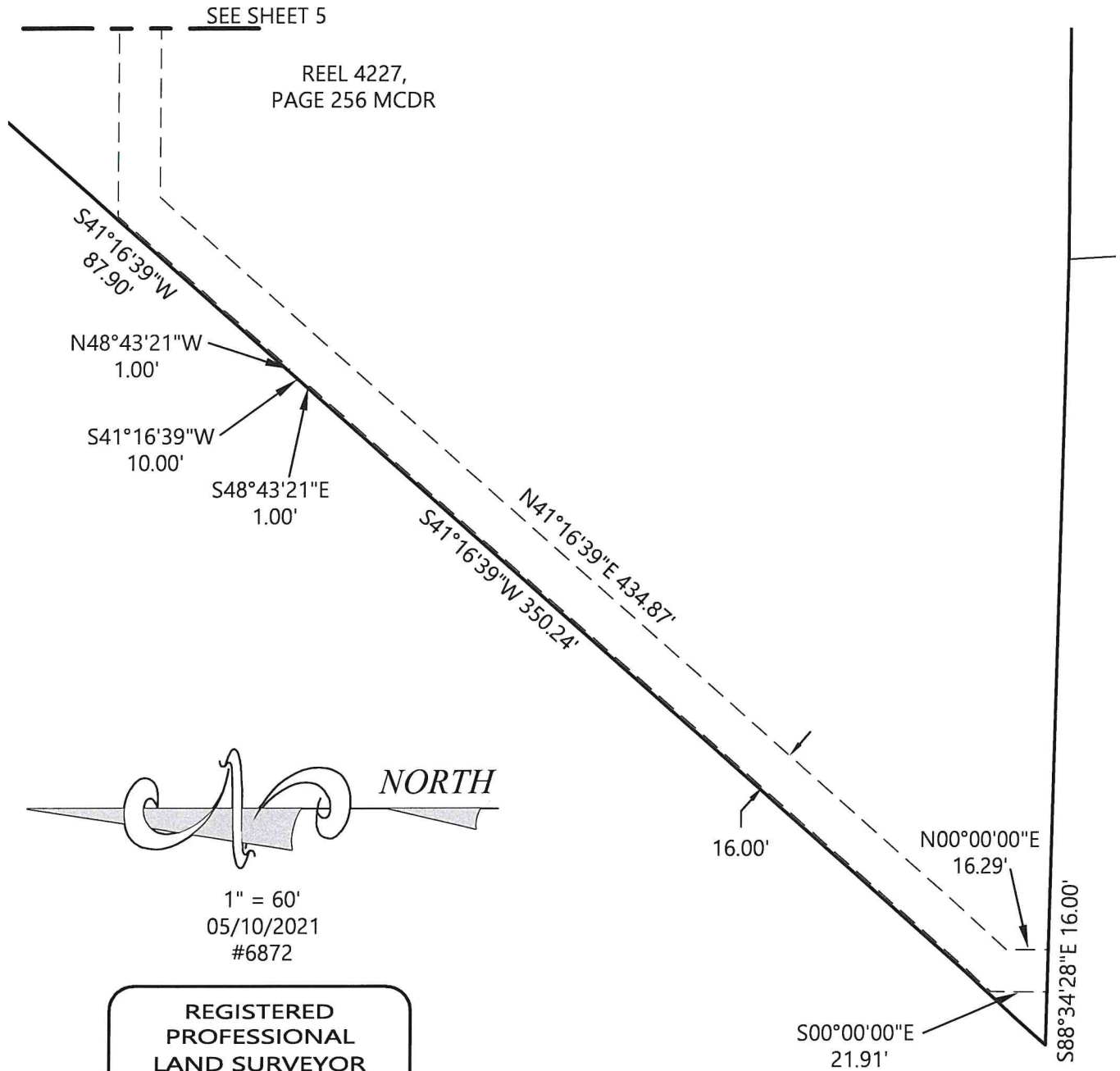
OREGON
JULY 13, 2004
ROBERT D. HAMMAN
64202LS

EXPIRES: 6-30-2021

SHEET 5 OF 6

EXHIBIT B

BY:
MULTI/TECH ENGINEERING SERVICES, INC.
1155 13TH ST. S.E. SALEM, OREGON 97302
503-363-9227



REGISTERED
PROFESSIONAL
LAND SURVEYOR



OREGON
JULY 13, 2004
ROBERT D. HAMMAN
64202LS

EXPIRES: 6-30-2021

SHEET 6 OF 6

May 24, 2021

TO: Honorable Mayor and Council through City Administrator

FROM: Anthony Turley, Finance Director

SUBJECT: **FY 2020-2021 Supplemental Budget Request**

RECOMMENDATION:

Hold a public hearing and adopt the attached resolution approving a supplemental budget for various funds for fiscal year 2020-2021.

SUPPLEMENTAL BUDGETS GENERALLY:

Every year, after the budget is adopted by Council, circumstances arise that were either unforeseen or not quantifiable during the preparation or adoption, or errors are discovered. Oregon Budget Law, ORS 294.471(1) provides for changes to adopted budgets through a supplemental budget process that requires that the City provide public notice of the proposed changes and, if the change is greater than 10% of any fund's total expenditures, hold a public hearing to discuss the proposed changes and accept public testimony on the changes. Like the adopted budget, supplemental budget requests must be balanced; in other words, net revenue and net expense for the request must be equal. This can be accomplished by budgeting additional revenue, or by reducing another expenditure category (such as contingencies). Staff provided the required public notice via the Woodburn Independent and the hearing will be held prior to consideration of the resolution.

DETAILS OF THIS REQUEST:

1. General Fund (GF) 001

The City has been awarded a Planning Assistance Grant (HB2001 & HB2003) in the amount of \$50,000. The reimbursement grant will be received in FY 2021-22. Therefore a transfer of \$50,000 from contingency to material & services in the planning department is needed.

2. Building Fund 123

Due to the high volume of building activity in the city, the Construction Excise Tax pass through to the school district has exceeded the budgeted appropriation. The impact has been on both the revenue side and

expenditure side, this supplemental budget will appropriate the expenditure for the balance of the year.

3. Urban Renewal Fund 720

The City received an Oregon Main Street Revitalization Grant for the historic city hall building. This is a pass through grant to the property owner.

FINANCIAL IMPACT:

Below is a summary of the supplemental budget authority.

SUMMARY OF PROPOSED BUDGET CHANGES								
AMOUNTS SHOWN ARE REVISED TOTALS IN THOSE FUNDS BEING MODIFIED								
General Fund 001								
Resource	Original	Change	Revised	Requirement	Original	Change	Revised	
1			-	1 Planning Material & Services	70,750	50,000	120,750	
2				Contingency	3,938,440	(50,000)	3,888,440	
Revised Total Fund Resources			-	Revised Total Fund Requirements			-	
Comments: Planning Assistance Grant HB2001 & HB2003								

SUMMARY OF PROPOSED BUDGET CHANGES								
AMOUNTS SHOWN ARE REVISED TOTALS IN THOSE FUNDS BEING MODIFIED								
Building Fund 123								
Resource	Original	Change	Revised	Requirement	Original	Change	Revised	
1 Revenue	1,898,890	700,000	2,598,890	1 Operating Expenses	1,898,890	700,000	2,598,890	
2				2				
Revised Total Fund Resources			2,598,890	Revised Total Fund Requirements			2,598,890	
Comments: Increase in revenue & expense due to high building activity affecting associated taxes								

SUMMARY OF PROPOSED BUDGET CHANGES								
AMOUNTS SHOWN ARE REVISED TOTALS IN THOSE FUNDS BEING MODIFIED								
Urban Renewal Fund 720								
Resource	Original	Change	Revised	Requirement	Original	Change	Revised	
1 Revenue	1,953,260	100,000	2,053,260	1 Operating Expenses	1,953,260	100,000	2,053,260	
2				2				
Revised Total Fund Resources			2,053,260	Revised Total Fund Requirements			2,053,260	
Comments: State Grants allocated to Urban Renewal capital projects.								



Agenda Item

May 24, 2021

TO: Honorable Mayor and City Council through City Administrator

FROM: Chris Kerr, Community Development Director
Colin Cortes, AICP, CNU-A, Senior Planner

SUBJECT: **Ordinances Enabling Annexation and City Zoning Designation of Approximately 8.62 Acres of Territory at 2145 Molalla Road NE Located along the North Side of Oregon Highway 211 East of June Way (ANX 2019-01) Related to the Woodburn Eastside Apartments (CU 2019-04 & DR 2019-06)**

RECOMMENDATION:

Staff recommends that the City Council adopt the attached ordinances and authorize the mayor to sign the final decision document.

BACKGROUND:

The Council on March 8, 2021 tentatively approved Annexation ANX 2020-01 and the Woodburn Eastside Apartments development.

The Council also directed the applicant to pursue consent from the owner of the "Safeway property" (1520 N. Pacific Hwy; Tax Lot 051W08DA00500) to construct a second driveway along Oregon Highway 211 on the Safeway property east of the Safeway Fuel Station (at the northeast corner of that property).

The applicant returns to Council May 24 to report on the result. See Attachments 3 & 4.

Attachments:

1. Ordinance to annex
 - A. Exhibit A: Legal Description
 - B. Exhibit B: Map
 - C. Exhibit C: Analyses & Findings
2. Ordinance to designate City zoning
 - A. Exhibit A: Legal Description

Agenda Item Review: City Administrator ____x____ City Attorney ____x____ Finance ____x____

B. Exhibit B: Map

3. Staff memo March 23, 2021 to Council with applicant letter of March 19, 2021
4. Applicant letter of April 6, 2021
5. Final decision document and its attachments

COUNCIL BILL NO. 3153

ORDINANCE NO. 2590

AN ORDINANCE ANNEXING APPROXIMATELY 8.62 ACRES OF TERRITORY AT 2145 MOLALLA RD NE INTO THE CITY OF WOODBURN, LOCATED ALONG THE NORTH SIDE OF OREGON HWY 211 EAST OF JUNE WAY, MARION COUNTY, OREGON

WHEREAS, the subject property is owned by Ivanov Investment Group, LLC, of which the registered agent is Kiril Ivanov, and is legally described in Exhibit "A" and mapped in Exhibit "B", which are affixed hereto and by this reference incorporated herein; and

WHEREAS, the subject property is composed of Marion County Tax Lot 051W09B000900; and

WHEREAS, consistent with Oregon Revised Statutes (ORS) 222.111(2) the owner of real property in the territory to be annexed initiated by petition a proposal for annexation, a copy of the petition being on file with the City Recorder (ANX 2019-01); and

WHEREAS, the applicant, Jeff Bolton, Senior Project Manager, Multi/Tech Engineering, obtained written consent from the owner of the territory and has requested annexation of the subject property; and

WHEREAS, the property to be annexed is within the City Urban Growth Boundary (UGB); and

WHEREAS, the property to be annexed is contiguous to the City and can be served with City services; and

WHEREAS, the applicant intends to develop the territory into the Woodburn Eastside Apartments; and

WHEREAS, on October 22, 2020 the Woodburn Planning Commission considered the annexation application and, after a duly advertised public hearing, recommended approval of the annexation; and

WHEREAS, on both January 25 & March 8, 2021, the Woodburn City Council held public hearings, reviewed the record, heard all public testimony presented on said application, and upon deliberation concluded that the proposed annexation meets the applicable approval criteria under City of Woodburn Development Ordinance (WDO) 5.04.01C.; **NOW, THEREFORE**,

THE CITY OF WOODBURN ORDAINS AS FOLLOWS:

Section 1. That the subject property, legally described in Exhibit "A" and mapped in Exhibit "B", is annexed to the City of Woodburn.

Section 2. That the City Council adopts the Analysis & Findings, affixed hereto as Exhibit "C" and by this reference incorporated herein.

Approved as to form: _____
City Attorney Date

Approved: _____
Eric Swenson, Mayor

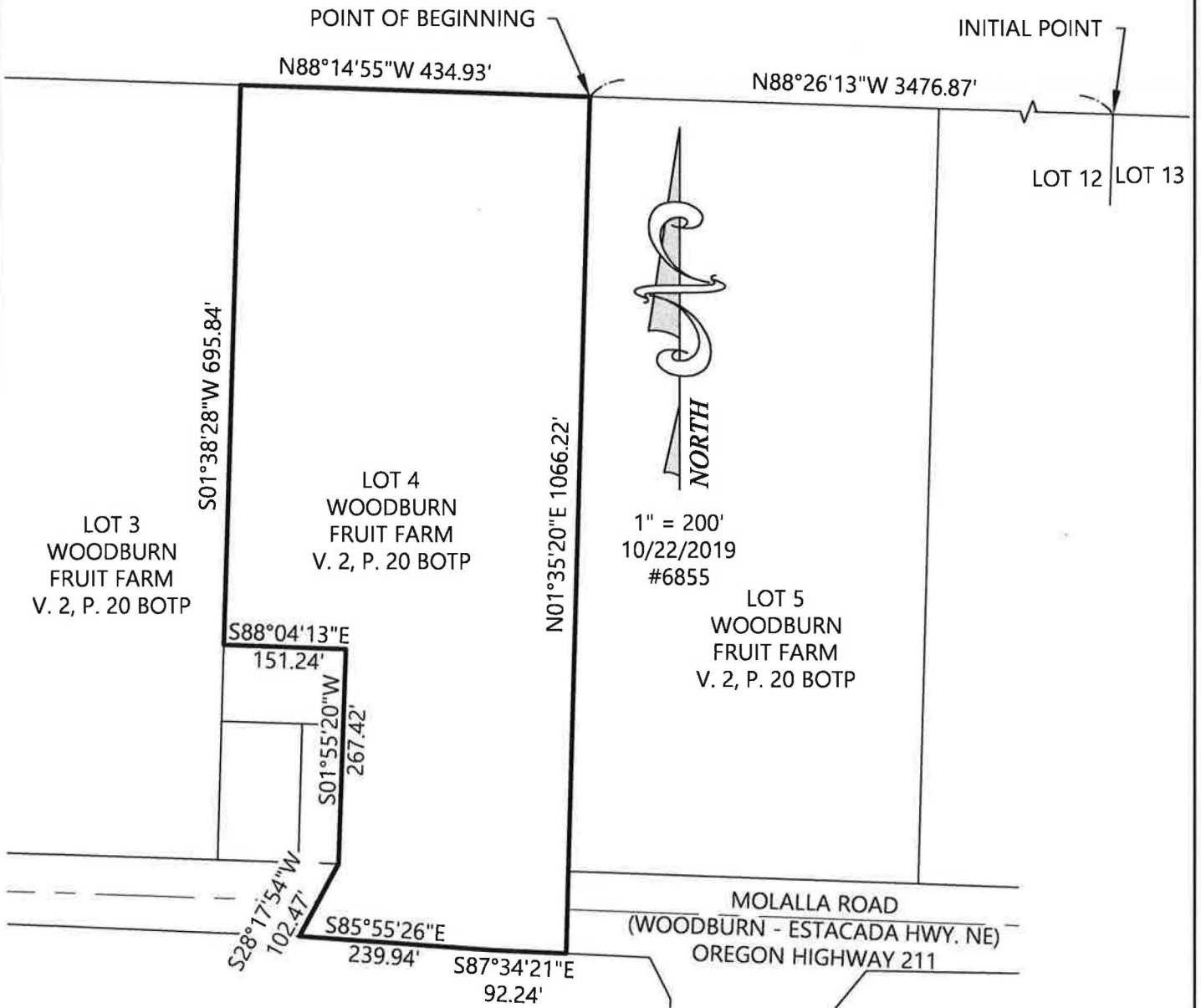
Passed by the Council _____
Submitted to the Mayor _____
Approved by the Mayor _____
Filed in the Office of the Recorder _____

ATTEST: _____
Heather Pierson, City Recorder
City of Woodburn, Oregon

Exhibit "A"

Commencing at a 1 1/4" Iron Pipe located at the Northeast corner of Lot 12, Woodburn Fruit Farms as recorded in Volume 2, Page 20, Book of Town Plats in Section 9, Township 5 South, Range 1 West, Willamette Meridian, Marion County, Oregon; thence North 88°26'13" West 3476.87 feet to the Northwest corner of Lot 5 of said plat and the True Point of Beginning; thence North 88°14'55" West 434.93 feet to the Northeast corner of Lot 3, of said plat, thence along the east line of said lot South 01°38'28" West 695.84 feet; thence South 88°04'13" East 151.24 feet; thence South 01°55'20" West 267.42 feet to the North Right of Way line of Molalla Road; thence South 28°17'54" West 102.47 feet to the South Right of Way line of Molalla Road (Woodburn-Estacada Highway Northeast) Oregon Highway 211; thence along said Right of Way line the following 2 calls, South 85°55'26" East 239.94 feet; South 87°34'21" East 92.24 feet; thence North 01°35'20" East 1066.22 feet to the True Point of Beginning and containing 9.41 acres more or less.

EXHIBIT B



Analyses & Findings

This attachment to the staff report analyzes the application materials and finds through statements how the application materials relate to and meet applicable provisions such as criteria, requirements, and standards. They confirm that a given standard is met or if not met, they call attention to it, suggest a remedy, and have a corresponding recommended condition of approval. Symbols aid locating and understanding categories of findings:

<i>Symbol</i>	<i>Category</i>	<i>Indication</i>
✓	Requirement (or guideline) met	No action needed
✗	Requirement (or guideline) not met	Correction needed
⊖	Requirement (or guideline) not applicable	No action needed
▲	<ul style="list-style-type: none"> Requirement (or guideline) met, but might become unmet because of condition applied to meet separate and related requirement that is not met Plan sheets and/or narrative inconsistent Other special circumstance benefitting from attention 	Revision needed for clear and consistent records
■	Variance	Request to vary from requirement

Section references are to the [Woodburn Development Ordinance \(WDO\)](#).

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Variance Provisions.....	55
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Applicant Identity.....	79
Notes to the Applicant	79

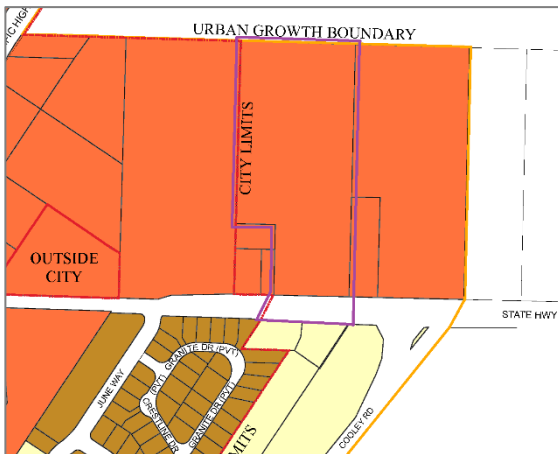
Location

<i>Address(es)</i>	2145 Molalla Rd NE (OR Hwy 211)
<i>Tax Lot(s)</i>	051W09B 000900
<i>Nearest intersection</i>	Molalla & Cooley Rds

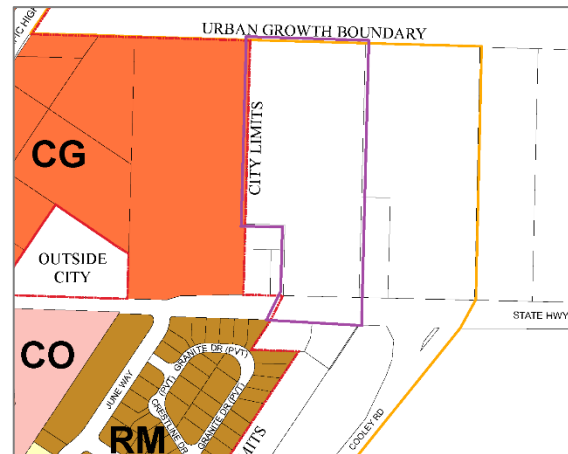
Land Use & Zoning

<i>Comprehensive Plan Land Use Designation</i>	Commercial
<i>Zoning District</i>	Commercial General (CG), upon annexation
<i>Overlay District(s)</i>	None
<i>Existing Use(s)</i>	Vacant following demolition of rural dwelling

For context, the comprehensive plan land use map designations and zoning are illustrated below with excerpts from the City geographic information system (GIS) and the zoning is tabulated further below:



Comprehensive Plan land use map excerpt



Zoning map excerpt

<i>Cardinal Direction</i>	<i>Adjacent Zoning</i>
North	No City zoning because not annexed and outside the City urban growth boundary (UGB); MacLaren youth state prison
East	No City zoning because not yet annexed; rural development
South	No City zoning because not yet annexed; would be RS; a rural duplex and a rural house
West	Northerly: CG; undeveloped Southerly: No City zoning because not yet annexed; would be CG; rural house and outbuilding

Statutory Dates

<i>Application Completeness</i>	October 1, 2020
<i>120-Day Final Decision Deadline</i>	January 29, 2020 per Oregon Revised Statutes (ORS) 227.178 . (The nearest and prior regularly scheduled City Council date is January 11, 2020.)*

*However, the Assistant City Attorney had counseled staff on January 16, 2018 that an annexation request is not subject to the 120-day deadline for final action per 227.178(8).

Design Review Provisions

The project name is Woodburn Eastside Apartments.

4.01.07 Consolidated Applications

An applicant may request, in writing, to consolidate applications needed for a single development project. Under a consolidated review, all applications shall be processed following the procedures applicable for the highest type decision requested. It is the express policy of the City that development review not be segmented into discrete parts in a manner that precludes a comprehensive review of the entire development and its cumulative impacts.

5.03.02 Design Review, Type III

A. Purpose: The purpose of Type III design review is to ensure that new buildings or additions to existing buildings comply with Land Use and Development Guidelines and Standards of this Ordinance (Sections 2 and 3).

B. Type III Design Review is required for the following:

1. Non-residential structures in residential zones greater than 1,000 square feet in the RS, R1S, RM, and P/SP zones.
2. Multi-family dwellings not meeting all architectural design guidelines and standards.
3. Structures greater than 2,000 square feet in the CO, CG, MUV, DDC, and NNC zones.
4. Structures greater than 3,000 square feet in the IP, IL, and SWIR zones.
5. For sites with existing buildings in the CO, CG, MUV, DDC, NNC, IP, IL, and SWIR zones; expansions or new buildings that increase lot coverage by more 25%.
6. Change of use that results in a greater than 25% increase in required parking.

Because the proposal is for buildings totaling greater than 2,000 square feet (sq ft) in the CG zoning district, per subsection 3. it requires a Type III Design Review. Additionally, the applicant submitted the Type IV application type of Annexation, which per 4.01.07 cited above elevates the consolidated applications package to the highest level required among the individual application types. The applicant submitted site plans on June 7, 2019 and revised site plans through September 23, 2020 (within Attachment 103). (Staff hosted a pre-application meeting on May 1, 2019.)

✓ The requirement is met.

2.03 Commercial Zones

A. The City of Woodburn is divided into the following commercial zones:

2. The Commercial General (CG) zone is the community's primary commercial area, providing for businesses requiring extensive land intensive outdoor storage and display of merchandise, equipment, or inventory.

B. Approval Types (Table 2.03A)

1. Accessory Uses (A) are allowed outright, subject to the general standards of this Ordinance.

2. Conditional Uses (CU) may be allowed, subject to the general development standards of this Ordinance and conditions of Conditional Use approval.

3. Permitted Uses (P) are allowed outright, subject to the general development standards of this Ordinance.

Uses Allowed in Commercial Zones Table 2.03A		
Use		Zone
Accessory Uses (A) Conditional Uses (CU) Permitted Uses (P) Special Permitted Uses (S) Specific Conditional Uses (SCU)		CG
E	Residential	
4	Multiple-family dwellings	CU ⁹

⁹Except allowed as a permitted use in the Gateway Overlay District and prohibited in the Interchange Management Area Overlay District (Amended by Ordinance 2573, passed June 24, 2019)

The proposed use matches E.4, which is a conditional use. (The subject property is not in either overlay district.)

✓ The requirement is met.

Commercial General (CG) - Site Development Standards Table 2.03C				
Lot Area, Minimum (square feet)				No minimum
Lot Width, Minimum (feet)				No minimum
Lot Depth, Minimum (feet)				No minimum
Street Frontage, Minimum (feet)				No minimum
Front Setback and Setback Abutting a Street, Minimum (feet)				5 ¹
Side or Rear Setback, Minimum (feet)	Abutting RS, R1S, or RM zone			10 ⁴
	Abutting CO, CG, DDC, NNC, P/SP, IP, SWIR, or IL zone			0 or 5 ^{4, 5}
Setback to a Private Access Easement, Minimum (feet)				5
Lot Coverage, Maximum				Not specified ²
Residential Density (units per net acre)	Minimum	Row house		12
		Child care facility, group home, or nursing home		12
		Multi-family dwelling	Stand-alone	12
			In mixed use development	No minimum
	Maximum	Row house		24
		Child care facility, group home, or nursing home		32
		Multi-family dwelling	Stand-alone	32
			In mixed use development	32
Building Height, Maximum (feet)	Primary or accessory structure	Outside Gateway subarea		70
		Western Gateway subarea		50
		Eastern Gateway subarea		40
	Features not used for habitation			100
1. Measured from the Special Setback (Section 3.03.02), if any				
2. Lot coverage is limited by setbacks, off-street parking, and landscaping requirements.				
3. Only allowed in the Gateway Overlay District				
4. A house of worship shall be set back at least 20 feet from a property line abutting a residential zone or use.				
5. A building may be constructed at the property line, or shall be set back at least five feet.				

Lot Dimensions

The CG zoning district has no minimum lot size, width, depth, or street frontage or maximum lot coverage.

Setbacks

Determining setbacks requires first determining what lot lines are front, sides, and rear as 1.02 defines because these influence the applying of setback minimums:

1.02 Definitions

...

Lot Line: The property lines forming the exterior boundaries of a lot.

- **Front Lot Line:**
 1. In the case of an interior lot, a line separating the lot from the street.
 2. In the case of a corner lot, a line separating the lot from the street from the architectural front of the existing or contemplated primary building.
 3. In the case of a flag lot, the lot line which is most nearly parallel to the street that provides access to the interior lot.
- **Rear Lot Line:**
 1. In the case of an irregular, triangular, diamond, or trapezoidal shaped lot which is narrowest at the rear and has a distance between the side lot lines at the rear of less than ten feet, the rear line for setback purposes shall be an assumed line within the lot ten feet in length, parallel to, and at the maximum distance from, the front lot line; or
 2. In any other case, the lot line opposite and most distant from the front lot line.
- **Side Lot Line:** Any lot line, which is not a front or rear lot line.

Based on the definition of front and rear lot lines, south is front, north is rear, and east and west are sides. The building closest to a property line is the common building (leasing office) at 15 ft from front, that is, the right-of-way (ROW).

Because the application materials include cross access easements, the 5-foot setback is applicable. Because all are along the centerlines of drive aisles wider than the easements and with most driveways lined curbing and most with parking stalls, buildings are set back more than 5 ft.

Density

Both the Comprehensive Plan and WDO 1.02 define density. Because they conflict, per state law the Comprehensive Plan definition supersedes. It is found as a footnote to Policy Table 1 (p. 7):

“The net buildable area of a parcel excludes land dedicated for public rights-of-way or stormwater easements, common open space, and unbuildable natural areas. For example, if a parcel has 10 acres, and 2 acres are removed for streets and 2 acres are within the floodplain / riparian area, then 6 net buildable acres would remain. The range of allowable densities is calculated based on net buildable acres. An acre has 43,560 square feet. Allowable densities may be increased through the discretionary planned unit development review process.”

The proposal falls under the residential building type / use of “multi-family dwelling” per 1.02 under “Dwellings ... Multiple-Family Dwelling”:

“A building on a single lot containing three or more dwelling units. Note: This definition does not include row houses, where attached single-family dwelling units are located on separate lots.”

The project is also stand-alone, meaning a conventional apartment complex that includes no other primary uses such as commercial retail and is more suburban in nature than urban.

Therefore, the applicable minimum and maximum densities are 12.0 and 32.0.

Looking to the proposal itself, the proposal involves no environmental constraints such as a creek, wetlands, or remnant old forest, a stormwater easement, or common open space of the kind understood in the context of a planned unit development (PUD) managed by an association that charges maintenance dues, with open space often being in its own platted tract or tracts. (Staff considers apartment complexes as having open space, but that remains a subarea of a platted lot under the direct control of a landlord and property manager, and so open space is not common open space.)

Therefore, obtaining net acreage is as simple as subtracting ROW dedication – and none is proposed or required (as staff later examines for 3.01). The resulting density is:

Acreage	Dwelling units (DUs)	DUs per acre
8.62	220	25.5

The proposed density is 79.8% into the range between 12.0 and 32.0, meeting the density provisions.

Height

The sheets illustrating building elevations note that the 19 apartment buildings are at the height limit as measured per 1.02 “Building Height” and Figure 1.02A, meeting the provision.

✓ The site development provisions are met.

2.05 Overlay Districts

– None would apply upon annexation.

2.06 Accessory Structures

2.06.02 Fences and Walls

C. Height in Non-Residential Zones

- 1. In commercial, industrial, or public zones, the maximum height of a fence or wall located in a yard abutting a street shall be 6 feet, relative to the ground elevation under the fence or wall. Fence height may increase to 9 feet once flush with the building face, or 20 feet from**

street right-of-way.

2. Fences and walls may be constructed in the special setback provided the property owner agrees to removal at such time as street improvements are made.

D. Fence Materials

1. Fences and walls shall be constructed of any materials commonly used in the construction of fences and walls, such as wood, stone, rock, or brick, or other durable materials.
2. Chain link fences are acceptable as long as the fence is coated and includes slats made of vinyl, wood or other durable material. Slat may not be required when visibility into features such as open space, natural areas, parks and similar areas is needed to assure visual security, or into on-site areas in industrial zones that require visual surveillance.
3. For manufacturing, assembly, fabricating, processing, packing, storage and wholesale and distribution activities which are the principle use of a building in industrial districts, the preceding standards apply when visible from, and within 20 feet of, a public street.

2.06.03 Structures

- A. Accessory structures attached to a primary building shall be considered as a portion of the primary building and subject to the same requirements as the primary building.
- B. The minimum separation between detached accessory structures and the primary building shall be six feet.

The site plans propose fencing (and free-standing walls for the recycling and trash enclosure). Because the subject property is to be commercially instead of residentially zoned, the stair-stepped maximum heights of fencing and walls are not applicable. The enclosure is at least 6 ft from a building. Fencing can and will meet standards through a fence permit per 5.01.03.

✓ The provisions are met.

2.07 Special Uses

⊖ None apply.

(Note: Staff interprets 2.07.04 Community Club Buildings and Facilities to not apply because a “community club building” [clubhouse] requires its own parking only for stand-alone clubhouses or in the context of residential subdivisions including those that are part of planned unit developments [PUDs], and that apartment complex so-called clubhouses are not subject to the special use.)

3.01 Streets

3.01.02 General Provisions

A. No development shall be approved, or access permit issued, unless the internal streets, boundary streets and connecting streets are constructed to at least the minimum standards set forth in this Section, or are required to be so constructed as a condition of approval.

D. The standards of this Section may be modified, subject to approval of an Exception to Street Right-of-Way and Improvement Requirements.

3.01.04B. All public streets under the jurisdiction of the City of Woodburn shall comply with the cross-sections depicted in this Section.

3.01.04C. For local residential streets which are not identified in the Comprehensive Plan, rights-of-way and improvements are determined by the Director at the time of development, based upon the existing and future estimated average daily trips of the development and surrounding development.

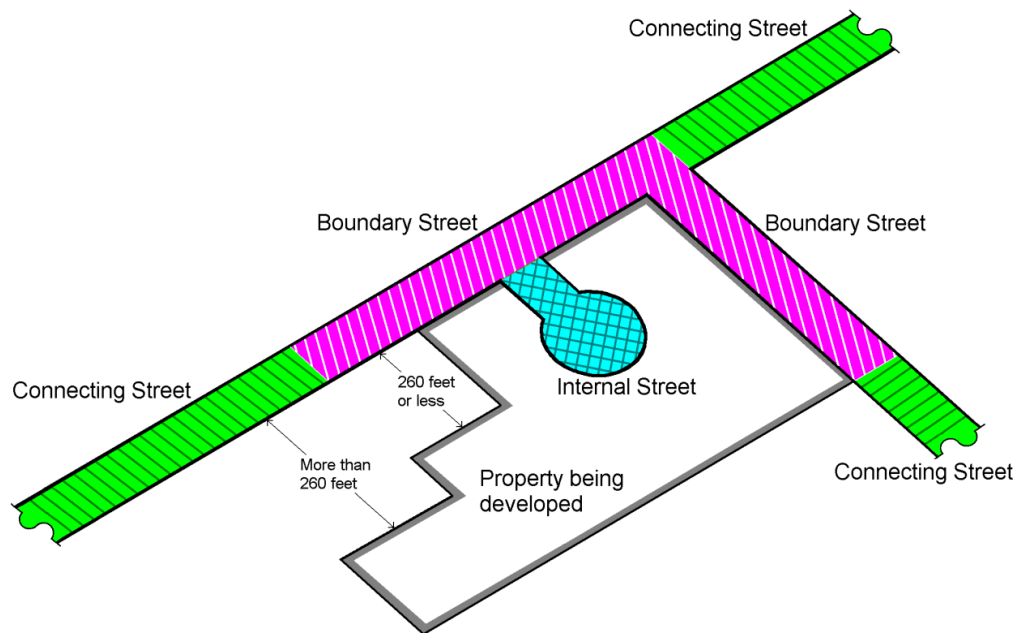


Figure 3.01A – Internal, Boundary, and Connecting Streets

The subject property has one frontage: Oregon Highway 211 (OR 211) also named Molalla Road.

Note: On September 23, 2019, the City Council adopted the 2019 major update of the 2005 TSP via Legislative Amendment LA 2018-01 as Ordinance No. 2575. Because the proposed site development depends on the master/parent application for annexation, staff applies adopted plans and the WDO as they would apply upon an annexation ordinance taking effect – including the TSP 2019 major update.

Per Transportation System Plan (TSP) [Figure 2 “Functional Roadway Classification”](#) (Attachment 104), OR 211 is a Major Arterial, which is a rise from the 2005 TSP Figure 7-1 per which it was a Minor Arterial. For a Major Arterial, WDO Figure 3.01B applies:

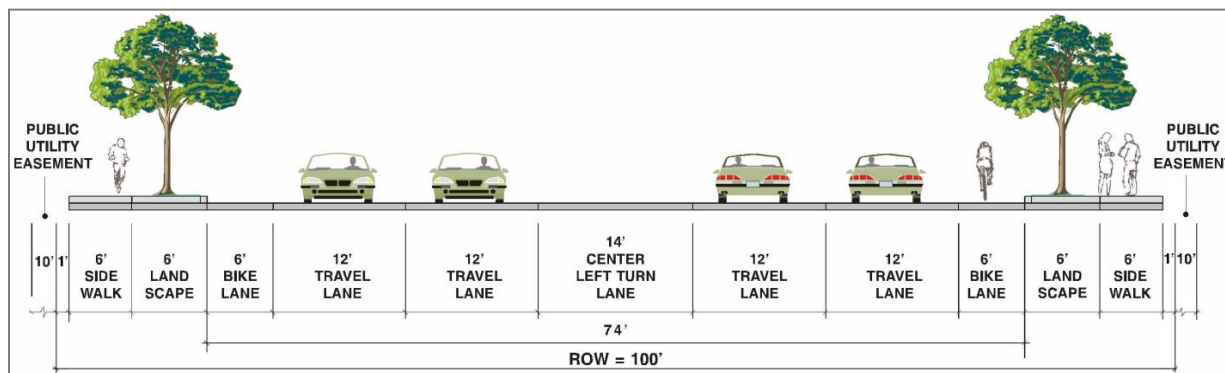


Figure 3.01B – Major Arterial

Frontage/public/street improvements are required to upgrade the frontages to present standards.

ROW

Because the planned ROW is 100 ft (50 ft “half-street”, each side of centerline), and the existing ROW varies from about 103 ft at the east to about 95 ft at the west (53 ft from centerline at the east and about 45 ft at the east), variable width dedication is required.

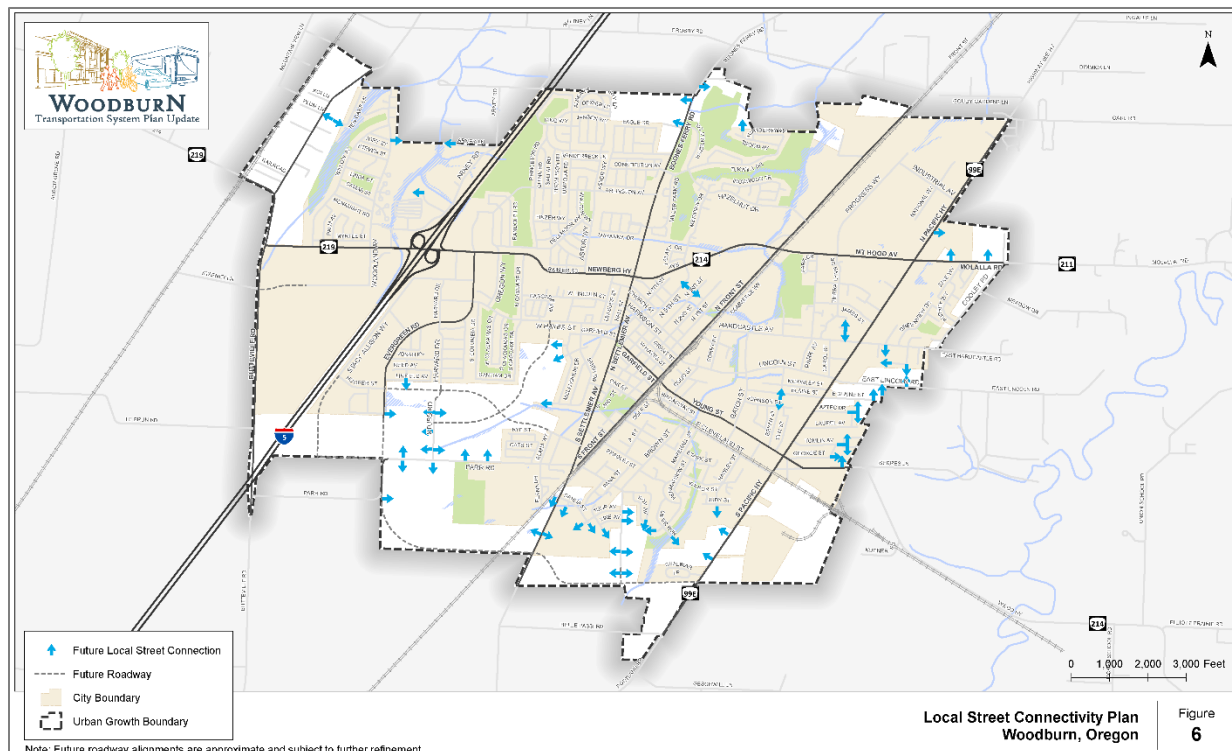
Improvements

OR 211 is a rural road with the frontage having shoulder, stormwater ditch, and no curb, planter strip with street trees, or sidewalk.

Per the conditional use and primarily for aesthetics and to encourage walking and accommodate the majority of local cyclists who staff observes ride on sidewalk because they feel safer that way, staff conditions a planter strip and sidewalk slightly wider than usual and more street trees than usual. Otherwise, the required improvements are the standard ones per Figure 3.01B including a second westbound travel lane and a bicycle lane.

Long-range Planning

TSP Figure 6 “Local Street Connectivity Plan” shows street connections into the northeast area of the urban growth boundary (UGB) that includes the subject property:



TSP Figure 6

There are three blue arrows, one each from Cooley Road, June Way, and U.S. 99E.

For this and additional reasons examined under conditional use criteria, staff conditions a wide public utility easement (PUE) serving as a street reservation for what staff terms Street Corridor “C” (termed for the blue arrow from Cooley Road) for something like either a minor arterial or major collector. The developer’s proposal already includes such PUE and places it along the north property boundary, influencing the alignment of a future street extending from Cooley to either or both U.S. 99E and June Way.

▲ Staff applies *conditions relating to ROW, sidewalk, planter strip, street trees, and Street Corridor “C”* so that the provisions may be met.

3.02 Utilities & Easements

3.02.01

- A. The Director shall require dedication of specific easements for the construction and maintenance of municipal water, sewerage and storm drainage facilities located on private property.
- B. A five-foot wide public utility easement shall be dedicated along each lot line abutting a public street.
- C. As a condition of approval for development, including property line adjustments, partitions, subdivisions, design reviews, or Planned Unit Developments (PUDs), the Director may require dedication of public utility easements.

No roadside public utility easement (PUE) exists, and Figure 3.01B requires a 10-ft one.

Additionally, Public Works requires various on-site PUEs for on-site improvements such as fire suppression water lines and fire hydrants, and separate conditions establish a PUE as the tool that begins to implement Street Corridor “C”.

- ▲ Staff applies a *D condition* for the required roadside PUE and other conditions for other PUEs.

3.02.03 Street Lighting A. Public Streets

The appended Public Works comments (October 13, 2020; Attachment 102A) from the City Engineer identify street lighting as an issue, stating under comment 8, “8. Provide street lighting plan and design for review to the City and ODOT.”

- ▲ In order to secure conformance to Public Works comments, staff applies *Condition G-PW*.

3.02.04 Underground Utilities. All permanent utility service to and within a development shall be underground, except where overhead high-voltage (35,000 volts or more) electric facilities exist.

- Because within adjacent ROWs there are no existing electric power line poles to remove (except a wood pole with a lateral line from across OR 211 to serve a demolished house that the developer will remove anyway as part of frontage improvements), the provisions are not applicable.

3.03 Setbacks and Open Space

3.03.02 Special Setbacks

- Because as examined earlier above for 3.01, there will be ROW dedication, the Special Setback – which is a setback to accommodate future street widening – is not applicable.

3.03.03 Projections into the Setback Abutting a Street

- A. Chimneys, flues, bay windows, steps, eaves, gutters, sills, pilasters, lintels, cornices, planter boxes and other ornamental features may not project more than 24 inches into the setback abutting a street.
- B. Covered, unenclosed porches, extending not more than 10 feet beyond the front walls of the building, shall maintain at least a 10 foot setback from the property line or Special Setback.
- C. A balcony, outside stairway or other unenclosed, unroofed projection may not project more than 10 feet into a front setback.
- D. Arbors, archways, pergolas and trellises shall be exempt from the setback abutting a street.

...

3.03.04 Projections into the Side Setback

- A. Chimneys, flues, bay windows, steps, eaves, gutters, sills, pilasters, lintels, cornices, planter boxes and other ornamental features may not project more than 18 inches into a side setback.

...

3.03.05 Projections into the Rear Setback

- A. Chimneys, flues, bay windows, steps, eaves, gutters, sills, pilasters, lintels, cornices, planter boxes and other ornamental features may project not more than 24 inches into the rear setback.
 - B. A balcony, outside stairway or other unenclosed, unroofed projection may not project more than 10 feet into a rear setback. In no case shall such a projection come closer than 6 feet from any lot line or Special Setback.
- ...
- E. No permitted projection into a rear setback shall extend within ten feet of the centerline of an alley, or of a rear lot line if no alley exists, or within six feet of an accessory structure.
 - F. Accessory structures are not considered projections into a rear setback, but have separate setback requirements listed in this Ordinance (Section 2.06).

The site plans illustrate no such projections.

✓ The provisions are met.

3.03.06 Vision Clearance Area; Figures 3.03A & B

The proposal includes the required vision clearance areas (VCAs) at driveways.

✓ The provisions are met.

3.04 Vehicular Access

3.04.02 Drive-Throughs

— Because the proposal involves no drive-through, the provisions are not applicable.

3.04.03 Driveway Guidelines and Standards

A. Number of Driveways

1. For residential uses, the maximum number of driveways per lot frontage shall be one. For purposes of controlling driveway access, every 100 feet of frontage is considered a separate lot frontage.
2. A minimum of two driveways shall be provided in developments with: ...
 - b. 100 dwelling units in multiple-family dwellings (200 if all dwelling units are equipped with automatic fire sprinklers);

...

B. Joint Access

- 1. Lots that access a Major Arterial, Minor Arterial, or Service Collector should be accessed via a shared driveway.**
- 2. A partition, subdivision, or PUD should be configured so that lots abutting a Major Arterial, Minor Arterial, or Service Collector have access to a local street. Access to lots with multiple street frontages should be from the street with the lowest functional classification.**
- 3. Every joint driveway or access between separate lots shall be established by an access easement and maintenance agreement to the satisfaction of the Director and revocable only with the concurrence of the Director.**

Access Management


Staff exercises the discretion per subsection B.1, to administer conventional access management. Restricting driveways along OR 211, an arterial class road, and maintaining looped circulation for fire truck and other vehicle access results in the driveway numbers and placements as proposed and a *D* condition memorializes. Additionally, Comprehensive Plan Policy H-2.5 calls for inter-parcel circulation through crossover easements in this context.

Also, the TSP has access management policies in its AM table.

Lastly, the Highway 99E Corridor Plan (2012) emphasizes and describes access management for the corridor, which does include properties not directly on U.S. 99E including along both OR 214 and OR 211, which include the subject property.

Joint Driveway / Public Access Easement

The applicant provided a draft public access easement(s) to the benefit of most adjacent tax lots and to share at least the main driveway if not both driveways. (There are no draft maintenance agreements proposed because the Director has not invoked this provision, and surrounding context is undeveloped, with a rural residence, and the rural yard of a landscaping contractor.)

-  In order to secure actual and correct dedication of a public cross access easement or easements that conform to 3.04.03B.3, and to limit driveways to two, staff applies *D* conditions.

Access Requirements Table 3.04A		
		5 or More Dwelling or Living Units, School, or House of Worship ⁶
Paved Width of Driveway (feet) ^{3, 4}	1-way	12 minimum 20 maximum
	2-way	24 minimum 30 maximum (Add 8' if a turn lane is provided)
Curb Flare Radius (feet)		25 minimum
Throat Length (feet) ⁵	Major Arterial, Minor Arterial, Service Collector	50 minimum
	Access or Local Street	20 minimum
Corner Clearance (feet) Guidelines ¹ (See Figure 3.04B)	Access or Local Street	30 minimum
	Service Collector	50 minimum
	Minor Arterial	245 minimum
	Major Arterial	300 minimum
Driveway Separation Guidelines (feet) ^{1, 2} (See Figure 3.04B)	Driveway on the same parcel	50 minimum
	Access or Local Street	none
	Service Collector	50 minimum
	Minor Arterial	245 minimum
	Major arterial	300 minimum
Turnarounds (See Figure 3.04C)	Access to a Major or Minor Arterial	Required
	Access to any other street	Requirements per the Woodburn Fire District

The site plans show the driveways that meet the minimum standards or exceed them where necessary to meet Oregon Fire Code (OFC) Appendix D.

✓ The minimum standards are otherwise met.

3.04.03A. Unused driveways shall be closed.

- Frontage improvements will eliminate the remnant driveway of the demolished rural residence.

3.04.03C. Interconnected Parking Facilities.

- Because the proposal is a single, integrated site development for one primary use – multiple-family dwelling – and not like a commercial strip mall, the provision is not applicable.

3.04.04 Improvement Standards

The site plans illustrate pavement that conforms.

- ✓ The requirement is met.

3.04.05 Traffic Impact Analysis

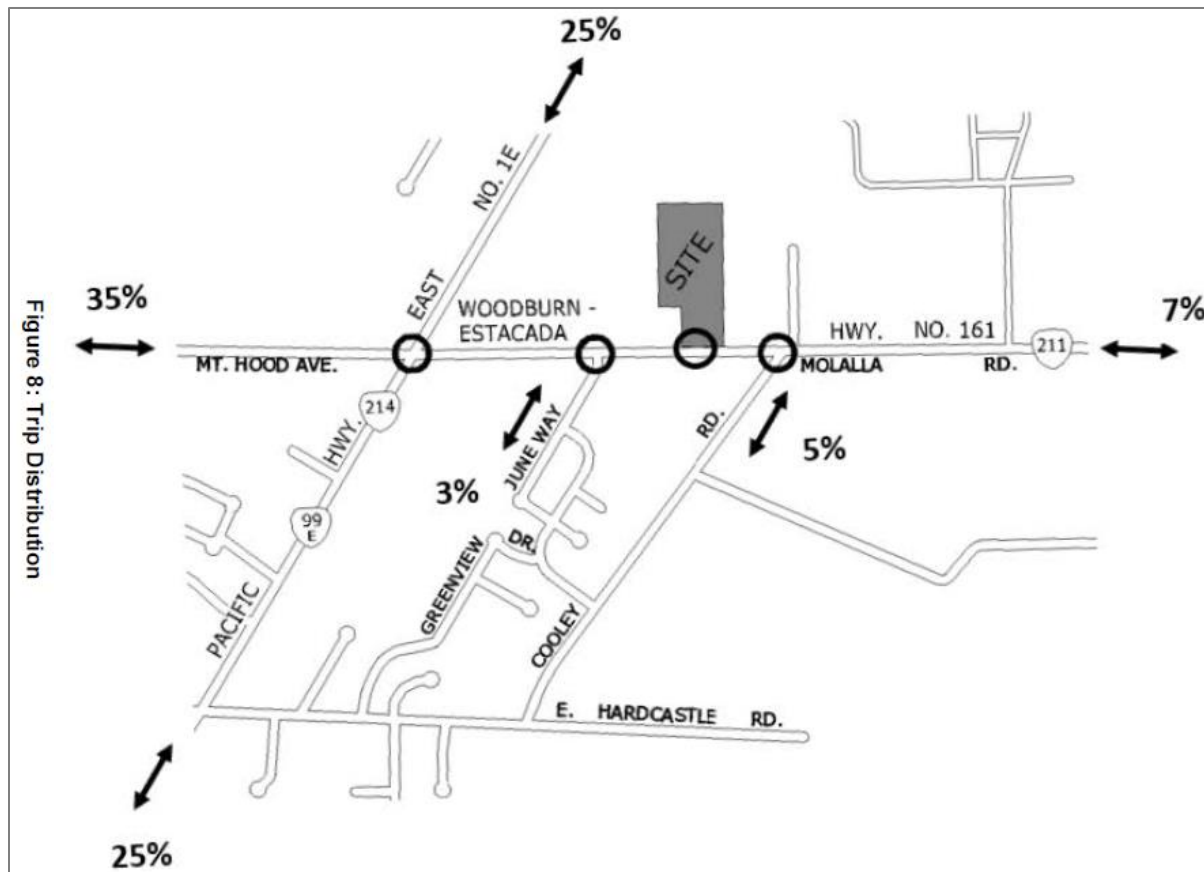
A. A Traffic Impact Analysis (TIA) may be required by the Director prior to the approval of a City access permit when the Director estimates a development proposal may generate either 100 or more additional, peak hour trips, or 1,000 or more additional daily trips, within ten years of a development application.

The applicant's traffic impact analysis (TIA; submitted February 19, 2020; p. 5) states under Key Findings that:

"The proposed development would generate 78 (20 in, 58 out) AM peak hour trips and 99 (61 in, 38 out) PM peak hour vehicle trips. ... All study intersections are expected to operate within mobility standards with the addition of the proposed site, with the exception of N Pacific Hwy (99E) / Molalla Road (OR 211). This location exceeds the target mobility standard during the PM Peak hour under the existing, background, and total (with project) analysis scenarios."

The TIA, limiting its conventional analysis to vehicle traffic only, assumed citywide growth in background vehicle traffic through 2021, specifically 1.4% yearly (p. 12).

The TIA studied three intersections:



TIA intersection locations map adapted from TIA p. 24 Figure 8 Trip Distribution

1. U.S. 99E & Oregon Highways 211 (Mollala Road) & 214 (Mt. Hood Avenue)

Traffic Volume

This is the one intersection that the traffic modeling predicted to exceed further a vehicle volume over capacity (v/c) maximum ratio established by ODOT. (A v/c of 1.00 means 100% of capacity used.) The ODOT objective is 0.90 v/c, the intersection is trafficked more during the PM peak hour w/ 0.97 v/c (as opposed to the AM peak hour 0.80 v/c), and the site development would raise traffic to 1.00 v/c.

Crashes

The intersection is already signalized. (It has red light cameras the City altered earlier in 2020 to serve also as speed cameras.) The intersection also already suffers from a higher than usual crash rate with 77 crashes on record in the five years 2014-2018 (TIA addendum, p. 3). This averages to a crash every 24 days. Among the 77, ODOT rated 3 as "A" meaning severe injury, 42 as either "B" or "C", and 32 as no injury and with property damage only (PDO). Note that because some crashes had two or more of these attributes, the categories don't total 77.

Three crashes involved pedestrians, all described by ODOT as driver failure to yield right-of-way.

Transportation Planning

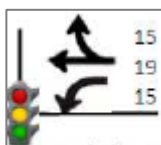
Looking to the Woodburn Transportation System Plan (TSP; 2019), Table 2, Project R14 (p. 32) contains the description: “Install a second left-turn lane on the southbound approach, install a second receiving lane on the east leg, and update signal timing in coordination with ODOT.” The project is ranked medium priority and estimated at \$900,000.

Agency commentary: ODOT

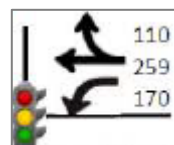
Agency commentary came only from the Oregon Department of Transportation (ODOT; April 6, 2020, pp. 1-2), which suggested as a traffic mitigation improvement widening OR 211 to add a right turn lane for those going west and then turning north onto U.S. 99E.

This capital improvement project is not in the City Transportation System Plan (TSP). At the same time, ODOT made no mention of an east leg receiving lane that TSP R14 mentions. Staff interprets this as ODOT indicating that an improvement to alleviate the over-capacity issue as well as the elevated crash rate is necessary, which could be either the TSP Project R14 improvement or the westbound right-turn-lane improvement that ODOT recently recommended (April 6, 2020). Together, the developer, ODOT, and the City could scope the signal timing study referenced for TSP Project R14 to determine the most appropriate mitigation measure for this intersection.

To estimate the proposal’s proportionate share contribution toward the eventual mitigation measure, staff references TIA Figures 9 & 11 that show that the site development generates trips that turn right, more so during the AM peak hour than the PM. During the AM, the modeled existing conditions include 95 trips turning right (before site development), and the site development generating 15 additional trips for 110 right-turns total during the morning rush hour, a 15.8% increase.



Excerpt TIA Figure 9, Box 1 “99E / Molalla Rd”



Excerpt TIA Figure 11, Box 1 “99E / Molalla Rd”

Note: The arrow symbols subtly reflect how there is no right-turn lane from west to north, meaning all vehicles queue together in one through lane to go straight west or turn right north. This means that a better comparison is to combine through and right-turn trips. During the AM, the modeled existing conditions include 95 trips turning right

and 240 straight, totaling 335 (before site development), and the site development generating 15 right and 19 straight additional trips, totaling 34 trips, for 369 total right turn and straight trips during the morning rush hour, 335 + 34 equaling a 10.1% increase. Staff applies this 10.1% as what is termed any of fair share, proportionate share, or proportionate fair share and applies a *transportation automotive (T-A) condition* regarding right turn trips that allows for construction, or if constraints prove too much, what is termed a mitigation fee or fee in-lieu. Because none of ODOT or the developer have (yet) offered a capital improvement cost estimate for a right-turn lane, staff looked at the pricing of projects in the TSP roadway projects table. A back-of-the-envelope verbal estimate by the Public Works Project & Engineering Director on October 14, 2020 was of \$1 million. Staff decided to draft a condition that refers to the 10.1% with the absolute number to which it would apply to be determined by date specific. (Staff anticipates that developer testimony to the Planning Commission and subsequent interaction by the developer with staff will give greater definition to the issue prior to a City Council public hearing.)

As noted above, staff pursues funds for a part of TSP Project R14: studying and updating signal timing. Signal timing affects what vehicles can move where when, in other words, allocates right-of-way. Adjusting it might improve traffic, and only a study would confirm either way. Staff recommends expanding the scope of the signal study to determine the appropriate operational and safety mitigation measure for this intersection.

To arrive at a reasonable share of the cost of such a study, the Public Works Project & Engineering Director as late as May 2020 had indicated for DR 2019-05 Allison Way Apartments, which the City conditioned to fund a signal timing study at Oregon Highway 214 & Evergreen Road, that \$15,000 would be approximately sufficient for such study. Staff applies the same fee to the similar context for ANX 2019-01 & DR 2019-06 Woodburn Eastside Apartments as a *transportation (T) condition* specifies.

Looking to transportation demand management (TDM), which the consultant's draft report advocated and noted was lacking in the TIA, staff applies conditions to manifest what the term gets at: More access to transit, along with increased walking and cycling, to reduce driving. Staff perceives the situation that the nearby grocery store, Safeway, which is one of only two in Woodburn and part of the large commercial blob at U.S. 99E and OR 211/214 that includes many commercial goods and services including a Starbucks, can attract people to walk and cycle, at least in place of driving on more occasions, if they can see and feel a safe route for themselves and their loved ones. A reasonable walking path from the southwest corner of the subject property to the north entrance of Safeway is almost 1,600 feet, less than 1/3 mile. The City bus stop second-nearest the site, which is also nearest Safeway and is on U.S. 99E northbound next to

1400 N. Pacific Highway, is the most used stop in the entire Woodburn Transportation System (WTS) – but it lacks shelter and bicycle parking, which are priorities per the TSP and the Transit Plan Update (2010). (The bus stop that is nearest the site is on OR 214 westbound at Pacific Plaza strip mall, but is already sheltered. It does lack bicycle parking.)

So, TDM means for the proposed site development primarily sidewalk and any of bicycle lanes and off-street bicycle paths, that is, improvements above and beyond frontage improvements – the developer’s “half-street” improvements along the subject property. Staff believes also that conditioning funds to improve transit – both regional commuter bus routes to and from the Portland and Salem metro areas and the City local bus system – could also attract residents to ride the bus, at least in place of driving on more occasions, if regional bus service came into being and local bus service ran earlier and later in the day, was faster, and more frequent.

For transit purposes, staff references the TSP Transit Plan section and its table of projects. The applicant should contribute a proportional share of the costs for start-up of relevant TSP transit projects as noted below.

For these reasons, staff applies *various bicycle/pedestrian (T-B/P) and transit (T-T) conditions*.

2. Oregon Highway 211 at June Way

Because there are no significant effects, and with two crashes on record in the five years 2014-2018 (TIA addendum, p. 3), no mitigation is warranted.

3. Oregon Highway 211 at Cooley Road

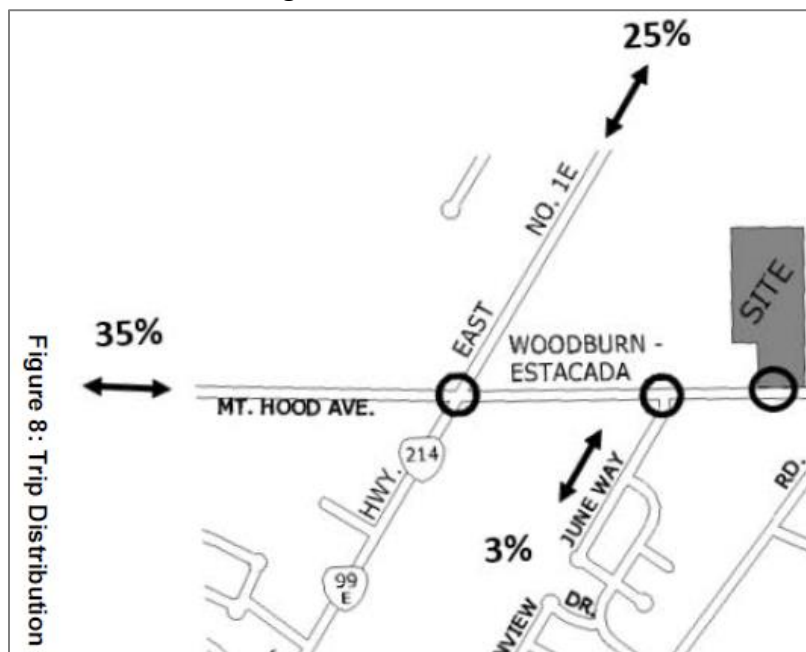
Because there are no significant effects, and with no crashes on record in the five years 2014-2018 (TIA addendum, p. 3), no mitigation is warranted.

The City contracted with a transportation consultant (from a company other than the one that prepared the applicant’s TIA) to review the TIA, rebut or affirm its conclusions, and advise staff. The consultant’s draft report (May 18, 2020) confirmed that the neither the TIA nor the application materials identified or proposed to construct or fund any traffic mitigation improvements, and it suggested revision of the TIA to include a safety analysis, i.e, an analysis of vehicle crashes. Upon staff request, the applicant submitted an addendum to the TIA on October 7, 2020 with a safety analysis, the source of the earlier staff citations of crash data.

The TIA, consultant's draft report, and ODOT agency commentary as well as on-the-ground context informed transportation conditions.

Assumptions Regarding Trip Distribution

Per TIA Figure 8 reproduced above and excerpted below, 85% of trips are to and from U.S. 99E & OR 214, the vast majority likely heading to and from the Portland and Salem metro areas because OR 214 continue west to the only interchange with I-5 in the Woodburn area (Exit 271) and the fastest driving route to and from Woodburn and both metro areas.



Northwest excerpt of TIA Figure 8

The TIA fails to specify how the 35% trips distributed to OR 214 pass through the I-5 interchange – that is, what percent goes towards Portland and Salem respectively and what percent remains in Woodburn. See (A) below.

It also fails to specify how the 25% trips distributed to U.S. 99E south of OR 211/211 further distribute – that is, what percent continues to Salem and what percent remains in Woodburn. See (B) below.

DR 2019-05 Comparisons

(A) Based on the DR 2019-05 Allison Way Apartments TIA (May 18, 2020), of the trips that this site development would generate, traffic modeling distributed 60% to the I-5 interchange, composed of 50% towards Portland and 10% towards Salem. The modeling distributed a separate 10% west past the interchange onto OR 219 and into rural Marion County. (The remainders were 20% to OR 214 east away from the interchange, 5% into central Woodburn

away from both the interchange and OR 214, and 5% within the vicinity of that site development.)

Staff applies the same ratios to ANX 2019-01:

<i>Table 1. OR 214 Portland/Salem Trip Distribution Ratios</i>			
<i>DR 2019-05</i>	<i>Trip Percentages</i>	<i>Conversion to Ratios</i>	<i>Application of Ratios to ANX 2019-01 OR 214 35%</i>
Portland	50%	71.4%	x 71.4% = 25.0%
Salem	10%	14.3%	x 14.3% = 5.0%
OR 219/Marion County	10%	14.3%	x 14.3% = 5.0%
Total	70%	100.0%	n/a

Staff concludes that regarding ANX 2019-01, of the 35% of trips distributed to OR 214, 25% relate to Portland metro, 5% to Salem metro, and 5% to rural Marion County west of Woodburn.

(B) Based on the DR 2019-05 TIA, of the trips that this site development would generate, traffic modeling distributed 5% into central Woodburn away from both the interchange and OR 214. Because some trips will go into central Woodburn southwest of U.S. 99E & OR 214, and for staff ease of calculation, staff assumes none of the OR 214 35% stays in Woodburn but in turn assumes 5% of the U.S 99E south trips will, 5% of U.S. 99E south 25% trips equaling 1.3%.

Staff concludes that regarding ANX 2019-01, of the 25% of trips distributed to U.S. 99E south, 23.7% relate to Salem metro and 1.3% to central Woodburn.

Based on the conclusions of both (A) & (B), staff derives refined trip distributions as:

<i>Table AB. Refined Trip Distributions</i>			
<i>Region</i>	<i>Via</i>	<i>Subtotals</i>	<i>Totals</i>
Portland	U.S. 99E north	25.0%	50.0%
	OR 214	25.0%	
Salem	OR 214	5.0%	28.7%
	U.S. 99E south	23.7%	
Woodburn SW of U.S. 99E & OR 214	U.S. 99E south	1.3%	9.3%
Woodburn SE of U.S. 99E & OR 214	June Way, Cooley Rd	8.0%	
West of town (rural Marion County)		5.0%	12.0%
East of town (rural Clackamas County)		7.0%	
All	n/a	100.0%	

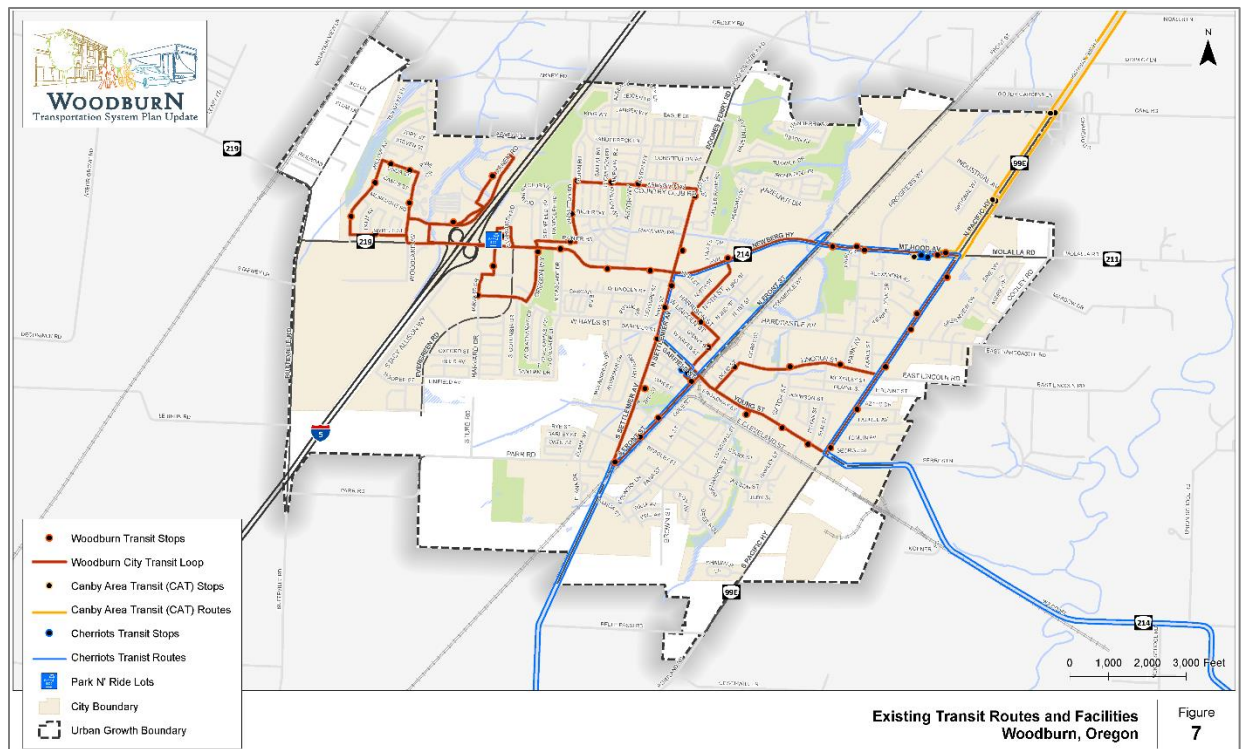
Additional Issues: Walking & Cycling

The draft memo from the consultant who advises staff confirmed that the TIA identified no vehicle trip reduction or transportation demand management (TDM) measures.

In short, under the Conditional Use Provisions section farther below, staff cites Comprehensive Plan policies that – together with the TSP and Transit Plan Update (TPU) projects as described here in the Design Review Provisions section and below in the “Additional Issues: Bus Transit” subsection – advance walking, cycling, and vanpooling. Staff conditions accordingly.

Additional Issues: Bus Transit

Presently, the Woodburn Transit System (WTS) bus loops through east, central, and west Woodburn, but is yet to reach into the northeastern UGB:



TSP Figure 7 (2019)

Neither do Salem-Keizer Cherriots nor Canby Area Transit (CAT) serve it.

Below is an analysis of applicable projects from the [Transportation System Plan \(TSP\)](#) 2019 major update, Table 4 “Transit Plan”:

<i>Project Number</i>	<i>Location</i>	<i>Responsible Jurisdiction</i>	<i>Description</i>	<i>Priority</i>	<i>Cost Estimate</i>
T1	Woodburn Fleet	Woodburn Transit/City	Coordinate with Woodburn Transit to deliver service enhancements funded through the STIF: Purchase of Category B and C vehicles (1 each) for use in the City's expanded transit services. (100% funding level 2020-21)	Medium	\$5,000
T2	Woodburn Fleet	Woodburn Transit/City	Coordinate with Woodburn Transit to deliver service enhancements funded through the STIF: Purchase a Category B vehicle that will replace the second oldest full-size vehicle in the WTS fleet; will be used for the City's existing local fixed route circulator. (130% funding level 2021)	Medium	\$5,000
T4	Woodburn Fixed Route	Woodburn Transit/City	Coordinate with Woodburn Transit to deliver service enhancements funded through the STIF: Modify the existing 60-minute fixed route loop; add an additional 30-minute route that will serve high frequency stops on weekdays (7am-7pm) within the Woodburn city limits. Total additional service will be up to 6,192 revenue hours (FY20-21). (100% funding level 2020-21)	Medium	\$5,000
T6	Woodburn Fixed Route	Woodburn Transit	Increase frequency of existing route to 30 minutes	Medium	\$0 ¹
T16	Woodburn	Cherriots/ City	Coordinate with Cherriots to provide a stop in Woodburn for SMART Route 1X, providing service to WES station in Wilsonville and downtown Salem	Medium	\$5,000
T18	City-wide	Woodburn Transit/ Cherriots	Evaluate all bus stops to verify static bus route information signage is visible and accessible and that bike racks are available at major bus stops	Medium	\$25,000
1. Project to be funded by others.					

(Note: STIF refers to the [ODOT Statewide Transportation Improvement Fund](#).)

Here's how staff determines proportionate fair share. First, staff factors and applies refined trip distribution assumptions from Table AB above. Second, staff factors in that the northeast UGB can have further development and redevelopment. Attachment 105A is an OR 211 Corridor Lot Area and Frontage Spreadsheet ("Spreadsheet") establishing tax lots along the OR 211 corridor and establishes lengths of frontages in feet and lot areas, their percentages of the corridor as a whole, and the respective percentages of the subject property. Each lot also has an average of the area and frontage percentages. Attachment 105B ("Spreadsheet Map") maps the lots.

Staff ignores trip distribution relating to the east of town, rural Clackamas County, and the west of town, rural Marion County. (Note: As of October 2020, Clackamas County is updating its Transit Development Plan and as part of that is considering a new bus line from Estacada via Molalla into Woodburn along OR 211, U.S. 99E, and onto the Woodburn downtown transit center, "service option Estacada, Molalla, and Woodburn on Highway 211.")

A staff table below provides more method details as applied to TSP projects.

<i>Table 3. TSP & Staff Methods</i>			
<i>Project Number</i>	<i>Description</i>	<i>TSP Cost Estimate</i>	<i>Method</i>
T1	Coordinate with Woodburn Transit to deliver service enhancements funded through the STIF: Purchase of Category B and C vehicles (1 each) for use in the City's expanded transit services. (100% funding level 2020-21)	\$5,000	<p>Apply 9.3% (from staff Table AB above).</p> <p>From the Spreadsheet, which shows that the area percentage of the subject property equals 16.5%:</p> <p>16.5% of 9.3% equals 1.5%.</p> <p>$\\$5,000 \times 1.5\% = \\75</p> <p>Conversion to a rate is: $\\$75 / 220 = \\0.34 per dwelling.</p>
T2	Coordinate with Woodburn Transit to deliver service enhancements funded through the STIF: Purchase a Category B vehicle that will replace the second oldest full-size vehicle in the WTS fleet; will be used for the City's existing local fixed route circulator. (130% funding level 2021)	\$5,000	<p>1. If 130% = \$5,000, then 100% = \$3,846.15.</p> <p>Apply 9.3%.</p> <p>From the Spreadsheet, which shows that the area percentage of the subject property equals 16.5%:</p> <p>16.5% of 9.3% equals 1.5%.</p> <p>$\\$3,846.15 \times 1.5\% = \\59.02</p> <p>Conversion to a rate is: $\\$59.02 / 220 = \\0.27 per dwelling</p>
T4	Coordinate with Woodburn Transit to deliver service enhancements funded through the STIF: Modify the existing 60-minute fixed route loop; add an additional 30-minute route that will serve high frequency stops on weekdays (7am-7pm) within the Woodburn city limits. Total additional service will be up to 6,192 revenue hours (FY20-21). (100% funding level 2020-21)	\$5,000	<p>Apply 9.3%.</p> <p>From the Spreadsheet, which shows that the area percentage of the subject property equals 16.5%:</p> <p>16.5% of 9.3% equals 1.5%.</p> <p>$\\$5,000 \times 1.5\% = \\75</p> <p>Conversion to a rate is: $\\$ / 220 = \\0.34 per dwelling</p>
<i>Project Number</i>	<i>Description</i>	<i>TSP Cost Estimate</i>	<i>Method</i>
T6	Increase frequency of existing route to 30 minutes	\$0 ¹	Because the TSP table footnote 1, "Project to be funded by others" is vague and unhelpful, staff establishes a method: How much per household does City general revenue invest in transit (excluding farebox recovery and federal and state monies)?

			<p>The fiscal year (FY) 2019-2020 adopted budget establishes general revenue investment of \$116,000 (p. 83; account no. 110 "Transit Fund").</p> <p>The U.S. Census QuickFacts tool reported that across 2014-2018, Woodburn had 7,910 households (HHs) based on data updated 12/19/2019.</p> <p>$\\$116,000 / 7,910 = \\14.66 per HH existing.</p> <p>Assume that doubling frequency of the existing route from an hour to 30 minutes would double the general fund investment per HH existing, so $\\$14.66 \times 2 = \\29.33.</p> <p>Establish a mitigation fee or fee in-lieu of <i>\$29.33 per dwelling</i>.</p>
T16	Coordinate with Cherriots to provide a stop in Woodburn for SMART Route 1X, providing service to WES station in Wilsonville and downtown Salem	\$5,000	<p>Apply (50.0% + 28.7% = 78.7%), because Project T16 relates to both Portland & Salem metro area trip distributions.</p> <p>From the Spreadsheet, which shows that the area percentage of the subject property equals 16.5%:</p> <p>16.5% of 78.7% equals 13.0%.</p> <p>$\\$5,000 \times 13.0\% = \\650.00</p> <p>Conversion to a rate is: $\\$650.00 / 220 = \\2.95 per dwelling.</p>
T18	Evaluate all bus stops to verify static bus route information signage is visible and accessible and that bike racks are available at major bus stops	\$25,000	<p>50 existing bus stops are WTS stops.</p> <p>Of these, the Woodburn Memorial Transit Center/Facility already has bike racks, and the DR 2019-05 Allison Way Apts. developer will install bike parking at Stop 11 (along Harvard Drive behind Walmart) at a cost of 25,000 by 49 = \$510.20.</p> <p>This leaves 48 stops, and an updated cost of $(\\$25,000 - \\$510.20) / 48 = \\$510.20$ per bus stop.</p> <p>Second, staff identifies through conditions two bus stops roughly equidistant from the ANX 2019-01 site (north and west, or counterclockwise), and the one closest bus stop for east or clockwise travel, where no</p>

			bike parking exists. 3 stops x \$510.20 = \$1,530.61 total.
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Because capital and operational improvements are needed, but beyond bus shelters, further study is needed to determine what the improvements are. In order to induce more transit ridership, staff applies *Condition T-T* specifying how the developer will fund study and/or construct or pay for transit improvements.

Additional Issues: Safety Study Corridor

The TSP 2019 major update Figure 4 “Freight Routes” designates U.S. 99E as “Freight Route” and OR 211 & 214 as “Truck Route”, and Figure 5 “Traffic Safety Plan Elements” designates OR 211 & 214 as Safety Study Corridors. Staff applied *transportation bicycle pedestrian (T-BP) conditions* specifying how the developer will construct or fund improvements that contribute to safety along and across OR 211.

Additional Issues: Intercity Bus Transit

These trips are within the areas served by the Wilsonville South Metro Area Transit (SMART) transit agency, TriMet that serves the remainder of the Portland metro area and operates the Westside Express Service (WES) commuter rail line that has a terminal in Wilsonville and connects to the Metropolitan Area Express (MAX) light rail Blue and Red Lines at Beaverton Transit Center, and the Salem metro area Cherriots transit agency.

Having express busses to and from connections with SMART bus, TriMet rail, and Cherriots bus connections during morning and afternoon commutes would induce subject project residents to consider seriously riding these express busses, and were there midday service too, even more so. Additionally, Cherriots contracts with and oversees a vanpool service that serves Woodburn and both metro areas, [Valley VanPool](#).

In addition to the TSP, the City “Transit Plan Update Approved Final Report” (November 8, 2010) per its executive summary (p. ES-1) guides the provision of transit services and facilities in Woodburn through 2030 and supplements the TSP.

Below is an analysis of applicable projects:

<i>Table 4. TPU Projects</i>					
<i>Header</i>	<i>Service</i>	<i>Description</i>	<i>Annual Operating Cost Impact</i>	<i>Capital Needs</i>	<i>TPU Objective Addressed</i>
11. Provide Peak-Only Intercity Service to Salem and Wilsonville (pp. 10-12 to 10-13)	Fixed Route	New intercity service offering three morning and three evening round trips between Woodburn and downtown Salem (weekday only)	\$150,000	\$300,000	3.4 (Transit image), 4.4 (Fixed route share), 5.2 (Expanded intercity service)
		New intercity service offering three morning and three evening round trips between Woodburn and WES station in Wilsonville (weekday only)	\$130,000	\$300,000	
12. Provide All-Day Intercity Service to Salem and Wilsonville (pp. 10-13 to 10-14)	Fixed Route	New midday service operating hourly between Woodburn and downtown Salem (weekday only)	\$130,000	None (assumes Strategy 11 implemented first)	3.4 (Transit image), 4.4 (Fixed route share), 5.2 (Expanded intercity service)
		New midday service operating hourly between Woodburn and WES station in Wilsonville (weekday only)	\$130,000	None (assumes Strategy 11 implemented first)	
20. Promote Regional Carpool/Vanpool Program (p. 10-19)	[n/a]	Promotion of existing rideshare programs to meet mobility needs that are not easy or cost effective to meet with transit.	[n/a]	[n/a]	5.3 Other travel options

Staff applies the same logic as applied to the TSP projects:

<i>Table 5. TPU & Staff Methods</i>				
<i>Header</i>	<i>Description</i>	<i>Annual Operating Cost Impact</i>	<i>Capital Needs</i>	<i>Method</i>
11. Provide Peak-Only Intercity Service to Salem and Wilsonville (pp. 10-12 to 10-13)	Salem	\$150,000	\$300,000	<p>a. Take capital cost of \$300,000.</p> <p>Apply (from staff Table AB above) 28.7%.</p> <p>From the Spreadsheet, which shows that the area percentage of the subject property equals 16.5%:</p> <p>16.5% of 28.7% equals 4.7%.</p> <p>$\\$300,000 \times 4.7\% = \\$14,100$.</p> <p>b. Take annual operating (O) cost of \$150,000</p> <p>Apply the same logic as per a. above.</p> <p>$\\$150,000 \times 4.7\% = \\$7,050$.</p> <p>c. $\\$14,100 (C) + \\$7,050 (O) = \\$21,150 \text{ Salem}$</p>
	WES station in Wilsonville	\$130,000	\$300,000	<p>a. Take capital cost (C) of \$300,000.</p> <p>Apply (from staff Table AB above) 50.0%.</p> <p>From the Spreadsheet, which shows that the area percentage of the subject property equals 16.5%:</p> <p>16.5% of 50.0% equals 8.3%.</p> <p>$\\$300,000 \times 8.3\% = \\$24,900$.</p> <p>b. Take annual operating cost (O) of \$130,000</p> <p>Apply the same logic as per a. above.</p>

				$\$130,000 \times 8.3\% = \$10,790.$ <i>c. $\\$24,900 (C) + \\$10,790 (O) = \\$35,690$ Wilsonville</i> <i>d. $\\$21,150$ Salem + $\\$35,690$ Wilsonville totals $\\$56,840$</i> The equivalent rate is $\$56,840 / 220 = \258.36 <i>per dwelling</i>
12. Provide All-Day Intercity Service to Salem and Wilsonville (pp. 10-13 to 10-14)	Salem	\$130,000	None (assumes Strategy 11 implemented first)	Take annual operating cost (O) of \$130,000 Apply 28.7%. From the Spreadsheet, which shows that the area percentage of the subject property equals 16.5%: 16.5% of 28.7% equals 4.7%. $\$130,000 \times 4.7\% = \$6,110$
	WES station in Wilsonville	\$130,000	None (assumes Strategy 11 implemented first)	Take annual operating cost (O) of \$130,000 Apply 50.0%. From the Spreadsheet, which shows that the area percentage of the subject property equals 16.5%: 16.5% of 50.0% equals 8.3%. $\$130,000 \times 8.3\% = \$10,790$ $\$6,110 (O \text{ Salem}) + \$10,790 (O \text{ Wilsonville}) = \$16,900 (O \text{ both})$ The equivalent rate is $\$12,480 / 220 = \76.82 <i>per dwelling</i>
20. Promote Regional Carpool/Vanpool Program (p. 10-19)	Valley VanPool	[n/a]	[n/a]	Per the Valley VanPool frequently asked questions (FAQs) webpage , a vanpool (assuming 14 passengers) has a monthly fare of \$90 to \$170. The 80 th percentile is \$154. Staff assumes 3% vanpooling as realistic. Assume that studio

				<p>units average 1 commuter, one-bedroom units average 1.5 commuters and two and three-bedroom units have 2 commuters. The unit mix is 28 studio, 42 one-bedroom, 132 two-bedroom, and 18 three-bedroom. The project would have 391 commuters. $3\% = 12$ commuters.</p> <p>(A van can seat 7 to 15 passengers, so 12 commuters equals a van across the 19 apartment buildings and 220 apartments.)</p> <p>Staff establishes an amount for a one-time vanpool grant fund: $\\$154 \text{ monthly fare} \times 12 \text{ commuters} = \\$1,848$ Then, $\times (6 \text{ months}) = \\$11,088$.</p> <p>The equivalent rate is $\\$11,088 / 220 = \\$50.40 \text{ per dwelling}$</p>
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As a concluding summary, based on the transportation problems that the TIA documented, the TSP, and the TPU, City objectives are for the development to contribute a fair share towards the objectives of:

- Initiation and continuation of regional express bus service
- Higher frequency service
- Bus shelter purchases
- Installation of bicycle parking where bus stops lack it
- Bus purchase(s)
- Increasing walking and cycling safety along and across OR 211, and
- Vanpooling.

▲ To address transportation problems, staff applies *transportation (T) conditions*.

3.05 Off-Street Parking and Loading

3.05.02 General Provisions

The site plans illustrate that the proposal meets the general provisions, including provision of wheel shops along head-in parking stalls adjacent to the access ways, i.e. the prime bicycle/pedestrian wide walkway route to and from sidewalk, and most if not all remaining walkways. Staff conditions on-site exterior light fixtures to be full cut-off and limit light encroachment.

3.05.03 Off-Street Parking

3.05.03 Off-Street Parking

A. Number of Required Off-Street Parking Spaces

1. Off-street vehicle parking spaces shall be provided in amounts not less than those set forth in this Section (Table 3.05A).
2. Off-street vehicle parking spaces shall not exceed two times the amount required in this Section (Table 3.05A).

B. Accessible parking shall be provided in amounts not less than those set forth in Table 3.05B. The number of accessible spaces shall be included as part of total required vehicle parking spaces.

C. A maximum of 20 percent of the required vehicle parking spaces may be satisfied by compact vehicle parking spaces.

D. Off-street vehicle parking spaces and drive aisles shall not be smaller than specified in this Section (Table 3.05C).

E. All uses that are required to provide 10 or more off-street parking spaces and residential structures with four or more dwelling or living units shall provide a bicycle rack within 50 feet of the main building entrance. The number of required rack spaces shall be one space per ten vehicle parking spaces

F. Garages ...

2. For multi-family dwellings, one-half of the parking spaces required by this Section (Table 3.05A) shall be in a garage or garages.

Off-Street Parking Ratio Standards Table 3.05A	
Use ¹	Parking Ratio - spaces per activity unit or square feet of gross floor area
RESIDENTIAL	
1. Dwellings, including manufactured homes	2/ dwelling unit
1. The Director may authorize parking for any use not specifically listed in this table. The applicant shall submit an analysis that identifies the parking needs, and a description of how the proposed use is similar to other uses permitted in the zone. The Director may require additional information, as needed, to document the parking needs of the proposed use.	

Accessible Parking Ratio Standards Table 3.05B			
Total Spaces	Minimum Total Accessible Spaces ¹	Minimum Van Accessible Spaces	Minimum “Wheelchair User Only” Spaces
301 to 400	8	[0]	1
501 to 1000	2% of total	[0]	1 in every 8 accessible spaces or portion thereof
1001 or more	20 plus 1 for each 100 spaces over 1000	[0]	
1. “Van Accessible Spaces” and “Wheelchair User Only” are included in “Total Accessible Spaces.”			

The ratio yields (220 dwellings x 2 stalls) = 440 stalls. The site plan (plan sheet SDR4) notes 450 stalls, 10 more than the minimum requirement.

The proposal has compact parking stalls exceeding 20%. The applicant submitted a variance request.

The proposal triggers subsection E. for bicycle parking, which requires $(220 / 10) = 22$ bike stalls minimum; however, staff requested and the applicant opts to propose more as conditioned, both in the form of outdoor racks and, within each proposed outdoor storage closet – which are accessible from patios and balconies – a retractable hook made for wall-mounted stowage of a bike. A condition specifies details, the main idea being, “build it, and they will come.” This means if bicycle parking is plentiful, convenient, and secure, tenants would be more likely to cycle.

Regarding placement with 50 ft of main entrance per subsection E., based on conversations with the applicant, staff understands that each stairwell base will have at least one bicycle parking facility and stall; however, it is not evident on the site plans. For this reason, staff applies a *D condition*.

Garages / Carports

Regarding 3.05.03F.2, carports are permissible in lieu of garages. Relevant definitions are:

“1.02 Definitions

Carport: A permanent structure consisting of a roof and supports for covering a parking space which is not completely enclosed.

Garage: A building, or portion of a building, which is completely enclosed and designed for the storage or parking of a vehicle.”

Through a past multi-family development project, Woodland Crossing Apartments at 9065 Arney Lane (DR 2017-03), the Community Development Director interpreted that WDO

3.05.03F.2. allows for carports in lieu of garages. Staff applies the interpretation as the Director had:

“The language in this Section of the WDO seems to indicate that fully enclosed garages are required for even a large multi-family apartment complex that has a parking lot open to the public, such as this one. There is a distinction in the WDO between carports and garages in some areas, but it is not consistent throughout the Code. It’s important to note that when garages are required for single-family and duplex developments under the WDO, there is also an accompanying requirement to provide a ‘parking pad’ outside the garage, a minimum of 20 feet in depth (see the yellow area in the graphic above). This additional area is required to be on private property so that the driver of a car is not backing directly into traffic from their garage. In the case of parking lots – which are typical for commercial centers and multi-family parking areas - the opportunity for this critical ‘parking pad’ is impossible.

Staff has made an interpretation that the requirement for a garage in the case of multi-family dwelling units in a parking lot is satisfied with carports. This is a reasonable and practical interpretation for a variety of aesthetic and most importantly, safety factors. Having individuals opening garage doors and having cars backing into drive aisles from an enclosed garage would be dangerous and Staff would not approve it. Staff finds that the application meets the criteria and will process a clarification of this particular Code language during the next set of amendments to the WDO.”

The applicant proposes carports meeting the coverage provision.

Accessible/ADA/Handicap Parking

The proposal provides ADA-compliant stalls that meet or exceed the minimum provision.

■ *Variance:* Staff addresses the compact parking percentage maximum request further below under the Variance Provisions section.

▲ To secure a higher minimum amount of bicycle parking, staff applies a condition.

✗ To meet WDO 3.05.03E that bicycle parking be within 50 feet of the main building entrance. Staff applies a *D condition*.

Parking Space and Drive Aisle Dimensions Table 3.05C							
Parking Angle	Type of Space	Stall Width (feet)	Curb Length (feet)	Stripe Length (feet)	Stall to Curb (feet)	Drive Aisle Width (feet)	
						1-way	2-way
A		B	C	D	E	F	G
90°	Standard or Accessible	9.0	9.0	19.0	19.0	24.0	24.0
	Compact	7.5	7.5	15.0	15.0	22.0	
	Car Accessible Aisle	6.0	6.0	19.0	19.0	24.0	
	Van Accessible Aisle	8.0	8.0	19.0	19.0		
<div>1. A parking space may occupy up to two feet of a landscaped area or walkway. At least four feet clear width of a walkway must be maintained.</div> <div>2. Space width is measured from the midpoint of the double stripe.</div> <div>3. Curb or wheel stops shall be utilized to prevent vehicles from encroaching on abutting properties or rights-of-way.</div> <div>4. The access aisle must be located on the passenger side of the parking space, except that two adjacent parking spaces may share a common access aisle.</div> <div>5. Where the angle of parking stalls differ across a drive aisle, the greater drive aisle width shall be provided.</div>							

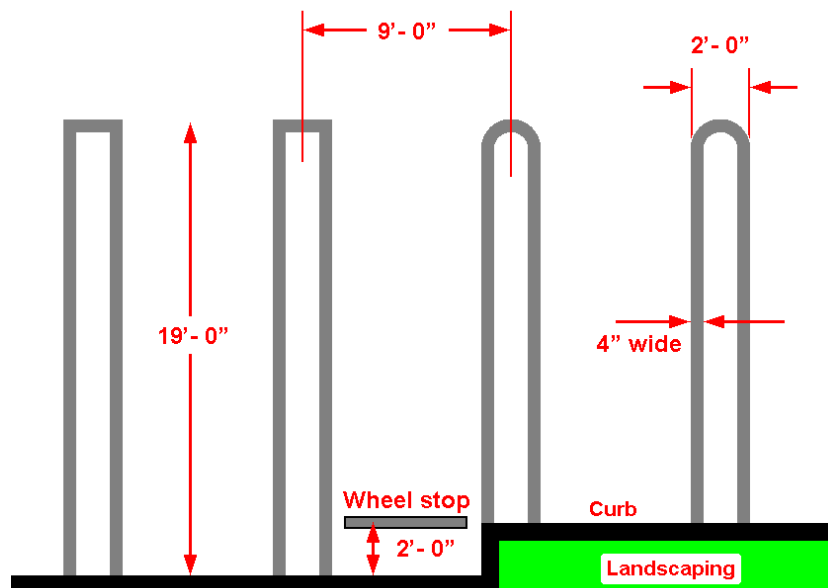


Figure 3.05C - Parking Space Striping

The applicant proposes all stalls, which are all at 90°, to the drive aisle with dimensions, double-striping, and curbing that meet or exceed the minimum.

✓ The requirement is met.

3.05.04 Off-Street Loading

B. The off-street loading facilities shall be on the same lot, or site, as the use or structure they are intended to serve. Required loading spaces and required parking spaces shall be separate and distinct, except that if authorized through a land use decision, a parking area may be used for loading during those times when the vehicle parking area is not in use.

Loading Space Requirements Table 3.05D				
Use and Area (square feet)	Minimum Number of Spaces	Minimum Size of Space (feet)		
		Width	Length	Height
Office				
0 – 4,999	0	12	30	14
5,000 – 41,999	1			
42,000 or more	2			
Nonresidential uses, except office, in the CO, CG, and NNC zones				
0 – 9,999	1	12	30	14
10,000 – 41,999	2			
42,000 – 81,999	3			
82,000 or more	4			

Because the use is residential, the table is not applicable.

– The provisions are not applicable.

3.05.05 Shared Parking

– The applicant opted not to exercise this option.

3.06 Landscaping

3.06.02 General Requirements

The landscape plan sheets (L1.1-1.3) illustrate and note that the general provisions are met, including irrigation and curbing.

✓ The requirement is met.

3.06.03 Landscaping Standards

A. Street Trees

The applicant proposes street trees that appear to meet the provisions.

▲ To secure a higher minimum amount of street trees, staff applies a *CU condition*.

B. & Tables 3.06A & B

Planting Requirements Table 3.06A		
Location	Planting Density, Minimum	Area to be Landscaped, Minimum
Setbacks abutting a street	1 PU/15 square feet	Entire setback excluding driveways
Buffer yards	1 PU/20 square feet	Entire yard excluding off-street parking and loading areas abutting a wall
Other yards	1 PU/50 square feet	Entire yard, excluding areas subject to more intensive landscaping requirements and off-street parking and loading areas
Off-street parking and loading areas	<ul style="list-style-type: none">• 1 small tree per 10 parking spaces; or ¹• 1 medium tree per 15 parking spaces; or ¹• 1 large tree per 25 parking spaces ¹ and <ul style="list-style-type: none">• 1 PU/20 square feet excluding required trees ²	<ul style="list-style-type: none">• RS, R1S, RSN, RM, RMN, P/SP, CO, CG and MUV zones: 20% of the paved surface area for off-street parking, loading and circulation• DDC, NNC, IP, IL, and SWIR zones: 10% of the paved surface area for off-street parking, loading and circulation• Landscaping shall be within or immediately adjacent to paved areas
Common areas, except those approved as natural common areas in a PUD	3 PU/50 square feet	Entire common area
1. Trees shall be located within off-street parking facilities, in proportion to the distribution of the parking spaces.		
2. Required landscaping within a setback abutting a street or an interior lot line that is within 20 feet of parking, loading and circulation facilities may also be counted in calculating landscaping for off-		

Planting Requirements Table 3.06A		
Location	Planting Density, Minimum	Area to be Landscaped, Minimum
street parking, loading and circulation areas.		

The landscape plans illustrate meeting or exceeding the minimum planting densities, landscaped areas, and trees for the yard types and vehicular areas.

✓ The requirement is met.

Plant Unit (PU) Value Table 3.06B		
Material	Plant Unit (PU) Value	Minimum Size
1. Significant tree ¹	15 PU each	24" Diameter
2. Large tree (60-120 feet high at maturity) ¹	10 PU each	10' Height or 2" Caliper
3. Medium tree (40-60 feet high at maturity) ¹	8 PU each	10' Height or 2" Caliper
4. Small tree (18-40 feet high at maturity) ¹	4 PU each	10' Height or 2" Caliper
5. Large shrub (at maturity over 4' wide x 4' high) ¹	2 PU each	3 gallon or balled
6. Small to medium shrub (at maturity maximum 4' wide x 4' high) ¹	1 PU each	1 gallon
7. Lawn or other living ground cover ¹	1 PU / 50 square feet	
8. Berm ²	1 PU / 20 lineal feet	Minimum 2 feet high
9. Ornamental fence ²	1 PU / 20 lineal feet	2½ - 4 feet high
10. Boulder ²	1 PU each	Minimum 2 feet high
11. Sundial, obelisk, gnomon, or gazing ball ²	2 PU each	Minimum 3 feet high
12. Fountain ²	3 PU each	Minimum 3 feet high
13. Bench or chair ²	0.5 PU / lineal foot	
14. Raised planting bed constructed of brick, stone or similar material except CMU ²	0.5 PU / lineal foot of greatest dimension	Minimum 1 foot high, minimum 1 foot wide in least interior dimension

Plant Unit (PU) Value Table 3.06B		
Material	Plant Unit (PU) Value	Minimum Size
15. Water feature incorporating stormwater detention ²	2 per 50 square feet	None
1. Existing vegetation that is retained has the same plant unit value as planted vegetation. 2. No more than twenty percent (20%) of the required plant units may be satisfied by items in lines 8 through 15.		

The landscape plans illustrate meeting or exceeding the minimum plant unit (PU) standards.

✓ The requirement is met.

3.06.05 Screening & Table 3.06D

A. Screening between zones and uses shall comply with Table 3.06D.

Architectural Wall

— Because all lots adjacent to the subject property are unincorporated, except for two, they have no City zoning. Regarding the other two, 051W08A004800 & 5100, they are zoned CG, the same zoning as would apply to the subject property following annexation. Therefore, staff interprets that Table 3.06D is not applicable to the site perimeter and so no Architectural Wall is required at the site rear or sides.

Architectural Wall: Recycling and Trash Enclosures

Such enclosures are required per Table 3.06D for any outdoor storage of “refuse and recycling collection facilities ...”, and the applicant proposes containment through an enclosure.

3.06.05B.

All parking areas, except those for single-family and duplex dwellings, abutting a street shall provide a 42-inch vertical visual screen from the abutting street grade. Acceptable design techniques to provide the screening include plant materials, berms, architectural walls, and depressed grade for the parking area. All screening shall comply with the clear vision standards of this ordinance (Section 3.03.06).

— Because there is no parking closer to OR 211 than the closest building – the common building – the provision is not applicable.

3.06.06 Architectural Walls

B. Design Standards and Guidelines

Architectural Wall: Recycling and Trash Enclosures

The enclosure meets the standards as a plan sheet illustrates.

C. Retaining walls should/shall meet the texture and color requirements of architectural walls in or abutting residential districts, where the texture and color requirements apply to the visible face of the retaining wall.

1.02

Abutting: Touching on the edge or on the line, including at a corner. It shall include the terms adjacent, adjoining and contiguous.

Adjacent: Near, close or bordering but not necessarily contiguous with; adjoining but separated by a right-of-way.

- ➡ Because the proposal includes no retaining walls, the provisions are not applicable.

3.06.07 Significant Trees on Private Property

- ➡ Because the subject property contains 4 Significant Trees in the southeast front yard, staff conditions their preservation.

3.07 Architectural Design

3.07.06 Standards for Non-Residential Structures in Residential, Commercial and Public/Semi Public Zones

A. The following design guidelines shall be applicable to all non-residential structures and buildings in the RS, RSN, R1S, RM, RMN, CO, CG, and P/SP zones.

B. Architectural Design Guidelines

1. Mass and Bulk Articulation Guidelines

a. Building facades visible from streets and public parking areas should be articulated, in order to avoid the appearance of box-like structures with unbroken wall surfaces.

b. The appearance of exterior walls should be enhanced by incorporating three-dimensional design features, including the following:

- (1) Public doorways or passage ways through the building**
- (2) Wall offsets or projections**
- (3) Variation in building materials or textures**
- (4) Arcades, awnings, canopies or porches**

2. Materials and Texture Guidelines

a. Building exteriors should exhibit finishes and textures that reduce the visual monotony of bulky structures and large structural spaces. Building exteriors should enhance visual interest of wall surfaces and harmonize with the structural design.

b. The appearance of exterior surfaces should be enhanced by incorporating the following:

- (1) At least 30% of the wall surface abutting a street should be glass.**
- (2) All walls visible from a street or public parking area should be surfaced with wood, brick, stone, designer block, or stucco, or with siding that has the appearance of wood lap siding.**

(3) The use of plain concrete, plain concrete block, corrugated metal, plywood, T-111 and sheet composite siding as exterior finish materials for walls visible from a street or parking area should be avoided.

(4) The color of at least 90 percent of the wall, roof and awning surface visible from a street or public parking area should be an “earth tone” color containing 10 parts, or more of brown or a “tinted” color, containing 10 parts or more white.

(5) Fluorescent, “day-glo,” or any similar bright color shall not be used on the building exterior.

3. Multi-Planed Roof Guidelines

a. The roof line at the top of a structure should establish a distinctive top to the building.

b. The roof line should not be flat or hold the same roof line over extended distances. Rather, the roof line should incorporate variations, such as:

(1) Offsets or jogs in the plane of the roof;

(2) Changes in the height of the exterior wall for flat roof buildings, including parapet walls with variations in elevation or cornices

4. Roof-Mounted Equipment Guidelines

All roof-mounted equipment, except solar collectors, should be screened from view by:

a. Locating roof-mounted equipment below the highest vertical element of the building, or

b. Screening roof-mounted equipment using materials of the same character as the structure’s basic materials

5. Weather Protection Guidelines

All building faces abutting a street or a public parking area should provide weather protection for pedestrians. Features to provide this protection should include:

a. A continuous walkway at least eight feet wide along the face of the building utilizing a roof overhang, arcade, awnings or canopies

b. Awnings and canopies that incorporate the following design features:

(1) Angled or curved surfaces facing a street or parking area

(2) A covering of fabric, or matte finish vinyl

(3) A constant color and pattern scheme for all buildings within the same development

(4) No internal back lighting

6. Solar Access Protection

Obstruction of existing solar collectors on abutting properties by site development should be minimized.

C. Building Location Guidelines

1. Within the prescribed setbacks, building location and orientation should compliment abutting uses and development patterns.

2. The maximum yard abutting a street should be 150 feet.

The site plans and building elevations show largely what the guidelines describe.

✓ The provisions are met.



Conditional Use Provisions

The conditional use per WDO Table 2.03A, header E Residential, row 4 is multiple-family dwellings, specifically the proposed Woodburn Eastside Apartments. (Table footnote 9 about the Gateway and Interchange Management Area Overlay Districts is not applicable to the subject property.)

Conditional Use Criteria

5.03.01 Conditional Use

B. Criteria:

1. The proposed use shall be permitted as a conditional use within the zoning district.
2. The proposed use shall comply with the development standards of the zoning district.
3. The proposed use shall be compatible with the surrounding properties.

Relevant factors to be considered in determining whether the proposed use is compatible include:

- a. The suitability of the size, shape, location and topography of the site for the proposed use;
- b. The capacity of public water, sewerage, drainage, street and pedestrian facilities serving the proposed use;
- c. The impact of the proposed use on the quality of the living environment:
 - 1) Noise;
 - 2) Illumination;
 - 3) Hours of operation;
 - 4) Air quality;
 - 5) Aesthetics; and
 - 6) Vehicular traffic.
- d. The conformance of the proposed use with applicable Comprehensive Plan policies; and
- e. The suitability of proposed conditions of approval to ensure compatibility of the proposed use with other uses in the vicinity.

CU criteria and factors executive summary

1. The proposed use of multiple-family dwellings is permitted as a conditional use within the CG zoning district.
2. The proposed use does comply with the development standards both as proposed and through conditions of approval.
3. The proposed use shall be compatible with the surrounding properties because ...

- a. The subject property, a parcel of 8.62 acres that is orthogonal, roughly rectangular, and flat, is sized, shaped, and topographically suited for a conventional new construction apartment complex.

It is located within the Woodburn urban growth boundary (UGB) along a public right-of-way, a road improved to a rural state. The Comprehensive Plan land use map designates the northeastern corner of the UGB, the whole area east of U.S. 99E and north of OR 211, as Commercial. Most land within city limits that is zoned commercial is specifically Commercial General (CG), and most of it is along two corridors: I-5 and U.S. 99E, with bulges near the interchange of I-5 and OR 214 and the intersection of U.S. 99E and OR 214. Much of this land remains undeveloped or underdeveloped, and this is particularly so in the northeastern UGB. This appears to signal a lack of sufficient market demand, while the proposal – coupled with recent applications to the City for at least three other apartment projects that are all on CG-zoned land (DR 2019-03 Pacific Valley Apartments at 1310 N. Pacific Highway, DR 2019-05 Allison Way Apartments at Stacy Allison Way and Hooper Street, and CU 2020-01 Templeton Apartments at 1430 E. Cleveland Street) – indicate stronger demand for multiple-family dwellings. In short, the subject property has public access, sat and sits idle, helps to meet City multiple-family housing need, and is located near the intersection of U.S. 99E and Highways 211 & 214, bringing multiple-family housing and commercial services in close proximity.

- b. The capacity of public water, sewerage, drainage, street and pedestrian facilities serving the proposed use for any given facility is either sufficient or will be after the developer upgrades either as conditioned or as the Public Works Department directs at the permit stage. The applicant's annexation narrative (pp. 2-3) states:

"The developer is responsible for the cost of extension of improved water, sewer and storm drainage facilities necessary to serve the site. Internal development of public and private facilities necessary to serve the development will occur at the building permit review stage. Applicable state or federal permits are required to be obtained for issuance of building or construction permits from the City."

- c. Regarding the impact of the proposed use on the quality of the living environment:

- 1) Noise:

None from the site development; but, to protect residents from the noise of what will remain more a highway than a street, staff conditions more street trees than usual in a planter strip wider than usual, and additional buffer space is provided through the preserved Significant Tree grove that the developer is

conditioned to preserve, the grove being in the southeast front yard. The clubhouse being in the central front yard as the building closest to OR 211 also helps to buffer the apartment buildings.

2) Illumination:

Staff applies a “dark sky” condition to limit exterior lighting fixtures to be full cut-off or fully shielded (from being seen above a horizontal plane at the fixture) and to limit their mounting heights.

3) Hours of operation:

Because the proposal is an apartment complex, and so there are no commercial, industrial, or institutional uses, there are no hours of operation to regulate except that of the leasing office, and for that there’s no compelling reason to do so.

4) Air quality:

Staff applies conditions for on-site electric vehicle (EV) parking and charging, additional trees both in the planter strip and on-site, lots of bicycle parking, an on-site bicycle pedestrian path, a wider sidewalk as a public bicycle pedestrian path, and extension west of sidewalk to a point where a crossing of OR 211 can reach existing City sidewalk. EVs directly help air quality, and the remaining conditions serve as transportation demand management (TDM) by inducing residents to drive less often, especially for nearby destinations in the commercial area around the intersection of U.S. 99E & OR 211, and with fewer driving trips comes better air quality. For very local air quality, staff conditions that all operable windows have insect screens, so that residents feel free to open windows, be it to drive out stagnant or humid air or bring in fresh air, without also bringing in pests like fruit flies, flies, and stinging insects.

5) Aesthetics:

Staff applies conditions for aesthetics mostly at the site plan scale (instead of the building scale), mostly to bring buildings and common area closer together and to place surface parking away and along the site perimeter. Staff also conditions the common building to have lots of windows facing OR 211 and on the façade with the main entrance, and for buildings generally to have a window at every typical room next to an outside wall. The common building and 19 apartment buildings are arranged on three distinct “blocks” or “islands” of landscaping

defined and surrounded by drive aisles and driveways. This, with the conditioned on-site bicycle pedestrian path serving as the central spine of the site plan, helps residents find their way within the complex. Staff conditions more street trees than usual in a planter strip wider than usual. A condition sets as standard the larger patios and balconies the site plans propose above and beyond the WDO and interprets an unclear WDO provision about how to delineate a patio space from common open space by requiring shrubbery with either fence or railings and either of those having simple gates.

6) Vehicular traffic.

Staff applies conditions relating to:

- Mitigating the effect of additional vehicle trips generated by the site development through any of off-site improvements, transportation study, and/or fees in-lieu.
- Inducing more walking, cycling, bus ridership, and vanpooling instead of driving, including through off-site improvements, mitigation fees to improve regional and local bus transit, lots of bike parking and a bicycle/pedestrian path on-site, and vanpooling funds.
- Surveying on-site parking usage for staff to better understand how parking is used in conventional new construction apartment complexes;
- Granting the Community Development Director authority to require the property manager to implement a car share service with one or two dedicated parking spaces on site; and
- Limiting driveways to two and reducing conflict points among turns into and out of OR 211 traffic by limiting the east driveway (D2) to one-way outbound only.

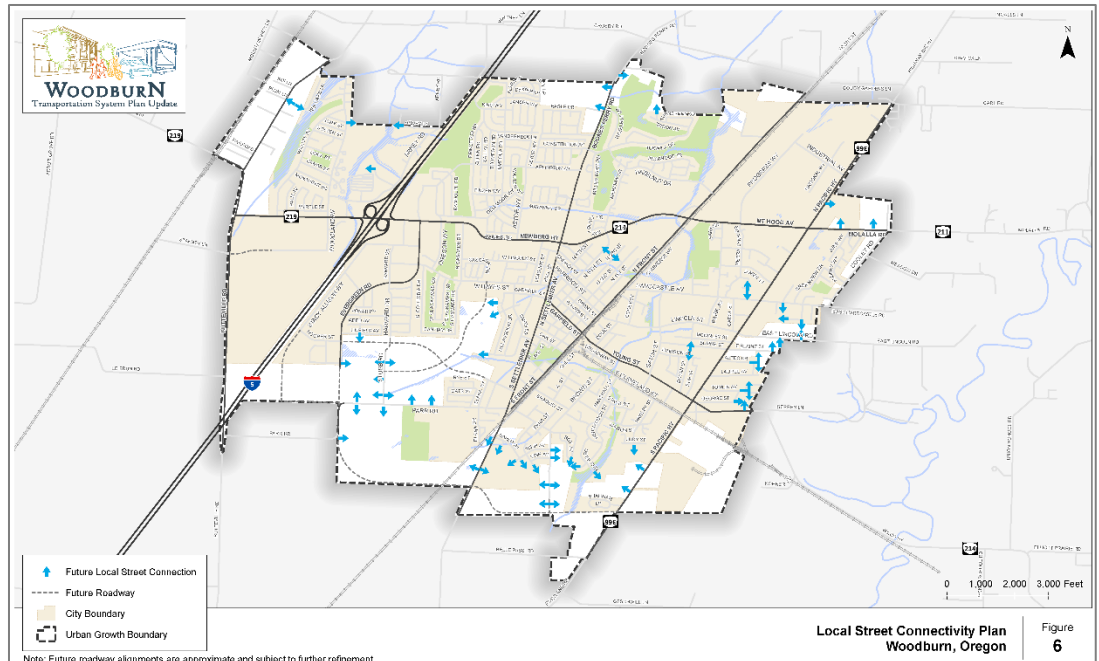
- d. Regarding the conformance of the proposed use with applicable [Comprehensive Plan](#) policies, staff addresses this factor through both factor c. above (“impact of the proposed use” with six subfactors 1) through 6) and this factor d.:

<i>Policy</i>	<i>Page No.</i>	<i>What Related Conditions Address</i>
D-1.3	14	Creative design, sufficient landscaped area and open space, and residential higher density near jobs, shopping and potential transit services – specifically requiring perimeter parking overhangs to shrink pavement, more and greater variety of trees, tree preservation, an on-site bicycle/pedestrian path, a wide sidewalk as a public bicycle/pedestrian path, and a wide planter strip with more than usual street trees.
D-1.5	14	Creative design, slow moving traffic, and landscaping and tree planting to enhance the livability and aesthetics of the neighborhood – specifically on-site bicycle/pedestrian path speed tables and markings of drive aisle crossings.
G-1.1	27	Expansion areas of the City are served by public facilities and services with adequate capacity. Consideration of proposals that vary from City capacity standards and facility master plans shall include mitigating measures determined to be appropriate the Public Works Department – specifically to improve surface and subsurface improvements and allow walkers and cyclists to span the distance from improved frontage across OR 211 to existing sidewalk and improved City street network.
G-1.3	28	<p>Provide an interconnected street system to improve the efficiency of movement by providing direct linkages between origins and destinations – specifically to provide in the northeast UGB area north of OR 211 and east of U.S. 99E a future street that would connect Cooley Road and either or both June Way and U.S. 99E and that would be ROW sufficient for a minor arterial or major collector.</p> <p>For the subject property, reservation of a segment of Street Corridor “C” begins to implement both G-1.3 and Transportation System Plan (TSP) Figure 6 (2019; Attachment 106) and influences the overall alignment of a street.</p>
G-2.3	33	Use annexation to guide shape and pattern of development – specifically raise urban design quality of on-site development above and beyond the WDO through the CU application type and get better than usual frontage improvements as well as link the subject property to the nearest City improvements with surface and subsurface improvements to allow walkers and cyclists to span the distance from improved frontage across OR 211 to existing sidewalk and improved City street network.
H-1.1	33	Develop an expanded intracity bus transit system that provides added service and route coverage to improve the mobility and accessibility of the transportation disadvantaged and to attract traditional auto users to use the system – specifically by conditioning construction and/or fees to improve regional and local bus service and local bus shelters and bicycle parking.

<i>Policy</i>	<i>Page No.</i>	<i>What Related Conditions Address</i>
H-1.2	33	Encourage alternative travel options between Woodburn, Portland and Salem by implementing a carpool/vanpool parking program and coordinating WTS with other regional service provided by Cherriots Regional and Canby Area Transit – specifically by conditioning fees to improve regional and local bus service (per the TSP and the Transit Update Plan of 2010) and to fund a time-limited vanpool subsidy for a modest percentage of future households within the development.
H-1.3	34	Develop a low stress network of bicycle lanes and routes that link major activity centers such as residential neighborhoods, schools, parks, commercial areas and employment centers. Identify off-street facilities in City greenway and park areas. Ensure all new or improved collector and arterial streets are constructed with bicycle lanes – specifically conditioning lots of on-site bike parking, duly requiring frontage improvements, and also conditioning a wide sidewalk as a public bicycle/pedestrian path, a wide planter strip with more than usual street trees, and off-site extensions of bike lane and sidewalk to connect the frontage along and across OR 211 to existing City street and sidewalk.
H-1.4		Develop a comprehensive network of sidewalks and off-street pathways. Identify key connections to improve pedestrian mobility within neighborhoods and link residential areas to schools, parks, places of employment and commercial areas. Ensure all new collector and arterial streets are constructed with sidewalks. Specifically, to do so by conditioning lots of on-site bike parking, duly requiring frontage improvements, and also conditioning a wide sidewalk as a public bicycle/pedestrian path, a wide planter strip with more than usual street trees, and off-site extensions of bike lane and sidewalk to connect the frontage along and across OR 211 to existing City street and sidewalk. These are all to raise the attractiveness, ease, safety, and potential cyclists’ perception of safety of cycling.
H-1.5		Maintain adequate intersection and roadway capacity on the key east-west and norths south arterials, in this case U.S. 99E and OR 211, both by conditioning construction and/or fees for automotive improvements but also by implementing Street Corridor “C” as examined above for Policy G-1.3 and by requiring improvements that induce more walking, cycling, and bus ridership to and from the site development.
H-2.2		Maintain and enhance new east-west and north-south collector/minor arterial streets within the City to relieve traffic demands on OR 214 & 211 and U.S. 99E -- specifically by implementing Street Corridor “C” as examined above for Policy G-1.3.

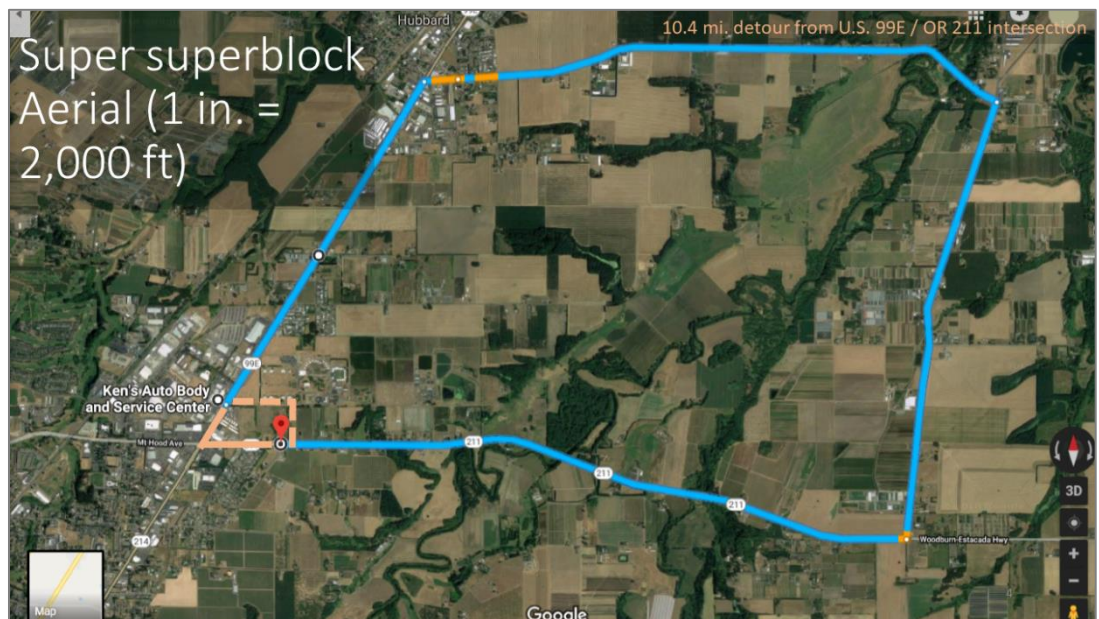
<i>Policy</i>	<i>Page No.</i>	<i>What Related Conditions Address</i>
H-2.3		Encourage multi-model transportation options, including park-and-ride facilities, carpooling, and use of transit services – specifically by conditioning lots of bike parking on site, allowance for the Community Development Director to require that he property manager have a car share service – this having a basis also in TSP Projects TDM 1, 2, & 3 – and construction and/or fees to improve walking, cycling, bus ridership, and vanpooling.
H-2.5		Provide inter-parcel circulation through crossover easements– specifically by conditioning accordingly.
H-3.1		Continue coordination with ODOT to improve safety on state facilities within the City and citywide access management strategies – specifically by conditioning to allow for fees in lieu of construction, more than one way to construct an improvement, and for ODOT and/or the City Engineer to make decisions for the developer about which way to construct an improvement and how.
H-3.2		Implement strategies to address pedestrian and bicycle safety issues, specifically for travel to and from local schools, commercial areas, and major activity centers – specifically by as examined above for Policies D-1.3, G-1.1, G-2.3, H-1.3, H-1.4, & H-2.3.
H-5.1		Implement, where appropriate, a range of potential Transportation Demand Management (TDM) strategies that can be used to improve the efficiency of the transportation system by shifting single-occupant vehicle trips to other models and reducing automobile reliance at times of peak traffic volumes – specifically as examined above for Policies D-1.3, D-1.5, G-1.1, H-1.1, H-1.2, H-1.3, H-1.4, & H-2.3.
M-1.2		The City shall increase its commitment to energy conservation, including alternative energy vehicles, increased recycling, and reduction in out-of-direction travel – specifically Policies and conditioning the development to have a number of electric vehicle (EV) parking stalls with charging stations.

Below are images providing further context for Street Corridor “C” in relation to Comprehensive Plan Policies G-1.3 and H-2.2:



TSP Figure 6

As examined under the Design Review Provisions section for 3.01, TSP Figure 6 calls for street connections among U.S. 99E and OR 211 at Cooley Road and June Way.



"Superblock" exhibit staff produced for Pre-App PRE 2019-01 that was February 13, 2019
(Note: Ignore the scale indication within the image.)

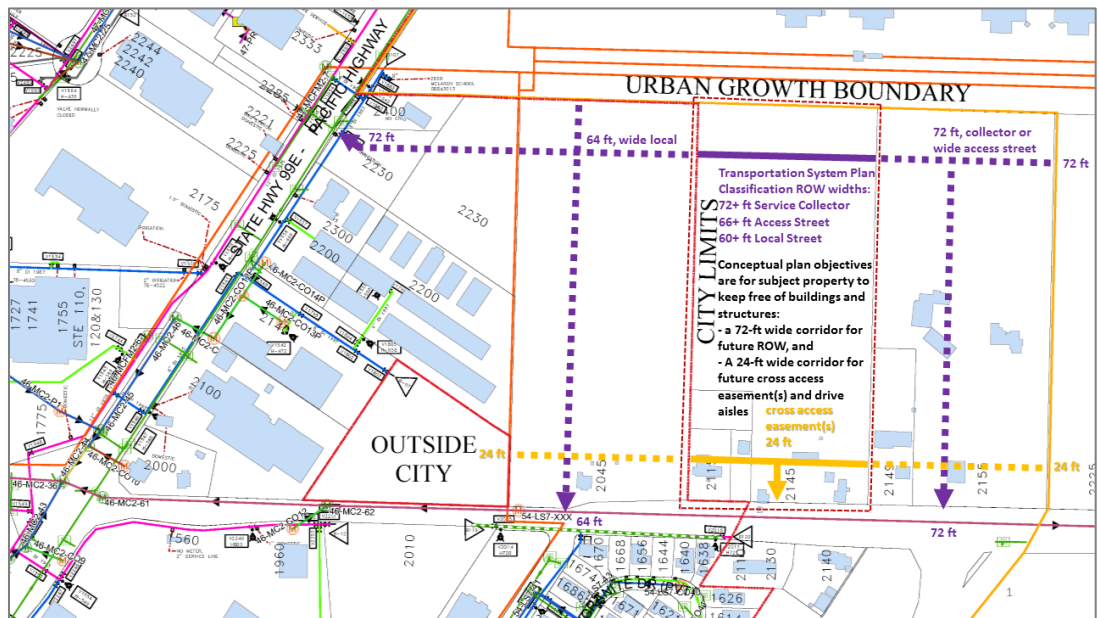
The superblock exhibit shows that looking beyond the UGB, the subject property is part of a gigantic superblock through which there are no streets or rural roads such

that the only alternative to passing along U.S. 99E and OR 211 through their intersection is a 10.4-mile detour.



Regional street network exhibit staff produced for Pre-App PRE 2019-01 that was February 13, 2019;
(Note: Ignore the scale indication within the image.)

The exhibit shows all lots in the northeast UGB must access either U.S. 99E or OR 211.



Northeast UGB street concept staff produced for Pre-App PRE 2019-01 that was February 13, 2019;
(Note: Ignore the scale indication within the image.)

In the exhibit, solid purple is the segment on the subject property of what staff later termed Street Corridor “C”, dashed purple indicates a sensible way to connect the three blue arrows that TSP Figure 6 shows, solid yellow line indicates provision on public cross access easements on the subject property (except that the thinner north-south yellow line most to the east actually is the UGB), and dashed yellow line indicates public cross access easements on more lots along OR 211. (Background colored lines represent subsurface utilities and bluish-gray polygons are building footprints.)

From the beginning, staff advised the applicant based on the above concept that staff drafted to bring greater detail to blue arrows of TSP Figure 6. The concept is of course a diagram and not at the detailed level of a site plan, civil engineering plan, or construction drawing.

- e. Regarding the suitability of proposed conditions of approval to ensure compatibility of the proposed use with other uses in the vicinity, staff addresses these under other provisions through which staff introduces given issues and their related conditions of approval.

Capacity of public facilities

The City Engineer through Attachment 102A did not identify any deficiencies of or threats to public infrastructure in regards to factor b. of the third CU criterion – subsection B.3b – and the proposal indicates that the applicant will have constructed required street improvements, details to be determined in concert with ODOT as well as the City Engineer.

Illumination

A lighting condition addresses the illumination factor c. of the third CU criterion – subsection B.3c(2) – for altered and additional exterior fixtures in order to prevent light encroachment into ROWs and adjacent residentially zoned property as well as light pollution – glaring into others’ eyesight. (WDO 3.05.02L and Ordinance No. 2338, Section 5A Light Trespass regulate aspects of exterior lighting, but fail to regulate fixture cut-offs or shielding as well as mounting heights.

✓ The conditional use criteria are met. Staff recommends approval with conditions of the request.

Variance Provisions

The variance application is for one request to raise the compact parking percentage maximum (3.05.03C)

The applicant submitted narrative text addressing the criteria.

Variance Criteria

5.03.12 Variance

A. Purpose: The purpose of this Type III Variance is to allow use of a property in a way that would otherwise be prohibited by this Ordinance. Uses not allowed in a particular zone are not subject to the variance process. Standards set by statute relating to siting of manufactured homes on individual lots; siding and roof of manufactured homes; and manufactured home and dwelling park improvements are non-variable.

B. Criteria: A variance may be granted to allow a deviation from development standard of this ordinance where the following criteria are met:

1. Strict adherence to the standards of this ordinance is not possible or imposes an excessive burden on the property owner, and
2. Variance to the standards will not unreasonably impact existing or potential uses or development on the subject property or adjacent properties.

C. Factors to Consider: A determination of whether the criteria are satisfied involves balancing competing and conflicting interests. The factors that are listed below are not criteria and are not intended to be an exclusive list and are used as a guide in determining whether the criteria are met.

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 this Ordinance. Factors to consider in determining whether hardship exists, include:
 - a. Physical circumstances over which the applicant has no control related to the piece of property involved that distinguish it from other land in the zone, including but not limited to, lot size, shape, and topography.
 - b. Whether reasonable use similar to other properties can be made of the property without the variance.
 - c. Whether the hardship was created by the person requesting the variance.
2. Development consistent with the request will not be materially injurious to adjacent properties. Factors to be considered in determining whether development consistent with the variance [is] materially injurious include, but are not limited to:
 - a. Physical impacts such development will have because of the variance, such as visual, noise, traffic and drainage, erosion and landslide hazards.
 - b. Incremental impacts occurring as a result of the proposed variance.

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.
4. Whether the variance is the minimum deviation necessary to make reasonable economic use of the property;
5. Whether the variance conflicts with the Woodburn Comprehensive Plan.

Variance Request: Compact Parking Percentage Maximum

3.05.03C

The applicant's sole variance request is to raise the maximum from 20%. Because the applicant's variance narrative (submitted September 2, 2020; p. 2) specifies 37.78%, but the applicant's cover letter of September 2, 2020 (p. 2, Item CCC) specifies 38.78%, staff goes by the 38.78% figure and rounds it to 39% for simplicity, to provide a little civil engineering tolerance for site plan refinement for the building permit stage, and to facilitate administering the variance. The narrative states:

“Due to density requirements and pedestrian path requirements, additional compact parking stalls were needed in order to meet parking and design standards for this project. ... The variance will not impact the existing or potential uses or development. ... Providing additional compact parking allows the development to provide more than [sic] adequate parking spaces.”

What the applicant means is that in order for the development to lessen driving, encourage walking and cycling, and provide residents and visitors – particularly the young and the elderly – a sense of safety from cars, staff persuaded the developer to propose an on-site bicycle/pedestrian path, the “pedestrian path” to which the applicant refers. Second, staff persuaded the developer to maximize site area available for landscaping, including tree preservation and additional trees, and common area improvements.

Staff emphasizes that compact parking has no effect on the parking ratio minimum, and adds that the proposed development exceeds the minimum with 10 excess stalls. Staff concurs also that the variance would not harm the development itself or adjacent properties.

▲ The variance criteria are met with a Variance condition or conditions.

Annexation Provisions

Because the proposal is for annexation, per 5.04 it requires a Type IV review with City Council decision. The applicant submitted application materials on June 7, 2019 and revised and additional materials through October 7, 2020 (excerpted within Attachment 103).

5.04.01 Annexation

- A. Purpose:** The purpose of this Type IV review is to provide a procedure to incorporate contiguous territory into the City in compliance with state requirements, Woodburn Comprehensive Plan, and Woodburn Development Ordinance.
- B. Mandatory Pre-Application Conference:** Prior to requesting annexation to the City, a Pre-Application Conference (Section 4.01.04) is required. ...
- C. Criteria:**
 - 1. Compliance with applicable Woodburn Comprehensive Plan goals and policies regarding annexation.
 - 2. Territory to be annexed shall be contiguous to the City and shall either:
 - a. Link to planned public facilities with adequate capacity to serve existing and future development of the property as indicated by the Woodburn Comprehensive Plan; or
 - b. Guarantee that public facilities have adequate capacity to serve existing and future development of the property.
 - 3. Annexations shall show a demonstrated community need for additional territory and development based on the following considerations:
 - a. Lands designated for residential and community uses should demonstrate substantial conformance to the following:
 - 1) The territory to be annexed should be contiguous to the City on two or more sides;
 - 2) The territory to be annexed should not increase the inventory of buildable land designated on the Comprehensive Plan as Low or Medium Density Residential within the City to more than a 5-year supply;
 - 3) The territory proposed for annexation should reflect the City's goals for directing growth by using public facility capacity that has been funded by the City's capital improvement program;
 - 4) The site is feasible for development and provides either:
 - a) Completion or extension of the arterial/collector street pattern as depicted on the Woodburn Transportation System Plan; or
 - b) Connects existing stub streets, or other discontinuous streets, with another public street.

- 5) Annexed fulfills a substantial unmet community need, that has been identified by the City Council after a public hearing. Examples of community needs include park space and conservation of significant natural or historic resources.
- b. Lands designated for commercial, industrial and other uses should demonstrate substantial conformance to the following criteria:
- 1) The proposed use of the territory to be annexed shall be for industrial or other uses providing employment opportunities;
 - 2) The proposed industrial or commercial use of the territory does not require the expansion of infrastructure, additional service capacity, or incentives that are in excess of the costs normally borne by the community for development;
 - 3) The proposed industrial or commercial use of the territory provides an economic opportunity for the City to diversify its economy.
- D. Procedures:
1. An annexation may be initiated by petition based on the written consent of:
 - a. The owners of more than half of the territory proposed for annexation and more than half of the resident electors within the territory proposed to be annexed; or
 - b. One hundred percent of the owners and fifty percent of the electors within the territory proposed to be annexed; or
 - c. A lesser number of property owners.
 2. If an annexation is initiated by property owners of less than half of property to be annexed, after holding a public hearing and if the City Council approves the proposed annexation, the City Council shall call for an election within the territory to be annexed. Otherwise no election on a proposed annexation is required.
- E. Zoning Designation for Annexed Property: All land annexed to the City shall be designated consistent with the Woodburn Comprehensive Plan, unless an application to re-designate the property is approved as part of the annexation process.
- F. The timing of public improvements is as follows:
1. Street dedication is required upon annexation.
 2. Dedication of public utility easements (PUE) is required upon annexation.
 3. Street improvements are required upon development.
 4. Connection to the sanitary sewer system is required upon development or septic failure.
 5. Connection to the public water system is required upon development or well failure.
 6. Connection to the public storm drain system is required upon development.

Regarding subsection B., staff hosted the pre-application conference (Pre-App PRE 2019-08) on May 1, 2019.

The applicant submitted a revised annexation narrative dated October 24, 2019 that includes a request that the City designate the annexed territory with the Commercial General (CG) zoning district.

Regarding the criteria of subsection C.:

4. The City Comprehensive Plan, Section G. Growth Management and Annexation contains annexation policies on pp. 30-31. The annexation criteria in the WDO already reflect the goals, including efficient City services.

First, the territory to be annexed is within the Woodburn Urban Growth Boundary (UGB). The premise of a UGB is to define an area feasible for the City to provide services to greenfield development over approximately 20 years as described in the Comprehensive Plan. So, in this way the annexation of territory within the UGB is consistent with the comp plan.

Second, the territory also is adjacent to infrastructure that development can make use of or extend into the territory to develop it:

- Roads and street: Molalla Road (Oregon Highway 211) borders to the property to the south, providing a means of access. The annexation legal description and its map Exhibit B include the right-of-way (ROW) adjacent to the site.
 - Transit: Along Parr Rd, the City and other agencies could run transit vehicles.
 - Potable water, sanitary sewer, and stormwater sewer: These are adjacent or nearby, and as the Public Works Department Directs at the permit stage, the developer will upgrade and extend them as necessary to provide laterals to the site development and for these upgraded and extended utilities to accommodate the demands of the development.
 - Other: Other franchise utility providers attend to such utilities as electric power, cable television and internet, natural gas, and cellular wireless telephony, often using existing or extended ROWs.
5. The territory is contiguous to the City. Per the comp plan and with implementation through the WDO, upon development of the territory the City would require improvements that guarantee that public facilities have adequate capacity to serve such development.

The Public Works Department identified no impediments to serve the development that would not be resolved at the permitting stage.

Additionally, the applicant's narrative (pp. 2-3) states:

"The developer is responsible for the cost of extension of improved water, sewer and storm drainage facilities necessary to serve the site. Internal development of public and private facilities necessary to serve the development will occur at the building permit review stage.

Applicable state or federal permits are required to be obtained for issuance of building or construction permits from the City.”

Staff concurs.

6. Examining the considerations under subsection b. because the Comprehensive Plan land use map designates the territory Commercial, and the territory is to be designated with the Commercial General (CG) zoning district consistent with both the applicant’s request and Comprehensive Plan Policy Table 1:

- a. The applicant’s narrative (p. 4) states:

“The territory being annexed is not for industrial uses. However, the site will be annexed into the City with a CG zone designation that will allow commercial development on the site. The subject property will provide a location for commercial and residential uses. The subject property is currently underutilized and by developing the site the proposal will improve the economic viability of the location. The site is currently unproductive. Redevelopment contributes to the economic base of the urban area. The site will offer economic diversification because it will provide for the expansion of new residential development.”

Staff concurs.

- b. The applicant’s narrative (p. 4) states:

“All necessary and appropriate public services and facilities essential for development will be provided to this property at levels that are adequate to serve the proposed use. The developer is responsible for the cost of extension of improved water, sewer and storm drainage facilities necessary to serve the site. Internal development of public and private facilities necessary to serve the development will occur at the building permit review stage.”

Staff concurs.

- c. The applicant’s narrative (p. 4) states:

“The subject property is currently underutilized and by developing the site the proposal will improve the economic viability of the location. Redevelopment contributes to the economic base of the City. The site will offer economic diversification because it will provide for the expansion of new residential development.”

Staff concurs.

(Note that although the consolidated application package includes a Design Review [DR] to develop an apartment complex that seems inconsistent with CG zoning, as examined farther below in the Conditional Use Provisions section, multiple-family dwellings are a conditional use in the CG zoning district, and a CU application is included within the package.)

Annexation of the subject territory demonstrates substantial conformance with the criteria.

Regarding D., the applicant obtained the requisite written consent and such that no election is needed.

Regarding E., the applicant confirms the proposal includes no request to amend the Comprehensive Plan land use designation or upon annexation to designate the territory with City a zoning district other than CG. (Pursuant to Comprehensive Plan Policy Table 1, CG, Downtown Development and Conservation (DDC), and Commercial Office (CO) are the only three zoning districts that implement the Commercial designation.)

Regarding F., the applicant need not address subsection 1. because the territory to be annexed includes adjacent ROW and because the public improvements including ROW and public utility easement (PUE) dedications that F. describes are addressed through Design Review (DR), i.e. the site plan review process, instead of annexation itself.

✓ The criteria are met.

Recommended Conditions of Approval

Staff recommends approval of the consolidated applications based on the findings in the staff report and attachments, which are incorporated by this reference, as well as applying the following conditions of approval:

General

G1. As part of building permit application, the applicant shall submit revised site plans meeting the conditions of approval and obtain Planning Division approval through sign-off on permit issuance.

G2. The applicant or successors and assigns shall develop the property in substantial conformance with the final plans submitted and approved with these applications, except as modified by these conditions of approval. Were the applicant to revise plans other than to meet conditions of approval or meet building code, even if Planning Division staff does not notice and signs off on building permit issuance, Division staff retains the right to obtain restoration of improvements as shown on an earlier land use review plan set in service of substantial conformance.

G3. References: The descriptions below define certain words, phrases, and assumptions in the context of the conditions of approval:

- “Access way” means an on-site walkway paved at least nine (9) feet wide to serve as a bicycle/pedestrian path, also known as a multi-use path, to and from sidewalk – or to and from an off-street public bicycle/pedestrian path – and that is ADA-compliant and not gated.
- “ADA” refers to the federal Americans with Disabilities Act of 1990.
- “apt” refers to apartment.
- “D1 & “D2” driveways refer to the two driveways from west (main) to east (secondary).
- “County” refers to Marion County.
- “Director” refers to the Community Development Director.
- “EV” refers to electric vehicle.
- “exc.” means excluding.
- “ft” refers to feet.
- “grove” refers to the cluster of four Significant Trees as WDO 1.02 defines in the southeast front yard.
- “max” means maximum.
- “min” means minimum.
- “Modal share” means the percentage of travelers using a particular type of transportation or number of trips using a type, as examples walking, cycling, riding transit, and driving.
- “Modal shift” means a change in modal share.

- “MUTCD” refers to *Manual on Uniform Traffic Control Devices* of the U.S. Department of Transportation (U.S. DOT) Federal Highway Administration (FHWA).
- “NE” means northeast.
- “NW” means northwest.
- “OAR” refers to Oregon Administrative Rules.
- “o.c.” refers to on-center spacing, such as of trees or shrubs.
- “ODOT” refers to the Oregon Department of Transportation.
- “OR 211” refers to Oregon Highway 211 / Molalla Road.
- “Parking court” means each of three peninsulas of on-site surface parking extending southeast and framed by a “U” of five buildings. Phase 1 has one and Phase 2 has two.
- “PLA” refers to property line adjustment.
- “PUE” refers to public utility easement.
- “PW” refers to Public Works (the department) or public works (civil infrastructure) depending on context.
- “Root barrier” refers to that illustrated by PW SS&Ds, [Drawing No. 1 “Street Tree Planting New Construction”](#).
- “ROW” refers to right-of-way.
- “SDCs” refers to system development charges, also known as impact fees.
- “SE” means southeast.
- “Speed table” means an access way or walkway crossing of a drive aisle that: is concrete; with a tabletop that is raised at least four (4) inches above drive aisle grade, at least 9 ft wide for an access way or 6 ft wide for a walkway, flat, and scored, stamped, or otherwise treated (such as with bricks or pavers) to have a pattern; and, with the vehicular ramps striped in compliance with *MUTCD* Figure 3B-30, Option A, and with minimum and maximum slope ratios of 1:25 and 1:10 respectively.
- “sq ft” refers to square feet.
- “SS&Ds” refers to PW [standard specifications and drawings](#).
- “Street Corridor ‘C’” refers to a conceptual alignment of a street that implements TSP Figure 6 Local Street Connectivity Plan (2019), which through three blue arrows indicates street extensions into the northeastern area of the UGB east of U.S. 99E and north of OR 211, one each from U.S. 99E, June Way, and Cooley Road. The conceptual alignment as a street with 72 ft of ROW extends Cooley Road – hence the letter “C” – northwesterly towards the subject property, west across the north end of the subject property, and continuing west to U.S. 99E. The corridor refers to both the alignment and a public easement that reserves the segment of the corridor on the subject property (“reservation”) while allowing construction of private surface improvements other than buildings – and other than structures like carports and trash enclosures – and their use for an indefinite time.
- “Street trees” refer to trees that conform to the WDO, including 3.06.03A and Tables 3.06B & C.
- “SW” means southwest.

- “TPU” means the [Transit Plan Update](#) Approved Final Report dated November 8, 2010.
- “TDM” refers to transportation demand management, which means according to the TSP (p. 82), “a policy tool as well as a general term used to describe any action that removes single occupant vehicle trips from the roadway during peak travel demand periods”, and according to Wikipedia as of October 13, 2020, “the application of strategies and policies to reduce travel demand, or to redistribute this demand in space or in time.”
- “TSP” means the [Woodburn Transportation System Plan \(TSP\)](#).
- “UGB” means urban growth boundary.
- “Walkway” refers to what would otherwise be called sidewalk except the paved walking surface is on private property outside of any of ROW or an easement granting public access.
- “WDO” refers to the [Woodburn Development Ordinance](#).
- “WTS” refers to the Woodburn Transit System.
- “VCA” refers to vision clearance area as WDO 1.02 and 3.03.06 establish or as a specific condition establishes.

G4. Due dates / public improvements:

- a. By application: Unless a condition specifies otherwise, conditions including those relating to any of final subdivision, final partition, property line adjustment or lot consolidation recordation are due by building permit application. Prior to both any recordation of any final subdivision, final partition, or property line adjustment and building permit application, the applicant shall submit and obtain approval of an [Address Assignment Request](#).
- b. By issuance: Unless a condition specifies otherwise, ROW and easement dedications and recordation(s), construction of frontage/street improvements, and construction of off-site, park, and other public improvements are due by building permit issuance. Where phasing is relevant, building permit issuance means issuance for the phase in which the conditioned improvement is located.

G5. Recordation due dates: The applicant shall apply to the County for recordations of items that the City requires no later than six (6) months prior to expiration of the land use approval as WDO 4.02.04B establishes, and shall complete recordations no later than three years past the land use “final decision” date. The due date to complete recordations shall not supersede when recordations are due relative to the building permit stage.

G-PW. Public Works: Follow the appended Public Works comments (October 13, 2020; Attachment 102A). If conflict arises between implementation of public works conditions and referenced standards in that document with implementation of the remaining conditions in this document, the Assistant City Administrator would arbitrate or mediate based on guidance from legal counsel, the Director, the Public Works Engineering Director, and the City Engineer.

CU1. Frontage/street improvements: These shall be:

- a. Planter strip: 8 ft wide min, exc. curb dimension.
- b. Street trees: 1 per 30 ft of frontage, equaling 10 trees per frontage. For up to no more than one of the min trees required along the frontage, the developer may pay a fee in-lieu of \$125 per tree. This fee provision is intended to substitute for the applicant invoking WDO 3.06.03A.3 (Director modification/relocation).
- c. Sidewalk: 8 ft wide min, which may overlap the PUE with granting of public access via either the PUE or separate easement, and with the gap between its east dead-end and the OR 211 shoulder connected diagonally with pavement.

CU2. Tree preservation:

- a. ROW: Street improvements, including both frontage and off-site improvements, shall preserve any existing alive trees, including through meandering sidewalk.
- b. On-site: Development shall preserve the grove.

CU3. Access way & walkways:

- a. Access way: It shall be:
 - (1) Extent: Extend as proposed (via land use review Sheets SDR1, 4, & 5) most of the subject property depth at least as far north as the south side of the northernmost east-west drive aisle and follow a route among the common building, grove, and 12 min of the apt buildings.
 - (2) Decorative paved areas: At least 1,500 sq ft of access way shall be either paved with any of decorative bricks or pavers or paved with concrete that is scored, stamped, or otherwise treated to have a pattern. (The intent is for the developer to apply this to the proposed three circular bulges along the access way and excludes the square footage of unpaved holes in the doughnut shapes of these areas.)
 - (3) Speed table: Each crossing of a drive aisle shall be a speed table as a General (G) definitions condition specifies.
 - (4) Trees: At each of the landings on the south side, a landscaped island 8 ft wide min between insides of curbing and extending 14½ ft min, exc. curb dimension. Each island shall have a tree. Along the length of the access way within 6 ft of the west edge, 19 trees min.
 - (5) VCA: Each crossing shall have two small VCAs, one each at the north landing, east side and the south landing, west side. The VCA triangles shall measure from 6 by 6 ft from the intersecting edges of access way and drive aisle, and no parking stall shall overlap VCA.
- b. Walkways: 6 ft wide min, excepting the walkway north of the pool, the walkway southeast of the trash enclosure, and walkways from any of emergency exit / employee-only mandooors or a maintenance shed. Exceptions shall be 4 ft wide min. Walkway crossings of drive aisles shall be zebra-striped. The developer shall install at least 2

crossings not only as striping but also as extensions of poured concrete: the west crossing of each of the middle and south east-west drive aisles.

CU4. Common area improvements: They shall include:

- a. Benches: 12 min, each 6 ft wide min, and 75.0% min with backs. A concrete or masonry seat wall may substitute for a backless bench for each segment that is 6 ft wide min, 1½ ft high and deep min, and includes a cap of smoother concrete. Place 8 min benches along the access way preferably near the major deflections, 2 min in or near the grove, and 1 min at the common building. Benches shall be set back 1½ ft min from edge of access way or walkway.
- b. Picnic benches: 2 min, each square. 1 min ADA-compliant (with one of the four sides omitting a bench seat) on a paved pad. Place 1 min in the shelter.
- c. BBQ: As proposed, a barbeque (BBQ) grill.
- d. Patio: As proposed, a patio adjacent to the common building.
- e. Shelter: At least one gazebo, pavilion, or shelter with narrowest dimension of 12 ft, 288 sq ft min, ceiling height 10 ft min, and placed near the grove.
- f. Path: A bark dust or wood chip path 3 ft wide min shall connect the access way from near the common building through the grove to the walkway along the east north-south drive aisle.

Administrative minor adjustment by the Director to common area improvements is permissible.

CU5. Trash enclosure: Shall include a separate pedestrian entrance 3 ft, 4 inches wide min. If gated, the gate shall be a push gate that either swings into the enclosure or in both directions.

CU6. Balconies and patios: WDO 3.07.05B.1 (area/size and narrowest dimension) shall apply as min standards, except that for whatever balconies and patios among those proposed exceed these dimensions, their larger areas/sizes and wider narrowest dimensions shall be the min standards for those:

- a. Patios: 8 ft min narrowest dimension and 96 sq ft min.
- b. Balconies: 8 ft min narrowest dimension and 80 sq ft min.

Parking

CU7. Maximizing available parking for residents:

- a. Mail carrier stall: The proposed stall designated for mail carrier parking shall be available for resident parking on official postal holidays, Sundays, and remaining days outside the hours of 8 a.m. to 6 p.m. A sign 1½ by 1 ft min shall note the range of hours when a space is limited to mail carrier parking and specify that it is available for resident parking outside the specified hours.
- b. Visitor parking: If the developer or property management company were to designate and mark a number of parking spaces as leasing office visitor parking, then the spaces

shall be available for resident parking before and after office hours. A sign 1½ by 1 ft min shall note the range of hours when a space is limited to visitor parking, for example 10 a.m. to 6 p.m., and specify that it is available for resident parking outside the specified hours.

Landscaping

CU8. Bark dust: 5.0% max of landscaped area may be bark dust.

CU9. Evergreen: 4 min of trees new to the site. The 4 shall be 1 min of the following coniferous or evergreen species:

Cedar, Western Red	Madrone, Pacific
Douglas-Fir	Oak, Oregon White
Fir, Grand	Pine, Ponderosa; and
Hemlock, Western	Yew, Pacific

CU10. Front yard trees: The front yard shall have a loose row of trees that complements the row of street trees. 9 min, placed at an approximate average o.c. spacing of 1 per 30 ft of frontage, and with trees new to the site placed at least 4 ft from edge of sidewalk and 20 ft max from ROW.

CU11. Overhang / wheel stops:

- a. Overhang: In parking aisles along the rear and sides of the subject property, standard size stalls shall overhang curbing and landscaping by 1 ft min, as WDO Figure 3.05C allows up to 2 ft max.
- b. Wheel stops: Wheel stops anywhere within the site development shall be 4 inches high max.

CU12. Parking area trees:

- a. Each parking aisle shall have between the ends of the aisle at least one landscaped island that is 6½ ft wide min between insides of curbing and extends 14½ ft min, exc. curbing, into aisles with perpendicular or angled stalls and at least 7½ ft, exc. curbing, into aisles with parallel parking. A drive aisle with parking on both sides has two parking aisles, and the access way crossing landscaped islands conditioned elsewhere do not count towards this condition.
- b. Each island shall have a tree.

CU13. Screening: Evergreen hedge or shrubbery shall be screen at-grade electrical and mechanical equipment along their sides, excepting the side intended for technician access.

CU14. Bicycle parking:

- a. Amount and distribution on site: The developer shall provide bicycle parking as follows:
- (1) Outdoor closets (220): 1 stall min per dwelling in each dwelling in the outdoor closet of the balcony or patio in which the developer shall install a wall-mounted folding or retractable hook designed for the hanging of a bicycle;
 - (2) Outdoors (242): 242 stalls min outdoors, outside of patio and balcony closets. 2 stalls min within 10 to 15 ft of ROW (as guest parking), and 62 min along the access way;
 - (3) Stairwells (37 to 74): The developer may meet some of the outdoors min by placing 1 stall min at the base of each building stairwell, with each of these locations having a bicycle parking sign 1½ by 1 ft min;
 - (4) Guest: Of the stalls outdoors 2 stalls min within 10 to 15 ft of ROW and along or near the access way;
 - (5) Front: 2 stalls min outside each apt building spaced to conform to the 50-foot distance provision of WDO 3.05.03E as applied through a Design Review (D) condition – and in addition to and more specifically than that condition, also near the front of each building. The diagram below illustrates what “near the front” means:

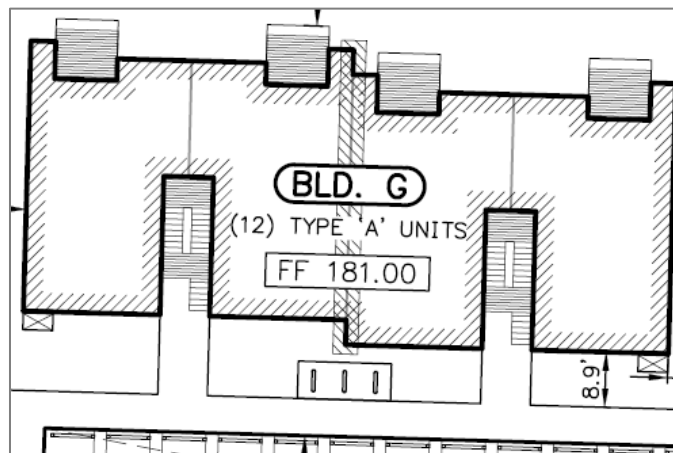


Exhibit Example Building Context

The diagram below represents the exhibit example building context.:

n/a	n/a			n/a
n/a	Corner	Back	Corner	n/a
	Left side	Building	Right side	
	Corner	Front	Corner	
Meets*	Meets “Front” condition			Meets*

Exhibit Example Building Context

*Stalls partially in a left or right “Meets” area would count as if they were fully in such area.

- (6) In no case shall the total number of bicycle parking stalls equal fewer than 1.1 per dwelling, which equals 242 stalls, and in no case shall the min coverage/sheltering from precipitation of bicycle parking be for fewer than 120 stalls exc. outdoor closet and stairwell stalls.
- b. Bicycle standards: Stalls shall conform to City of Portland Title 33, Chapter 33.266.220C (amended 2/01/2017, of which staff has a copy), except that the applicant may ignore subsections C6, C7, & C5c, and that C4b does not apply to the outdoor storage closets for which the min stall depth from wall instead shall be 4 ft min. Vertical clearance instead shall be 8 ft min or, where a stall is under stairs, 6 ft min.
- c. Cover/shelter: 50.0% min of bicycle parking outdoors shall be covered or sheltered from the elements. Bicycle parking within patio and balcony closets and building stairwells do not count towards this requirement.

CU15.

- a. Lighting: If proposed, exterior light fixtures shall be full cut-off or fully shielded and limited in height as follows:
 - (a) Full cut-off: Exterior lighting fixtures shall be full cut-off or fully shielded models.
 - (b) Heights: As measured to the underside of a fixture:
 - a. Wall: Exterior wall-mounted fixtures shall be 8 ft max above walkway finished grade. (This height limit is not applicable to emergency egress lighting and permanent wall signs allowed through WDO 3.10 were they to have interior illumination.)
 - b. Parking pole: Exterior pole-mounted fixtures within 4 ft of or in parking, loading, and vehicular circulation areas shall be 14½ ft high max above vehicular finished grade.
 - c. Other pole: Remaining exterior pole-mounted fixtures, if any, shall be 10 ft high max above grade.
 - (c) Front yard: The common building south elevation is limited to one exterior wall-mounted fixture, and the first 20 ft of front yard are limited to one pole-mount.
 - (d) Any on-site permanent signage shall also be subject to (a).

CU16. Window area: The common building west elevation, which is the building front, shall have 30.0% min window area and the south elevation, which faces OR 211, 21.5% min, both through transparent glass.

CU17. Parking management: This shall be as follows:

- a. Survey: The applicant or any successor and assigns such as a property manager shall collect data about off-street parking usage or allocation and provide it to the City to the attention of the Director.
 - (1) Reporting period: Collect data by each half of a year – January through June and July through December. Submit each biannual report by the last City business day

in the last month of the next quarter of a year and that is not a federal holiday. (For example, a report for January through June 2022 would be due by September 30, 2022.)

- (2) First report: The first report shall cover whatever irregular length of time would pass between phase occupancy and the end of the next half of a year ending June or December.
- (3) Attributes: Collect and report on:
 - (a) Geography: Report numbers divided between Phases 1 & 2 (as defined in Condition G3).
 - (b) The number of off-street spaces/stalls that are available and how many, if any, are closed due to occasional events such as parking area resurfacing, temporary outdoor events, outdoor storage, or the stationing of large trucks or truck trailers.
 - (c) Track stalls and usage by type: regular standard size, regular compact, accessible/ADA/handicap, EV, and any other type (such as those designated for visitors, leasing office employees, staff golf cart, or mail carrier).
 - (d) Collection: The property manager shall do field counts as per condition subpart (4 “field count”) below and also provide a separate set of assumed counts based on lease agreements, i.e. what tenant households are allocated a stall or stalls and for what periods, assumed that stalls are occupied as lease agreements describe.
 - (e) Usage: Report how many stalls are used and allocated. For vacant apartments in the context of assumed counts, record stalls associated with vacant apartments as unallocated.
 - (f) If and when a parking area resurfacing project were to happen, provide written notice to the Director of approximate start date and duration, location, and number of stalls involved.
 - (g) Format: Use tables to report by phase absolute numbers and percentages of stall type occupancies. Include phase and sitewide totals.
- (4) Field count: The property manager shall do at least two field counts per reporting period, meaning to travel the project and count in real time occupied and vacant stall types such as by marking a project site plan. Each count shall be on Tuesday, Wednesday, or Thursday that is neither a federal holiday nor within a week (7 days) of a federal holiday. One count shall be daytime starting no earlier than 9:30 a.m. and concluding no later than 4:30 p.m., and one count shall be nighttime starting no earlier than 10:00 p.m. and concluding no later than 12:30 a.m. Report when on a given date the counts were done and how long it took, for example, from 11:30 a.m. to noon.
- (5) Bicycle parking: For outdoor bicycle parking stalls, including those within stairwells but excluding outdoor closets, the property manager shall also do field counts the

same way as per condition subpart (4) above and as part of the larger report confirm the total number of existing outdoor bicycle stalls.

- (6) Parking demand management: The reporting that a parking demand management condition requires, if it exists, may be incorporated with the parking usage data collection report.
- (7) Context: In each report, cite the project name, phases, street addresses, master/parent case file number ANX 2019-01 and child case file number CU 2019-04, and the condition identification(s), state what period the report covers, state the number of vacant apartments and when and how the number was determined given fluctuation over six months, and provide an employee name and direct contact information for questions City staff might have.
- (8) Intent: It is not the express intent of this condition to police property management or punish tenants or management for perceived misuse of parking, but instead without judgment to collect data on how parking is actually used in a conventional large apartment complex.
- (9) Change of ownership: If and when property ownership were to change, the property manager shall pass along record of the conditions of approval to the contract purchaser and successive property manager.
- (10) Expiration: This parking usage/allocation data collection condition becomes optional as of July 1, 2031. If reporting were to cease, the last report – for the January to June 2031 period – would be due September 30, 2031.

CU18. Buildings: It shall be:

- a. Windows:
 - (1) Proportion: All windows shall be square or vertically proportioned, except that horizontally proportioned windows are allowed if they have grilles or muntins dividing lights or panes so as to be vertically proportioned.
 - (2) Per room: Within apts, every habitable room abutting a building exterior wall shall have min one window.
 - (3) Insect screens: All operable windows shall have insect screens.
- b. Scuppers: Any building rainwater scuppers shall not to dump onto the pavement of an access way or walkway.

CU19. EV: Electric vehicle parking shall be as follows:

- a. Number: Influenced by OAR 918-020-0380 “Electric Vehicle Ready Parking” and as proposed, a minimum of either 9 stalls or 2.0% of minimum required parking— whichever is greater – shall be a designated EV stall or stalls and with a Level 2 or higher charging station or stations, which the landowner may limit to tenant use.
- b. Placements: In 3 groups min, and with group distribution of 2 groups min in the south east-west drive aisle and a group min in the middle east-west drive aisle.

- c. Striping: Stripe each stall in lettering 1 ft high min "ELECTRIC VEHICLE CHARGING" or similar and stencil of an EV image or logo.
- d. Signage: Post at each stall a wall-mounted or pole-mounted sign for "Electric Vehicle Charging Only" or similar and include an EV image or logo. Each sign 1½ by 1 ft min with top of a posted sign between 5½ and 6½ ft high max above vehicular grade.
- e. Management/operations: The property manager:
 - (1) Shall keep EV stalls available for EVs and plug-in hybrid vehicles and keep conventional gasoline vehicles from parking in them. Priority users shall be tenants and property management company employees; guests/visitors would be secondary.
 - (2) May charge EV stall users for the costs of charging an EV through a charging station, but shall not (a) charge tenants for either simply parking an EV or plug-in hybrid vehicle in an EV stall or for leaving such a vehicle parked without actively charging, and (b) shall charge to recoup costs to the property manager and not generate profit for the property manager. (This does not preclude the property manager contracting with a for-profit company to manage EV charging stations).
 - (3) Shall not charge any fee that discriminates among particular EV parking stalls based on the perception of some stalls being more convenient or otherwise desirable than others.

Design Review 2019-06

D1. ROW: To meet WDO Figure 3.01B, as part of recordations and regarding OR 211, the applicant shall dedicate (a) variable width ROW resulting in half-street ROW that is uniform 50 ft wide min measured from road centerline, and (b) along the ROW a PUE 10 ft min.

D2. Street corridor: To meet WDO 3.01, as proposed as part of recordations and regarding Street Corridor "C", the developer shall dedicate a PUE of 82 ft min width across the north end of the subject property, and shall revise the draft easement text to contain:

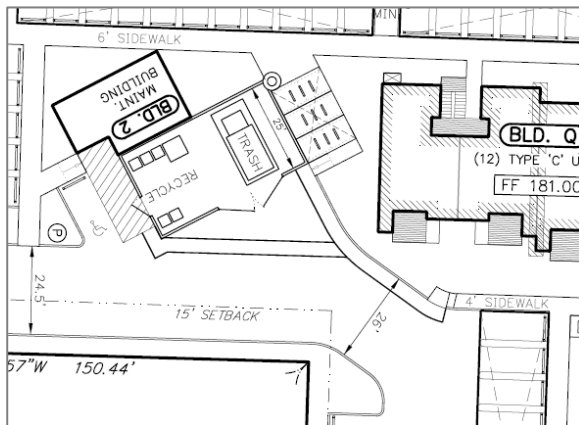
- a. In the body or an Exhibit C, a description that the easement serves to implement Woodburn Comprehensive Plan Policy H-2.2 and Transportation System Plan (TSP) Figure 6 (2019) by reserving on the subject property a segment of Street Corridor "C" for a future street that would connect Cooley Road and either or both June Way and U.S. 99E and that would be ROW of 72 ft width with remainder 5-ft PUEs along the south side or both sides; and
- b. One instance min of the phrase "street reservation and public utility easement" in any of the title, body, map Exhibit B, or an Exhibit C.

D3. Driveways:

- c. Number: To meet WDO 3.04.03B.1 regarding access management, the number of driveways shall be limited as follows:
- (1) D1, 32 ft wide max; and
 - (2) D2 and its throat being one-way exit-only, 12 ft wide max, and with a do-not-enter sign that complies with *MUTCD* Figure 2B-11, sign R5-1 placed at a location within the ROW or PUE as ODOT directs.



- d. Approach / apron / curb cut: Driveways shall conform to PW SS&Ds, Section [4150](#), unless overridden by ODOT choosing to apply its standards.
- e. Traffic control: To meet WDO 3.05.02J: As proposed, a striped walkway near and to the trash enclosure shall delineate the edge of the min drive aisle width, the delineated width being 24 min and 26 max, to discourage over-swing by turning drivers.



D4. Cross access: To meet WDO 3.04.03B, the developer shall:

- a. Extend a drive aisle stub to the property line along each of the following properties:

<i>Tax Lot</i>	<i>Address</i>	<i>Description</i>
051W09B000700	2155 Molalla Rd NE	Ashland Brothers Landscapes, Inc.
051W09B000800	2149 Molalla Rd NE	Lin rural residence
051W09B001000	none	Carson-Jeske rural residence extra rear yard
051W08A005200	2045 Molalla Rd NE	Undeveloped church property

- b. At the interface of a property line and a drive aisle stub, fixed obstructions including curbing is prohibited. (The developer may instead place signed barricades atop the pavement.)
- c. To meet WDO 3.04.03B.1 & 3, establish a public access easement and private maintenance agreement to the satisfaction of the Director and revocable only with the

concurrence of the Director.

- d. The public access easement shall grant public access to and from Highway 211 via at least the western driveway if not both driveways.
- e. The easement width shall be minimum twenty (20) feet, centered on driveway and drive aisle centerlines, and span between the driveway(s) and each of the drive aisle stubs.

D5. Parking striping: The developer shall:

- a. Signage/striping: To meet WDO 3.05.02J, designate compact stalls "COMPACT" in lettering one 1 ft high min.
- b. Double striping: To meet WDO 3.05.02K, delineate parking stalls with double parallel lines pursuant to WDO Figure 3.05C.

D6. Bicycle parking near main entrance: To meet WDO 3.05.03E, prior to building permit final inspection the applicant shall provide bicycle parking within fifty (50) ft of a main entrance. In the context of a new construction apartment complex with conventional three-story buildings with open stairwells, each apartment building has two main entrances as follows:

- a. In all apartment buildings except Building U there are four points where a building main wall plane intersects the walkway serving building ground floor entrances and the stairwell to upper floor entrances;
- b. A Building U there are two such points;
- c. Each building has either (a) two walkways with two points each totaling the four or (b) one walkway with two points total; and so
- d. The condition shall apply to three points min for all except Building U, one point min for Building U, and apply to one point minimum per walkway.

D7. Patios: Visual separation shall conform to WDO 3.07.05B.1a as follows:

- a. Pavement: As proposed, patios shall be paved with brick, concrete pavers, or poured concrete.
- b. Railings/fencing & gate: The outermost edges of patio concrete slabs that do not abut building walls shall have either metal or wood railings or cedar wood fencing at least 3 ft high. If the latter, then opacity shall be full, but if fencing is higher than the minimum height, it shall be no more than 90% opaque, such as by being fully opaque from grade but from the top having a lattice pattern. The railings or fencing shall have a gated opening at least 2 ft and 4 inches wide.
- c. Height maximum: the railings or fencing maximum height shall be either 5 ft or, where a patio faces the access way, 3½ ft.
- d. Shrubbery: Evergreen shrubbery shall line fully the outermost edges of patio concrete slabs, except along the gated opening.

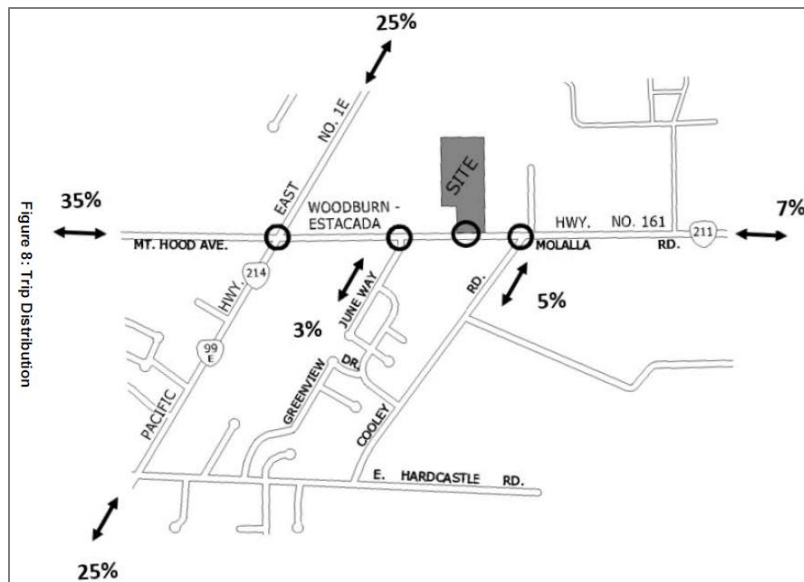


Exhibit T Vicinity map

T-A1. U.S. 99E & OR 211/214:

- a. Signal timing: The developer shall pay a mitigation fee or fee in-lieu of \$10,000 to fund a transportation study, specifically a study of signal timing, appropriate mitigation of the operational (mobility) deficiency and elevated crash rate, and related details in coordination with ODOT. [TIA & TSP R14]
- b. Mitigation for Operational and safety deficiencies: this proposal exacerbates existing and projected mobility/volume-to-capacity deficiencies as well as an existing elevated crash rate. The applicant shall contribute a proportionate share contribution toward a mitigation project to alleviate these deficiencies. There are two options for this mitigation, one from the TSP, the other from ODOT agency commentary (April 6, 2020) on the TIA:
 - (1) Add a southbound left-turn lane on Highway 99E and a short-length receiving lane on Molalla Road; or
 - (2) Reconfigure the westbound approach at the intersection to provide a dedicated right-turn lane or pocket that leads to Highway 99E northbound through one of the following.
- c. As this intersection is under ODOT jurisdiction, the agency would need to approve of the appropriate mitigation project in concert with the City Engineer. The forum for this decision would be the signal study noted in Condition T-A1(a). The approved mitigation project shall determine civil engineering details such as channelization, signal modification(s), length, width, placement relative to centerline, markings, ADA-compliant sidewalk/pedestrian crossing improvements and street tree preservation.
- d. To determine the applicable mitigation fee or fee in-lieu for a proportionate fair share of the mitigation project, the trip contribution method described above yields an estimated 10.1% contribution of this project to the mitigation project's total cost. The signal study

could address the need to determine the estimate cost of the mitigation project, or the applicant has the option to provide their own estimate based on a study drafted by a licensed civil engineer, advised upon by ODOT, and agreed to by the City Engineer prior to building permit application.

- e. The developer shall forward a cost estimate with cover letter and contextual documents to the City Engineer and courtesy copy the Director no later than either (i) 5 City business days following the date the City Council authorizes the Mayor or Council President to the sign the land use “final decision” document, or (ii) the effective date of the ANX 2019-01 annexation ordinance. The City Engineer shall choose (i) or (ii) for the developer and identify such in writing to the developer and courtesy copy the Director.

T-BP1. Sidewalk connection / off-site extension: To further TDM through walking, in addition to the required half-street sidewalk, the developer shall do one of the following:

- a. Extend sidewalk at 6 ft width min west to the east leg of the T-intersection of OR 211 & June Way, approximately 425 ft distance, and at a point aligned with the east leg, the sidewalk shall turn south and meet the roadway;
- b. Install a mid-block crossing from the frontage sidewalk, or from a short west extension of said sidewalk, south to existing sidewalk along the south side of OR 211, and with the crossing conforming to PW SS&Ds unless overridden by ODOT choosing to apply its standards; or
- c. A combination of a. and b. whereby the length of the sidewalk per a. would shorten in relation to how far east of June Way the developer would install a mid-block crossing.
- d. If the developer were to opt for b., and were either ODOT or City written or drawn public works standards not to exist yet be necessary to establish to administer b., then the developer and City shall default to these improvement elements:
 - (1) At both ends of the crossing, an ADA-compliant transition between sidewalk and roadway;
 - (2) White striping in the form of either two parallel bars or as zebra stripes;
 - (3) The type, number, and placements of signage compliant with the MUTCD for a mid-block crosswalk; and
 - (4) That either ODOT or the City Engineer may require either or both (i) installation of a street light or lights in addition to those required as part of frontage improvements, and/or (ii) that the crossing be actuated or semi-actuated. [TSP Fig. 5]

T-BP2. Crosswalk installation: To further TDM through walking, the developer shall upgrade the east leg of the T-intersection of OR 211 & June Way into a marked crosswalk and one that conforms to PW SS&Ds, unless overridden by ODOT choosing to apply its standards.

- a. Either ODOT or the City Engineer may require either or both (1) installation of a street light at or near the north end of the crossing, and/or (2) that the crossing be actuated or semi-actuated.

- b. Were either ODOT or City written or drawn public works standards not to exist yet be necessary to establish to administer this condition, then the developer and City shall default to these improvement elements:
 - (1) At the north end, an ADA-compliant transition between sidewalk and roadway;
 - (2) White striping in the form of either two parallel bars or as zebra stripes; and
 - (3) The type, number, and placements of signage compliant with the *MUTCD* for a crosswalk along the leg of an intersection.
- c. There shall result a physical change to existing pavement and/or striping serving as an obvious indication for most pedestrians, cyclists, and drivers.
- d. Regarding a Condition T-BP1 for sidewalk connection / off-site extension, were the developer to opt for its part b. or c., then this Condition T-BP2 would not apply. [TSP Fig. 5]

T-BP3. Bicycle lane off-site extension: To further TDM through cycling, the developer shall do one of the following:

- a. Widen the off-site sidewalk, which a separate condition requires, into a bicycle/pedestrian path 8 ft wide min;
- b. Extend the bicycle lane at 6 ft wide min (per WDO Figure 3.01B) west to the east leg of the T-intersection of Highway 211 & June Way and to the north end of that crosswalk, approximately 425 ft distance. The developer shall add roadway pavement to accommodate both a bicycle lane and either (1) whatever ODOT establishes as road shoulder min width or (2) a buffered bicycle lane such that the lane is min 2 ft away from the edge of travel lane, and towards the west where both the shoulder and ROW narrow, then the developer may taper the buffer to a close; or
- c. Pay a fee in-lieu of \$113,000.
[TSP B16]

T-BP4. Wayfinding: To further TDM, the developer shall do one of the following:

- a. Install 2 min devices, such as signage, that provide wayfinding to bicycle routes, multi-use paths, parks, schools, and other essential destinations. If the developer were to opt for signage and assuming pole signage, sign face min dimensions shall be 2 ft by 1 ft and the placements shall be one at or near the junction of the access way and sidewalk and one at the T-intersection of OR 211 & June Way. (Note: The developer may mimic the typical wayfinding signage the City approved for the Mill Creek Greenway as Smith Creek Development [ANX 2017-05] adapted from the City of Tualatin, Oregon greenway trail system signage which it in turn had adapted from the Regional Trails Signage Guidelines of The Intertwine Alliance, a trails coalition in the Portland metro area.)
- b. Pay a fee in-lieu of \$3,000. [TSP B40 “wayfinding”/P62]

T-T1. Bus transit and vanpool fee: To further TDM through bus transit and vanpooling, the developer shall pay a mitigation fee that is a rate per dwelling of \$368.41. [This condition

relates to TSP projects T1, 2, 4, & 16, TDM1, TSP Fig. F5, and TPU projects 1, 2, 3, 11, 12, 13, 15, & 20.]

T-T2. Bus stop bicycle parking: To further TDM through bus transit, the developer shall at each of the following WTS bus stops provide for bicycle parking to the specs specified by the Assistant City Administrator or designee by either (1) installing a bicycle rack in a 6 by 4 ft min concrete pad or (2) paying a fee in-lieu of \$510.20:

- a. U.S. 99E northbound (Express Stop 2) adjacent to Tax Lot 051W08DB02600 (1400 N. Pacific Hwy; Jehovah's Witnesses);
- b. OR 214 westbound (Stop 17) adjacent to Tax Lot 051W08A005400 (1561 Mt. Hood Ave; Pacific Plaza strip mall); and
- c. OR 214 eastbound (Stop 13) adjacent to Tax Lot 051W08DB01300 (1540 Mt. Hood Ave; Bi-Mart, Mega Foods). [TSP T18]

T-T3. Bus stop shelters: To further TDM through bus transit, regarding the WTS U.S. 99E northbound stop that is adjacent to Tax Lot 051W08DB02600 (1400 N. Pacific Hwy) the developer shall provide for a bus shelter to the specs specified by the Assistant City Administrator or designee by either (a) installing a shelter or (b) paying a fee in-lieu of \$12,000. [TPU 9]

T-TDM1. Car share: Until July 1, 2025, the Director may invoke as a requirement that the property management team shall contract with a car share company or service, designate and mark a minimum number of parking spaces – which shall be at least one – for one or more shared vehicles for tenant use, and follow program details that the Director establishes as necessary to implement the requirement.

Variance 2020-05

V1. Compact parking (WDO 3.05.03C):

- a. Percentage: The compact parking max as a percentage of the required parking ratio min shall be 39%; instead of 20% typical) and 100% of any amount in excess of the min required. At least 20% of the min amount of stalls shall be compact.
- b. Striping: The applicant shall stripe each stall with the word "COMPACT" in lettering one 1 ft high min.

Applicant Identity

<i>Applicant</i>	Jeff Bolton, Senior Project Manager, Multi/Tech Engineering
<i>Applicant's Representative</i>	n/a
<i>Landowner(s)</i>	Ivanov Investment Group LLC (Note: The developer is I & E Construction.)

Notes to the Applicant

The following are not planning / land use / zoning conditions of approval, but are notes for the applicant to be aware of and follow:

1. Records: Staff recommends that the applicant retain a copy of the subject approval.
2. Fences, fencing, & free-standing walls: The approval excludes any fences, fencing, & free-standing walls, which are subject to WDO 2.06 and the permit process of 5.01.03.
3. Signage: The approval excludes any private signage, which is subject to WDO 3.10 and the permit process of 5.01.10.
4. PLA Time Limit: WDO 4.02.04B. specifies that, "A final decision on any application shall expire within three years of the date of the final decision unless: 1. a building permit to exercise the right granted by the decision has been issued; 2. the activity approved in the decision has commenced; or 3. a time extension, Section 4.02.05, has been approved. Because unrecorded re-plats lingering indefinitely have burdened staff, a condition sets sooner time limits for subsection 2. to begin and finish recordation.
5. Mylar signature: The Community Development Director is the authority that signs plat Mylars and not any of the mayor, City Administrator, Public Works Director, or City Engineer. Only one City signature title block is necessary.
6. PLA Plat Tracker: Marion County maintains a plat tracking tool at <http://apps.co.marion.or.us/plattracker/>. Use it to check on the status of a recordation request to the County. City staff does not track County plat recordation.
7. Technical standards:
 - a. Context: A reader shall not construe a land use condition of approval that reiterates a City technical standard, such as a PW standard, to exclude remaining standards or to assert that conditions of approval should have reiterated every standard the City has in order for those standards to be met.

- b. Utilities: A condition involving altered or additional sidewalk or other frontage/street improvement that would in the field result in displacement or relocation of any of utility boxes, cabinets, vaults, or vault covers does not exempt the developer from having to move or pay to move any of these as directed by the City Engineer and with guidance from franchise utilities.
- 8. Other Agencies: The applicant, not the City, is responsible for obtaining permits from any county, state and/or federal agencies, which may require approval or permit, and must obtain all applicable City and County permits for work prior to the start of work and that the work meets the satisfaction of the permit-issuing jurisdiction. The Oregon Department of Transportation (ODOT) might require highway access, storm drainage, and other right-of-way (ROW) permits. All work within the public ROW or easements within City jurisdiction must conform to plans approved by the Public Works Department and must comply with a Public Works Right-of-Way permit issued by said department. Marion County plumbing permits must be issued for all waterline, sanitary sewer, and storm sewer work installed beyond the Public Right-of-Way, on private property.
 - 9. Inspection: The applicant shall construct, install, or plant all improvements, including landscaping, prior to City staff verification. Contact Planning Division staff at least three (3) City business days prior to a desired date of planning and zoning inspection of site improvements. This is required and separate from and in addition to the usual building code and fire and life safety inspections. Note that Planning staff are not primarily inspectors, do not have the nearly immediate availability of building inspectors, and are not bound by any building inspector's schedule or general contractor convenience.
 - 10. Stormwater management: The storm sewer system and any required on-site detention for the development must comply with the City Storm Water Management Plan, Public Works storm water practices and the Storm Drainage Master Plan.
 - 11. Public Works Review: Staff performs final review of the civil plans during the building permit stage. Public infrastructure must be constructed in accordance with plans approved by the City, as well as current [Public Works construction specifications, Standard Drawings, Standard Details](#), and general conditions of a permit type issued by the Public Works Department.
 - 12. ROW:
 - a. Dedication: The Public Works Department Engineering Division has document templates for ROW and easement dedications that applicants are to use.

ROW – and public utility easement (PUE) – dedications are due prior to building permit issuance per Public Works policy.
 - b. Work: All work within the public ROWs or easements within City jurisdiction must require plan approval and permit issuance from the Public Works Department. All public

improvements construction work must be performed in accordance with the plans stamped “approved” by the City, and comply with the City’s Standard Specifications and Standard drawings.

13. Franchises: The applicant provides for the installation of all franchised utilities in any required easements.
14. Water: All water mains and appurtenances must comply with Public Works, Building Division, and Woodburn Fire District requirements. Existing water services lines that are not going to be use with this new development must be abandoned at the main line. The City performs required abandonment of existing water facilities at the water main with payment by the property owner. All taps to existing water mains must be done by a “Hot Tap” method and by approved City of Woodburn Contractors. The applicant shall install the proper type of backflow preventer for all domestic, lawn irrigation and fire sprinkler services. The backflow devices and meters shall be located near the city water main within an easement, unless approved otherwise by Public Works. Contact Byron Brooks, City of Woodburn Water Superintendent, for proper type and installation requirements of the backflow device at (503) 982-5380.
15. Grease Interceptor/Trap: If applicable, a grease trap would need to be installed on the sanitary service, either as a central unit or in a communal kitchen/food preparation area. Contact Marion County Plumbing Department for permit and installation requirements, (503) 588-5147.
16. Fire: Fire protection requirements must comply with Woodburn Fire District standards and requirements, including how the District interprets and applies Oregon Fire Code (OFC). Place fire hydrants within the public ROW or public utility easement and construct them in accordance with Public Works Department requirements, specifications, standards, and permit requirements. Fire protection access, fire hydrant locations and fire protection issues must comply with current fire codes and Woodburn Fire District standards. See City of Woodburn Standard Detail No. 5070-2 Fire Vault. The fire vault must be placed within the public right-of-way or public utility easement.
17. SDCs: The developer pays System Development Charges prior to building permit issuance. Staff will determine the water, sewer, storm and parks SDCs after the developer provides a complete Public Works Commercial/Industrial Development information sheet.
18. Public Improvements Civil Plan Review: The process by which to receive, review, and approve drawings and other documents related to public improvements required by these conditions of approval may be paired with or incorporated into building permit review, or, if directed by the City Engineer, through a civil engineering plans (CEP) review process led by the Engineering Division. If opting for CEP, the applicant shall not only follow the direction of the Engineer Division, but also take some actions to facilitate tracking by Planning staff and coordination with Engineering:

- a. Cover letter: Upon submitting application to the Engineering Division, simultaneously alert the Planning Division through a cover letter to the attention of the Planning Division referencing the intended or, if known, actual submittal date as well as the project name, project phase, tax lot number(s), street address(es), and the land use / planning / zoning final decision conditions of approval that require the public improvement that is the subject of the civil engineering plans. Referencing conditions may be by quotation or citing the identification numbers (e.g., T-A1). Identify the specific sheet (by number) or document page number that illustrates or notes how each subpart of a condition is met.
- b. Contact information: State the applicant's name, company, phone number, e-mail, and desired date for City staff to respond with review comments. The cover letter may include these.
- c. Plan copies: Submit to the attention of the Planning Division at least two plan size copies of plan sets (24 by 36 inches). Within the cover sheet title block(s), include the phrase "civil engineering plans" or "public improvements civil plans". Submit also Adobe PDFs using a fileshare service.
- d. Re-submittal fee: If there are multiple re-submittals, beginning with a third submittal / second revised submittal and continuing with each subsequent submittal, the applicant must pay through the Planning Division into City general revenue a fee of \$100.

Where public improvements involve the jurisdiction of an outside agency such as the Oregon Department of Transportation (ODOT), the developer must account for that when interacting with the City Engineer and City Public Works Department process.

COUNCIL BILL NO. 3154

ORDINANCE NO. 2591

AN ORDINANCE DESIGNATING ZONING TO APPROXIMATELY 8.62 ACRES OF TERRITORY AT 2145 MOLALLA RD NE LOCATED ALONG THE NORTH SIDE OF OREGON HWY 211 EAST OF JUNE WAY, MARION COUNTY, OREGON AS COMMERCIAL GENERAL (CG) ZONING DISTRICT

WHEREAS, the subject property is owned by Ivanov Investment Group, LLC, of which the registered agent is Kiril Ivanov, and is legally described in Exhibit "A" and mapped in Exhibit "B", which are affixed hereto and by this reference incorporated herein; and

WHEREAS, the subject property is composed of Marion County Tax Lot 051W09B000900; and

WHEREAS, consistent with Oregon Revised Statutes (ORS) 222.111(2) the owner of real property in the territory to be annexed initiated by petition a proposal for annexation, a copy of the petition being on file with the City Recorder (ANX 2019-01); and

WHEREAS, because the subject property is already within the Woodburn Urban Growth Boundary (UGB), it has an existing Comprehensive Plan map land use designation of Commercial; and

WHEREAS, the landowner as applicant requested that, consistent with Woodburn Development Ordinance (WDO) 5.04.01 E., the City designate the annexed territory as Commercial General (CG), which is one of two zoning districts that are consistent with the Comprehensive Plan per its Policy Table 1; and

WHEREAS, this zoning designation is contingent upon annexation of the subject property to the City of Woodburn, for which the applicant has petitioned and filed the petition with the City Recorder; and

WHEREAS, the applicant intends to develop the territory into the Woodburn Eastside Apartments; and

WHEREAS, on October 22, 2020 the Woodburn Planning Commission considered the annexation application and, after a duly advertised public hearing, recommended approval of the annexation; and

WHEREAS, on both January 25 & March 8, 2021, the Woodburn City Council held public hearings, reviewed the record, heard all public testimony presented on said application, and upon deliberation concluded that the proposed annexation meets the applicable approval criteria under City of Woodburn Development Ordinance (WDO) 5.04.01C.; and

WHEREAS, the City Council agenda item cover staff memo of January 25 mentioned that zoning designation follows annexation and that a CG district zoning designation conforms to the Comprehensive Plan land use map designation; **NOW, THEREFORE**,

THE CITY OF WOODBURN ORDAINS AS FOLLOWS:

Section 1. Upon the effective date of the annexation enacted by Ordinance 2590 being considered contemporaneously with this request, the Woodburn Zoning Map is amended designating the zoning on the subject property described in Exhibit "A" and mapped in Exhibit "B" as Commercial General (CG).

Approved as to form: _____
City Attorney Date

Approved: _____
Eric Swenson, Mayor

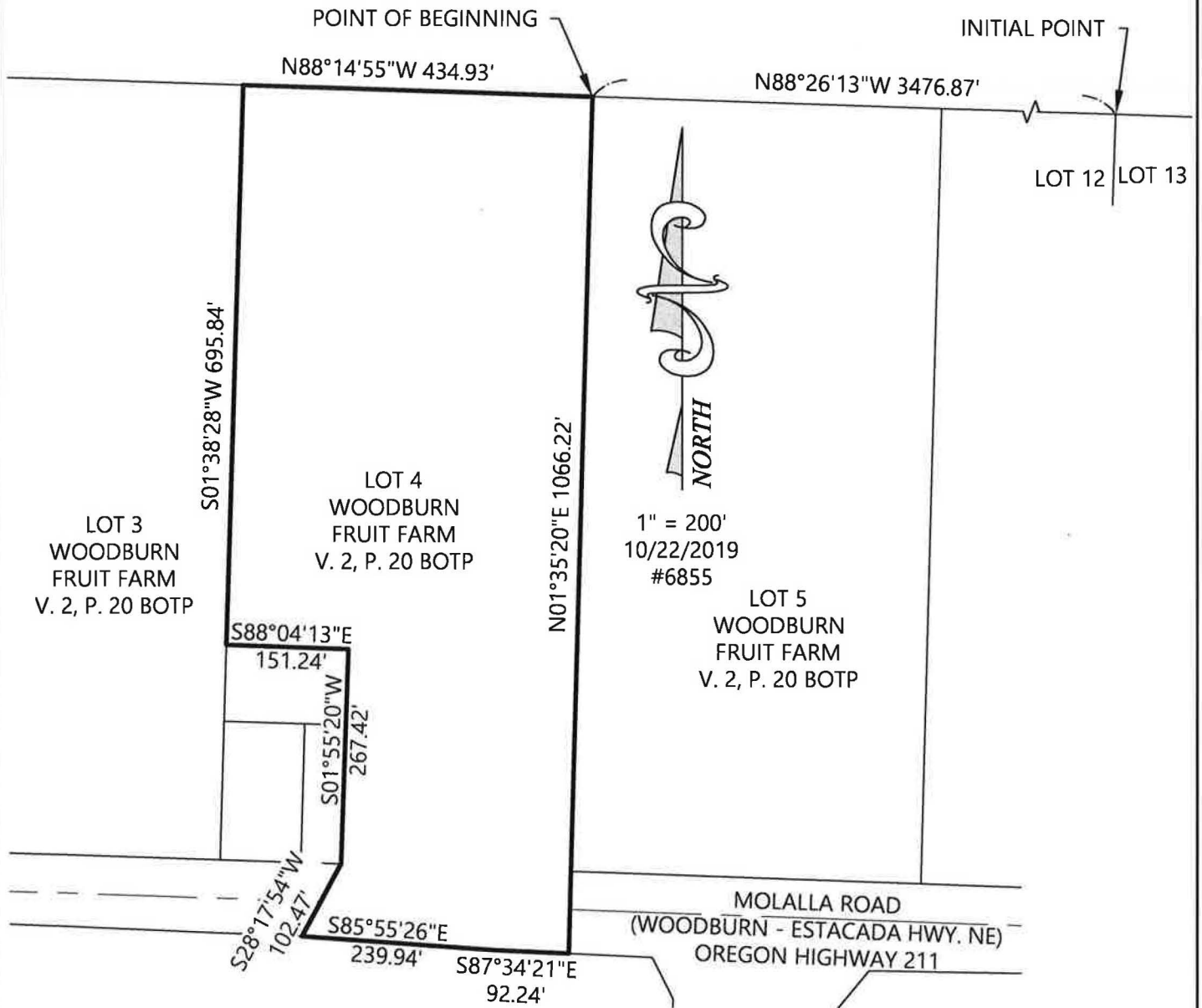
Passed by the Council _____
Submitted to the Mayor _____
Approved by the Mayor _____
Filed in the Office of the Recorder _____

ATTEST: _____
Heather Pierson, City Recorder
City of Woodburn, Oregon

Exhibit "A"

Commencing at a 1 1/4" Iron Pipe located at the Northeast corner of Lot 12, Woodburn Fruit Farms as recorded in Volume 2, Page 20, Book of Town Plats in Section 9, Township 5 South, Range 1 West, Willamette Meridian, Marion County, Oregon; thence North 88°26'13" West 3476.87 feet to the Northwest corner of Lot 5 of said plat and the True Point of Beginning; thence North 88°14'55" West 434.93 feet to the Northeast corner of Lot 3, of said plat, thence along the east line of said lot South 01°38'28" West 695.84 feet; thence South 88°04'13" East 151.24 feet; thence South 01°55'20" West 267.42 feet to the North Right of Way line of Molalla Road; thence South 28°17'54" West 102.47 feet to the South Right of Way line of Molalla Road (Woodburn-Estacada Highway Northeast) Oregon Highway 211; thence along said Right of Way line the following 2 calls, South 85°55'26" East 239.94 feet; South 87°34'21" East 92.24 feet; thence North 01°35'20" East 1066.22 feet to the True Point of Beginning and containing 9.41 acres more or less.

EXHIBIT B





CITY OF WOODBURN
COMMUNITY DEVELOPMENT

MEMORANDUM

270 Montgomery Street Woodburn, Oregon 97071 Phone (503) 982-5246 Fax (503) 982-5244

Date: March 23, 2021
To: Honorable Mayor and City Council
Through: Scott Derickson, City Administrator
From: Chris Kerr, Community Development Director
Subject: ANX 2019-01 Eastside Apartments (ANX 2019-01) update

At the March 8th City Council meeting, the Council unanimously passed a motion granting tentative approval of the proposed annexation and associated development approvals. This motion was based, in part, on the applicant's testimony at the hearing that they would reach out to the owners of a nearby commercial shopping center ("Safeway") to facilitate the construction of a second driveway on their property to alleviate a traffic congestion issue at the shopping center. The applicant stated at the hearing that they wanted the opportunity to reach out to Safeway to try to come to an agreement on this issue and would then return the Council for final approval.

Attached is a letter from the applicant's representative which provides the Council with an update on their progress thus far and their intent to have a response from the Safeway owners in approximately 30 days.

After the applicant receives a response from Safeway, the matter will be returned to the Council to make a final decision on the project.

Feel free to reach out to me with any questions on this item.

Attachment:

1. March 19, 2021 letter from Mark Grenz, Multi-Tech Engineering Services, Inc.

Attachment 3



ENGINEERING SERVICES, INC.

1155 13th Street SE
Salem, Oregon 97302
(503) 363-9227

March 19th, 2021

Eric Swenson, Mayor
City of Woodburn
270 Montgomery Street
Woodburn, OR 97071

RE: 2145 Molalla Rd NE
ANX 2019-01

Dear Mayor Swenson

As representative of the Applicant in this project, we first wish to thank the City Council for granting approval for the Annexation and related applications that were before you last week.

We appreciated the additional time that the Council invested in working on and granting approval for the addition of this property to the City Limits.

In keeping with the Council discussion and approval, the applicant has initiated the process of contacting and working with the owners of the "Safeway" shopping center site.

The goal is to provide the owners with a detailed proposal for the new access out of the shopping center at the east end of the property onto Highway 211.


We hope to be able to obtain a formal response to our proposal in the next 30 days. The intent is to have such a response that outlines the willingness to permit the construction of the exit driveway onto Highway 211, or to provide a response as to why such an access is not in the best interest of the shopping center.

As was stated at the hearing last week, the "Traffic" experts and ODOT believe this new access is the "best" option to improve the ability for patrons to make that desired left turn onto Highway 211.

As we are not the shopping center owners, we do not know all of the issues that they need to consider in this request but do commit to make every effort to present the matter as clearly as possible to afford them the ability to reach a good decision on their part.

Thanks again for your and the council's assistance in this process.

Sincerely,


Mark D. Grenz, P.E.
Project Engineer.



April 6, 2021

City of Woodburn

Re: Transportation Issues at Highway 99E and Highway 214 Intersection

Dear Mayor and Council Members,

I am writing on behalf of PacTrust, owners of the Safeway Shopping Center, to provide our input on the transportation issues at the Highway 99E and Highway 214 intersection. At PacTrust we are aware of the challenges created by the increases in traffic since the center was built twenty years ago. We are also interested in finding solutions and implementing them along with our private and public partners.

We have reviewed the data and design options and provided the information to our major tenant, Safeway. Our conclusion is that we cannot support the proposed design due to the negative impacts on internal circulation and retail operations.

PacTrust sees Safeway as a vital contributor to the success of the community. We welcome our neighbor's residential project which will provide needed housing and create synergy with Safeway and the other retail businesses. While the housing will impact traffic mobility, the developer of the residential project is willing to participate financially in upgrades to the intersection.

In conclusion, while PacTrust cannot support the redesign of the access to the Safeway Shopping Center, we stand ready to collaborate with our neighbors, Safeway, the City and ODOT to come up with a fair and effective plan to upgrade the Highway 99E and Highway 214 intersection.

Thank you for the opportunity to provide comments.

Sincerely,



Andrew R. Jones
Vice President

Attachment 4



Final Decision

City Council

File number(s): CU 2019-04, DR 2019-06, & VAR 2020-05 Related to ANX 2019-01

Project name: Woodburn Eastside Apartments

Date of decision: May 24, 2021

Applicant: Jeff Bolton, Senior Project Manager, Multi/Tech Engineering, 1155 13th Street SE, Salem, OR 97302-2508

Landowner: Ivanov Investment Group LLC, 27375 SW Parkway Ave, Wilsonville, OR 97070-9215

Site location: 2145 Molalla Rd NE; Tax Lot 051W09B000900

Summary: First, the Planning Commission on October 22, 2020 held a hearing and unanimously recommended that the City Council approve the consolidated applications package (Type IV) with the conditions recommended by staff through the staff report published October 15.

Second, the City Council held public hearings on January 25 & March 8, 2021 and unanimously tentatively approved the consolidated applications package with the conditions recommended by staff through the Commission staff report.

The development applications depend upon annexation ANX 2019-01 through the annexation and zoning designation ordinances the Council is to have adopted May 24. (Ordinances take effect on the 30th day after adoption per the City Charter, Chapter VIII, Section 34, p. 10.)

The request was for annexation, zoning designation, conditional use, design review, and variance to develop a demolished rural homestead of approximately 8.62 acres into 220 apartments across 19 two and three-story walk-up buildings.

The subject property is in the Commercial General (CG) zoning district.

One party testified (besides the applicant). The table below in the "Testifiers" section lists her.

Section references are to the [Woodburn Development Ordinance \(WDO\)](#).

Conditions of Approval:

General

G1. As part of building permit application, the applicant shall submit revised site plans meeting the conditions of approval and obtain Planning Division approval through sign-off on permit issuance.

G2. The applicant or successors and assigns shall develop the property in substantial conformance with the final plans submitted and approved with these applications, except as modified by these conditions of approval. Were the applicant to revise plans other than to meet conditions of approval or meet building code, even if Planning Division staff does not notice and signs off on building permit issuance, Division staff retains the right to obtain restoration of improvements as shown on an earlier land use review plan set in service of substantial conformance.

G3. References: The descriptions below define certain words, phrases, and assumptions in the context of the conditions of approval:

- “Access way” means an on-site walkway paved at least nine (9) feet wide to serve as a bicycle/pedestrian path, also known as a multi-use path, to and from sidewalk – or to and from an off-street public bicycle/pedestrian path – and that is ADA-compliant and not gated.
- “ADA” refers to the federal Americans with Disabilities Act of 1990.
- “apt” refers to apartment.
- “D1 & “D2” driveways refer to the two driveways from west (main) to east (secondary).
- “County” refers to Marion County.
- “Director” refers to the Community Development Director.
- “EV” refers to electric vehicle.
- “exc.” means excluding.
- “ft” refers to feet.
- “grove” refers to the cluster of four Significant Trees as WDO 1.02 defines in the southeast front yard.
- “max” means maximum.
- “min” means minimum.
- “Modal share” means the percentage of travelers using a particular type of transportation or number of trips using a type, as examples walking, cycling, riding transit, and driving.
- “Modal shift” means a change in modal share.
- “MUTCD” refers to *Manual on Uniform Traffic Control Devices* of the U.S. Department of Transportation (U.S. DOT) Federal Highway Administration (FHWA).
- “NE means northeast.
- “NW” means northwest.
- “OAR” refers to Oregon Administrative Rules.
- “o.c.” refers to on-center spacing, such as of trees or shrubs.
- “ODOT” refers to the Oregon Department of Transportation.
- “OR 211” refers to Oregon Highway 211 / Molalla Road.
- “Parking court” means each of three peninsulas of on-site surface parking extending southeast and framed by a “U” of five buildings. Phase 1 has one and Phase 2 has two.
- “PLA” refers to property line adjustment.

- “PUE” refers to public utility easement.
- “PW” refers to Public Works (the department) or public works (civil infrastructure) depending on context.
- “Root barrier” refers to that illustrated by PW SS&Ds, [Drawing No. 1 “Street Tree Planting New Construction”](#).
- “ROW” refers to right-of-way.
- “SDCs” refers to system development charges, also known as impact fees.
- “SE” means southeast.
- “Speed table” means an access way or walkway crossing of a drive aisle that: is concrete; with a tabletop that is raised at least four (4) inches above drive aisle grade, at least 9 ft wide for an access way or 6 ft wide for a walkway, flat, and scored, stamped, or otherwise treated (such as with bricks or pavers) to have a pattern; and, with the vehicular ramps striped in compliance with *MUTCD* Figure 3B-30, Option A, and with minimum and maximum slope ratios of 1:25 and 1:10 respectively.
- “sq ft” refers to square feet.
- “SS&Ds” refers to PW [standard specifications and drawings](#).
- “Street Corridor ‘C’” refers to a conceptual alignment of a street that implements TSP Figure 6 Local Street Connectivity Plan (2019), which through three blue arrows indicates street extensions into the northeastern area of the UGB east of U.S. 99E and north of OR 211, one each from U.S. 99E, June Way, and Cooley Road. The conceptual alignment as a street with 72 ft of ROW extends Cooley Road – hence the letter “C” – northwesterly towards the subject property, west across the north end of the subject property, and continuing west to U.S. 99E. The corridor refers to both the alignment and a public easement that reserves the segment of the corridor on the subject property (“reservation”) while allowing construction of private surface improvements other than buildings – and other than structures like carports and trash enclosures – and their use for an indefinite time.
- “Street trees” refer to trees that conform to the WDO, including 3.06.03A and Tables 3.06B & C.
- “SW” means southwest.
- “TPU” means the [Transit Plan Update](#) Approved Final Report dated November 8, 2010.
- “TDM” refers to transportation demand management, which means according to the TSP (p. 82), “a policy tool as well as a general term used to describe any action that removes single occupant vehicle trips from the roadway during peak travel demand periods”, and according to Wikipedia as of October 13, 2020, “the application of strategies and policies to reduce travel demand, or to redistribute this demand in space or in time.”
- “TSP” means the [Woodburn Transportation System Plan \(TSP\)](#).
- “UGB” means urban growth boundary.
- “Walkway” refers to what would otherwise be called sidewalk except the paved walking surface is on private property outside of any of ROW or an easement granting public access.
- “WDO” refers to the [Woodburn Development Ordinance](#).
- “WTS” refers to the Woodburn Transit System.
- “VCA” refers to vision clearance area as WDO 1.02 and 3.03.06 establish or as a specific condition establishes.

G4. Due dates / public improvements:

- a. By application: Unless a condition specifies otherwise, conditions including those relating to any of final subdivision, final partition, property line adjustment or lot consolidation recordation are

due by building permit application. Prior to both any recordation of any final subdivision, final partition, or property line adjustment and building permit application, the applicant shall submit and obtain approval of an [Address Assignment Request](#).

- b. By issuance: Unless a condition specifies otherwise, ROW and easement dedications and recordation(s), construction of frontage/street improvements, and construction of off-site, park, and other public improvements are due by building permit issuance. Where phasing is relevant, building permit issuance means issuance for the phase in which the conditioned improvement is located.

G5. Recordation due dates: The applicant shall apply to the County for recordations of items that the City requires no later than six (6) months prior to expiration of the land use approval as WDO 4.02.04B establishes, and shall complete recordations no later than three years past the land use “final decision” date. The due date to complete recordations shall not supersede when recordations are due relative to the building permit stage.

G-PW. Public Works: Follow the appended Public Works comments (October 13, 2020; Attachment 102A). If conflict arises between implementation of public works conditions and referenced standards in that document with implementation of the remaining conditions in this document, the Assistant City Administrator would arbitrate or mediate based on guidance from legal counsel, the Director, the Public Works Engineering Director, and the City Engineer.



Conditional Use 2019-04

CU1. Frontage/street improvements: These shall be:

- a. Planter strip: 8 ft wide min, exc. curb dimension.
- b. Street trees: 1 per 30 ft of frontage, equaling 10 trees per frontage. For up to no more than one of the min trees required along the frontage, the developer may pay a fee in-lieu of \$125 per tree. This fee provision is intended to substitute for the applicant invoking WDO 3.06.03A.3 (Director modification/relocation).
- c. Sidewalk: 8 ft wide min, which may overlap the PUE with granting of public access via either the PUE or separate easement, and with the gap between its east dead-end and the OR 211 shoulder connected diagonally with pavement.

CU2. Tree preservation:

- a. ROW: Street improvements, including both frontage and off-site improvements, shall preserve any existing alive trees, including through meandering sidewalk.
- b. On-site: Development shall preserve the grove.

CU3. Access way & walkways:

- a. Access way: It shall be:
 - (1) Extent: Extend as proposed (via land use review Sheets SDR1, 4, & 5) most of the subject property depth at least as far north as the south side of the northernmost east-west drive aisle and follow a route among the common building, grove, and 12 min of the apt buildings.
 - (2) Decorative paved areas: At least 1,500 sq ft of access way shall be either paved with any of decorative bricks or pavers or paved with concrete that is scored, stamped, or otherwise treated to have a pattern. (The intent is for the developer to apply this to the proposed three circular bulges along the access way and excludes the square footage of unpaved holes in the doughnut shapes of these areas.)
 - (3) Speed table: Each crossing of a drive aisle shall be a speed table as a General (G) definitions condition specifies.
 - (4) Trees: At each of the landings on the south side, a landscaped island 8 ft wide min between insides of curbing and extending 14½ ft min, exc. curb dimension. Each island shall have a tree. Along the length of the access way within 6 ft of the west edge, 19 trees min.
 - (5) VCA: Each crossing shall have two small VCAs, one each at the north landing, east side and the south landing, west side. The VCA triangles shall measure from 6 by 6 ft from the intersecting edges of access way and drive aisle, and no parking stall shall overlap VCA.
- b. Walkways: 6 ft wide min, excepting the walkway north of the pool, the walkway southeast of the trash enclosure, and walkways from any of emergency exit / employee-only mandooors or a maintenance shed. Exceptions shall be 4 ft wide min. Walkway crossings of drive aisles shall be zebra-striped. The developer shall install at least 2 crossings not only as striping but also as

extensions of poured concrete: the west crossing of each of the middle and south east-west drive aisles.

CU4. Common area improvements: They shall include:

- a. Benches: 12 min, each 6 ft wide min, and 75.0% min with backs. A concrete or masonry seat wall may substitute for a backless bench for each segment that is 6 ft wide min, 1½ ft high and deep min, and includes a cap of smoother concrete. Place 8 min benches along the access way preferably near the major deflections, 2 min in or near the grove, and 1 min at the common building. Benches shall be set back 1½ ft min from edge of access way or walkway.
- b. Picnic benches: 2 min, each square. 1 min ADA-compliant (with one of the four sides omitting a bench seat) on a paved pad. Place 1 min in the shelter.
- c. BBQ: As proposed, a barbeque (BBQ) grill.
- d. Patio: As proposed, a patio adjacent to the common building.
- e. Shelter: At least one gazebo, pavilion, or shelter with narrowest dimension of 12 ft, 288 sq ft min, ceiling height 10 ft min, and placed near the grove.
- f. Path: A bark dust or wood chip path 3 ft wide min shall connect the access way from near the common building through the grove to the walkway along the east north-south drive aisle.

Administrative minor adjustment by the Director to common area improvements is permissible.

CU5. Trash enclosure: Shall include a separate pedestrian entrance 3 ft, 4 inches wide min. If gated, the gate shall be a push gate that either swings into the enclosure or in both directions.

CU6. Balconies and patios: WDO 3.07.05B.1 (area/size and narrowest dimension) shall apply as min standards, except that for whatever balconies and patios among those proposed exceed these dimensions, their larger areas/sizes and wider narrowest dimensions shall be the min standards for those:

- a. Patios: 8 ft min narrowest dimension and 96 sq ft min.
- b. Balconies: 8 ft min narrowest dimension and 80 sq ft min.

Parking

CU7. Maximizing available parking for residents:

- a. Mail carrier stall: The proposed stall designated for mail carrier parking shall be available for resident parking on official postal holidays, Sundays, and remaining days outside the hours of 8 a.m. to 6 p.m. A sign 1½ by 1 ft min shall note the range of hours when a space is limited to mail carrier parking and specify that it is available for resident parking outside the specified hours.
- b. Visitor parking: If the developer or property management company were to designate and mark a number of parking spaces as leasing office visitor parking, then the spaces shall be available for resident parking before and after office hours. A sign 1½ by 1 ft min shall note the range of

hours when a space is limited to visitor parking, for example 10 a.m. to 6 p.m., and specify that it is available for resident parking outside the specified hours.

Landscaping

CU8. Bark dust: 5.0% max of landscaped area may be bark dust.

CU9. Evergreen: 4 min of trees new to the site. The 4 shall be 1 min of the following coniferous or evergreen species:

Cedar, Western Red	Madrone, Pacific
Douglas-Fir	Oak, Oregon White
Fir, Grand	Pine, Ponderosa; and
Hemlock, Western	Yew, Pacific

CU10. Front yard trees: The front yard shall have a loose row of trees that complements the row of street trees. 9 min, placed at an approximate average o.c. spacing of 1 per 30 ft of frontage, and with trees new to the site placed at least 4 ft from edge of sidewalk and 20 ft max from ROW.

CU11. Overhang / wheel stops:

- a. Overhang: In parking aisles along the rear and sides of the subject property, standard size stalls shall overhang curbing and landscaping by 1 ft min, as WDO Figure 3.05C allows up to 2 ft max.
- b. Wheel stops: Wheel stops anywhere within the site development shall be 4 inches high max.

CU12. Parking area trees:

- a. Each parking aisle shall have between the ends of the aisle at least one landscaped island that is 6½ ft wide min between insides of curbing and extends 14½ ft min, exc. curbing, into aisles with perpendicular or angled stalls and at least 7½ ft, exc. curbing, into aisles with parallel parking. A drive aisle with parking on both sides has two parking aisles, and the access way crossing landscaped islands conditioned elsewhere do not count towards this condition.
- b. Each island shall have a tree.

CU13. Screening: Evergreen hedge or shrubbery shall be screen at-grade electrical and mechanical equipment along their sides, excepting the side intended for technician access.

CU14. Bicycle parking:

- a. Amount and distribution on site: The developer shall provide bicycle parking as follows:

- (1) Outdoor closets (220): 1 stall min per dwelling in each dwelling in the outdoor closet of the balcony or patio in which the developer shall install a wall-mounted folding or retractable hook designed for the hanging of a bicycle;
- (2) Outdoors (242): 242 stalls min outdoors, outside of patio and balcony closets. 2 stalls min within 10 to 15 ft of ROW (as guest parking), and 62 min along the access way;
- (3) Stairwells (37 to 74): The developer may meet some of the outdoors min by placing 1 stall min at the base of each building stairwell, with each of these locations having a bicycle parking sign 1½ by 1 ft min;
- (4) Guest: Of the stalls outdoors 2 stalls min within 10 to 15 ft of ROW and along or near the access way;
- (5) Front: 2 stalls min outside each apt building spaced to conform to the 50-foot distance provision of WDO 3.05.03E as applied through a Design Review (D) condition – and in addition to and more specifically than that condition, also near the front of each building. The diagram below illustrates what “near the front” means:

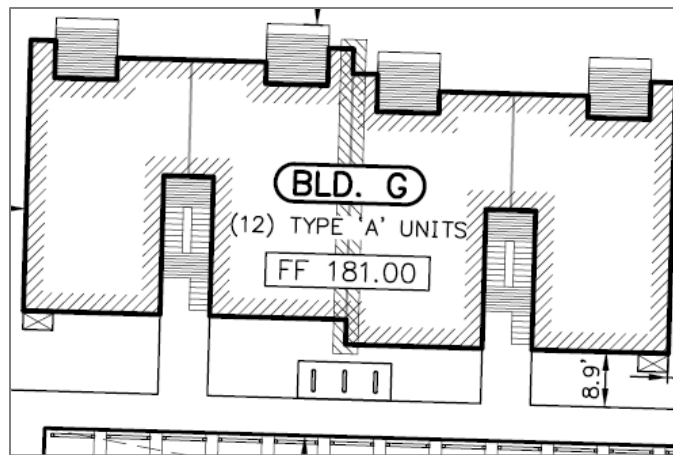


Exhibit Example Building Context

The diagram below represents the exhibit example building context.:

n/a	n/a			n/a
n/a	Corner	Back	Corner	n/a
	Left side	Building	Right side	
	Corner	Front	Corner	
Meets*	Meets “Front” condition			Meets*

Exhibit Example Building Context

*Stalls partially in a left or right “Meets” area would count as if they were fully in such area.

- (6) In no case shall the total number of bicycle parking stalls equal fewer than 1.1 per dwelling, which equals 242 stalls, and in no case shall the min coverage/sheltering from precipitation of bicycle parking be for fewer than 120 stalls exc. outdoor closet and stairwell stalls.
- b. Bicycle standards: Stalls shall conform to City of Portland Title 33, Chapter 33.266.220C (amended 2/01/2017, of which staff has a copy), except that the applicant may ignore subsections C6, C7, & C5c, and that C4b does not apply to the outdoor storage closets for which

the min stall depth from wall instead shall be 4 ft min. Vertical clearance instead shall be 8 ft min or, where a stall is under stairs, 6 ft min.

- c. Cover/shelter: 50.0% min of bicycle parking outdoors shall be covered or sheltered from the elements. Bicycle parking within patio and balcony closets and building stairwells do not count towards this requirement.

CU15. Lighting: If proposed, exterior light fixtures shall be full cut-off or fully shielded and limited in height as follows:

- a. Full cut-off: Exterior lighting fixtures shall be full cut-off or fully shielded models.
- b. Heights: As measured to the underside of a fixture:
 - (1) Wall: Exterior wall-mounted fixtures shall be 8 ft max above walkway finished grade. (This height limit is not applicable to emergency egress lighting and permanent wall signs allowed through WDO 3.10 were they to have interior illumination.)
 - (2) Parking pole: Exterior pole-mounted fixtures within 4 ft of or in parking, loading, and vehicular circulation areas shall be 14½ ft high max above vehicular finished grade.
 - (3) Other pole: Remaining exterior pole-mounted fixtures, if any, shall be 10 ft high max above grade.
- c. Front yard: The common building south elevation is limited to one exterior wall-mounted fixture, and the first 20 ft of front yard are limited to one pole-mount.
- d. Any on-site permanent signage shall also be subject to (a).

CU16. Window area: The common building west elevation, which is the building front, shall have 30.0% min window area and the south elevation, which faces OR 211, 21.5% min, both through transparent glass.

CU17. Parking management: This shall be as follows:

- a. Survey: The applicant or any successor and assigns such as a property manager shall collect data about off-street parking usage or allocation and provide it to the City to the attention of the Director.
 - (1) Reporting period: Collect data by each half of a year – January through June and July through December. Submit each biannual report by the last City business day in the last month of the next quarter of a year and that is not a federal holiday. (For example, a report for January through June 2022 would be due by September 30, 2022.)
 - (2) First report: The first report shall cover whatever irregular length of time would pass between phase occupancy and the end of the next half of a year ending June or December.
 - (3) Attributes: Collect and report on:
 - (a) Geography: Report numbers divided between Phases 1 & 2 (as defined in Condition G3).

- (b) The number of off-street spaces/stalls that are available and how many, if any, are closed due to occasional events such as parking area resurfacing, temporary outdoor events, outdoor storage, or the stationing of large trucks or truck trailers.
 - (c) Track stalls and usage by type: regular standard size, regular compact, accessible/ADA/handicap, EV, and any other type (such as those designated for visitors, leasing office employees, staff golf cart, or mail carrier).
 - (d) Collection: The property manager shall do field counts as per condition subpart (4 “field count”) below and also provide a separate set of assumed counts based on lease agreements, i.e. what tenant households are allocated a stall or stalls and for what periods, assumed that stalls are occupied as lease agreements describe.
 - (e) Usage: Report how many stalls are used and allocated. For vacant apartments in the context of assumed counts, record stalls associated with vacant apartments as unallocated.
 - (f) If and when a parking area resurfacing project were to happen, provide written notice to the Director of approximate start date and duration, location, and number of stalls involved.
 - (g) Format: Use tables to report by phase absolute numbers and percentages of stall type occupancies. Include phase and sitewide totals.
- (4) Field count: The property manager shall do at least two field counts per reporting period, meaning to travel the project and count in real time occupied and vacant stall types such as by marking a project site plan. Each count shall be on Tuesday, Wednesday, or Thursday that is neither a federal holiday nor within a week (7 days) of a federal holiday. One count shall be daytime starting no earlier than 9:30 a.m. and concluding no later than 4:30 p.m., and one count shall be nighttime starting no earlier than 10:00 p.m. and concluding no later than 12:30 a.m. Report when on a given date the counts were done and how long it took, for example, from 11:30 a.m. to noon.
 - (5) Bicycle parking: For outdoor bicycle parking stalls, including those within stairwells but excluding outdoor closets, the property manager shall also do field counts the same way as per condition subpart (4) above and as part of the larger report confirm the total number of existing outdoor bicycle stalls.
 - (6) Parking demand management: The reporting that a parking demand management condition requires, if it exists, may be incorporated with the parking usage data collection report.
 - (7) Context: In each report, cite the project name, phases, street addresses, master/parent case file number ANX 2019-01 and child case file number CU 2019-04, and the condition identification(s), state what period the report covers, state the number of vacant apartments and when and how the number was determined given fluctuation over six months, and provide an employee name and direct contact information for questions City staff might have.
 - (8) Intent: It is not the express intent of this condition to police property management or punish tenants or management for perceived misuse of parking, but instead without judgment to collect data on how parking is actually used in a conventional large apartment complex.

- (9) Change of ownership: If and when property ownership were to change, the property manager shall pass along record of the conditions of approval to the contract purchaser and successive property manager.
- (10) Expiration: This parking usage/allocation data collection condition becomes optional as of July 1, 2031. If reporting were to cease, the last report – for the January to June 2031 period – would be due September 30, 2031.

CU18. Buildings: It shall be:

- a. Windows:
 - (1) Proportion: All windows shall be square or vertically proportioned, except that horizontally proportioned windows are allowed if they have grilles or muntins dividing lights or panes so as to be vertically proportioned.
 - (2) Per room: Within apts, every habitable room abutting a building exterior wall shall have min one window.
 - (3) Insect screens: All operable windows shall have insect screens.
- b. Scuppers: Any building rainwater scuppers shall not to dump onto the pavement of an access way or walkway.

CU19. EV: Electric vehicle parking shall be as follows:

- a. Number: Influenced by OAR 918-020-0380 “Electric Vehicle Ready Parking” and as proposed, a minimum of either 9 stalls or 2.0% of minimum required parking– whichever is greater – shall be a designated EV stall or stalls and with a Level 2 or higher charging station or stations, which the landowner may limit to tenant use.
- b. Placements: In 3 groups min, and with group distribution of 2 groups min in the south east-west drive aisle and a group min in the middle east-west drive aisle.
- c. Striping: Stripe each stall in lettering 1 ft high min “ELECTRIC VEHICLE CHARGING” or similar and stencil of an EV image or logo.
- d. Signage: Post at each stall a wall-mounted or pole-mounted sign for “Electric Vehicle Charging Only” or similar and include an EV image or logo. Each sign 1½ by 1 ft min with top of a posted sign between 5½ and 6½ ft high max above vehicular grade.
- e. Management/operations: The property manager:
 - (1) Shall keep EV stalls available for EVs and plug-in hybrid vehicles and keep conventional gasoline vehicles from parking in them. Priority users shall be tenants and property management company employees; guests/visitors would be secondary.
 - (2) May charge EV stall users for the costs of charging an EV through a charging station, but shall not (a) charge tenants for either simply parking an EV or plug-in hybrid vehicle in an EV stall or for leaving such a vehicle parked without actively charging, and (b) shall charge to recoup costs to the property manager and not generate profit for the property manager. (This does not preclude the property manager contracting with a for-profit company to manage EV charging stations).
 - (3) Shall not charge any fee that discriminates among particular EV parking stalls based on the perception of some stalls being more convenient or otherwise desirable than others.

Design Review 2019-06

D1. ROW: To meet WDO Figure 3.01B, as part of recordations and regarding OR 211, the applicant shall dedicate (a) variable width ROW resulting in half-street ROW that is uniform 50 ft wide min measured from road centerline, and (b) along the ROW a PUE 10 ft min.

D2. Street corridor: To meet WDO 3.01, as proposed as part of recordations and regarding Street Corridor "C", the developer shall dedicate a PUE of 82 ft min width across the north end of the subject property, and shall revise the draft easement text to contain:

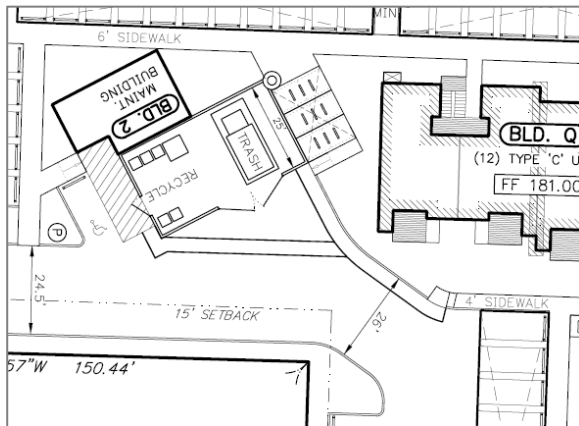
- a. In the body or an Exhibit C, a description that the easement serves to implement Woodburn Comprehensive Plan Policy H-2.2 and Transportation System Plan (TSP) Figure 6 (2019) by reserving on the subject property a segment of Street Corridor "C" for a future street that would connect Cooley Road and either or both June Way and U.S. 99E and that would be ROW of 72 ft width with remainder 5-ft PUEs along the south side or both sides; and
- b. One instance min of the phrase "street reservation and public utility easement" in any of the title, body, map Exhibit B, or an Exhibit C.

D3. Driveways:

- c. Number: To meet WDO 3.04.03B.1 regarding access management, the number of driveways shall be limited as follows:
 - (1) D1, 32 ft wide max; and
 - (2) D2 and its throat being one-way exit-only, 12 ft wide max, and with a do-not-enter sign that complies with *MUTCD* Figure 2B-11, sign R5-1 placed at a location within the ROW or PUE as ODOT directs.



- d. Approach / apron / curb cut: Driveways shall conform to PW SS&Ds, Section [4150](#), unless overridden by ODOT choosing to apply its standards.
- e. Traffic control: To meet WDO 3.05.02J: As proposed, a striped walkway near and to the trash enclosure shall delineate the edge of the min drive aisle width, the delineated width being 24 min and 26 max, to discourage over-swing by turning drivers.



D4. Cross access: To meet WDO 3.04.03B, the developer shall:

- a. Extend a drive aisle stub to the property line along each of the following properties:

<i>Tax Lot</i>	<i>Address</i>	<i>Description</i>
051W09B000700	2155 Molalla Rd NE	Ashland Brothers Landscapes, Inc.
051W09B000800	2149 Molalla Rd NE	Lin rural residence
051W09B001000	none	Carson-Jeske rural residence extra rear yard
051W08A005200	2045 Molalla Rd NE	Undeveloped church property

- b. At the interface of a property line and a drive aisle stub, fixed obstructions including curbing is prohibited. (The developer may instead place signed barricades atop the pavement.)
- c. To meet WDO 3.04.03B.1 & 3, establish a public access easement and private maintenance agreement to the satisfaction of the Director and revocable only with the concurrence of the Director.
- d. The public access easement shall grant public access to and from Highway 211 via at least the western driveway if not both driveways.
- e. The easement width shall be minimum twenty (20) feet, centered on driveway and drive aisle centerlines, and span between the driveway(s) and each of the drive aisle stubs.

D5. Parking striping: The developer shall:

- a. Signage/striping: To meet WDO 3.05.02J, designate compact stalls "COMPACT" in lettering one 1 ft high min.
- b. Double striping: To meet WDO 3.05.02K, delineate parking stalls with double parallel lines pursuant to WDO Figure 3.05C.

D6. Bicycle parking near main entrance: To meet WDO 3.05.03E, prior to building permit final inspection the applicant shall provide bicycle parking within fifty (50) ft of a main entrance. In the context of a new construction apartment complex with conventional three-story buildings with open stairwells, each apartment building has two main entrances as follows:

- a. In all apartment buildings except Building U there are four points where a building main wall plane intersects the walkway serving building ground floor entrances and the stairwell to upper floor entrances;
- b. A Building U there are two such points;

- c. Each building has either (a) two walkways with two points each totaling the four or (b) one walkway with two points total; and so
- d. The condition shall apply to three points min for all except Building U, one point min for Building U, and apply to one point minimum per walkway.

D7. Patios: Visual separation shall conform to WDO 3.07.05B.1a as follows:

- a. Pavement: As proposed, patios shall be paved with brick, concrete pavers, or poured concrete.
- b. Railings/fencing & gate: The outermost edges of patio concrete slabs that do not abut building walls shall have either metal or wood railings or cedar wood fencing at least 3 ft high. If the latter, then opacity shall be full, but if fencing is higher than the minimum height, it shall be no more than 90% opaque, such as by being fully opaque from grade but from the top having a lattice pattern. The railings or fencing shall have a gated opening at least 2 ft and 4 inches wide.
- c. Height maximum: the railings or fencing maximum height shall be either 5 ft or, where a patio faces the access way, 3½ ft.
- d. Shrubbery: Evergreen shrubbery shall line fully the outermost edges of patio concrete slabs, except along the gated opening.

Design Review 2019-06: Transportation

T-A1. U.S. 99E & OR 211/214:

- a. Signal timing: The developer shall pay a mitigation fee or fee in-lieu of \$10,000 to fund a transportation study, specifically a study of signal timing, appropriate mitigation of the operational (mobility) deficiency and elevated crash rate, and related details in coordination with ODOT. [TIA & TSP R14]
- b. Mitigation for Operational and safety deficiencies: this proposal exacerbates existing and projected mobility/volume-to-capacity deficiencies as well as an existing elevated crash rate. The applicant shall contribute a proportionate share contribution toward a mitigation project to alleviate these deficiencies. There are two options for this mitigation, one from the TSP, the other from ODOT agency commentary (April 6, 2020) on the TIA:
 - (1) Add a southbound left-turn lane on Highway 99E and a short-length receiving lane on Molalla Road; or
 - (2) Reconfigure the westbound approach at the intersection to provide a dedicated right-turn lane or pocket that leads to Highway 99E northbound through one of the following.
- c. As this intersection is under ODOT jurisdiction, the agency would need to approve of the appropriate mitigation project in concert with the City Engineer. The forum for this decision would be the signal study noted in Condition T-A1(a). The approved mitigation project shall determine civil engineering details such as channelization, signal modification(s), length, width, placement relative to centerline, markings, ADA-compliant sidewalk/pedestrian crossing improvements and street tree preservation.
- d. To determine the applicable mitigation fee or fee in-lieu for a proportionate fair share of the mitigation project, the trip contribution method described above yields an estimated 10.1% contribution of this project to the mitigation project's total cost. The signal study could address the need to determine the estimate cost of the mitigation project, or the applicant has the option to provide their own estimate based on a study drafted by a licensed civil engineer, advised upon by ODOT, and agreed to by the City Engineer prior to building permit application.
- e. The developer shall forward a cost estimate with cover letter and contextual documents to the City Engineer and courtesy copy the Director no later than either (i) 5 City business days following the date the City Council authorizes the Mayor or Council President to sign the land use "final decision" document, or (ii) the effective date of the ANX 2019-01 annexation ordinance. The City Engineer shall choose (i) or (ii) for the developer and identify such in writing to the developer and courtesy copy the Director.

T-BP1. Sidewalk connection / off-site extension: To further TDM through walking, in addition to the required half-street sidewalk, the developer shall do one of the following:

- a. Extend sidewalk at 6 ft width min west to the east leg of the T-intersection of OR 211 & June Way, approximately 425 ft distance, and at a point aligned with the east leg, the sidewalk shall turn south and meet the roadway;

- b. Install a mid-block crossing from the frontage sidewalk, or from a short west extension of said sidewalk, south to existing sidewalk along the south side of OR 211, and with the crossing conforming to PW SS&Ds unless overridden by ODOT choosing to apply its standards; or
- c. A combination of a. and b. whereby the length of the sidewalk per a. would shorten in relation to how far east of June Way the developer would install a mid-block crossing.
- d. If the developer were to opt for b., and were either ODOT or City written or drawn public works standards not to exist yet be necessary to establish to administer b., then the developer and City shall default to these improvement elements:
 - (1) At both ends of the crossing, an ADA-compliant transition between sidewalk and roadway;
 - (2) White striping in the form of either two parallel bars or as zebra stripes;
 - (3) The type, number, and placements of signage compliant with the MUTCD for a mid-block crosswalk; and
 - (4) That either ODOT or the City Engineer may require either or both (i) installation of a street light or lights in addition to those required as part of frontage improvements, and/or (ii) that the crossing be actuated or semi-actuated. [TSP Fig. 5]

T-BP2. Crosswalk installation: To further TDM through walking, the developer shall upgrade the east leg of the T-intersection of OR 211 & June Way into a marked crosswalk and one that conforms to PW SS&Ds, unless overridden by ODOT choosing to apply its standards.

- a. Either ODOT or the City Engineer may require either or both (1) installation of a street light at or near the north end of the crossing, and/or (2) that the crossing be actuated or semi-actuated.
- b. Were either ODOT or City written or drawn public works standards not to exist yet be necessary to establish to administer this condition, then the developer and City shall default to these improvement elements:
 - (1) At the north end, an ADA-compliant transition between sidewalk and roadway;
 - (2) White striping in the form of either two parallel bars or as zebra stripes; and
 - (3) The type, number, and placements of signage compliant with the *MUTCD* for a crosswalk along the leg of an intersection.
- c. There shall result a physical change to existing pavement and/or striping serving as an obvious indication for most pedestrians, cyclists, and drivers.
- d. Regarding a Condition T-BP1 for sidewalk connection / off-site extension, were the developer to opt for its part b. or c., then this Condition T-BP2 would not apply. [TSP Fig. 5]

T-BP3. Bicycle lane off-site extension: To further TDM through cycling, the developer shall do one of the following:

- a. Widen the off-site sidewalk, which a separate condition requires, into a bicycle/pedestrian path 8 ft wide min;
- b. Extend the bicycle lane at 6 ft wide min (per WDO Figure 3.01B) west to the east leg of the T-intersection of Highway 211 & June Way and to the north end of that crosswalk, approximately 425 ft distance. The developer shall add roadway pavement to accommodate both a bicycle lane and either (1) whatever ODOT establishes as road shoulder min width or (2) a buffered bicycle lane such that the lane is min 2 ft away from the edge of travel lane, and towards the

west where both the shoulder and ROW narrow, then the developer may taper the buffer to a close; or

- c. Pay a fee in-lieu of \$113,000.
[TSP B16]

T-BP4. Wayfinding: To further TDM, the developer shall do one of the following:

- a. Install 2 min devices, such as signage, that provide wayfinding to bicycle routes, multi-use paths, parks, schools, and other essential destinations. If the developer were to opt for signage and assuming pole signage, sign face min dimensions shall be 2 ft by 1 ft and the placements shall be one at or near the junction of the access way and sidewalk and one at the T-intersection of OR 211 & June Way. (Note: The developer may mimic the typical wayfinding signage the City approved for the Mill Creek Greenway as Smith Creek Development [ANX 2017-05] adapted from the City of Tualatin, Oregon greenway trail system signage which it in turn had adapted from the Regional Trails Signage Guidelines of The Intertwine Alliance, a trails coalition in the Portland metro area.)
- b. Pay a fee in-lieu of \$3,000. [TSP B40 “wayfinding”/P62]

T-T1. Bus transit and vanpool fee: To further TDM through bus transit and vanpooling, the developer shall pay a mitigation fee that is a rate per dwelling of \$368.41. [This condition relates to TSP projects T1, 2, 4, & 16, TDM1, TSP Fig. F5, and TPU projects 1, 2, 3, 11, 12, 13, 15, & 20.]

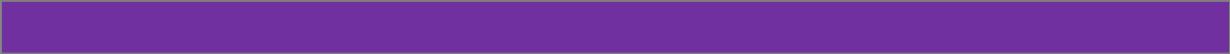
T-T2. Bus stop bicycle parking: To further TDM through bus transit, the developer shall at each of the following WTS bus stops provide for bicycle parking to the specs specified by the Assistant City Administrator or designee by either (1) installing a bicycle rack in a 6 by 4 ft min concrete pad or (2) paying a fee in-lieu of \$510.20:

- a. U.S. 99E northbound (Express Stop 2) adjacent to Tax Lot 051W08DB02600 (1400 N. Pacific Hwy; Jehovah’s Witnesses);
- b. OR 214 westbound (Stop 17) adjacent to Tax Lot 051W08A005400 (1561 Mt. Hood Ave; Pacific Plaza strip mall); and
- c. OR 214 eastbound (Stop 13) adjacent to Tax Lot 051W08DB01300 (1540 Mt. Hood Ave; Bi-Mart, Mega Foods). [TSP T18]

T-T3. Bus stop shelters: To further TDM through bus transit, regarding the WTS U.S. 99E northbound stop that is adjacent to Tax Lot 051W08DB02600 (1400 N. Pacific Hwy) the developer shall provide for a bus shelter to the specs specified by the Assistant City Administrator or designee by either (a) installing a shelter or (b) paying a fee in-lieu of \$12,000. [TPU 9]

T-TDM1. Car share: Until July 1, 2025, the Director may invoke as a requirement that the property management team shall contract with a car share company or service, designate and mark a minimum

number of parking spaces – which shall be at least one – for one or more shared vehicles for tenant use, and follow program details that the Director establishes as necessary to implement the requirement.



Variance 2020-05

V1. Compact parking (WDO 3.05.03C):

- a. Percentage: The compact parking max as a percentage of the required parking ratio min shall be 39%; instead of 20% typical) and 100% of any amount in excess of the min required. At least 20% of the min amount of stalls shall be compact.
- b. Striping: The applicant shall stripe each stall with the word “COMPACT” in lettering one 1 ft high min.

Expiration: Per Woodburn Development Ordinance (WDO) 4.02.04B., a final decision expires within three years of the date of the final decision unless:

1. A building permit to exercise the right granted by the decision has been issued;
2. The activity approved in the decision has commenced; or
3. A time extension, Section 4.02.05, has been approved.

Notes to the Applicant:

The following are not planning / land use / zoning conditions of approval, but are notes for the applicant to be aware of and follow:

1. Records: Staff recommends that the applicant retain a copy of the subject approval.
2. Fences, fencing, & free-standing walls: The approval excludes any fences, fencing, & free-standing walls, which are subject to WDO 2.06 and the permit process of 5.01.03.
3. Signage: The approval excludes any private signage, which is subject to WDO 3.10 and the permit process of 5.01.10.
4. PLA Time Limit: WDO 4.02.04B. specifies that, "A final decision on any application shall expire within three years of the date of the final decision unless: 1. a building permit to exercise the right granted by the decision has been issued; 2. the activity approved in the decision has commenced; or 3. a time extension, Section 4.02.05, has been approved. Because unrecorded re-plats lingering indefinitely have burdened staff, a condition sets sooner time limits for subsection 2. to begin and finish recordation.
5. Mylar signature: The Community Development Director is the authority that signs plat Mylars and not any of the mayor, City Administrator, Public Works Director, or City Engineer. Only one City signature title block is necessary.
6. PLA Plat Tracker: Marion County maintains a plat tracking tool at <http://apps.co.marion.or.us/plattracker/>. Use it to check on the status of a recordation request to the County. City staff does not track County plat recordation.
7. Technical standards:
 - a. Context: A reader shall not construe a land use condition of approval that reiterates a City technical standard, such as a PW standard, to exclude remaining standards or to assert that conditions of approval should have reiterated every standard the City has in order for those standards to be met.
 - b. Utilities: A condition involving altered or additional sidewalk or other frontage/street improvement that would in the field result in displacement or relocation of any of utility boxes, cabinets, vaults, or vault covers does not exempt the developer from having to move or pay to move any of these as directed by the City Engineer and with guidance from franchise utilities.
8. Other Agencies: The applicant, not the City, is responsible for obtaining permits from any county, state and/or federal agencies, which may require approval or permit, and must obtain all applicable

City and County permits for work prior to the start of work and that the work meets the satisfaction of the permit-issuing jurisdiction. The Oregon Department of Transportation (ODOT) might require highway access, storm drainage, and other right-of-way (ROW) permits. All work within the public ROW or easements within City jurisdiction must conform to plans approved by the Public Works Department and must comply with a Public Works Right-of-Way permit issued by said department. Marion County plumbing permits must be issued for all waterline, sanitary sewer, and storm sewer work installed beyond the Public Right-of-Way, on private property.

9. Inspection: The applicant shall construct, install, or plant all improvements, including landscaping, prior to City staff verification. Contact Planning Division staff at least three (3) City business days prior to a desired date of planning and zoning inspection of site improvements. This is required and separate from and in addition to the usual building code and fire and life safety inspections. Note that Planning staff are not primarily inspectors, do not have the nearly immediate availability of building inspectors, and are not bound by any building inspector's schedule or general contractor convenience.
10. Stormwater management: The storm sewer system and any required on-site detention for the development must comply with the City Storm Water Management Plan, Public Works storm water practices and the Storm Drainage Master Plan.
11. Public Works Review: Staff performs final review of the civil plans during the building permit stage. Public infrastructure must be constructed in accordance with plans approved by the City, as well as current [Public Works construction specifications, Standard Drawings, Standard Details](#), and general conditions of a permit type issued by the Public Works Department.
12. ROW:
 - a. Dedication: The Public Works Department Engineering Division has document templates for ROW and easement dedications that applicants are to use.

ROW – and public utility easement (PUE) – dedications are due prior to building permit issuance per Public Works policy.
 - b. Work: All work within the public ROWs or easements within City jurisdiction must require plan approval and permit issuance from the Public Works Department. All public improvements construction work must be performed in accordance with the plans stamped “approved” by the City, and comply with the City’s Standard Specifications and Standard drawings.
13. Franchises: The applicant provides for the installation of all franchised utilities in any required easements.
14. Water: All water mains and appurtenances must comply with Public Works, Building Division, and Woodburn Fire District requirements. Existing water services lines that are not going to be use with this new development must be abandoned at the main line. The City performs required abandonment of existing water facilities at the water main with payment by the property owner. All taps to existing water mains must be done by a “Hot Tap” method and by approved City of Woodburn Contractors. The applicant shall install the proper type of backflow preventer for all domestic, lawn irrigation and fire sprinkler services. The backflow devices and meters shall be located near the city water main within an easement, unless approved otherwise by Public Works. Contact Byron Brooks, City of Woodburn Water Superintendent, for proper type and installation requirements of the backflow device at (503) 982-5380.

15. Grease Interceptor/Trap: If applicable, a grease trap would need to be installed on the sanitary service, either as a central unit or in a communal kitchen/food preparation area. Contact Marion County Plumbing Department for permit and installation requirements, (503) 588-5147.
16. Fire: Fire protection requirements must comply with Woodburn Fire District standards and requirements, including how the District interprets and applies Oregon Fire Code (OFC). Place fire hydrants within the public ROW or public utility easement and construct them in accordance with Public Works Department requirements, specifications, standards, and permit requirements. Fire protection access, fire hydrant locations and fire protection issues must comply with current fire codes and Woodburn Fire District standards. See City of Woodburn Standard Detail No. 5070-2 Fire Vault. The fire vault must be placed within the public right-of-way or public utility easement.
17. SDCs: The developer pays System Development Charges prior to building permit issuance. Staff will determine the water, sewer, storm and parks SDCs after the developer provides a complete Public Works Commercial/Industrial Development information sheet.
18. Public Improvements Civil Plan Review: The process by which to receive, review, and approve drawings and other documents related to public improvements required by these conditions of approval may be paired with or incorporated into building permit review, or, if directed by the City Engineer, through a civil engineering plans (CEP) review process led by the Engineering Division. If opting for CEP, the applicant shall not only follow the direction of the Engineer Division, but also take some actions to facilitate tracking by Planning staff and coordination with Engineering:
 - a. Cover letter: Upon submitting application to the Engineering Division, simultaneously alert the Planning Division through a cover letter to the attention of the Planning Division referencing the intended or, if known, actual submittal date as well as the project name, project phase, tax lot number(s), street address(es), and the land use / planning / zoning final decision conditions of approval that require the public improvement that is the subject of the civil engineering plans. Referencing conditions may be by quotation or citing the identification numbers (e.g., T-A1). Identify the specific sheet (by number) or document page number that illustrates or notes how each subpart of a condition is met.
 - b. Contact information: State the applicant's name, company, phone number, e-mail, and desired date for City staff to respond with review comments. The cover letter may include these.
 - c. Plan copies: Submit to the attention of the Planning Division at least two plan size copies of plan sets (24 by 36 inches). Within the cover sheet title block(s), include the phrase "civil engineering plans" or "public improvements civil plans". Submit also Adobe PDFs using a fileshare service.
 - d. Re-submittal fee: If there are multiple re-submittals, beginning with a third submittal / second revised submittal and continuing with each subsequent submittal, the applicant must pay through the Planning Division into City general revenue a fee of \$100.

Where public improvements involve the jurisdiction of an outside agency such as the Oregon Department of Transportation (ODOT), the developer must account for that when interacting with the City Engineer and City Public Works Department process.

Appeals: The decision is final unless appealed to the Oregon Land Use Board of Appeals (LUBA) pursuant to Oregon Revised Statutes (ORS) and Oregon Administrative Rules (OAR) 661-010. The appeal

due date is “on or before the 21st day” after the decision date per OAR 661-010-0015(1)(a). A valid appeal must meet the rules. If appealing to LUBA, as a courtesy inform City staff in writing.

A copy of the decision is available for inspection at no cost, and the City would provide a copy at reasonable cost at the Community Development Department, City Hall, 270 Montgomery Street, Woodburn, OR 97071-4730. For questions or additional information, contact Alyssa Nichols, Administrative Assistant, at (503) 982-5246 or alyssa.nichols@ci.woodburn.or.us.

Testifiers:

<i>Name</i>	<i>Address</i>	<i>Planning Commission</i>		<i>City Council</i>	
		<i>Written</i>	<i>Verbal</i>	<i>Written</i>	<i>Verbal</i>
Sarah Jeske-Smith	1100 Comstock Way, Woodburn, OR 97071-5889			x	

Attachments:

- Planning Commission October 22, 2020 Staff Report Attachment 101. Marked Tax Map
- 102A. Public Works comments (October 13, 2020; 2 pages)
- 103. Application materials / site plans (September 23, 2020; 17 sheets)
- 104. Transportation System Plan (TSP) Fig. 2 “Functional Roadway Classification”
- 106. TSP Fig. 6 “Local Street Connectivity Plan”

Sincerely,



Colin Cortes, AICP, CNU-A

Senior Planner

As authorized by the City Council on May 24, 2021

Eric Swenson, Mayor

Date

ES/cmc

cc: Chris Kerr, Community Development Director

Dago Garcia, P.E., City Engineer

Ted Cuno, Building Official

Jason Space, GIS Technician

Jeff Bolton, Senior Project Manager, Multi/Tech Engineering, 1155 13th Street SE, Salem, OR 97302-2508
(applicant)

Ivanov Investment Group LLC, 27375 SW Parkway Ave, Wilsonville, OR 97070-9215 (landowner)

Testifier(s): Per the table above.

Casey Knecht, P.E., Development Review Coordinator, Oregon Dept. of Transportation (ODOT) Region 2

Marion County Assessor's Office

Marion County Geographic Information System (GIS)

Marion County Public Works Dept.

05 1W 09B

05 1W 09B
WOODBURN



MARION COUNTY, OREGON
NW1/4 SEC9 T5S R1W W.M.
SCALE 1" = 200'

LEGEND

LINE TYPES

- | | |
|--------------------------|-----------------------|
| Taxlot Boundary | Historical Boundary |
| Road Right-of-Way | Easement |
| Railroad Right-of-Way | Railroad Centerline |
| Private Road ROW | Taxcode Line |
| Subdivision/Plat Bndry | Map Boundary |
| Waterline - Taxlot Bndry | Waterline - Non Bndry |

CORNER TYPES

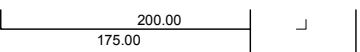
- | | |
|-----------------------|-------------------------------|
| + 1/16TH Section Cor. | 1/4 Section Cor. |
| ⊙ DLC Corner | 16 15
21 22 Section Corner |

NUMBERS

- Tax Code Number
000 00 00 0
- Acreage
0.25 AC
- All acres listed are Net Acres, excluding any portions of the taxlot within public ROWs

NOTES

Tick Marks: A tick mark in the road indicates that the labeled dimension extends into the public ROW



CANCELLED NUMBERS

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DISCLAIMER: THIS MAP WAS PREPARED
FOR ASSESSMENT PURPOSES ONLY



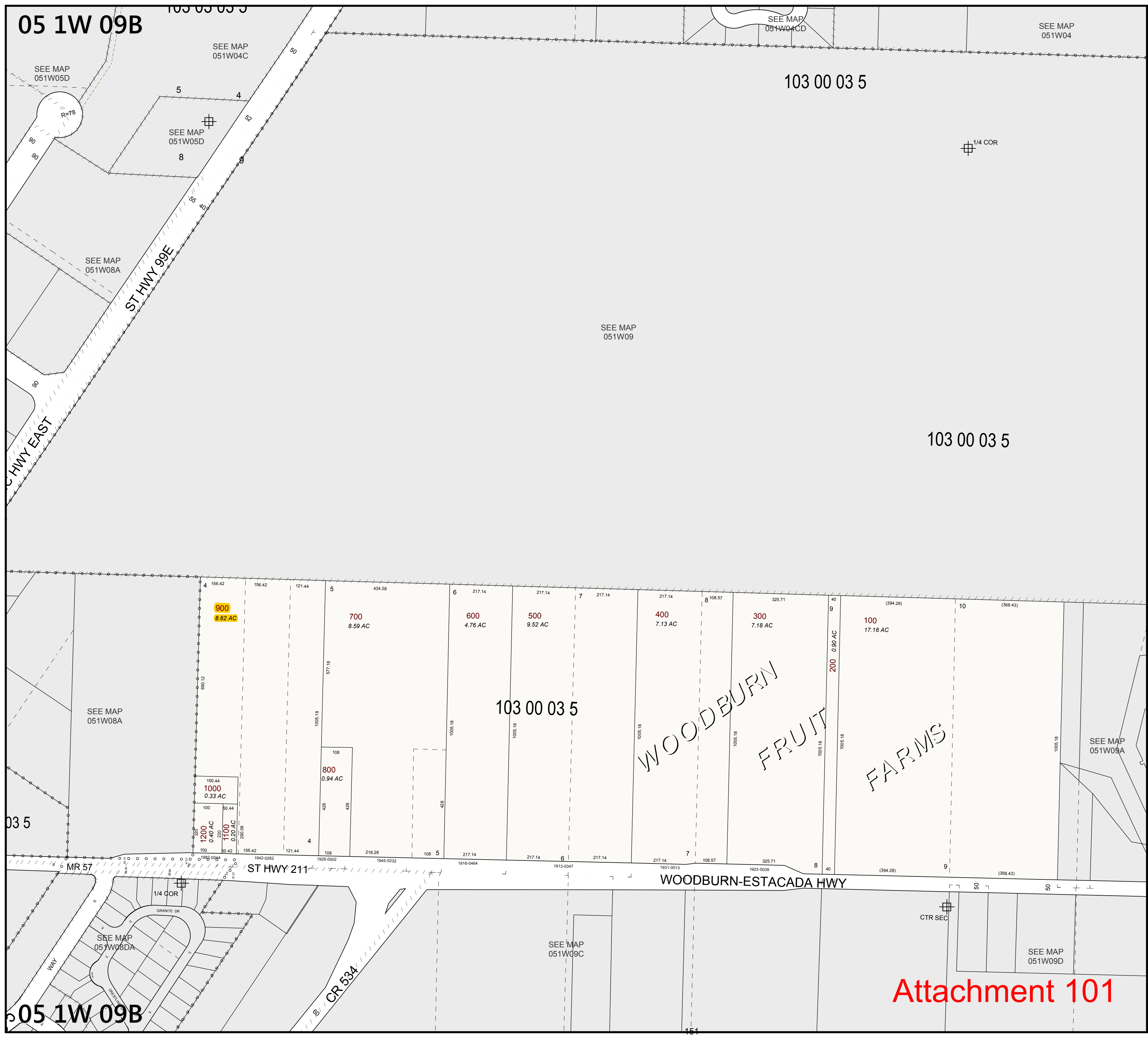
Assessors Office
Cartography Dept

FOR ADDITIONAL MAPS VISIT OUR WEBSITE AT
www.co.marion.or.us

PLOT DATE: 1/23/2018

WOODBURN
05 1W 09B

Attachment 101





**Woodburn Eastside Apartments
ANX 2019-01, CU 2019-04, DR 2019-06, & VAR 2020-05
Public Works**

October 13, 2020

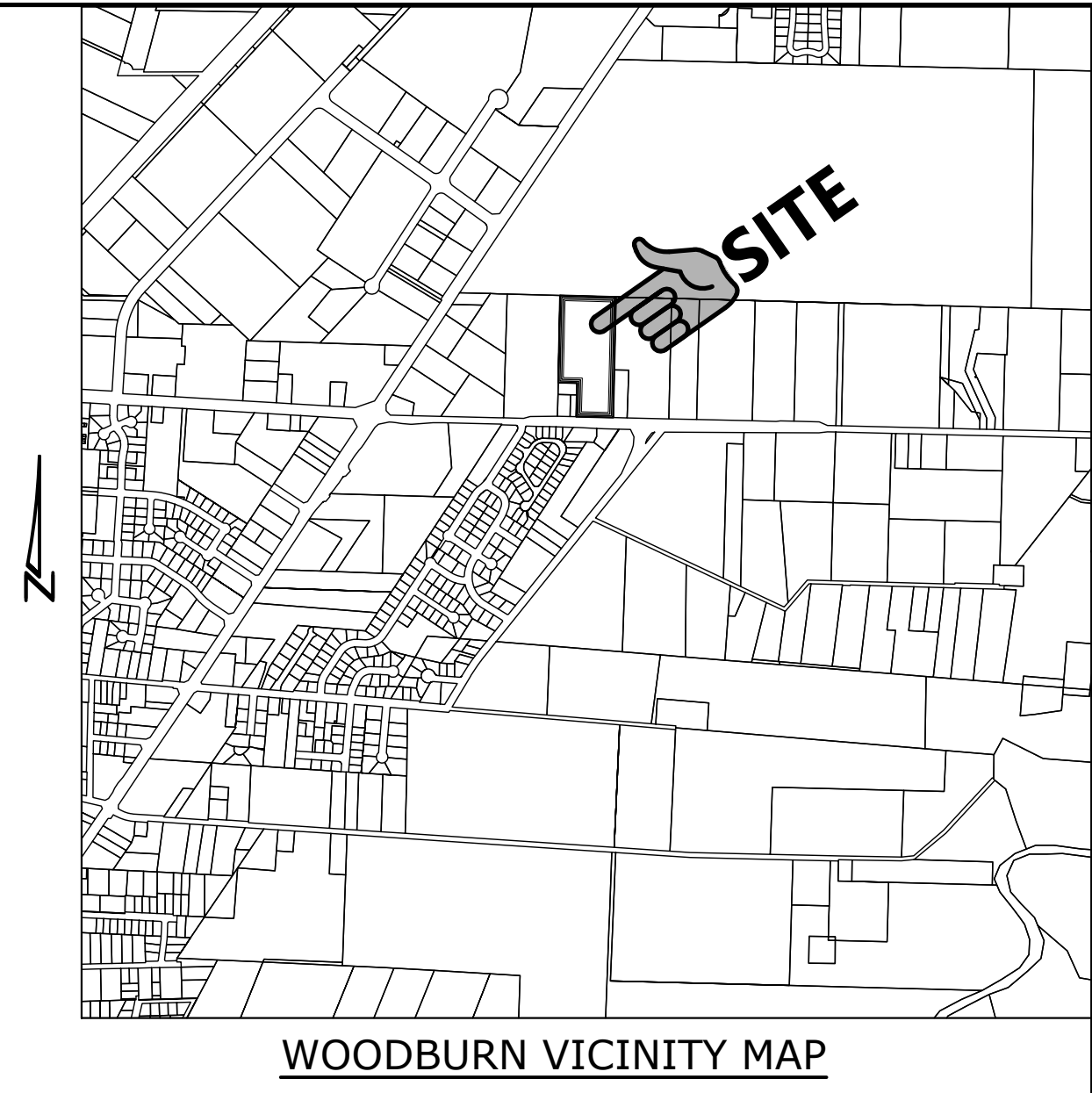
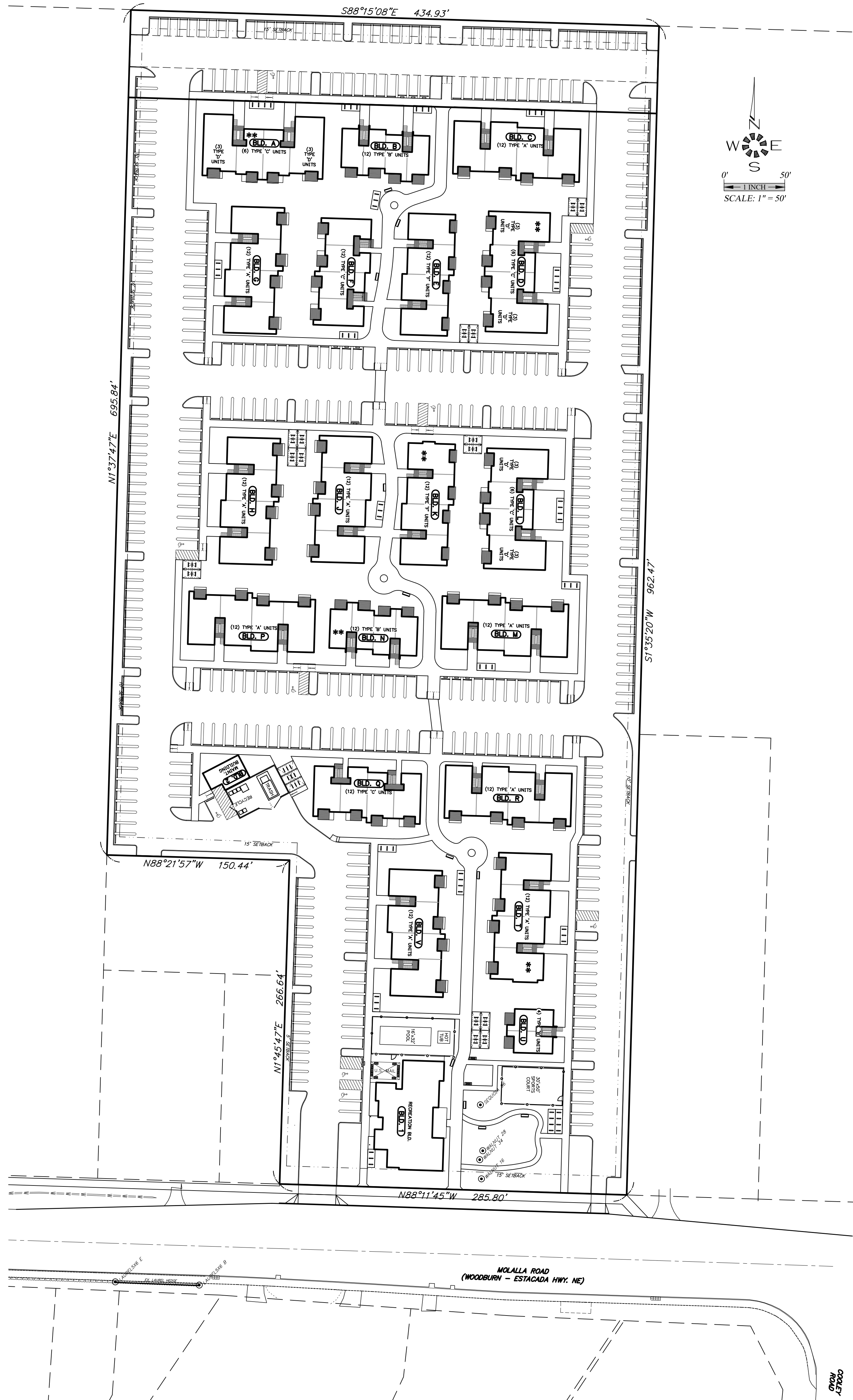
CONDITIONS OF LAND USE APPROVAL:

1. The Applicant, not the City, is responsible for obtaining permits from state, county and/or federal agencies that may require such permit or approval. All work within the Oregon Department of Transportation (ODOT) right-of-way requires the applicant to obtain approval and permits from ODOT.
2. The Applicant shall obtain approval from the Oregon Department of Transportation (ODOT) for the storm drainage analysis that will impact ODOT's system. Provide a final storm drainage analysis for detention and conveyance system. The storm drainage hydraulic analysis shall comply with both ODOT and City's requirements.
3. The applicant shall obtain approval from the Oregon Department of Transportation (ODOT) for all required improvements along Highway 211, included but not limited to street improvements, striping, Highway signage, construction of new sewer line, construction of new water line, and additional improvements as required by ODOT's review/approval of the applicants' traffic study.
4. Applicant to provide for the installation of all franchise utilities and shall provide any required easements for these facilities. All permanent utility services to the development shall be underground.
5. Department of Environmental Quality Erosion Control 1200C permit will need to be obtained for this development prior to City issuance of permit.
6. Final review of the Civil Plans will be done during the building permit application. Public infrastructure will be constructed in accordance with plans approved by public works and ODOT.
7. Provide and record the required right-of-way dedication, public utility easements, and waterline easements prior to building permit issuance.
8. Provide street lighting plan and design for review to the City and ODOT.

9. Applicant to provide plans indicating the construction of a new gravity sanitary sewer main in Hwy211 – Woodburn-Estacada Highway. As indicated on previous meetings, the existing sewer main in Hwy 211 is an abandoned force main. Applicant is responsible for constructing a public gravity sewer main to the proposed development.
10. Fire hydrants locations and fire protection requirements shall be as per the Woodburn Fire Districts and City of Woodburn requirements. Actual fire hydrant locations and in-line valving locations shall not be determined until the construction final plan review.
11. Based on WDO 3.04.05B, 5.03.01B.3b, & 5.04.01C and need for intergovernmental coordination, required improvements to ODOT's intersections and roads shall be determined prior to building permit issuance.
12. System Development fees shall be paid at the time of building permit issuance.
13. All public easements and right-of-way dedications shall be properly recorded prior to building permit issuance.

Owner :
IVAN AND ELENA SMERIKOV
22091 300th ST. SE
ERSKINE, MN 56535
PHONE: (503) 655-7933

Owner / Developer:
I AND E CONST.
9550 SE CLACKAMAS RD.
CLACKAMAS, OREGON 97015
PHONE: (503) 655-7933



WOODBURN EASTSIDE APARTMENTS

SEC. 09, T. 5 S., R. 1 W., W.M.
CITY OF WOODBURN
MARION COUNTY, OREGON

SHEET INDEX	
SDR1 - COVER SHEET	
SDR2 - EXISTING CONDITIONS PLAN	
SDR3 - ANNEXATION PLAN	
SDR4 - PRELIMINARY SITE PLAN	
SDR5 - PRELIMINARY SITE PLAN	
SDR6 - SITE PLAN DETAILS	
SDR7 - PRELIMINARY FRONTAGE IMPROVEMENTS	
SDR8 - PRELIMINARY OPEN SPACE PLAN	
SDR9 - PRELIMINARY PHOTOMETRIC PLAN	
SDR10 - PRELIMINARY DRAINAGE PLAN	
SDR11 - PRELIMINARY SANITARY SEWER PLAN	
SDR12 - PRELIMINARY DOMESTIC WATER AND FIRE SERVICE PLAN	
SDR13 - FIRE TRUCK TURNING TEMPLATE	
L1.1 SCHEMATIC LANDSCAPE PLAN	
L1.2 SCHEMATIC LANDSCAPE PLAN	
L1.3 LANDSCAPE NOTES & DETAILS	

MULTI/TECH

ENGINEERING SERVICES, INC.
11555 13th St., S.E. Salem, OR 97302
PH: (503) 363 - 9227 FAX (503) 364-1260
www.intengineering.net office@intengineering.net

COVER SHEET

WOODBURN EASTSIDE APARTMENTS

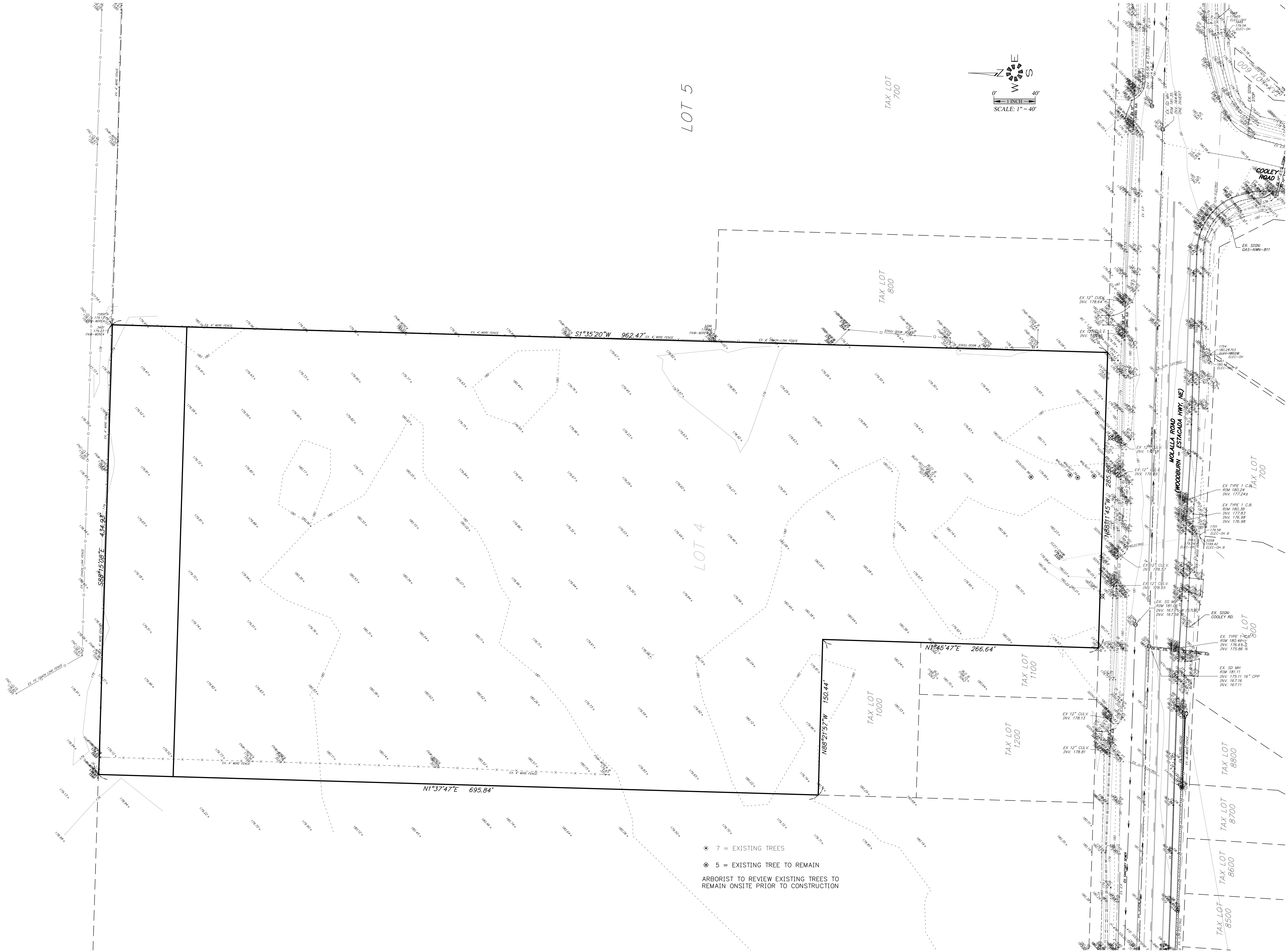
NO CHANGES, MODIFICATIONS OR REPRODUCTIONS TO BE MADE TO THESE DRAWINGS WITHOUT WRITTEN AUTHORIZATION FROM THE DESIGN ENGINEER.

DESIGN: M.D.G.
DRAWN: C.D.S.
CHECKED: J.C.B.
DATE: JUNE 2019
SCALE: AS SHOWN

PROFESSIONAL ENGINEER
MARK D. GREGG
JULY 14 1978
OREGON

EXPIRES: 06-30-2019
JOB # 6855

SDR1



**EXISTING
CONDITIONS
PLAN**

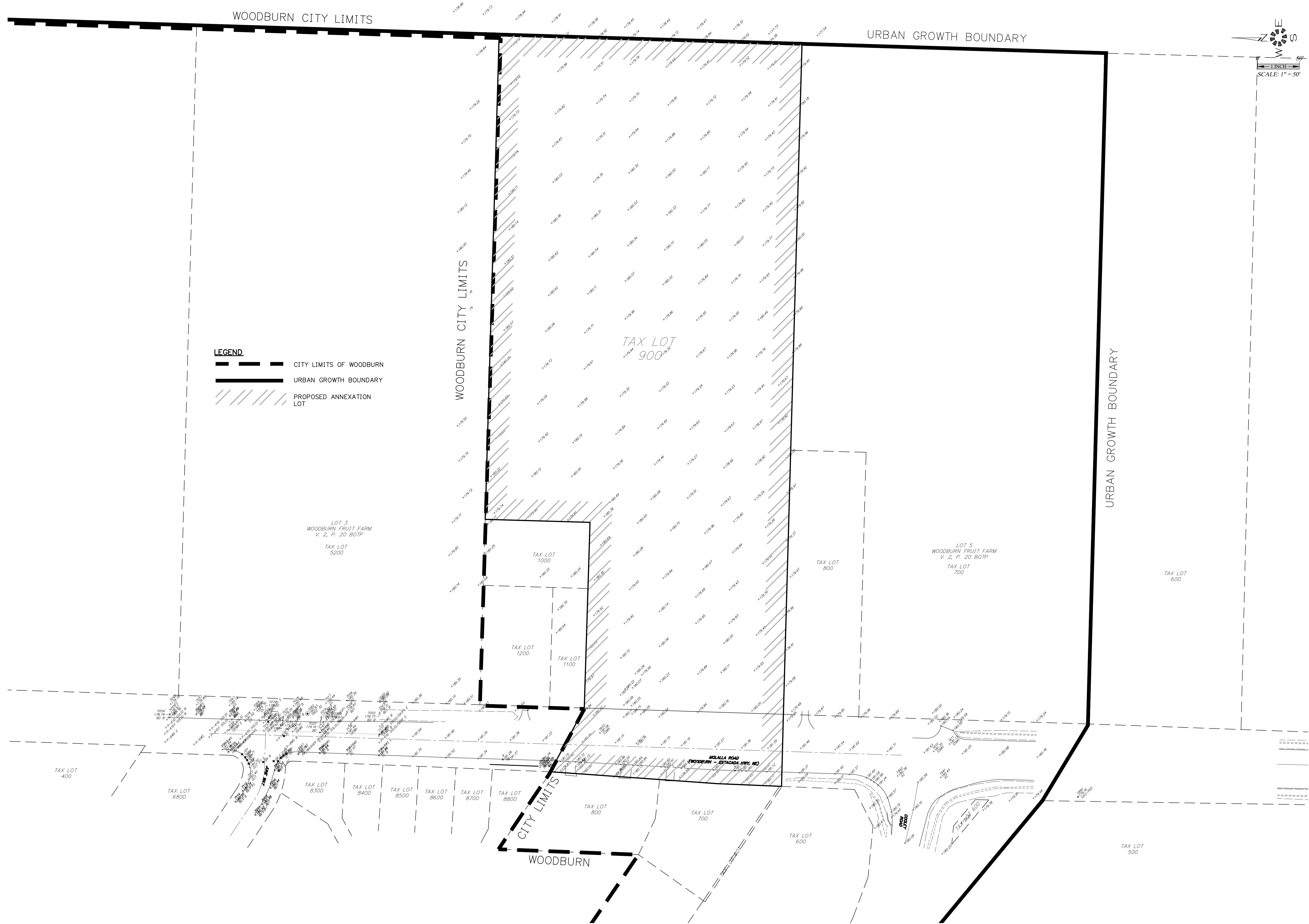
**WOODBURN EASTSIDE
APARTMENTS**

NO CHANGES, MODIFICATIONS
OR REPRODUCTIONS TO BE
MADE TO THESE DRAWINGS
WITHOUT WRITTEN
AUTHORIZATION FROM THE
DESIGN ENGINEER.
DIMENSIONS & NOTES TAKE
PRECEDENCE OVER
GRAPHICAL REPRESENTATION.

Design: M.D.G.
Drawn: C.D.S.
Checked: J.C.B.
Date: JUNE 2019
Scale: AS SHOWN

REGISTERED PROFESSIONAL
ENGINEER
OREGON
JULY 1, 1978
MARK D. GRAVILL
EXPIRES: 06-30-2019
JOB # 6855

J:\6855\6855-woodburn-annex\DWG 6/17/2019 9:02:58 AM CSchneider



ANNEXATION PLAN

WOODBURN EASTSIDE APARTMENTS

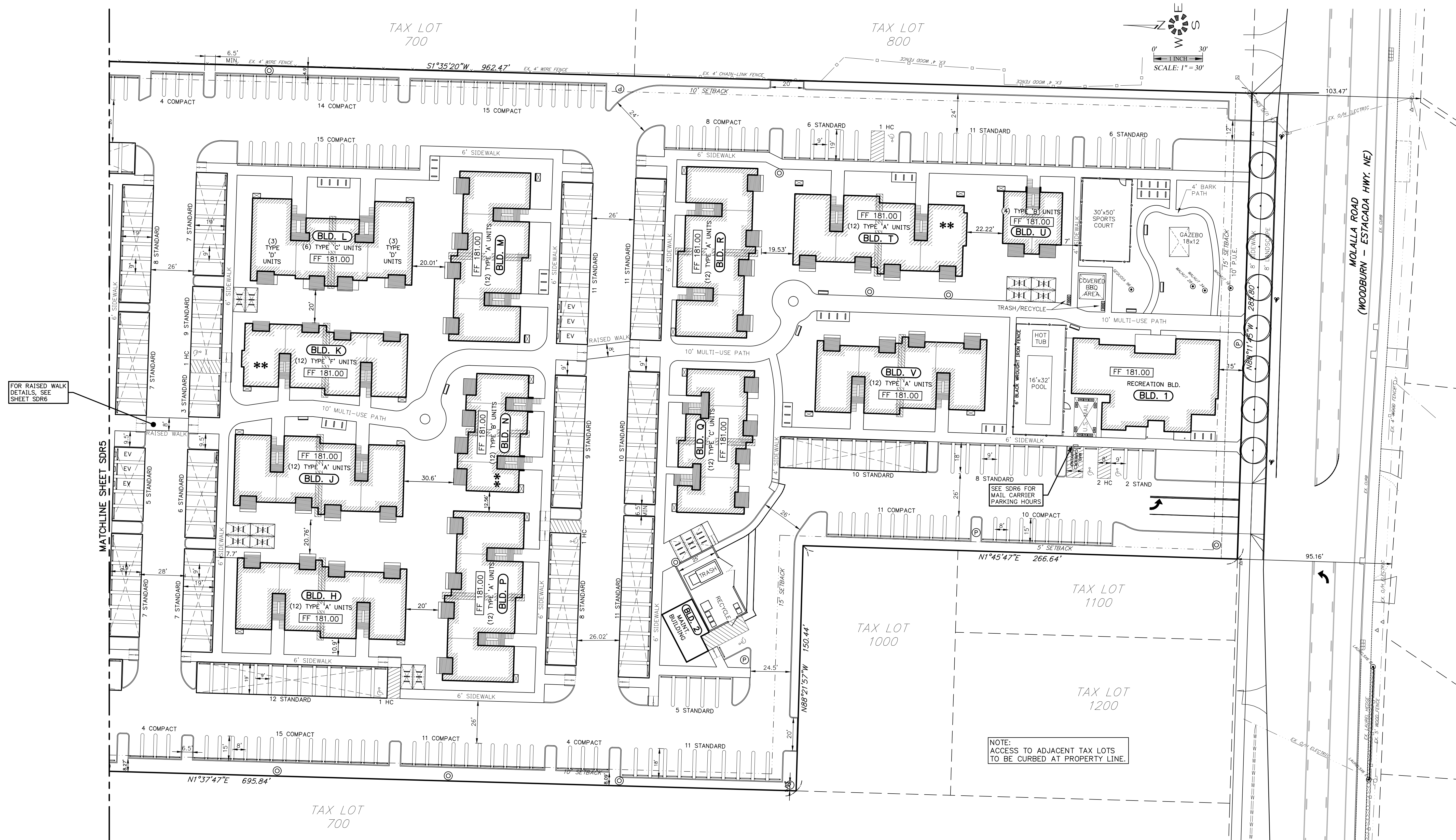
NO CHANGES, MODIFICATIONS
OR REPRODUCTIONS TO BE
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DESIGN ENGINEER.
DIMENSIONS & NOTES TAKE
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GRAPHICAL REPRESENTATION.

Design: M.D.G.
Drawn: C.D.S.
Checked: J.C.B.
Date: JUNE 2019
Scale: AS SHOWN



JOB # 6855

SDR3



ADA HANDICAP ACCESSIBILITY NOTES:

1. ALL ON-SITE WALKWAYS, PEDESTRIAN CONNECTIONS TO THE PUBLIC SIDEWALK AND ROUTES TO BUILDING ENTRANCES ARE ACCESSIBLE WITH RUNNING SLOPES LESS THAN 5% AND CROSS SLOPE LESS THAN 2% MAX. LANDINGS AT BOTTOM OF STAIRS AND EXT. FACE OF ENTRANCE DOORS SHALL HAVE A SLOPE IN THE DIRECTION OF TRAVEL NOT TO EXCEED 2%.
2. HANDICAP PARKING STALLS AND ACCESS AISLES ARE TO HAVE SLOPES IN ANY DIRECTION OF LESS THAN 2% MAX. GRAPHIC MARKINGS & SIGNAGE FOR HANDICAP AND VAN ACCESSIBLE STALLS WILL BE PER OSSC 2010 CHPTR. 11 AND CRS. REQUIREMENTS.
3. HANDICAP ACCESSIBLE CURB RAMPS SHALL HAVE A RUNNING SLOPE NOT TO EXCEED 1:12 MAX. AND A CROSS SLOPE NOT TO EXCEED 1%.
4. THE COMMUNITY BUILDING & ON-SITE LAUNDRY FACILITIES WILL BE FULLY HANDICAP ACCESSIBLE IN ACCORDANCE WITH ANSI A117.1 AND CHAPTER 11 OF THE 2010 OSSC.
5. 2% OF THE LIVING UNITS OR (3) UNITS WILL BE TYPE 'A' HANDICAP ACCESSIBLE. THESE INCLUDE A 1-, 2 AND 3 BEDROOM UNIT AS INDICATED ON THIS SITE PLAN. THE BALANCE OF THE GROUND FLOOR LIVING UNITS WILL BE TYPE 'B' ADAPTABLE UNITS IN ACCORDANCE WITH ANSI A117.1.

* THE INDICATED LOWER FLOOR UNITS IN BUILDING A, D, K, N & T ARE TO BE A TYPE 'A' UNIT IN ACCORDANCE WITH THE 2010 OSSC SEC. 1107.6.2.1.1 (NOTED ON FLOOR PLAN). ALL OTHER LOWER FLOOR UNITS TO BE TYPE 'B' UNITS IN ACCORDANCE WITH THE 2010 OSSC SEC. 1107.6.2.1.2

SITE AREAS

BOUNDARY 379,314 S.F.

TOTAL HARDBSPACE 280,610 S.F.

BUILDING COVERAGE 75,524 S.F.

PARKING, DRIVEWAY & SIDEWALK 205,086 S.F.

LANDSCAPE AREA 98,704 S.F.

- ⊗ - WALL PACK LIGHT
- Ⓟ - POLE LIGHT MAXIMUM 14' TALL
- ⊙ - POST LIGHT MAXIMUM 5' TALL
- ▨ - LOCATION OF ELECTRICAL SEPARATION WALL
- ① - MAXIMUM 1:12 SLOPE ON SIDEWALK END RAMPS
- |||| - BICYCLE SPACES (226 REQUIRED)
- ▬ - BENCHES (ALL BENCHES TO BE 6' LONG)
- ⊞ - TRASH/RECYCLE RECEPTICLE

220 TOTAL APARTMENT UNITS

108 TYPE 'A'	2-Bd, 2-Ba	(952 S.F.) UNITS
28 TYPE 'B'	STUDIO	(549 S.F.) UNITS
42 TYPE 'C'	1-Bd, 1-Ba	(728 S.F.) UNITS
18 TYPE 'D'	3-Bd, 2-Ba	(1,204 S.F.) UNITS
24 TYPE 'F'	2-Bd, 1-Ba	(844 S.F.) UNITS

- 1 RECREATION BLD. / MANAGER'S OFFICE
- 1 MAINTENANCE BLD.
- 2 TRASH COMPACTOR / RECYCLE
- 1 SWIMMING POOL (16'X32')
- 1 U.S. MAIL AREA

MULTI-FAMILY PARKING

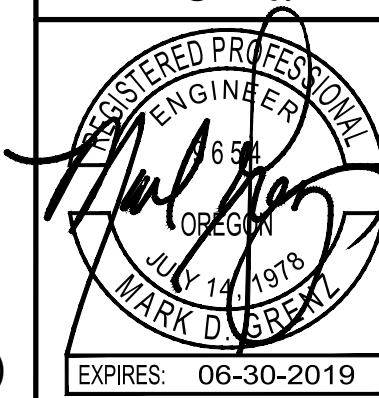
450 TOTAL PARKING STALLS
271 STANDARD STALLS
170 COMPACT STALLS (TO BE PAINTED "COMPACT ONLY")
9 HANDICAP STALLS
195 COVERED STALLS
228 BICYCLE SPACES (96 COVERED)

PRELIMINARY
SITE PLAN

WOODBURN EASTSIDE
APARTMENTS

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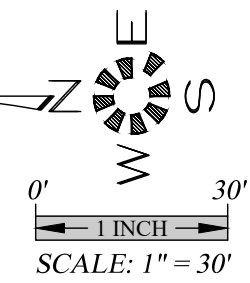
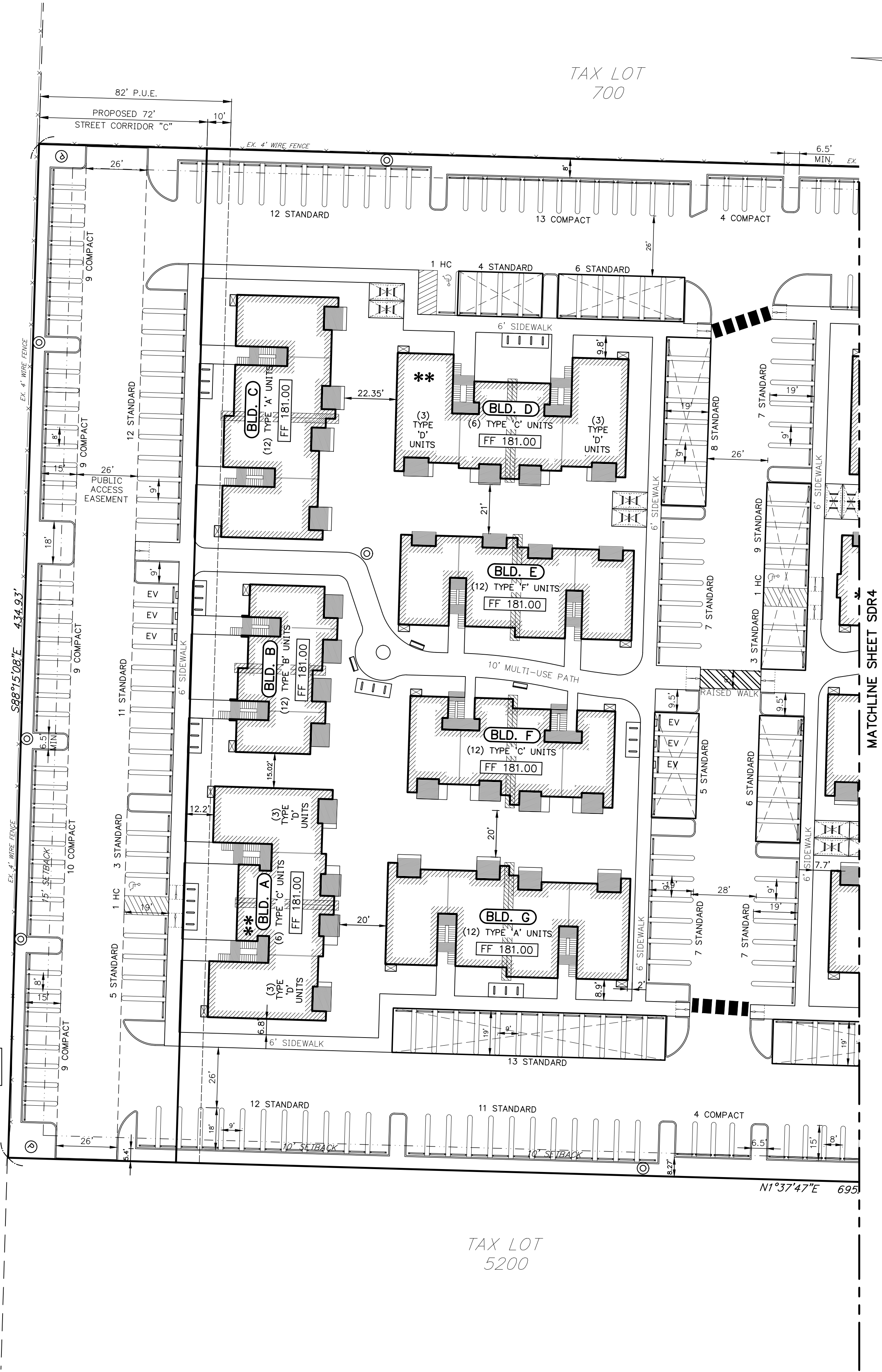


JOB # 6855

SDR4

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NOTE:
ACCESS TO ADJACENT TAX LOTS
TO BE CURBED AT PROPERTY LINE.



**PRELIMINARY
SITE PLAN**

**WOODBURN EASTSIDE
APARTMENTS**

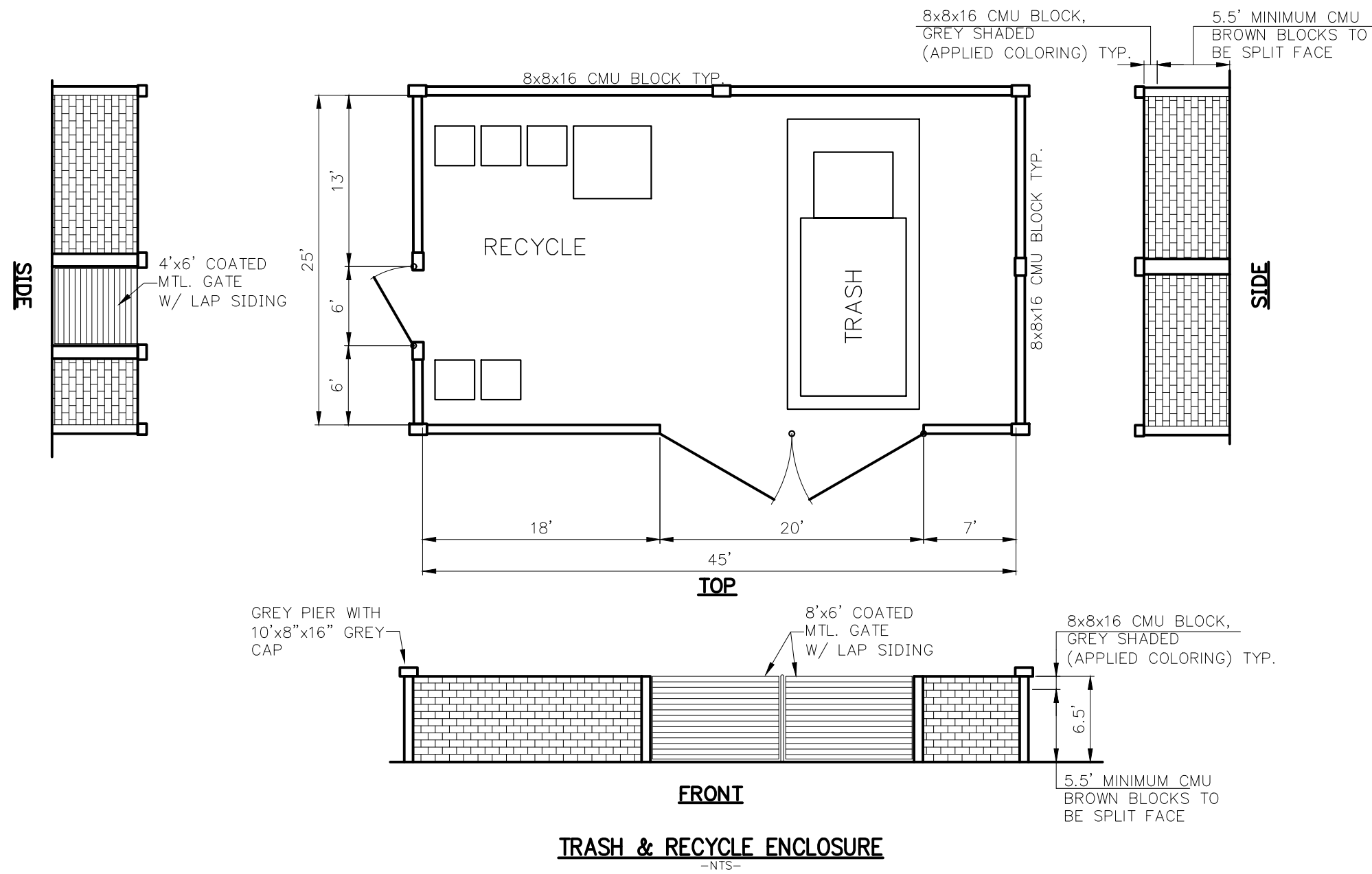
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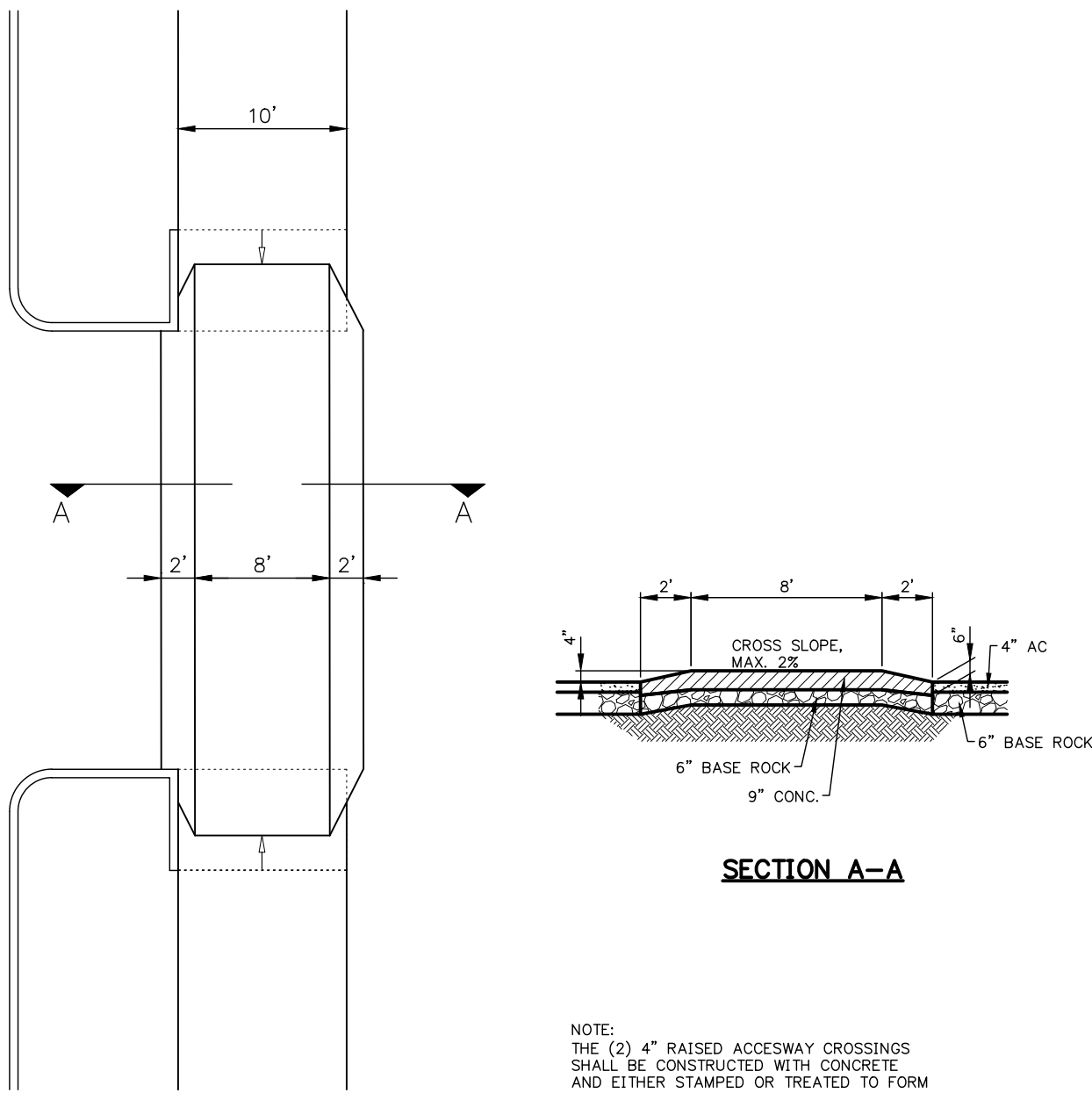


JOB # 6855

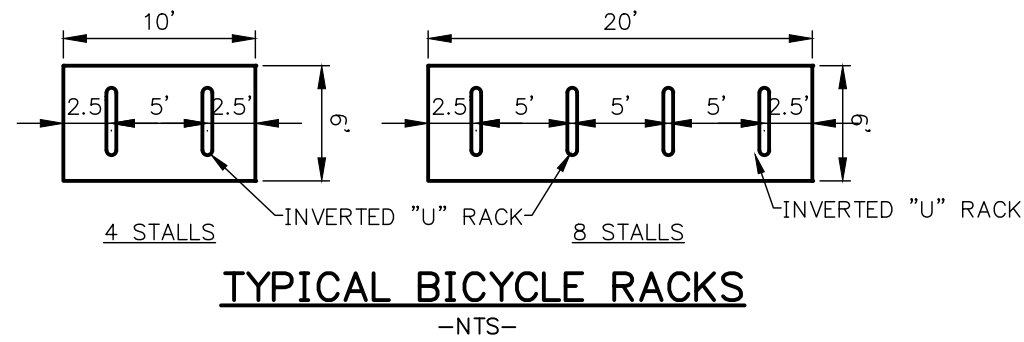
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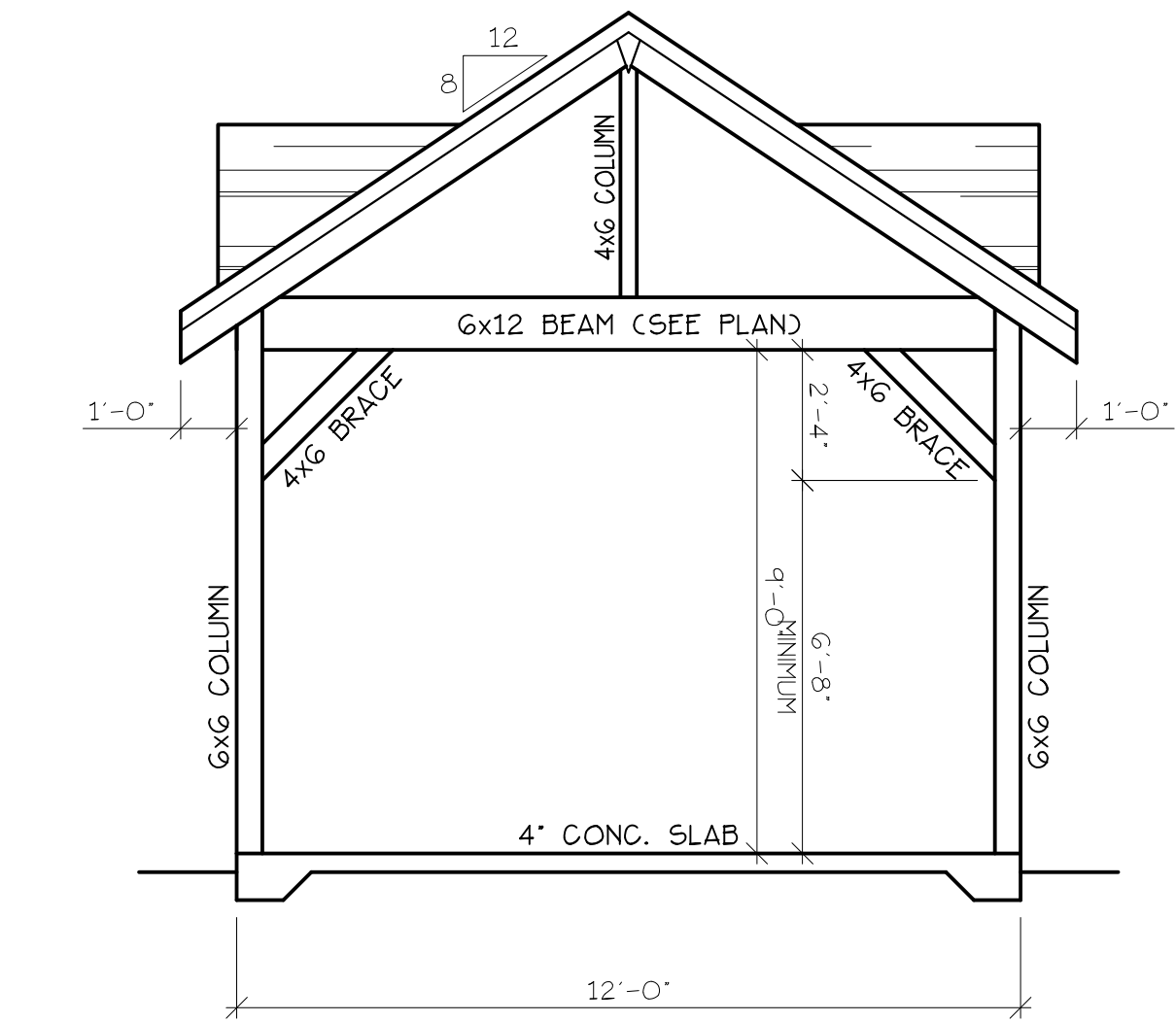
TRASH & RECYCLE ENCLOSURE
-NTS-



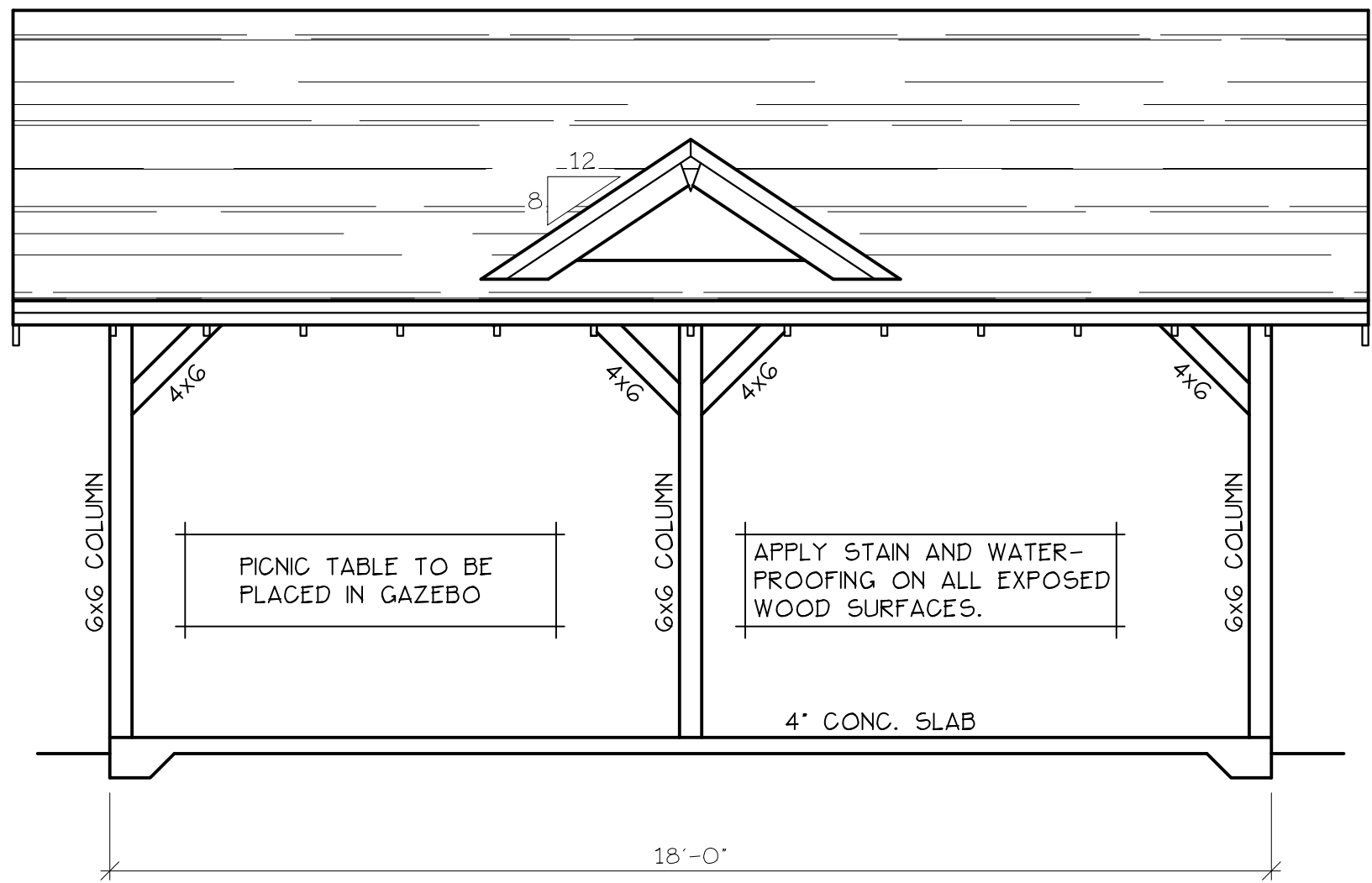
RAISED PESTRIAN CROSSING
-NTS-



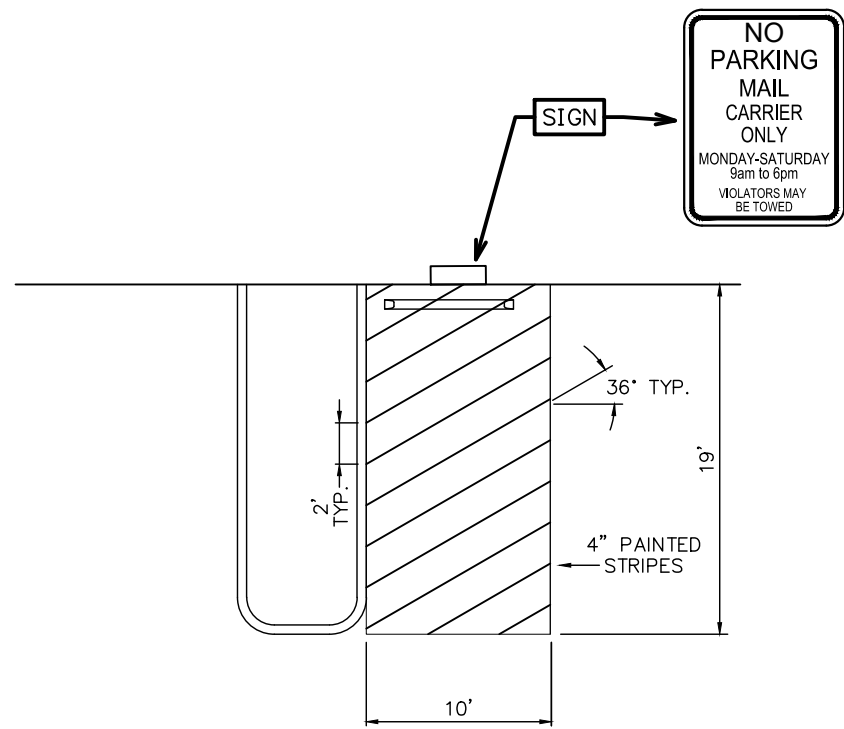
TYPICAL BICYCLE RACKS
-NTS-



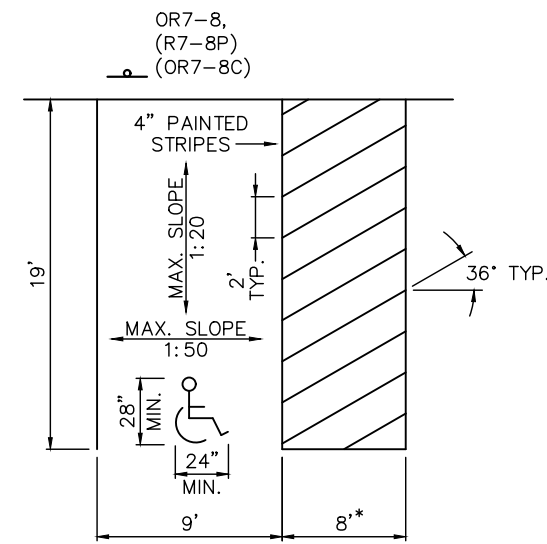
GAZEBO - CENTER + END ELEVATION
SCALE: NTS



GAZEBO - SIDE ELEVATION
SCALE: NTS



MAIL CARRIER PARKING
-NTS-



MINIMUM STATE STANDARD
SINGLE-DISABLED PERSON
PARKING SPACE
-NTS-

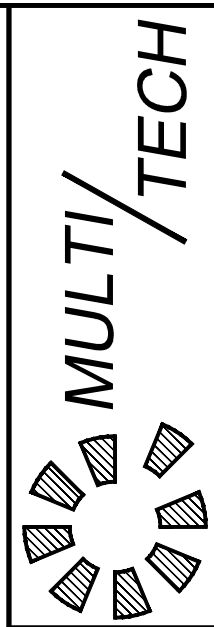
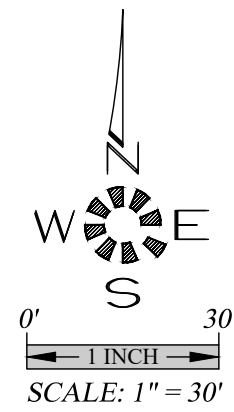
SITE PLAN
DETAILS

WOODBURN EASTSIDE
APARTMENTS

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JULY 1, 1978
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www.mtengineering.net office@mtengineering.net

PRILIMINARY FRONTAGE IMPROVEMENTS

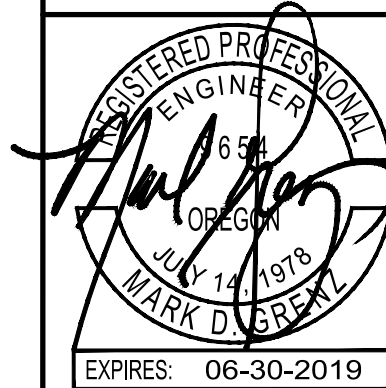
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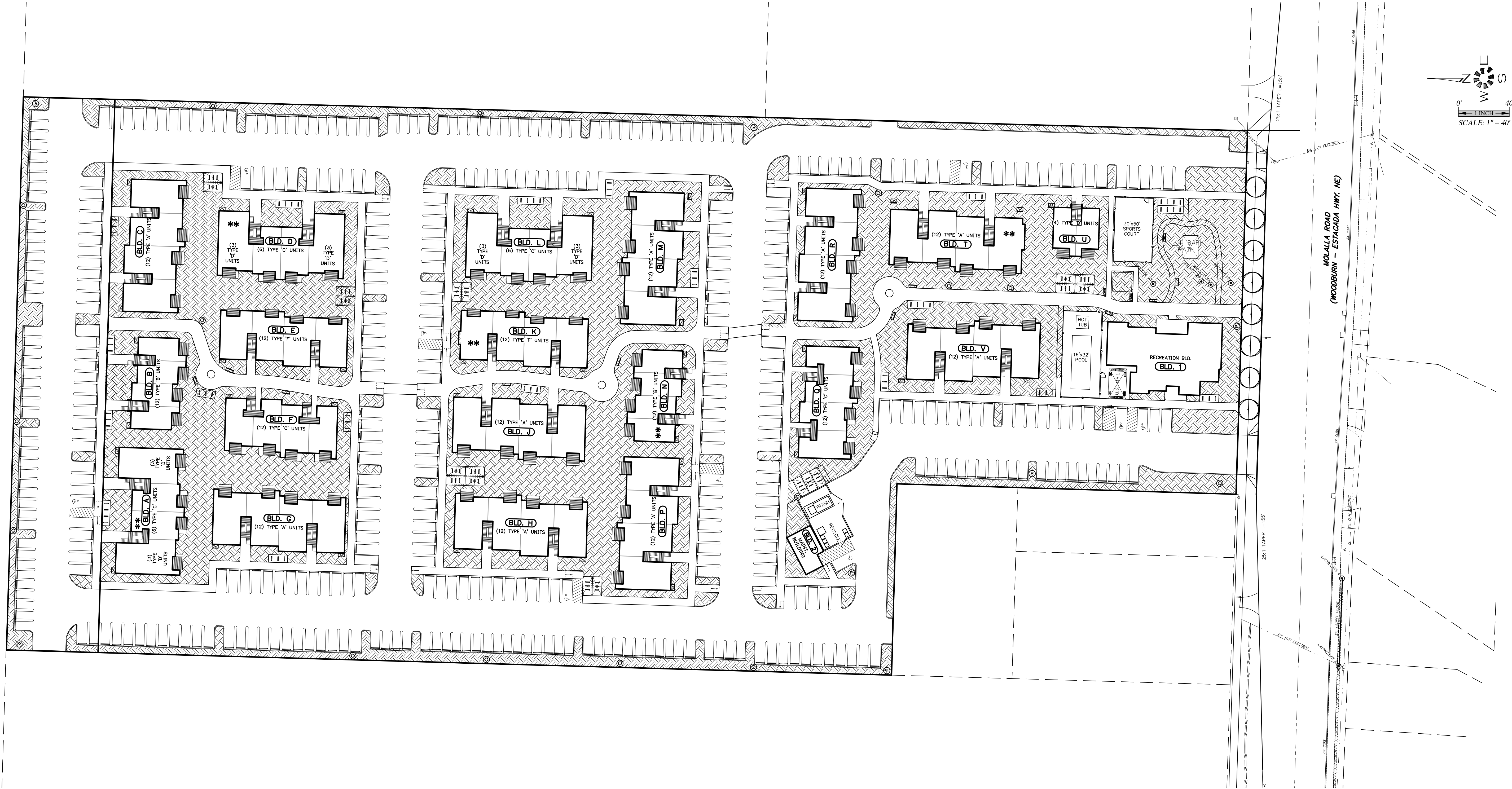
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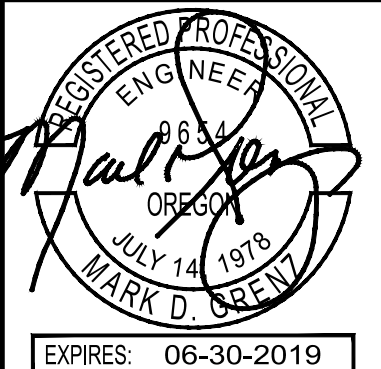


**PRELIMINARY
OPEN SPACE
PLAN**

**WOODBURN EASTSIDE
APARTMENTS**

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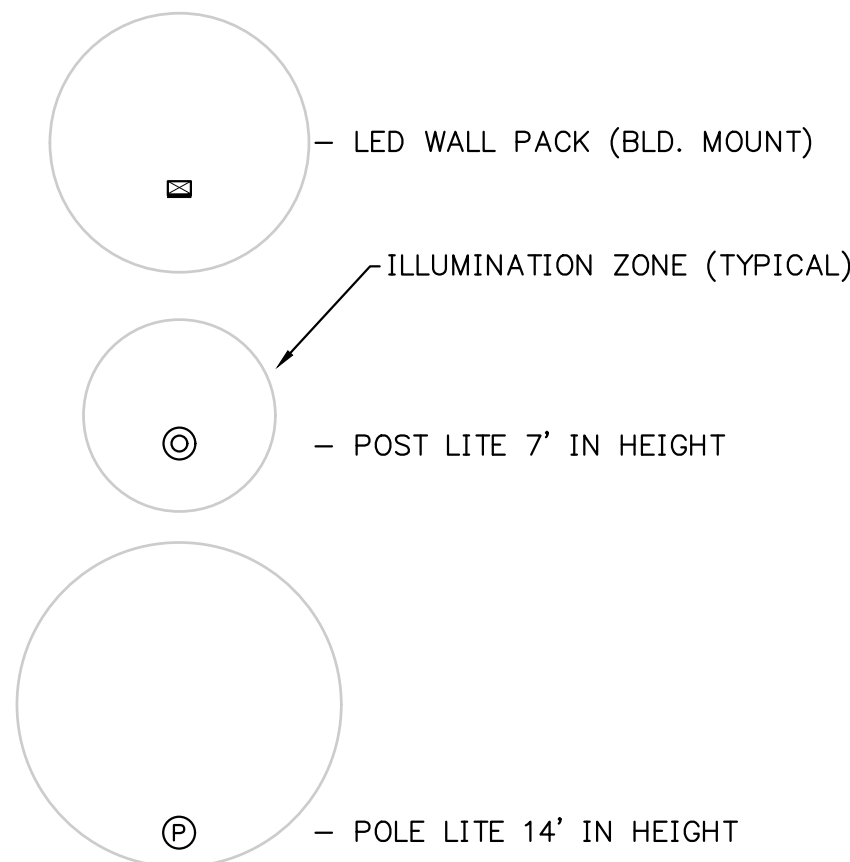
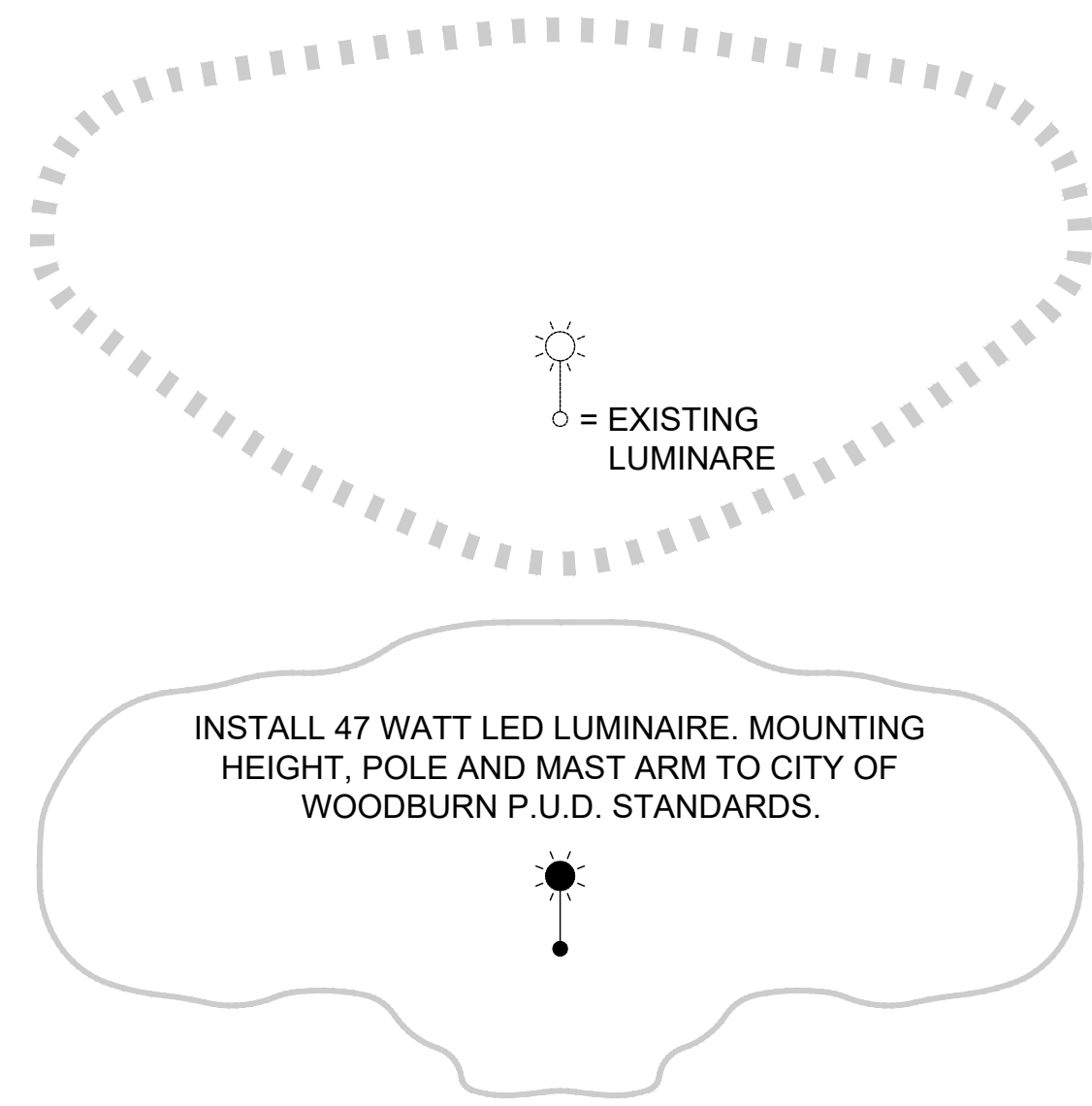
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SDR8

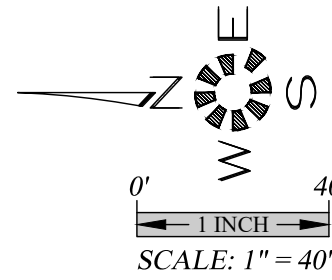
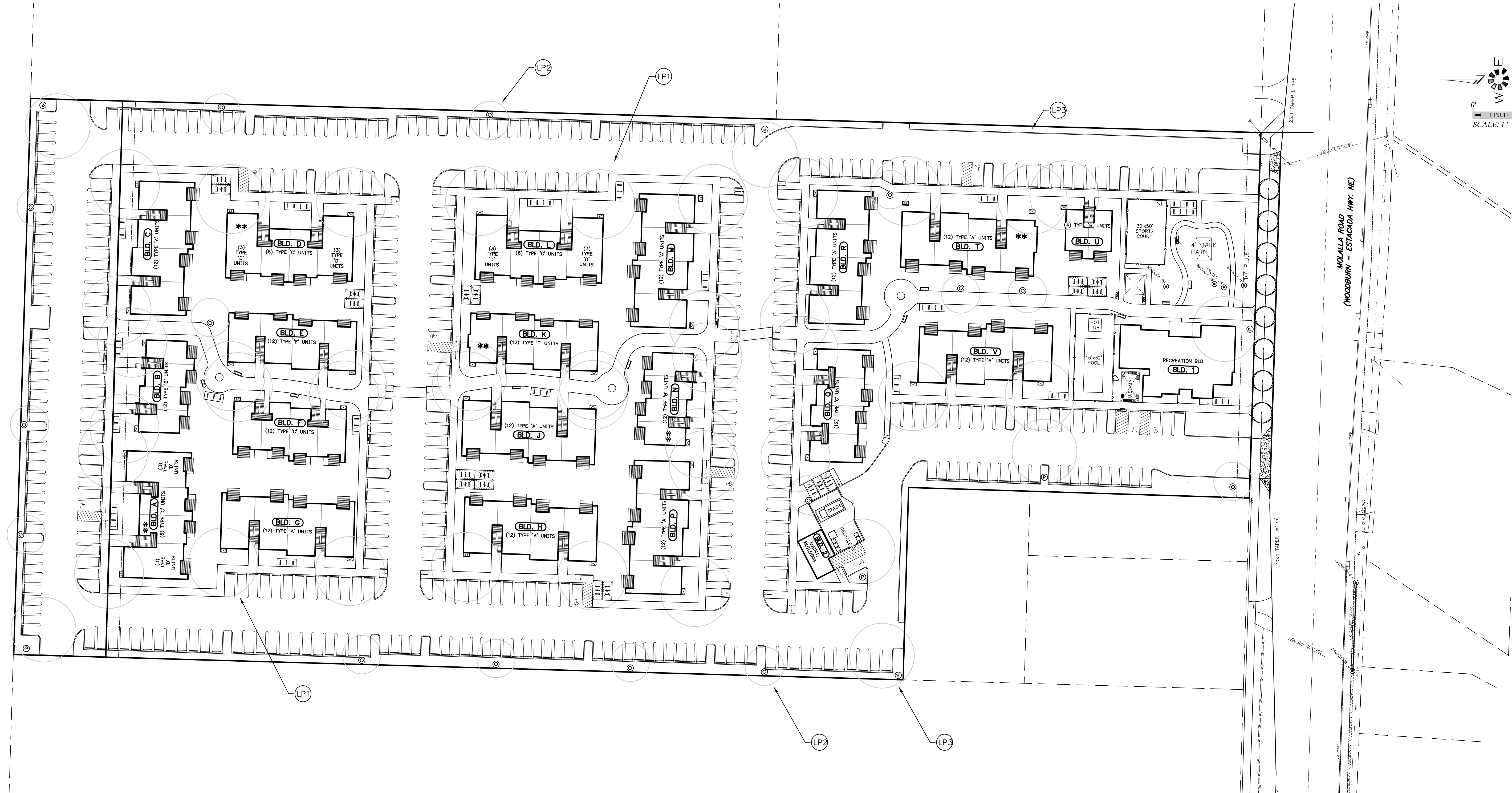
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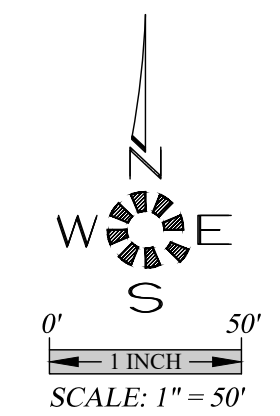
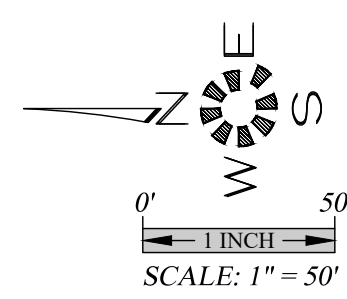


- LP1 = INSTALL TYPICAL WALLPACK
LP2 = INSTALL TYPICAL LUMINAIRE MOUNTED ON A 7-FOOT POLE
LP3 = INSTALL TYPE V DISTRIBUTION LUMINAIRE MOUNTED ON A 14-FOOT POLE

PRIVATE LUMINAIRE SCHEDULE PROJECT: 5TH STREET APARTMENTS

QTY	LABEL	DESCRIPTION	WATTS	LUMENS	ARM	ARRANGMENT	LLF
38	LP1-PROPOSED WALL PACK	LED, COOPER 'CROSSTOUR' XTOR48-Y WALL-PACK MOUNTED 17.5'	38	3995	0	SINGLE	0.8500
15	LP2-PROPOSED LIGHT	LED, LEOTEK "AR13" AR13-4M2-MV-WW-2-DB-350-WL MOUNTED ON A 7' POLE	20	2015	0.6700	SINGLE	0.8500
7	LP3-PROPOSED LIGHT	LED, U.S. ARCHITECTURAL VLL-LED-PLED-40LED-VSQ-M-350mA-240-WW-1-RAL-8019-T MOUNTED ON A 14' POLE	45	5874	0	SINGLE	0.8500





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PRELIMINARY SANITARY SEWER PLAN

WOODBURN EASTSIDE APARTMENTS

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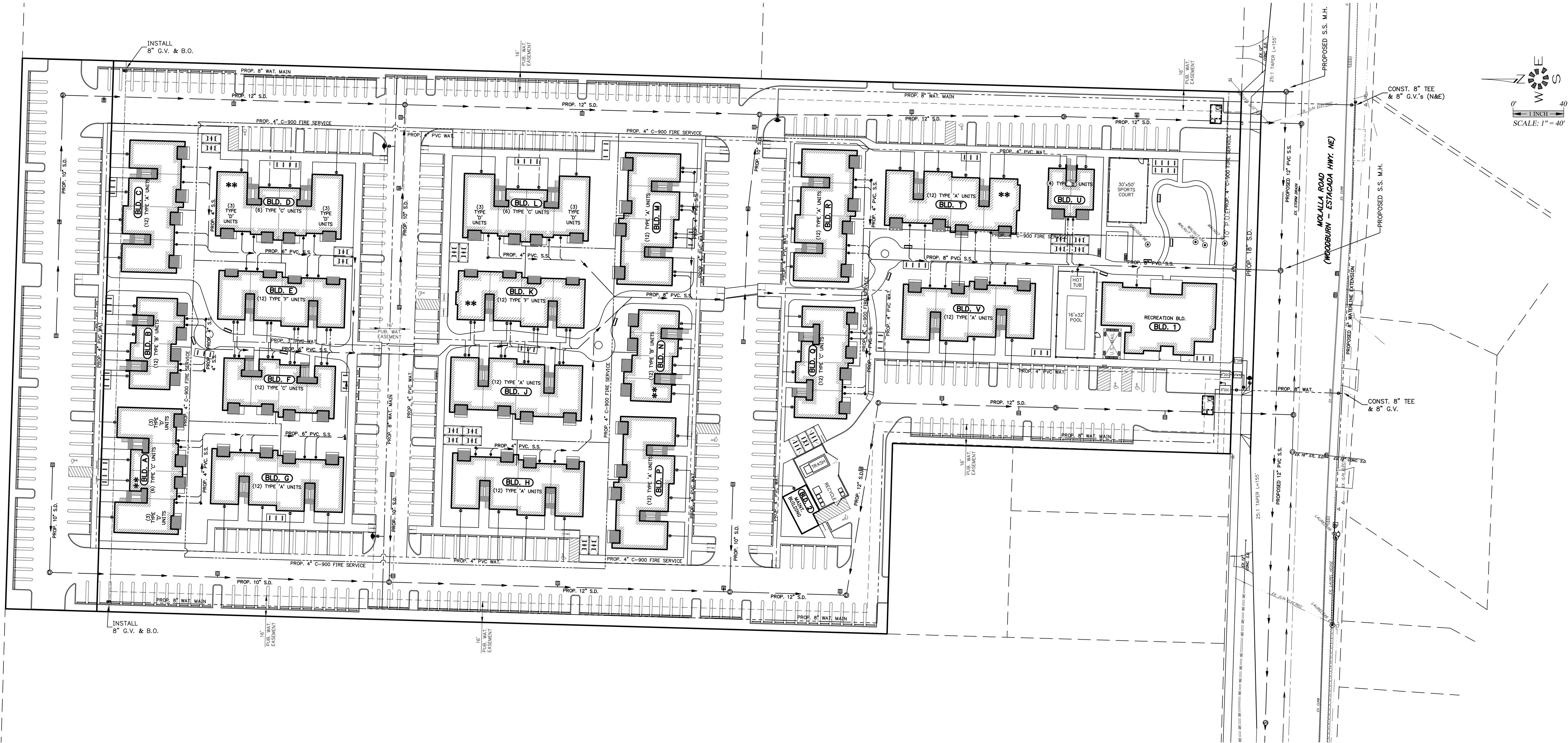
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Scale: _____ AS SHOWN



EXPIRES: 06-30-2019

SDR11

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NOTE:
SYMBOLS FOR FIRE HYDRANTS, WATER
METERS AND OTHERS ARE LARGER
THAN ACTUAL AND ARE NOT TO SCALE.

PRELIMINARY
DOMESTIC WATER
AND FIRE SERVICE
PLAN

WOODBURN EASTSIDE
APARTMENTS

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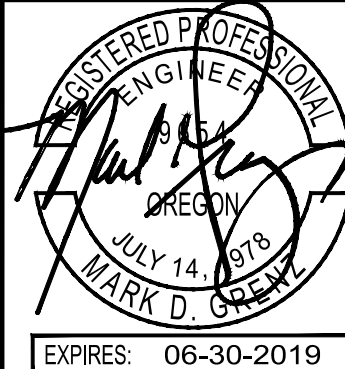
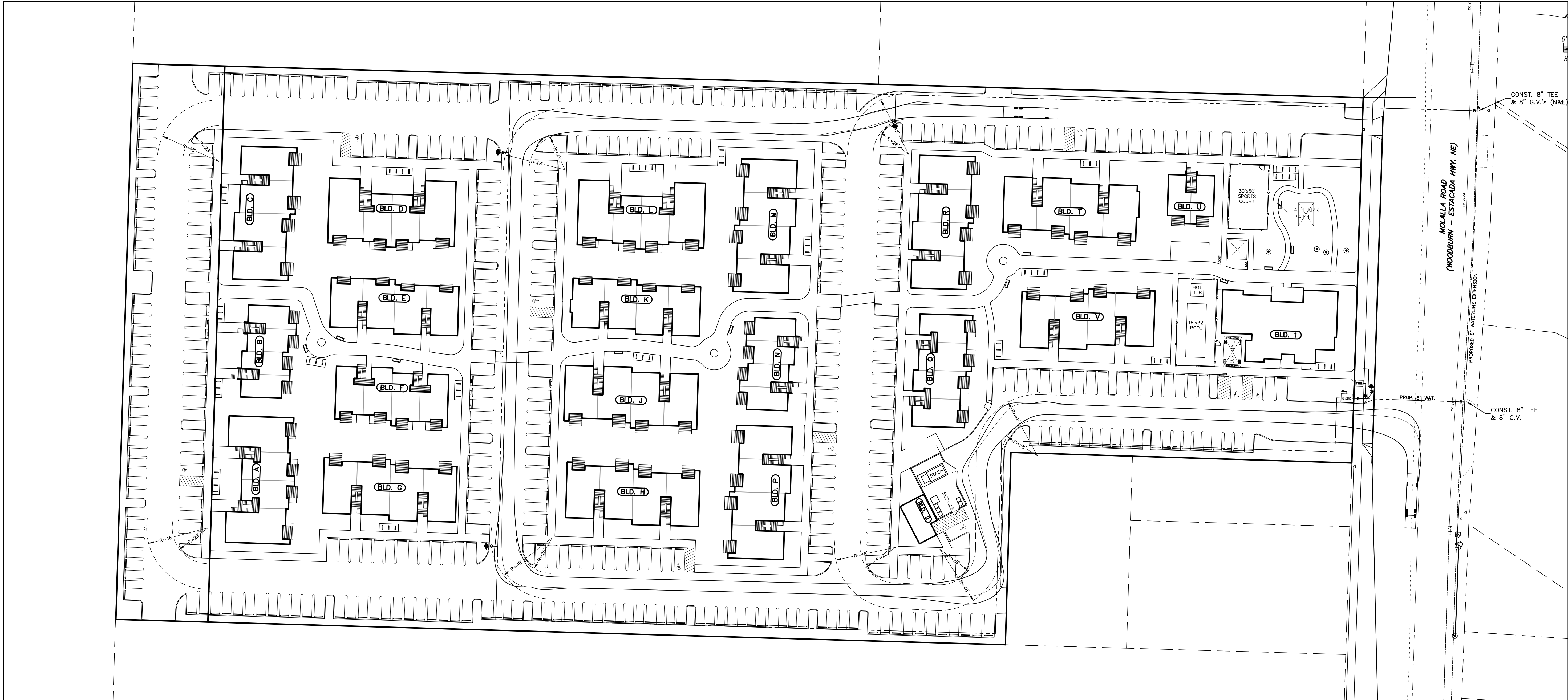


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SDR12

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SDR13

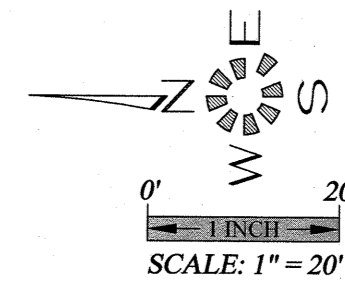
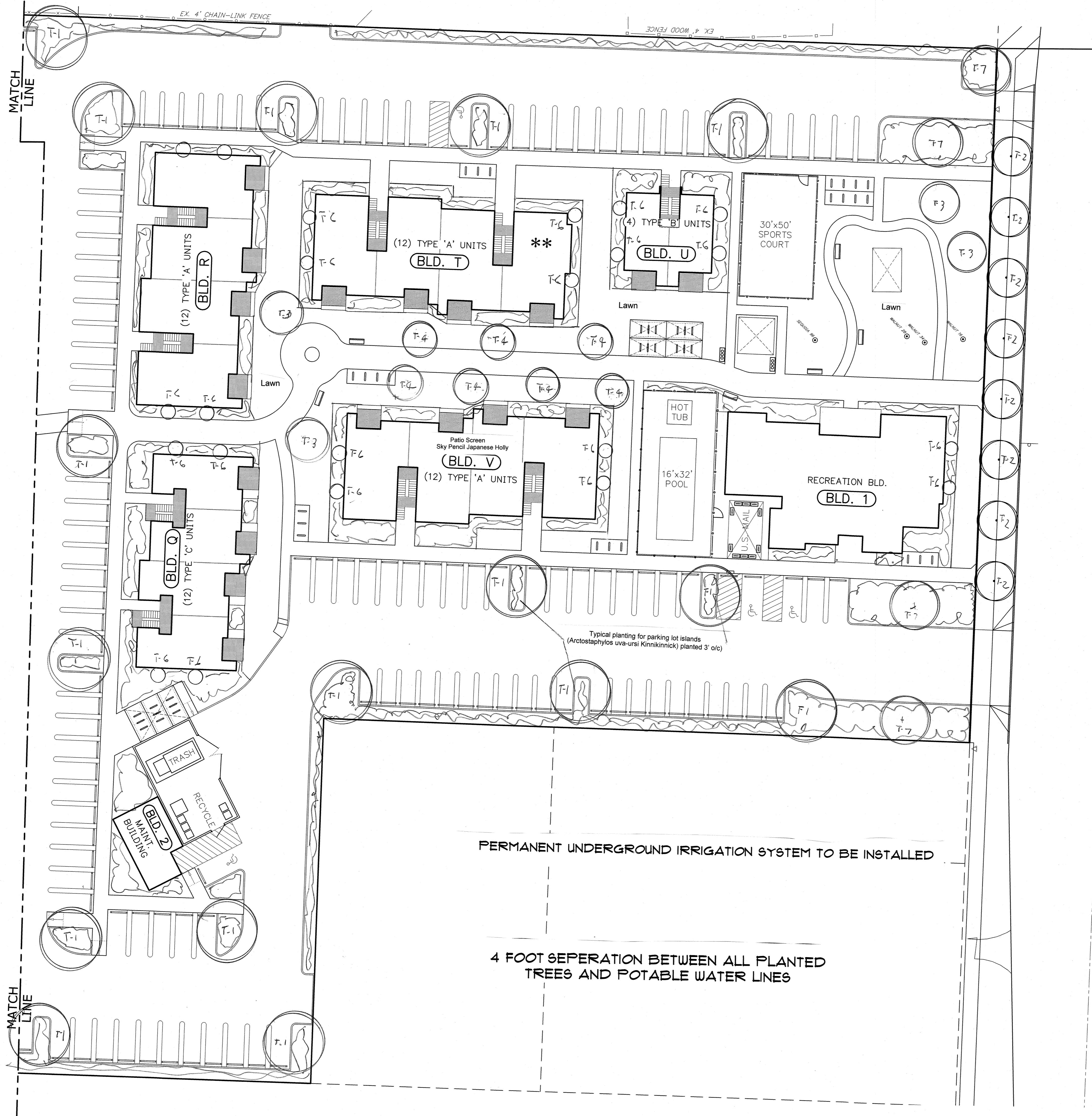
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WOODBURN EASTSIDE APARTMENTS

FIRE TRUCK TURNING TEMPLATE

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MOLALLA ROAD
(WOODBURN - ESTACADA HWY. NE)

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SCHEMATIC LANDSCAPE PLAN

WOODBURN EASTSIDE APARTMENTS

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L1.1

GENERAL LANDSCAPE NOTES:

General:

1. All local, municipal, state, and federal laws regarding uses, regulations, governing or relating to any portion of the work depicted on these plans are hereby incorporated into and made part of these specifications and their provision shall be carried out by the Contractor. The Contractor shall at all times protect the public throughout the construction process.
2. The Contractor shall carefully correlate construction activities with earthwork contractor and other site development.
3. The Contractor shall verify drawing dimensions with actual field conditions and inspect related work and adjacent surfaces. Contractor shall verify the accuracy of all finish grades within the work area. The Contractor shall report to the Landscape Design & Consultants LLC (LDC) or Owner all conditions which prevent proper execution of this work.
4. The exact location of all existing utilities structures and underground utilities, which may not be indicated on the drawings, shall be determined by the Contractor. The Contractor shall protect existing structures and utility services and is responsible for their replacement if damaged.
5. Disturbance and impacts to existing native trees/shrubs shall be minimized to the greatest extent practicable.
6. The Contractor shall keep the premises free from rubbish and debris at all times and shall arrange material storage to not to interfere with the operation of the project. All unused material, rubbish, and debris shall be removed from the site.
7. All plant material and planting supplies shall be warranted for a period of not less than one year from the completion date of installation. All replacement stock shall be subjected to the same warranty requirement as the original stock. Any damage due to replacement operations shall be repaired by the Contractor. At the end of the warranty period, inspections shall be made by LDC, Owner/General Contractor. All plant and lawn areas not in a healthy growing condition shall be removed and replaced with plants and turf cover of a like kind and size before the close of the next planting season.

Grading / Erosion Control / Rain Gardens:

1. The design and placement of the building on the site lends itself to minimal slope conditions with positive drainage being maintained around the entire building. In this case standard landscaping procedures of topsoil, lawn, and a two inch layer of bark mulch on all planting beds will be sufficient to control erosion. In the event site conditions change or there are Slopes / Bio Swale / Detention Ponds on the project with slopes greater than 30% Poly tight Jute Netting shall be installed with anchoring pins as per manufactures recommendations prior to planting. Recommend DeWitt PJN4216 Erosion Control Poly Jute Netting and DeWitt anchor pins or approved equal.
2. For erosion control seed mix shall be Pro Time 7000 Low Profile or approved equal over the jute netting at a rate of 2 lbs. per 1000 sq. feet. The address of Pro-Time is 1712 SE Ankeny, Portland OR 97214. Phone 503-239-7518. There email is info@protimelawnseed.com
3. The work limits shown on this plan shall clearly be marked in the field prior to construction. No disturbance beyond the work limits shall be permitted.
4. Grading shall be performed during optimal weather conditions.
5. Erosion control measures shall be constructed in conjunction with all clearing and grading activities, and in such a manner as to ensure that sediment and sediment-laden water does not enter the drainage system or violate applicable water standards
6. Prior to the commencement of construction activities, Contractor shall place orange construction fencing around perimeters of construction impact areas, and sediment fencing at downhill portions of the site. Contractor is responsible for proper installation, maintenance, replacement, and upgrading of all erosion and sediment control measures, in accordance with local, state, and federal regulations.

Plant Material:

1. Contractor shall verify all plant & tree quantities with LDC or Owner prior to construction.
2. In the event of a discrepancy between plants materials listed on the drawings, the drawings shall govern the plant species and quantities required.
3. Plant material shall be first quality stock and shall conform to the code of standards set forth in the current edition of the American Standards for Nursery Stock sponsored by the American Association of Nurserymen, Inc. (AAN)
4. Species and variety as specified on the drawings and delivered to the site shall be certified true to their genus, species and variety and as defined within the current edition International Code of Nomenclature for Cultivated Plants.
5. Obtain freshly dug, healthy, vigorous plants nursery-grown under climatic conditions similar to those in the locality for the project for a minimum of two years. Plants shall have been lined out in rows, annually cultivated, sprayed, pruned, and fertilized in accordance with good horticultural practice. All container plants shall have been transplanted or root pruned at least once in the past three years. Balled-and burlapped (B&B) plants must come from soil which will hold a firm root ball. Heeled in plants and plants from cold storage are not acceptable.
6. Planting stock shall be well-branched and well-formed, sound, vigorous, healthy, free from disease, sun-scaled, windburn, abrasion, and harmful insects or insect eggs, and shall have healthy, normal, unbroken root systems. Deciduous trees and shrubs shall be symmetrically developed, uniform habit of growth, with straight trunks or stems, and free from objectionable disfigurements. Evergreen trees and shrubs shall have well-developed symmetrical tops with typical spread of branches for each particular species or variety. Only vines and ground cover plants well-established shall be used. Plants budding into leaf or having soft growth shall be sprayed with an anti-desiccant at the nursery before digging.

7. Contractor shall not make substitutions of plant materials. If required landscape material is not obtainable, submit proof of non-availability and proposal for use of equivalent material. When authorized, adjustments of contract amount (if any) will be made by change order.
8. Plant sizes and grading shall conform to the latest edition of American Standard for Nursery Stock as sponsored by the American Association of Nurserymen Inc. (AAN)
9. All vegetation shown on this plan shall be maintained in a healthy and vigorous growing condition throughout the duration of the proposed use. All vegetation not so maintained shall be replaced wit new vegetation at the beginning of the next growing season.

Planting:

1. Planting shall be installed between February 1st to March 30th or from October 1st to November 15th. If planting is installed outside these times frames, additional measures maybe needed to ensure survival and shall be pre-approved by the owner.
2. Plant material shall be transported to the sit in a timely manner to minimize on-site storage. Where storage is required, all plants shall be kept moist and shaded.
3. Plant stock shall be handled in a manner that will not break, scrape, or twist any portion of the plant. Protect plants at all times from conditions that can damage the plant (e.g., sun, wind, freezing conditions).
4. Provide the following clearance for planting of trees where applicable:
Maintain 30 feet vision triangles at all intersections and corners
5 feet from all street/parking lot light standards
10 feet from fire hydrants
5 feet from all utility vaults, meter boxes, etc.
5. No trees or shrubs shall be planted on existing or proposed utility lines.
6. All shrub beds shall receive a minimum 2" layer of bark mulch evenly applied immediately after panting is completed.
7. All plant beds shall drain away from buildings.
Excavate plant pits for shrubs and trees as follows:
Container stock width = 2 times the container diameter, depth = container depth.
Bare root stock: width = 2 times the widest diameter of the root, depth = of root system.
B & B: width = 2 times ball diameter, depth = ball depth.
Scarify sides and bottom of plant pits to roughen surfaces.
8. Place plants plumb in the pit, Backfill with native soil or top soil mixture to the original plant soil line, and tap solidly around the ball and roots. Water plants immediately after planting if soil is not saturated to the surface.

Bark Mulch:

1. All shrub beds shall receive a minimum 2" layer of fine hemlock or fir bark mulch evenly applied immediately after panting is completed. All plant beds shall drain away from buildings.

Poly Jute Netting:

1. Tight net Poly Jute Netting shall be installed on Bio Swales/Detention Ponds/Vegetated Swale and Rain Gardens as a soil stabilizer and erosion control agent. Jute Netting shall be installed with anchoring pins as per manufactures recommendations prior to planting. Recommend DeWitt PJN4216 Erosion Control Poly Jute Netting and DeWitt anchor pins or approved equal.

Bio Swales/Detention Ponds/Vegetated Swales:

1. Bark Mulch shall not be applied to Bio Swales/Detention Ponds or Vegetated Swales.

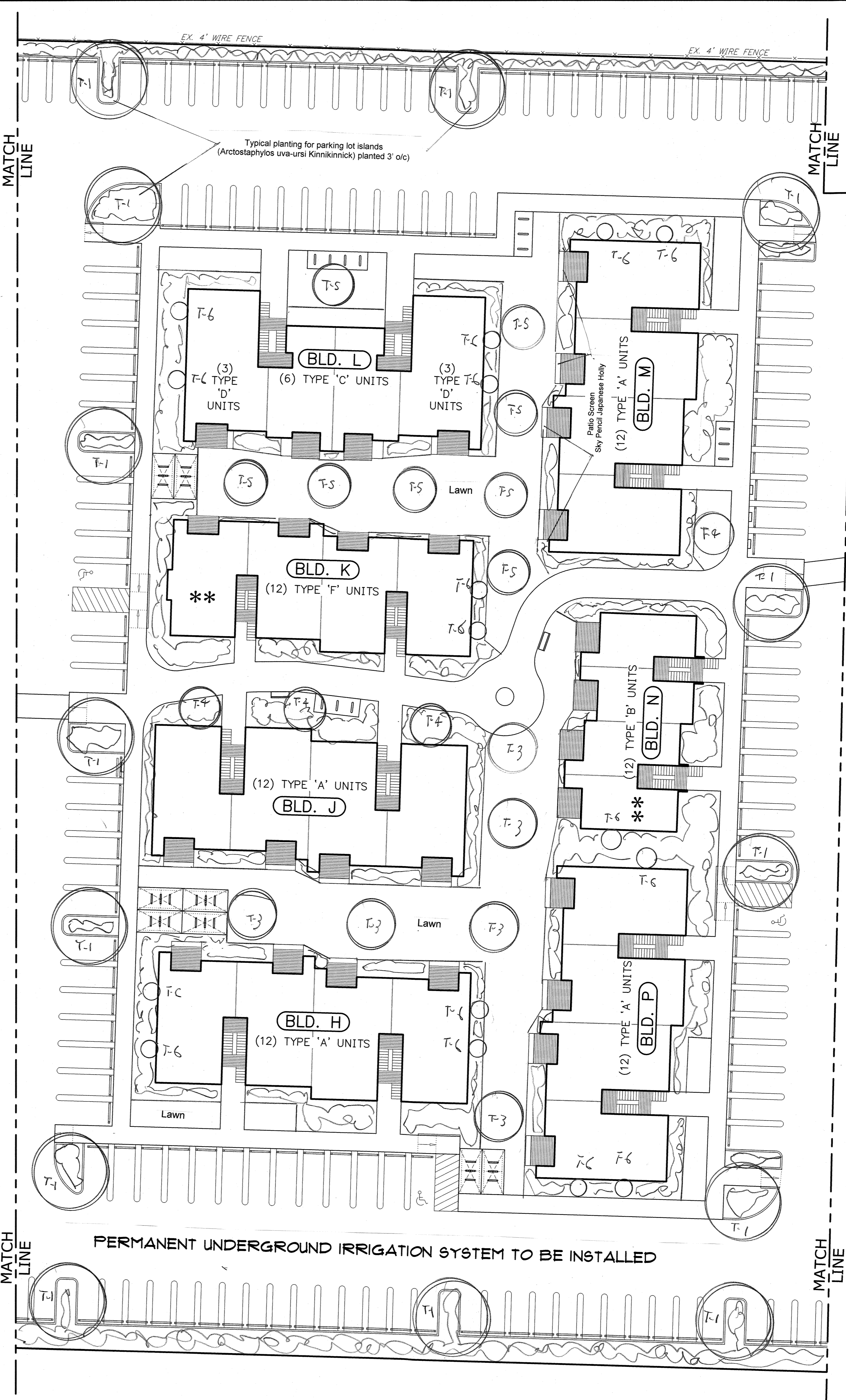
Weed Control Agent:

1. Apply casoron as a weed control agent after planting as per manufactures specified recommendations around building or approved equal.

Non-Native Plant Species:

1. All non-native, invasive plant species shall be removed from the site.

4 FOOT SEPERATION BETWEEN ALL PLANTED TREES AND POTABLE WATER LINES



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LANDSCAPE DESIGN & CONSULTANTS LLC
Doing business since 1985
620 WORMWOOD ST. S.E. SALEM, OR 97306 PHONE: (503) 551-8590

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Checked: J.C.B.
Date: JUNE 2019
Scale: AS SHOWN

REGISTERED PROFESSIONAL ENGINEER
OREGON
JULY 14, 1976
MARK D. GREEN
EXPIRES: 06-30-2019

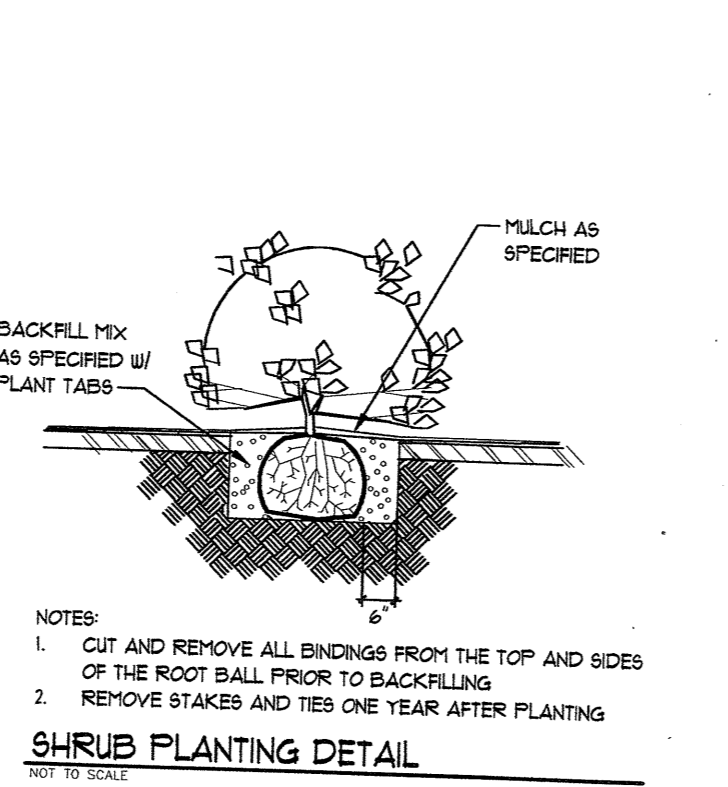
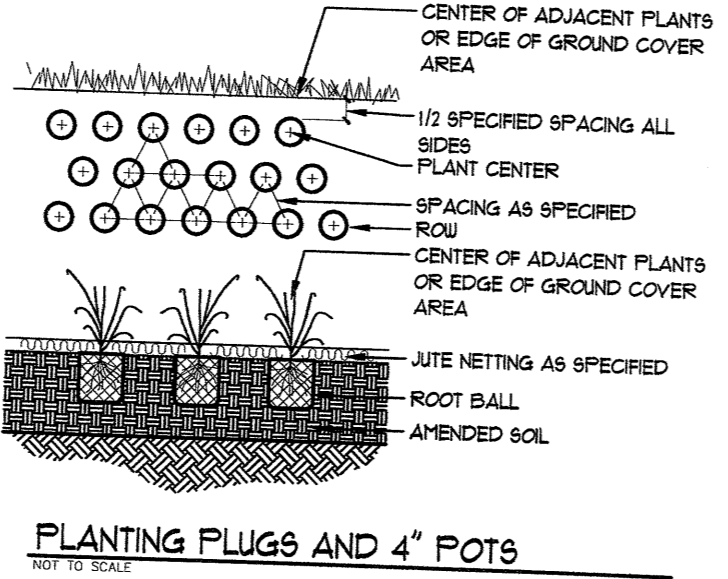
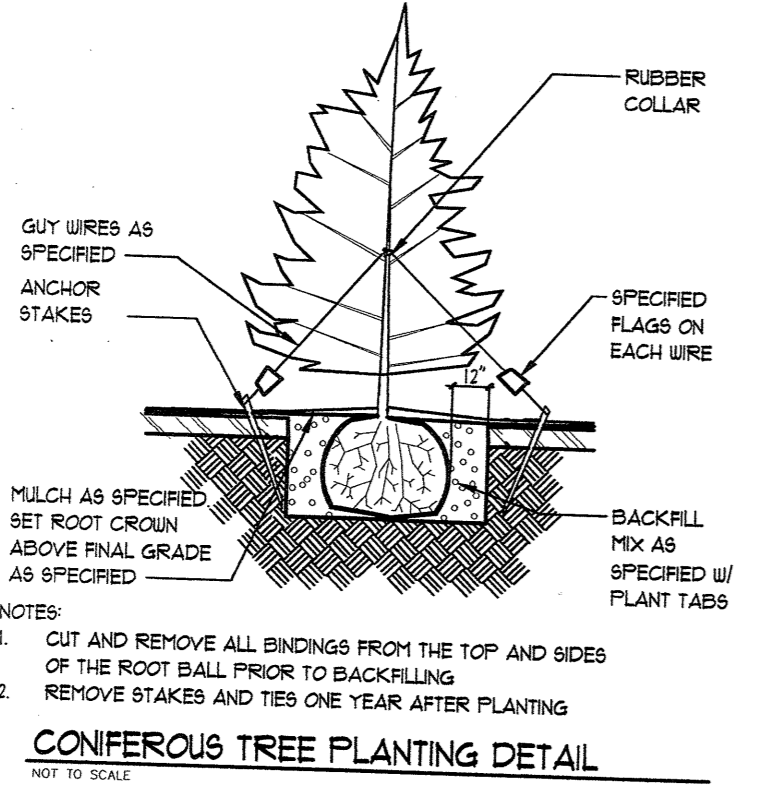
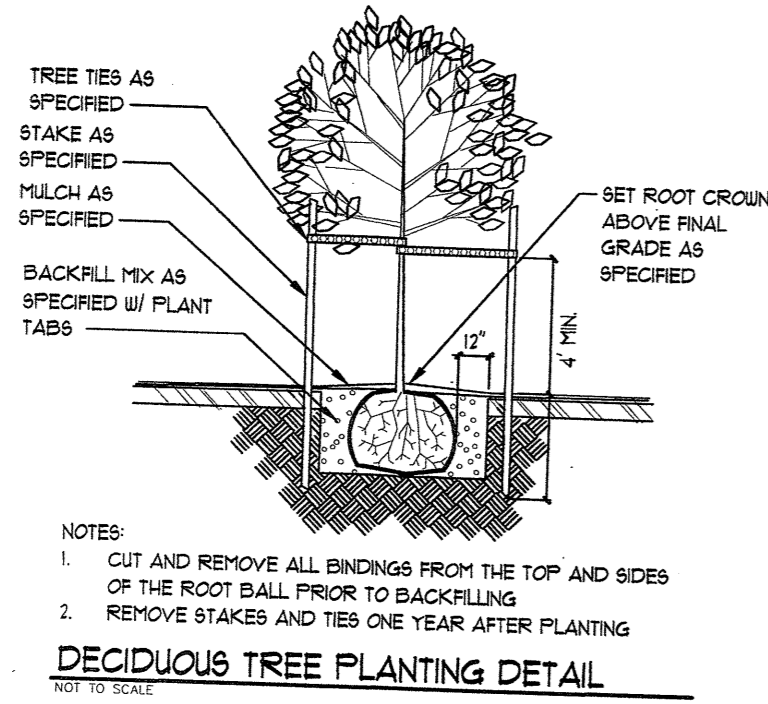
JOB # 6855

L1.2

SCHEMATIC LANDSCAPE PLAN

WOODBURN EASTSIDE APARTMENTS

MULTI/TECH
ENGINEERING SERVICES, INC.
1155 13th ST. S.E. SALEM, OR. 97302
PH. (503) 363 - 9227 FAX (503) 364-1260
www.mtechengineering.net office@mtechengineering.net

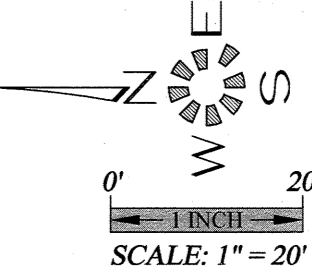
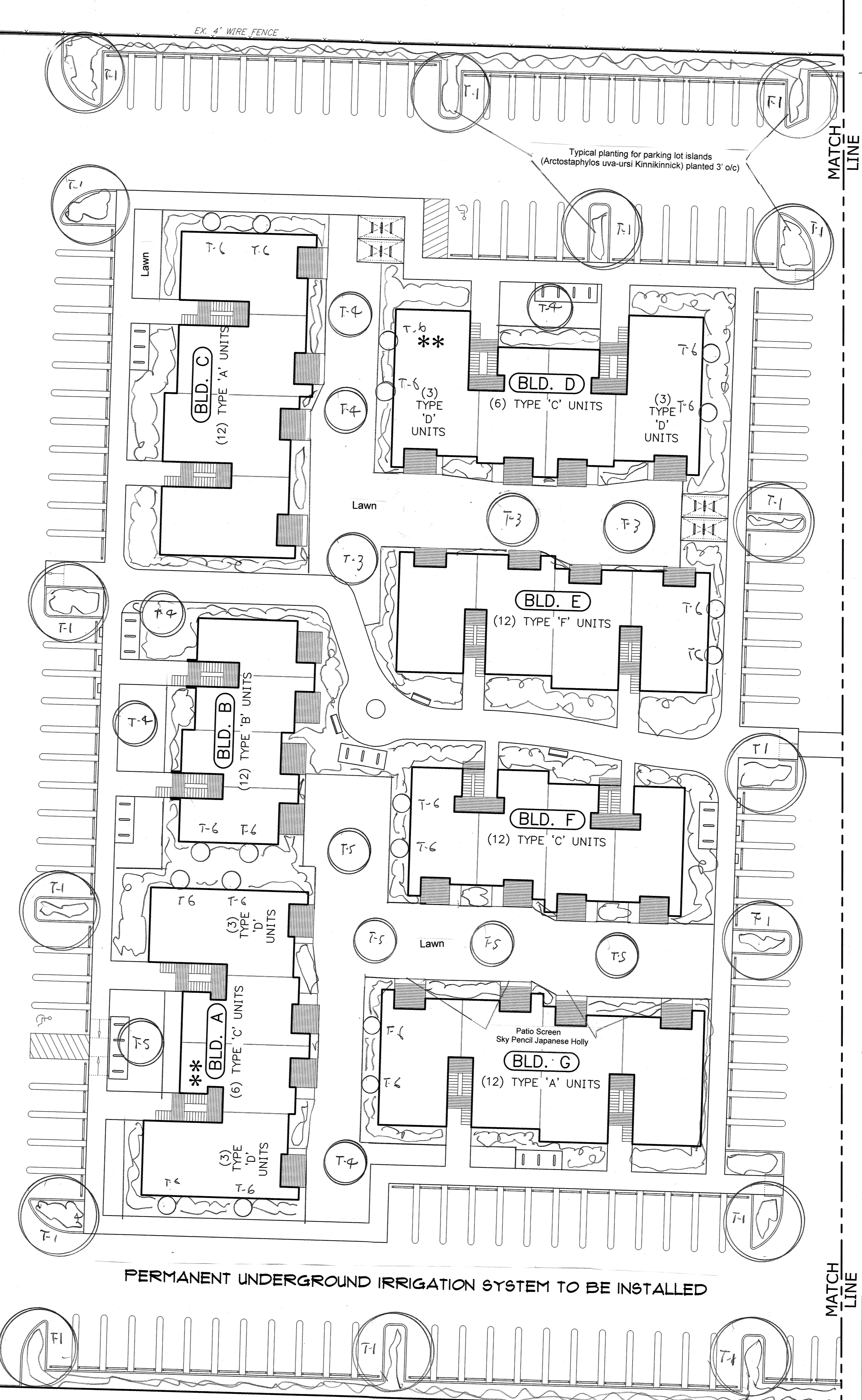


PLANT PALETTE APARTMENTS

QTY.	SYM	BOTANICAL NAME	COMMON NAME	SIZE	CONDITION	REMARKS
50	T-1	Acer rubrum 'Armstrong'	Armstrong Red Maple	2" cal. min.	B & B	6' Standard
8	T-2	Ginkgo biloba 'Princeton Sentry'	Maidenhair Tree	1 1/2" - 2" cal.	B & B	6' Standard
13	T-3	Cercis occidentalis	Western Redbud	2" cal. min.	B & B	6' Standard
17	T-4	Fagus sylvatica 'Dawson Purple'	Columnar Dawyck Purple Leaf Birch	2" cal. min.	B & B	3' Standard
12	T-5	Pyrus calleryana 'Chanticleer'	Chanticleer Flowering Pear	2" cal. min.	B & B	6' Standard
54	T-6	Juniperus Virginiana 'Skyrocket'	Skyrocket Juniper	4'-5' Tall	B & B	Full/Natural
4	T-7	Arbutus menziesii	Pacific Madrone	6'-8' Tall	B & B	Full/Natural
SHRUBS						
S-1		Arctostaphylos uva-ursi (Kinnikinnick)	Kinnikinnick	2 gal.	cont.	Planted 3' o/c
S-2		Abelia grandiflora 'Ed Goucher'	Edward Goucher Abelia	2 gal.	cont.	Full
S-3		Cornus stolonifera 'Kelsey'	Kelsey Dwarf Redwig Dogwood	2 gal.	cont.	Full
S-4		Daphne odora	Winter Daphne	2 gal.	cont.	Full
S-5		Euonymus japonica Variegated	Variegated Euonymus	2 gal.	cont.	Full
S-6		Euonymus japonica Golden	Golden Euonymus	2 gal.	cont.	Full
S-7		Pieris japonica 'Astrid' Compacta	Astrid Japanese Andromeda Compacta	5 gal.	cont.	Full
S-8		Ilex crenata 'sky pencil'	Sky Pencil Japanese Holly	4" Tall Min.	cont.	Full
S-9		Ligustrum japonicum 'Texanum'	Texas Wax-Leaf Privet	5 gal.	cont.	Full
S-10		Nandina domestica 'Moon Bay'	Moon Bay Dwarf Nandina	2 gal.	cont.	Full
S-11		Pennisetum alopecuroides 'Hameln'	Dwarf Fountain Grass	2 gal.	cont.	Full
S-12		Pennisetum setaceum 'Purpureum'	Purple Fountain Grass	2 gal.	cont.	Full
S-13		Pennisetum alopecuroides 'Chinese'	Chinese Fountain Grass	2 gal.	cont.	Full
S-14		Philadelphus 'Snowbelle'	Snowbelle Mock Orange	2 gal.	cont.	Full
S-15		Rhododendron 'Unique'	Unique Rhododendron	18"-24"	w/buds	Full
S-16		Spiraea japonica 'goldflame'	Goldflame Spirea	2 gal.	cont.	Full

CONTRACTOR TO VERIFY ALL QUANTITIES OF PLANT MATERIALS WITH LANDSCAPE DESIGN & CONSULTANTS PRIOR TO INSTALLATION
PLANT MATERIAL SUBSTITUTIONS MAY BE MADE BY THE OWNER FOR PLANT MATERIALS OF SIMILAR HABIT, FLOWERING CHARACTERISTIC
AND/OR STRUCTURE OF GROWTH DUE TO AVAILABILITY, WATER, SOIL, AND SUN REQUIREMENTS.

4 FOOT SEPERATION BETWEEN ALL PLANTED
TREES AND POTABLE WATER LINES



LANDSCAPE & IRRIGATION DESIGN BY:
**LANDSCAPE DESIGN
&
CONSULTANTS LLC**
Doing business since 1985
620 WORMWOOD ST. S.E. SALEM, OR 97306 PHONE: (503) 531-8590

NO CHANGES, MODIFICATIONS
OR REPRODUCTIONS TO BE
MADE WITHOUT WRITTEN
AUTHORIZATION FROM THE
DESIGN ENGINEER.
DIMENSIONS & NOTES TAKE
PRECEDENCE OVER
GRAPHICAL REPRESENTATION.

Design: M.D.G.
Drawn: C.D.S.
Checked: J.C.B.
Date: JUNE 2019
Scale: AS SHOWN



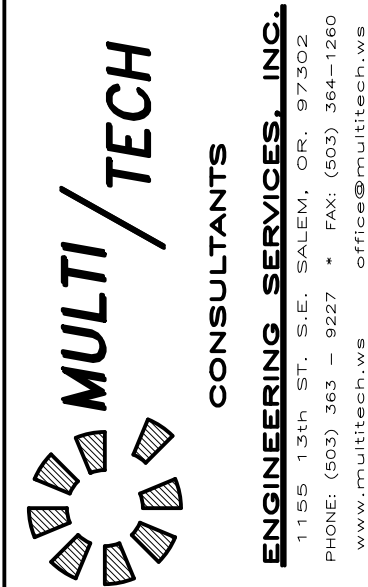
EXPIRES: 06-30-2019
JOB # 6855

L1.3

MULTI/TECH
ENGINEERING SERVICES, INC.
1100 N. JEFFERSON ST. SUITE 200
PH. (503) 363-9227 FAX (503) 364-1260
www.mtengineering.net office@mtengineering.net

**SCHEMATIC
LANDSCAPE
PLAN**

**WOODBURN EASTSIDE
APARTMENTS**



BUILDING ELEVATIONS

**WOODBURN EASTSIDE
APARTMENT COMPLEX**

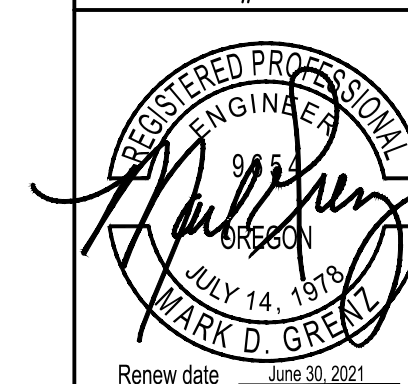
NO CHANGES, MODIFICATIONS OR REPRODUCTIONS TO BE MADE TO THESE DRAWINGS WITHOUT WRITTEN AUTHORIZATION FROM THE DESIGN ENGINEER.

DIMENSIONS & NOTES TAKE PRECEDENCE OVER GRAPHICAL REPRESENTATION.

BLDI-REC-SDR/PILOT-1
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Design: P.L.M.
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Checked: M.D.G.
Date: Aug-19
Scale: AS SHOWN

JOB # 6855

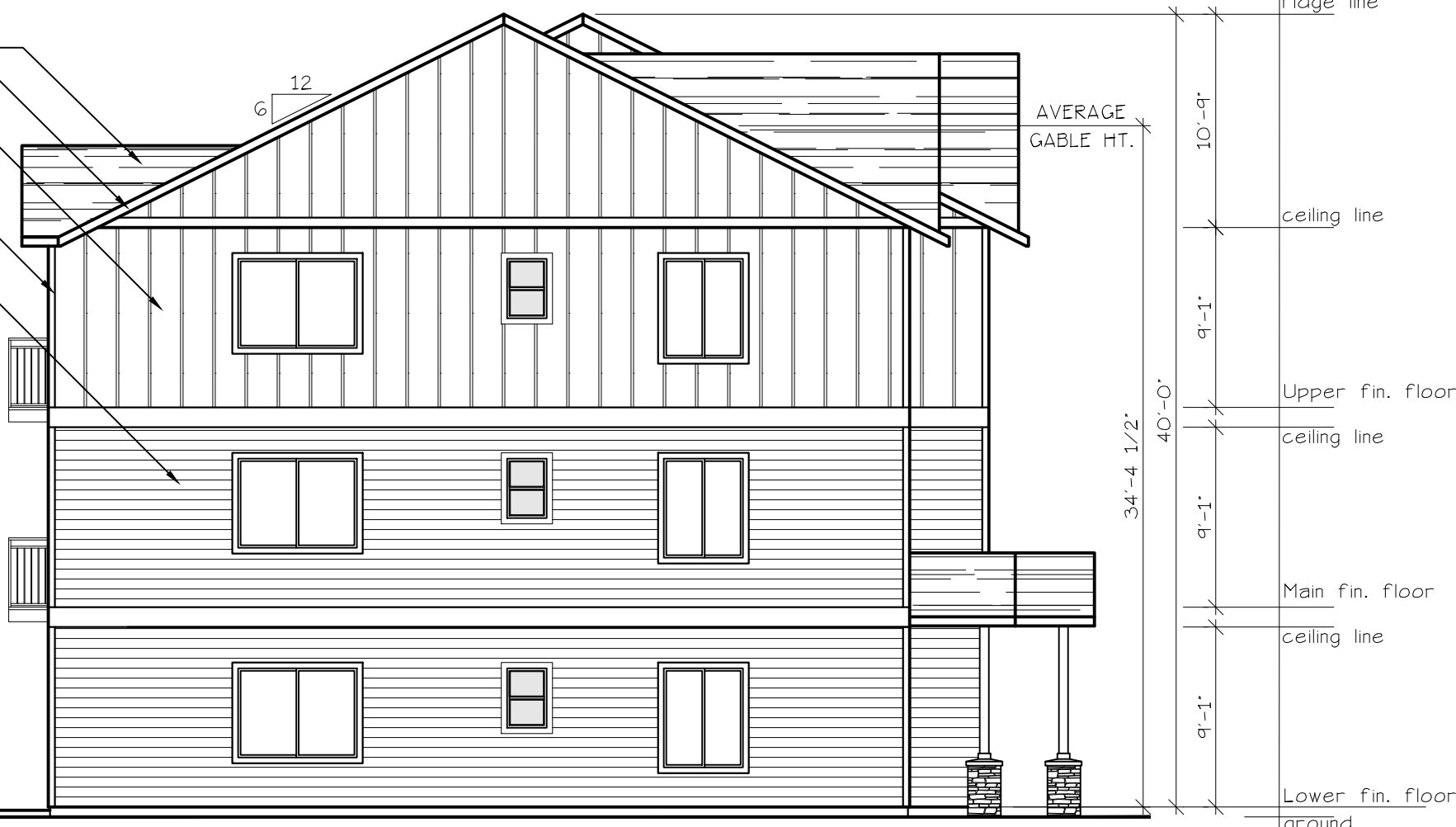


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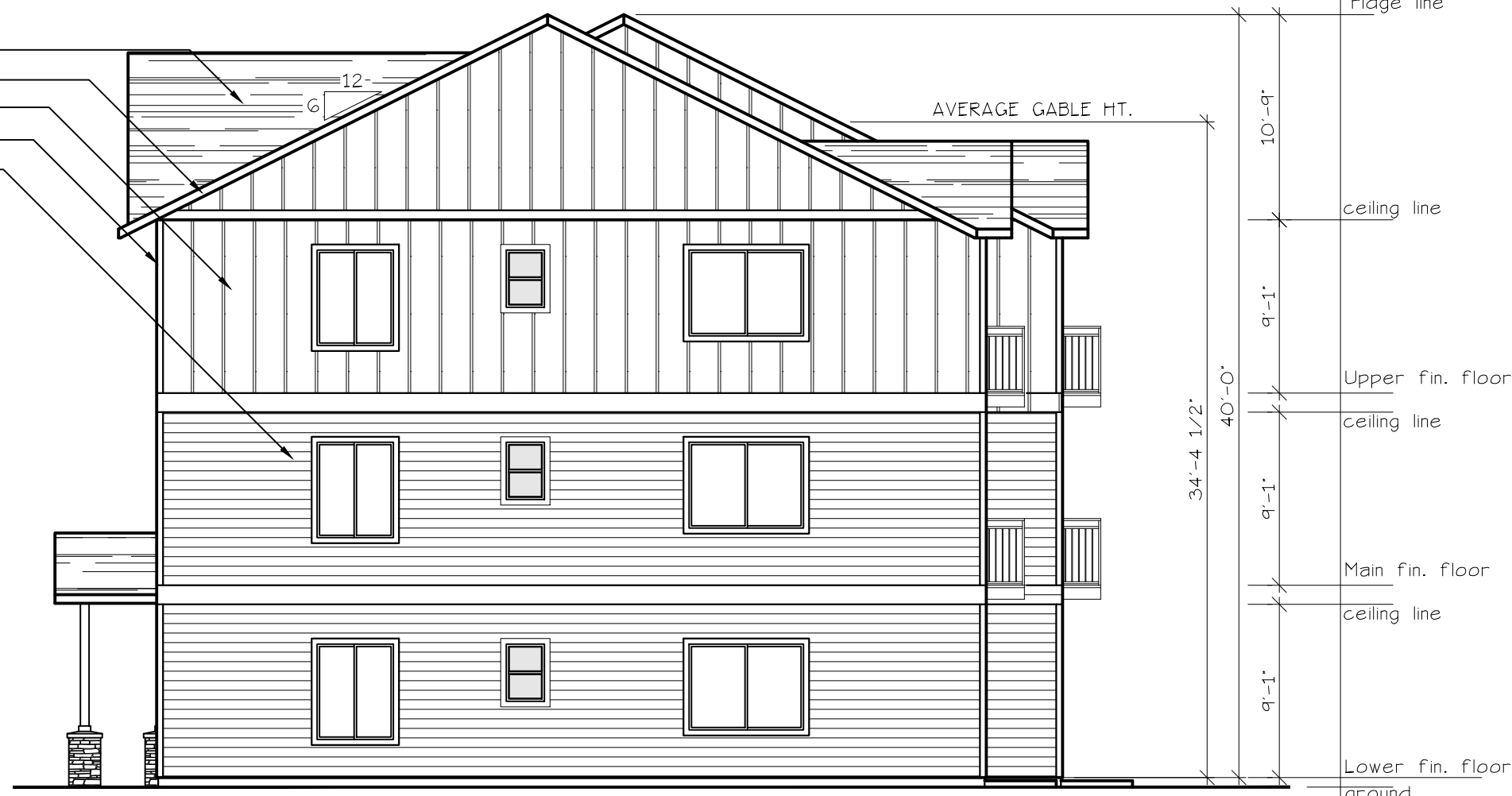
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SCALE: 1/8" = 1'-0"
BLD. C.G.H.J.M.P.Q.S+U



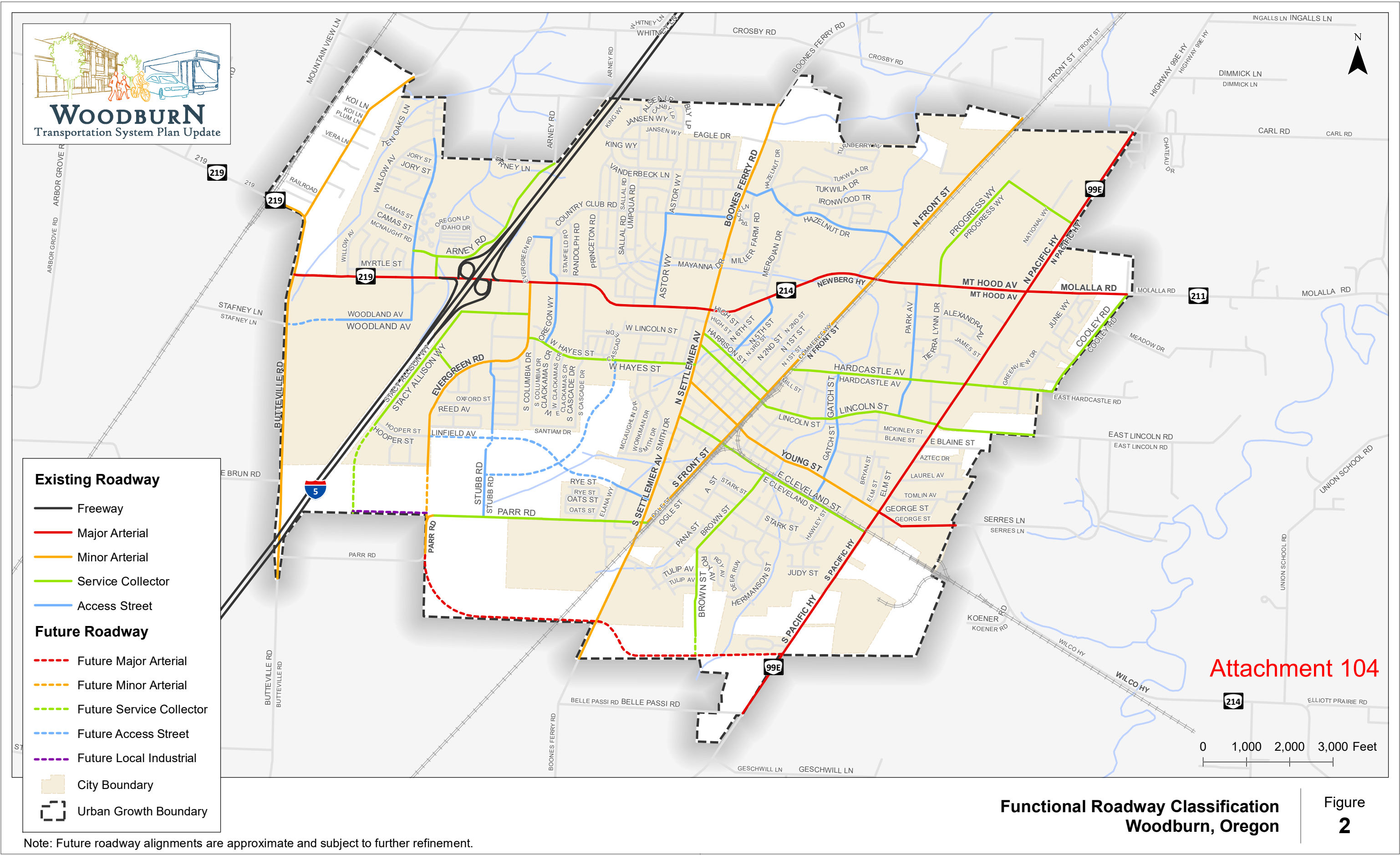
END ELEVATION (TYPE A UNITS)
SCALE: 1/8" = 1'-0"
BLD. C.G.H.J.M.P.Q.S+U

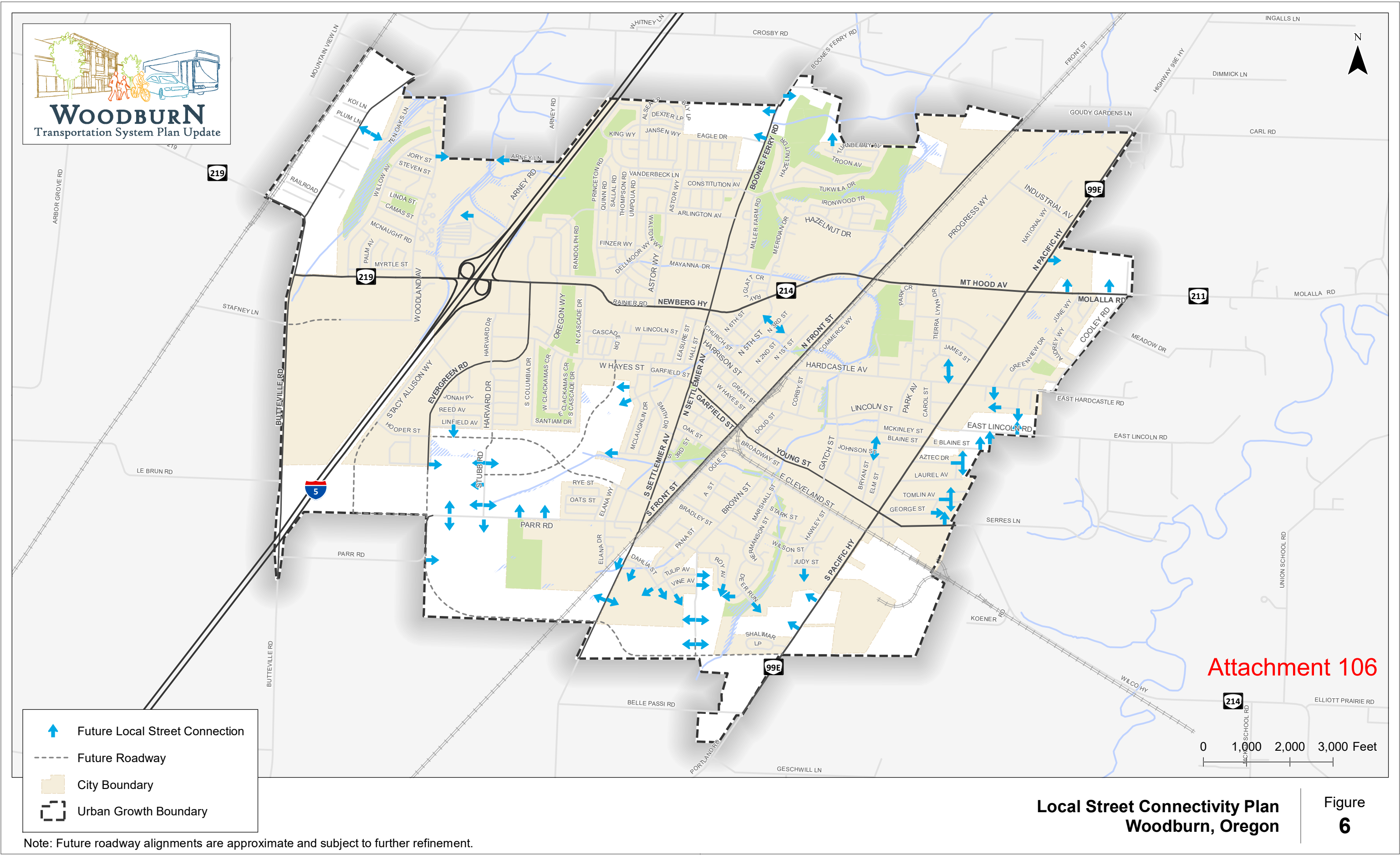


FRONT ELEVATION (TYPE A UNITS)
SCALE: 1/8" = 1'-0"
BLD. C.G.H.J.M.P.Q.S+U



END ELEVATION (TYPE A UNITS)
SCALE: 1/8" = 1'-0"
BLD. C.G.H.J.M.P.Q.S+U





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COUNCIL BILL NO. 3155

RESOLUTION NO. 2171

A RESOLUTION APPROVING TRANSFERS OF FY 2020-2021 APPROPRIATIONS AND APPROVING A SUPPLEMENTAL BUDGET

WHEREAS, ORS 294.463(1) permits "transfers of appropriations" within any fund "when authorized by official resolution or ordinance of the governing body"; and

WHEREAS, ORS 294.463(2) limits "transfers of general operating contingency appropriations to no more than fifteen (15) percent of the total appropriations of the fund" unless adopted pursuant to a supplemental budget; and

WHEREAS, transfers made pursuant to any of the above must state the need for the transfer, the purpose for the authorized expenditure, and the amount of the appropriation transferred; and

WHEREAS, ORS 294.471(1)(a) permits supplemental budgets when "an occurrence of condition which had not been ascertained at the time of the preparation of a budget for the current year or current budget period which requires a change in financial planning"; and

WHEREAS, ORS 294.473 requires the governing body to hold a public hearing on the supplemental budget when the estimated expenditures contained in the supplemental budget for fiscal year or budget period differ by ten (10) percent or more of any one of the individual funds contained in the regular budget for that fiscal year; and

WHEREAS, the transfers contained herein are made pursuant to ORS 294.463; and

WHEREAS, the supplemental budget contained herein is made pursuant to ORS 294.471; and

WHEREAS, a public hearing was held May 24, 2021 on the supplemental budget changes, **NOW, THEREFORE**,

THE CITY OF WOODBURN RESOLVES AS FOLLOWS:

Section 1. That pursuant to the applicable ORS provisions cited above, the City Council hereby approves the transfers of appropriations and supplemental budget for FY 2020-21 in the amounts shown and for the purposes outlined in the summary.

SUMMARY OF PROPOSED BUDGET CHANGES								
AMOUNTS SHOWN ARE REVISED TOTALS IN THOSE FUNDS BEING MODIFIED								
General Fund 001								
Resource	Original	Change	Revised	Requirement	Original	Change	Revised	
1			-	1 Planning Material & Services	70,750	50,000	120,750	
2				Contingency	3,938,440	(50,000)	3,888,440	
Revised Total Fund Resources			-	Revised Total Fund Requirements			-	
Comments: Planning Assistance Grant HB2001 & HB2003								
SUMMARY OF PROPOSED BUDGET CHANGES								
AMOUNTS SHOWN ARE REVISED TOTALS IN THOSE FUNDS BEING MODIFIED								
Building Fund 123								
Resource	Original	Change	Revised	Requirement	Original	Change	Revised	
1 Revenue	1,898,890	700,000	2,598,890	1 Operating Expenses	1,898,890	700,000	2,598,890	
2				2				
Revised Total Fund Resources			2,598,890	Revised Total Fund Requirements			2,598,890	
Comments: Increase in revenue & expense due to high building activity affecting associated taxes								
SUMMARY OF PROPOSED BUDGET CHANGES								
AMOUNTS SHOWN ARE REVISED TOTALS IN THOSE FUNDS BEING MODIFIED								
Urban Renewal Fund 720								
Resource	Original	Change	Revised	Requirement	Original	Change	Revised	
1 Revenue	1,953,260	100,000	2,053,260	1 Operating Expenses	1,953,260	100,000	2,053,260	
2				2				
Revised Total Fund Resources			2,053,260	Revised Total Fund Requirements			2,053,260	
Comments: State Grants allocated to Urban Renewal capital projects.								

Approved as to Form: _____
City Attorney Date

APPROVED: _____
Eric Swenson, Mayor

Passed by the Council _____
Submitted to the Mayor _____
Approved by the Mayor _____
Filed in the Office of the Recorder _____

ATTEST: _____
Heather Pierson, City Recorder
City of Woodburn, Oregon



Agenda Item

May 24, 2021

TO: Honorable Mayor and City Council through City Administrator

FROM: Kathleen McClaskey, Transit Manager
Karen Sherman, Special Programs Manager

SUBJECT: **Transit Vehicle Purchase**

RECOMMENDATION:

Authorize the City Administrator to enter into an agreement to purchase a transit bus from Creative Bus Sales for \$333,869.

BACKGROUND:

This vehicle purchase was initiated when the Transit Division identified a need to replace one of the oldest transit vehicles in its fleet, the 2006 Champion. The Champion is a Category B mid-sized bus with over 160,000 miles. Staff drive it on the Fixed and Express routes. The fifteen-year-old vehicle meets the Oregon Department of Transportation's (ODOT) criteria that a vehicle completes its useful life after being driven for ten years. An additional consideration for replacing the Champion is its need for significant repairs in the near future.

With this need in mind, the City applied for, and received, a competitive Federal Transit Administration (FTA) grant for a bus purchase. The grant covers 80% of the vehicle purchase price, up to \$300,000. The grant recipient must match 20% of the vehicle's purchase price. State transit funds, including the City's Statewide Transportation Improvement Funds (STIF), are allowable as the match.

Staff completed the procurement process, working with ODOT to solicit Request for Transit Vehicle Price Quotes. The procurement was in compliance with FTA requirements and approved by ODOT's Public Transportation Division. The Arboc Spirit of Equest (Equest) was determined to be the best replacement vehicle for the Transit Division's needs and is available from the Creative Bus Sales vendor. Both the Champion and the Equest are medium size 35-foot buses with similar numbers of seats; the Equest has 32 passenger seats with two ADA mobility device stations. The new vehicle will have a useful life of 10 years, or 350,000 miles. The City is familiar with Arboc buses; the Transit fleet includes an Arboc now that runs well and requires few repairs. The Champion is an older model with a high floor. A

Agenda Item Review: City Administrator ☐ City Attorney ☒ Finance ☐

benefit of the Equest is that it will include a low-floor with an air-assisted kneeling system, and is one of the most economical medium-size buses available with this feature.

DISCUSSION:

This purchase is consistent with the 2010 Transit Plan, which recommends the purchase of low-floor vehicles. Low-floor vehicles offer several advantages over standard high-floor buses. Low-floor buses offer much faster boarding and de-boarding, especially for the elderly or individuals with a mobility device. Low-floor buses have more reliable and easier-to-operate ramp mechanisms for boarding and de-boarding passengers in a wheelchair or mobility device. Low-floor buses also facilitate easier boarding for children, passengers carrying groceries, strollers, and other large loads. Low-floor buses also tend to be more "modern" and can help enhance the image of transit in the community.

FINANCIAL IMPACT:

The vehicle purchase price will be \$333,869 and funded by a FTA grant that supports 80% of the purchase. Statewide Transportation Improvement Fund (STIF) Formula Funds will provide the remaining 20% match. ODOT administers both sources of funds.

Funding Sources & Amounts:

FTA Grant	\$267,095.20
STIF Formula Funds	<u>\$66,773.80</u>
Total Vehicle Purchase Price	\$333,869

Total expenditures will also include vehicle graphics. Graphics are estimated at \$5000 or less and will be funded by the same two sources.

The bus procurement is included in the Transit Division's FY21-22 budget. Given the long lead-time for the bus production, it is likely that delivery of the vehicle and payment to the manufacturer will occur in late calendar year 2021 or early 2022.

Attachments

Creative Bus Sales' Response to Request for Transit Vehicle Price Quote (RFQ)
Spirit of Equest Floor Plan
2020 ARBOC Spirit of Equest Construction Specs (5.8.20)

The general specification for vehicle is as follows:

This specification describes a steel cage, low floor, commercial vehicle designed for Commercial or Transit applications that meets all the requirements of ADA and the FMVSS Safety Standards in effect at the time of manufacture. The purpose of these specifications is to describe a Mid-size vehicle suitable for transporting both ambulatory and non-ambulatory passengers in both rural and urban areas. The vehicle must be of the Low Floor type with air suspension or approved alternatives to both front and rear suspension.

The Heavy-Duty Vehicle must have been submitted to the Altoona Vehicle Test Center for a 10 yr./350,000 mile Surface Transportation and Uniform Relocation Assistance Act (STURAA) test. Testing must have been completed on current body style being converted.

One (30-35) foot Low floor bus with a minimum of 27 seated passengers and two ADA stations with tie-downs is requested.

A. VENDOR'S VEHICLE BASE PRICE INFORMATION		VEHICLE BASE PRICE
<div style="background-color: yellow; text-align: center;"> <i>This Section to be completed by Vendor</i> </div>		<div style="text-align: center;"> <i>Enter base price from State Price Agreement below</i> </div>
Vehicle Make/Model: ARBOC/Equess		
Length: 35' 6"		\$323,022
Fuel Type: Diesel		
Floor: <input type="checkbox"/> High Floor <input checked="" type="checkbox"/> Low Floor Other:		
No. of Regular Passenger Seats: 32		
No. of ADA Stations w/Tiedowns Desired: 2		
Other Special Note:		
B. VEHICLE REQUIRED SPECIFICATIONS		
<div style="background-color: yellow; text-align: center;"> <i>Requesting Agency completes Description column</i> </div> <div style="background-color: yellow; text-align: center;"> <i>Vendor completes "Vendor Response" columns</i> </div>	VENDOR RESPONSE	
<i>Requesting Agency's Required Specifications Description</i>	<i>Vendor Suggestions (related to vehicle specs)</i>	
Altoona Test Executive Summary	Yes	
At the end of the RFQ are 3 required certification attachments. Theses must be returned with the RFQ response. Failure to include will render your response non-responsive.	Yes. Attached as separate files.	

All standard specs per State Price Agreement. Include a list of vendor provided standard specs with RFQ response including all chassis specs.	Yes. Base build attached.
Vehicle should be 30-35 ft long low floor with fully welded frame	Yes
Gas engine preferred , Diesel accepted. Please provide engine information (make/model/torque/fuel)	Cummins/ISB 6.7L/560ft-lb@1600RPM/Diesel
Heavy-Duty Allison B220 (6-speed) transmission (or equivalent)	Allison B210 Heavy Duty 6-Speed Transmission
One-piece composite roof required. Roof mounting a/c accepted	Yes
Low-floor bus with air assisted kneeling system with mechanical height control (or equivalent)	Yes
ADA Power entry ramp with a manual bypass	Yes
Treated floor, undercoated and insulated	Yes, Yes, N/A
Comfortable driver's area to accommodate both small and large operators.	Yes
Exhaust routed to the rear of the vehicle	Yes
No interior steps allowed – smooth plane throughout required	Yes
Minimum 39" power operated entry door with power ramp	36" x 76" Clear Opening
Molded plastic passenger seats, Citiseats or equivalent with level 3 vinyl. Agency to pick seat mold color from vendor choices after award. Delete seat belts. Include: Aisle side armrests and Grab handles on all seats.	Yes, on all.
Adequate driver and passenger HVAC system for Pacific NW weather with separate controls in the drivers area (controls must be in reach of driver when seated)	Yes. ACT RTS7575/21 A/C System - RTS-75 Roof Top System w/ TM31 Compressor
Driver's storage compartment must be lockable	Yes
Yield sign to be triangle type like TRIMET	Yes. DATA LED Electronic Yield/Merge Sign
Bike Rack (standard 3 position) must include a separate light for night security	Yes. Sportworks Apex 3 Stainless Steel
Exterior heated / remote mirror controls must be in driver reach when seated	Yes
Diamond (or equivalent) Fare box to match existing fleet with 1 vault installed and one spare shipped loose. Keyed for Woodburn Transit buses	Yes. Diamond XV Farebox with Stand
Prewire for 2-way radio to exit right of doghouse	Yes
Body Fluid Kit - Installed	Yes

2 Wheelchair stations with Q-Straint QRT (or equivalent) wheelchair securements and L Track run full length of bus on floor and wall for maximum flexibility	Yes, Yes
Driver barrier / enclosure for COVID-19 safety. Please provide drawing/layout/design info/photos of proposed enclosure	Yes. Please see attachments.
Safety Vision (or equivalent) security camera system with 5 cameras. Include backup view monitor for the rear facing camera. Purchased & installed to match existing fleet	Yes. Safety Vision.
Destination Signs to match existing fleet. Hanover (or equivalent) with 10-year warranty	Yes. Hanover.
PA with gooseneck Mic	Yes
Garbage Can rack (installed to right of driver)	Yes
Powder Coat Yellow – all railings, handrails and stanchions. Include entry door grab handles	Yes
Installed Auto tire chains. Provide mfg information with RFQ response. MUST be tested locally for correct installation before delivery.	Not Available
Air operated driver seat required	Yes

Subtotal Cost of Required Options:	\$570
Total Vehicle Cost With All Required Options:	\$323,592
Estimated Vehicle Privilege Tax (if billing to agency) – NOTE: ADA Modifications are exempt from tax	\$1,581 Please note that this amount will vary if Preferred Options are selected from below. Tax will be .5% of final purchase price.
Total with all cost above	\$325,173

C. VEHICLE PREFERRED OPTIONS

Requesting Agency's Preferred Options Description	Included in Base Price? YES / NO	\$Additional Cost for Option\$ (or Note Not Available)	Vendor Suggestions (related to vehicle specs)
2 Accessory fans for driver – mounted	No	\$210	
Rack or display case for advertising and notices inside the bus to hold a minimum of 4 tri fold brochures	No	\$145	
Interior notification display (reader board/destination sign)	No	See below*	Hanover. Included w/ system below.
Extendable visors for driver	Yes		

Voice announcement system for destinations to work with destination signs. Include all fees/installation costs.	No	\$8,260*	Hanover. Replaces Hanover destination sign and radio in required options. Adds Hanover AVA system with Front & Side destination signs, interior reader board and voice announce. Adds compatible REI VR3000 radio.
Subtotal Cost of Preferred Options:		\$8,615	

Vendor's Signature: _____ Date Sent: _____
Vendor's Response Back to RFQ – Please sign and date your response here.

Sample Floor plan (Attach or cut-and-paste new plan here, or attach on back)

Please see attached floorplan PDF.

VENDOR INFORMATION

Vendors are strongly encouraged to submit price quotes using the format provided. Vendors should specifically note if and how they meet the above specifications and note any differences in what has been called out above, in their price quotes. This may be done on the form, or on an attached sheet. The vehicle(s) will be purchased with funding from the Oregon Department of Transportation, Public Transit Division and the Requesting Agency, and will follow applicable Federal and State procurement guidelines.

Price Quote shall be submitted to the Requesting Agency contact person named on the first page on this form.

Price Quotes may be sent by U.S. Mail, emailed, or faxed to the addresses for Requesting Agency noted on page 1 of this form.

Vendors are required to submit the following certification attachments with each Quote response:

Attachment 1 – Certificate of Compliance with Bus Testing Requirement

Attachment 2 – Pre-Award FMVSS and Buy America Certification

Attachment 3 – Transit Vehicle Manufacturer (TVM) Certification (DBE)

These signed attachments are included as separate files.

VEHICLE SELECTION INFORMATION

Selection of the vehicle and successful price quote will be based on:

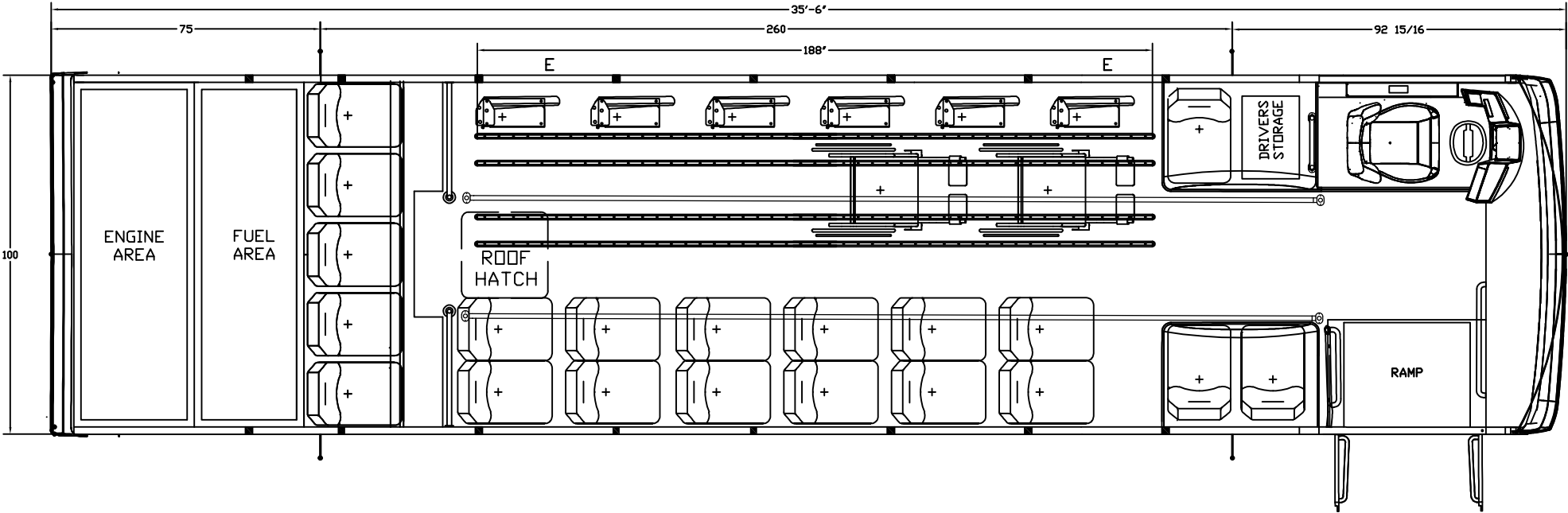
☒ **Lowest Cost With Required Specifications (Lifecycle costs may be considered in price determination and may affect lowest bid determination)**

☐ **Best Value Determination (ODOT PTD pre-approval required.)**

The Best Value Determination criteria are as follows:

UNCONTROLLED COPY, CURRENT WHEN PRINTED, MASTER IN FILE				
REV	DATE	DOC NAME	DOC DESCRIPTION	REMARKS
REV-1	11/18/2011	AME-009b	DRAWING TITLE BLOCK 11X17	
REV	DATE	ECN	BY	REMARKS
-	-	-	-	-

NOTES:
1. E - EGRESS WINDOW LOCATION



Spirit of Equest



Photos Shown with Optional Equipment

ARBOC Specialty Vehicles, LLC 2020 Construction Specifications

CONTENTS

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ARBOC SPECIALTY VEHICLES, LLC ® Low Floor Commercial Bus	3
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9.0 CONSTRUCTION AND SPECIFICATIONS:.....	7
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ARBOC SPECIALTY VEHICLES, LLC

® Low Floor Commercial Bus

1.0 SCOPE: MID-SIZE LOW FLOOR BUS

- 1.1 This specification describes a steel cage, low floor, commercial bus designed for use in Tour, Charter, Shuttle, and other Commercial or Transit applications that meets all the requirements of ADA and the FMVSS Safety Standards in effect at the time of manufacture.
- 1.2 The proposed bus must have been tested at the Federal Bus Testing center at Altoona, PA in the 10 year/350,000 mile category.
- 1.3 The bus provided must be of purpose built, semi-monocoque chassis design. Other chassis will not be accepted.
- 1.4 The bus must meet all the chassis specifications listed in Section 9.1.

2.0 PURPOSE

- 2.1 The purpose of these specifications is to describe a Mid-size bus suitable for transporting both ambulatory and non-ambulatory passengers in both rural and urban areas.
- 2.2 This vehicle is not a School Bus and is not intended to transport children to or from school.
- 2.3 The bus will be of a "Steel Cage" type construction with FRP (Fiber Reinforced Plastic) Composite skin laminated to a moisture resistant (less than 1%) substrate (not Luan) attached to the steel cage with urethane adhesive. The roof will consist of a single piece FRP skin laminated to the substrate and roof steel with urethane adhesive. The bus body is constructed of welded walls, sub floors, roof framing, and rear steel structure which are bonded and bolted together, forming an integrated steel cage around the passenger area.

3.0 CLASSIFICATION: MID-SIZE LOW FLOOR BUS

- 3.1 This specification is for a Mid-Size Low Floor Commercial bus of the "semi-monocoque" type.

- 3.2 The bus shall meet all requirements of the Americans with Disabilities Act even though the specific items may not be listed in detail in this specification.
- 3.3 The bus shall be of the Low Floor type with air suspension both front and rear.
- 3.4 The bus shall have a kneeling feature to lower the bus to meet 1:6 angle when ramp is deployed.

4.0 EXCEPTIONS TO SPECIFICATIONS:

- 4.1 Manufacturers of similar equipment of the type specified may submit requests for approved equals provided that the bus is built on the identical chassis specified and that they have produced this model in commercial quantities. Manufacturers of similar buses must be able to provide a list of current users of the proposed bus as references.
- 4.2 Manufacturers requesting any deviation from these specifications must provide actual test results supporting their claim.
- 4.3 Such requests must be accompanied by test reports and other evidence showing that the proposed product meets or exceeds the requirements of these specifications.
- 4.4 Any tests submitted to support a request for approved equal must have been performed by an Independent Professional Engineering Company and certified by a Licensed Professional Engineer.
- 4.5 This specification reflects the specific needs of this organization/agency. In order to standardize certain components, therefore, we have named specific brands of equipment. This has been done to establish a certain standard of quality and to standardize inventory of replacement parts.
- 4.6 Other brands will not be considered, as the brands specified are readily available and have been proven in Transit/Shuttle service.

5.0 ITEMS NOT ELIGIBLE FOR EXCEPTIONS:

- 5.1 There are several items in the specification that will not be considered for any deviation:
 - 5.1.1 The chassis must be a purpose built semi-monocoque chassis in accordance with the chassis specifications listed.
 - 5.1.2 The chassis must be completely low floor in nature from the front entry to the last rear seat riser, with no other slopes, steps, or transitions in height of the walking surface.

- 5.1.3 The chassis shall be designed to optimize the passenger area between the axles in order to maximize the open floorplan. The wheelbase shall be more than 156" on a bus less than 27' in overall length.
- 5.1.2 The Passenger door must be dual panel, outward opening electrically operated with one full length window in each panel. The windows shall have a minimum of 14.5" wide and 74" high visible viewing area.
- 5.1.3 The entry door must be forward to assist driver in seeing the passenger entry.
- 5.1.4 The Exterior skin must be FRP (Fiber Reinforced Plastic) Composite skin Laminated to a moisture resistant substrate (less than 1% absorption) attached to the steel cage with urethane adhesive. No Luan is permitted in the sidewalls or rear end wall of the bus. Laminated constructions with Luan or other wood materials are not allowed as they can lead to corrosion of the skin due to the wicking of moisture into the wood material.
- 5.1.5 The steel cage must be Powder Coated (minimum of 1,000 hour salt spray test) after fabrication, prior to final assembly.
- 5.1.6 The steel structure of the walls must extend completely to the floor level and continue to the lowest part of the bus. Separate skirting that only serves a decorative purpose is not allowed; every part of the sidewall must have the steel cage structure behind the exterior skin.
- 5.1.7 The overall width of the bus to be a nominal 100", excluding mirrors, fenders & lights, as narrower buses do not allow sufficient space for wheelchair maneuverability.
- 5.1.8 The powertrain shall be designed to include a transversely mounted engine, in order to optimize the length and packaging of the vehicle, and to provide superior maintenance accessibility to the power train assembly.
- 5.1.9 The bus will be designed with a short rear overhang to provide ease of maneuverability, limited rear swing on turns, and to maximize the flat floor section between axles. The length of the bus from rear axle to rear bumper shall be less than 70 inches.
- 5.2 Any exceptions approved will be in writing and will be distributed to all prospective bidders and other interested parties. The approval, if granted, shall extend to all bidders and not just to the bidder who made the request.
- 5.3 Vehicle Manufacturer must carry at least \$215,000,000 liability insurance.

- 5.4 The vehicle must have passed all applicable FMVSS including FMVSS 214 and test results must be submitted with bid proposal.

6.0 MATERIALS

- 6.1 All materials used in construction of the bus shall be new and unused; returned or reconditioned components will not be accepted. Brand names and part/model numbers of the major components will be listed and must comply with the brands and models specified in these specifications.
- 6.2 Major components include but are not limited to Seats, Windows, W/C ramps, W/C Tie downs, Air Conditioning/ Heat, Flooring, Floor Covering, Entry Door, and Chassis.

7.0 WARRANTY

- 7.1 **STANDARD WARRANTY COVERAGE:** The basic components originally built, installed, or modified by ARBOC, which a Customer does not get a choice in supplier option such as the windows, floor covering, suspension, interior ABS, stanchions, and electrical system including lights, switches, entry door are warranted free from defects in workmanship or materials for a period of 3 years or 75,000 miles, whichever occurs first.
- 7.2 **POWERTRAIN WARRANTY COVERAGE:** The basic structural components originally built, installed, or modified by ARBOC, such as the Engine & Powertrain, Transmission, Drive Axle, and Emissions System are warranted free from defects in workmanship or materials for a period of 5 years or 100,000 miles, whichever occurs first.
- 7.3 **STRUCTURAL WARRANTY COVERAGE:** The basic structural components originally built, installed, or modified by ARBOC, such as the exterior sidewall structure, rear wall structure, roof structure, floor structure, and chassis frame sections are warranted free from defects in workmanship or materials for a period of 7 years or 250,000 miles, whichever occurs first.
- 7.4 **MANUFACTURER SUPPLIED COVERAGE:** The optional accessories and/or components covered by separate manufacturer warranties and originally installed by ARBOC including, but not limited to electronic components (alternators, batteries, TVs, radios, PA systems, destination signs, camera systems), air conditioning/heating (not related to chassis system), paint, wheelchair ramps, safety equipment, and seating equipment. Warranty terms on these items will be subject to separate manufacturer warranties and may be administrated separately by the component manufacturer.

8.0 GENERAL INFORMATION

8.1. DIMENSIONS

- 8.1.1 Exterior Width: 100" nominal excluding mirrors, fenders and lights
- 8.1.2 Interior Width: 96" minimum
- 8.1.3 Interior Height: 84" minimum from front to back when measured at center aisle
- 8.1.4 Exterior Height: 104" maximum excluding roof hatch or roof mounted A/C units
- 8.1.5 Rear Overhang: Shall be kept to a minimum

8.2.0 BASE MODELS

- 8.2.1 SOE 2700 156" WB/27'-0" Overall Length Diesel/CNG 28,530 GVW
- 8.2.2 SOE 2950 191" WB/30'-0" Overall Length Diesel/CNG 28,530 GVW
- 8.2.2 SOE 3450 254" WB/34'-0" Overall Length Diesel/CNG 28,530 GVW

8.3.0 PASSENGER SEATS AND CAPACITY

- 8.3.1 Seating Capacity: 1-33 passengers (Passenger weight based on Federal Guidelines)
- 8.3.2 Wheelchair Positions: 1-6 (dependent upon wheelbase and seat configuration) with minimum of 48 x 30 wheelchair floor space.
- 8.3.3 Seated Knee Room Forward: 27" minimum
- 8.3.4 Seated Width per Seat: 17" (wider seats optional)
- 8.3.5 Cushion Height above finished floor: 17-1/2" minimum/18-1/2" maximum
- 8.3.6 Minimum Aisle: 24" standard (options may affect aisle width)

9.0 CONSTRUCTION AND SPECIFICATIONS:

9.1.0 LOW FLOOR SEMI-MONOCOQUE CHASSIS

- 9.1.1 Engine: Cummins ISB 6.7L/240 HP Turbo Diesel Engine

- 9.1.2 Base Transmission: Allison B220 Heavy Duty 6-Speed Automatic with Transmission Cooler
- 9.1.3 Horsepower: 240 at 2400 RPM Diesel/220 at 2400 RPM CNG
- 9.1.4 Torque FT/LBS at RPM: 560 at 1600 RPM Diesel/520 at 1600 RPM CNG
- 9.1.5 Standard Axle Ratio: 4:50:1
- 9.1.6 Fuel System: Diesel (CNG Option)
- 9.1.7 Battery: (2) Deep Cycle Heavy Duty 1460 CCA
- 9.1.8 Dual 210 amp Leece Neville, 420-amp total/12 V
- 9.1.9 GVWR: 28,530 lbs.
- 9.1.10 GAWR Front Axle: 9,880 lbs.
- 9.1.11 GAWR Rear Axle: 18,650 lbs.
- 9.1.12 Fuel Tank: 70 Gallon tank mounted over rear axle (diesel)/77 DGE (CNG). Dual fuel locations - curbside & roadside.
- 9.1.13 Tires: 245/70Rx19.5 G Rated on Accuride 19.5" x 7.5" Steel Powder Coated White Rims (optional 22.5" tires available)
- 9.1.14 Dual Rear Wheels
- 9.1.15 Brakes: Pneumatically Actuated Heavy Duty Air Disc Brakes with four-wheel anti-lock system
- 9.1.16 Park Brake: Spring actuated, air release on axle
- 9.1.17 Wheel Base Availability: 156, 191 & 254 inches
- 9.1.18 Full-Flow Oil Filter (Disposable Type)
- 9.1.19 The frame shall be semi-monocoque construction of high strength steel. Main underfloor members shall be closed tube construction with a maximum section height of 4".
- 9.1.20 Power Steering: Hydraulic
- 9.1.21 Tilt Steering Wheel

9.1.22 Cruise Control- Electronic

9.1.23 Horn: Dual Note Tone

9.1.24 Air Cleaner: Heavy Duty canister type

9.1.25 Driver Side Sun Visor

9.1.26 50 State Emissions

9.1.27 Power Port: (1) 12 Volt

9.1.28 Daytime Running Lights

9.1.29 Exhaust system shall be equipped with a heavy duty, corrosion resistant exhaust system which meets or exceeds FMVSS and EPA noise level and exhaust emission (smoke and noxious gas) requirements. Exhaust piping shall be mounted using standard equipment and shall be bolted to the frame. Exhaust U-bolts, when used, shall be installed with thread orientation directed upwards. Exhaust must exit street side rooftop.

9.1.30 Dedicated Drivers A/C, Defroster, and Heat

9.1.31 Low Oil Pressure Light

9.1.32 High Engine Coolant Temperature

9.1.33 Power Steering

9.1.34 Service area includes Dual Batteries, Emergency air quick disconnect, Rotary Electrical Disconnect Switch, Fuel/Water Separator and DEF Fluid Fill.

9.2.0 BUMPERS

9.2.1 Bumpers shall be steel and powder coated black. (Optional: Front and Rear Energy Absorbing Bumpers are available).

9.3.0 SUSPENSION

9.3.1 All chassis shall be equipped with a full air ride suspension, including Independent Front Suspension (IFS) and a full floating 4 air spring axle in rear.

9.3.2 All chassis shall be equipped with Air Suspension System powered by Wabco engine driven dual-piston air compressor.

9.3.3 When stopping for non-wheelchair passengers, operators may choose to maintain the vehicle at its normal ride height.

9.3.4 Kneel sequence operation is as follows:

9.3.4.1 Driver pulls into position

9.3.4.2 Driver opens door by actuating door control system until door is fully opened (interior passenger lights turn on when door is fully open). The vehicle must be below 2 mph for door to open. Driver then presses the "One-Touch" Kneel Switch. Bus systems apply 40% service brake to interlock the vehicle.

9.3.4.2A Door open limit switch sends signal to the vehicle controller to kneel the front.

9.3.4.2B The front of the vehicle kneels.

9.3.4.3 Driver then deploys the ramp by pressing/holding ramp deploy switch until ramp is fully deployed to a 1:6 ramp slope

9.3.4.4 Once the ramp is stowed and the door is closed the suspension controller will raise the vehicle to the normal ride height. If the driver neglects to close the door the controller will close the door automatically at 3 mph.

9.4.0 FLOOR CONSTRUCTION

9.4.1 The front floor construction shall be an integrated steel construction weldment comprising floor, wheel housings, ramp area and operator platform, and shall form an integral element of the cage structure.

9.4.2 The center floor sections shall be a steel floor section.

9.4.3 The integrated front and mid-floor chassis weldment shall be Huck-bolted to the rear axle carrier, and not require re-torqueing of structural fasteners after assembly.

9.4.4 The center floor decking shall be a 5/8" thick single piece of engineered wood with moisture barrier laminated to lower surface and moisture sealed edges. (Fully composite foam core floor is optional.)

- 9.4.5 The center floor shall incorporate angled coving by design to prevent accumulation of dirt or debris at the wall interior and aid in floor cleaning.
- 9.4.6 A sealant shall be used in body to floor corners to provide a water resistant seal as an aid in floor cleaning.
- 9.4.7 Ramp area & interior floor will be covered with an industry-standard floor covering.
- 9.4.8 The rear seat riser will be constructed of tube and plate steel and wood decking.

9.5.0 WHEEL HOUSINGS

- 9.5.1 The front wheel housings and integrated floor platform shall provide the primary structure required to support the standard independent front axle assembly through the full range of motion required by the bus. Wheel housings, as installed and trimmed, shall withstand impacts of a 2 inch steel ball with at least 200 ft-lbs. of energy without penetration.
- 9.5.2 Ample clearance shall be provided for tires under load and operating on both smooth and rough terrain.
- 9.5.3 Black rubber wheel flares will be installed.
- 9.5.4 Front and rear mud flaps are standard.
- 9.5.5 Underside of front wheel housings shall be coated with Poly Urea for corrosion and sound.
- 9.5.6 Galvaneal Clad- underside of rear wheel housings

9.6.0 CURB SIDE WALL, DRIVER SIDE WALL, AND REAR WALL

- 9.6.1 The steel structure of the walls must extend to and attach to the floor structure to complete an integral structural cage. Every part of the sidewall must have the steel cage structure behind the exterior skin.
- 9.6.2 Structural steel walls are comprised of 16 gauge material.
- 9.6.3 The entire steel structure must be bonded (structural bonding adhesive) and bolted together. Any other method of assembly will not be accepted.
- 9.6.4 Exterior wall surface is White FRP Composite laminated to a moisture resistant (less than 1% absorption) substrate (not Luan) attached to the steel cage with urethane adhesive.

- 9.6.5 Interior wall surface is Grey FRP Composite laminated to a moisture resistant (less than 1% absorption) substrate (not Luan) attached to the steel cage with urethane adhesive. Options to replace include Nanocide, Auto Cloth (Grey), or Vinyl Soft Touch (Grey).
- 9.6.6 Luan used as a substrate is not permitted in the exterior or interior of the of the wall construction. Experience has shown that construction using Luan can lead to moisture wicking into the walls causing corrosion of the exterior skin.

9.7.0 ROOF CONSTRUCTION

- 9.7.1 Structural steel roofs are comprised of 16 gauge material.
- 9.7.2 The entire steel structure must be bonded (structural bonding adhesive) and bolted together. Any other method of assembly will not be accepted. The bottom tube of the roof assembly will be bonded and bolted into the rivnuts of the side wall upper C-Channel.
- 9.7.3 Exterior roof surface is White FRP (Fiber Reinforced Plastic) Composite laminated to a moisture resistant (less than 1% absorption) substrate (not Luan) attached to the steel cage with urethane adhesive.
- 9.7.4 Exterior FRP (Fiber Reinforced Plastic) Composite will be secured to the side walls with the seam being covered by a rain gutter.
- 9.7.5 Exterior seams are only allowed at the junction of the front cap and rear cap. Any other seams on the exterior of the roof are not permitted.
- 9.7.6 Interior ceiling surface is Grey FRP composite laminated to a moisture resistant (less than 1% absorption) substrate (not Luan) attached to the steel cage with urethane adhesive. Options to replace include Nanocide, Auto Cloth (Grey), or Vinyl Soft Touch (Grey)

9.8.0 PASSENGER ENTRY DOOR

- 9.8.1 Entry Door shall be a dual panel swing out type door with two glass windows. Optional slide-glide electric door is available.
- 9.8.2 Door Opening: 39" wide minimum clear opening (35" w/standard entry assist handles) and 76" high clear opening.
- 9.8.3 Door Windows Dimensions: 14.5" x 69" minimum

- 9.8.4 Entry doors shall incorporate gaskets and/or seals to provide a barrier against intrusion by wind, water, and dust around the perimeter. The seal at the center of the door shall be by means of full height overlapping rubber seals, and shall include a barrier or sweep at the bottom of both doors.
- 9.8.5 Passenger entry door shall function through the use of an electric door mechanism and be equipped with sensitive edges for safety.
- 9.8.7 For emergency situations, a manual door release control shall be provided over the top of the door, and shall be designed to permit simple operations to override the electric door operator.
- 9.8.8 Standard operating for the passenger entry door will not allow the door to be opened when vehicle is traveling faster than 2 mph for safety.
- 9.8.9 Steps are not allowed as all passengers shall enter by way of passenger entry door.
- 9.8.10 Optional rear side exit door when included shall provide adequate clearance for passenger egress and include sensitive edges for obstruction avoidance. When obstructions occur the door shall re-open and the driver must re-close the door.

9.9.0 MIRRORS

- 9.9.1 Interior 6" x 16" Convex Mirror shall be standard
- 9.9.2 Exterior rear view heated/remote mirrors shall be provided and mounted to view down each side of the bus as standard.

9.10.0 WINDOWS

- 9.10.1 Solid windows are standard (Options include t-slider windows & frameless bonded windows)
- 9.10.2 Window frames will be anodized black as standard.
- 9.12.3 Passenger windows shall be a minimum of 19" or 36 and 36" high. (Body length will dictate sizes)

9.11.0 EMERGENCY EXITS

- 9.11.1 Hinge-out windows shall be installed for emergency escape and shall comply with FMVSS-217.

9.11.2 Emergency Escape windows shall be clearly labeled and operation instructions shall be clearly visible at each escape window. The emergency release handle will meet FMVSS-217 requirements and shall not return to the locked position automatically; it shall require the driver or other authorized person to manually re-lock it. All emergency exits shall comply with F.A.C. 14-90.

9.11.3 Each emergency exit shall be identified with a 12 volt red LED lamp assembly, with a 10,000 hour life bulb, wired to the vehicle ignition circuit. Next to or immediately below each LED light fixture shall be a decal, one inch white letters on red background, stating "Emergency Exit".

9.11.4 There shall be a roof hatch in every vehicle.

9.12.0 ELECTRICAL

9.12.1 The vehicle shall be equipped with a heavy-duty (12 volt) Multiplex controlled electrical system. All components are to be selected and integrated to function in an environment characterized by low engine (alternator) speeds and high amperage draws due to lights, air compressor, wheelchair ramp, 4-way flashers, air conditioning/heater, and other accessories in constant operation.

9.12.2 Bus systems to be controlled by a multiplex system with programmable inputs and outputs, system shall be capable of communicating to the chassis control modules to provide interlock functionality. Communications shall be via J1939 network. System to include diagnostic LED's for troubleshooting.

9.12.3 The vehicle shall be equipped with a rotary disconnect switch that removes 12V battery power from all loads except for ECU (Engine Control Unit) & TCM (Transmission Control Module) Memory.

9.12.4 A fast idle system shall also be controlled by the multiplex system and be programmable to automatically increase the engine speed (RPM) to approximately 1200 RPM on diesel engines. The fast speed idle shall engage only when the vehicle is in Park and the parking brake applied.

9.12.5 The vehicle shall be equipped with a backup alarm.

9.12.6 The vehicle shall be equipped with an Engine Driven Compressor System with an Air Pressure Gauge mounted on the OEM dash, air dryer control system, and diagnostic module.

- 9.12.7 The vehicle shall be equipped with an Exterior Toggle Switch for emergency use of the entrance door located curbside lower front corner behind and above the front bumper.
- 9.12.8 The vehicle shall be equipped with a Ramp Activation System that includes Exterior Ramp Toggle Switch. Optional Key Ramp Switch is available.
- 9.12.9 The vehicle shall be equipped with a driver console with switch panel that includes (6) available spaces for switches that includes but not limited to entry door, ramp, and interior lights. Switches to be multiplex type with J1939 network communications to the vehicle controller.
- 9.12.10 The interior passenger area shall be equipped with (8) individual LED lights (4 drivers side/4 passenger) or optional full length programmable LED lighting.
- 9.12.11 The ramp area shall be equipped with (1) exterior overhead door light and (2) LED Stepwell Lights to illuminate the entry floor/ramp platform meeting ADA specs. These lights shall activate when the door is opened and or the ramp is deployed and turn off when the ramp is stowed or the door closed.
- 9.12.12 The driver's seat and instrument panel area shall have a flush-mounted ceiling light to provide general illumination. The light shall be controlled by the operator through a switch on the front console and shall illuminate without ignition activation.
- 9.12.13 The vehicle shall be equipped with center-top mounted third brake light, tail brake lights, rear turn signals, back-up lights, and state license tag lights shall be LED fixtures. All rear exterior lights integrated into rear ABS Cap.
- 9.12.14 All wiring shall be SXL/GXL and be sized to minimize voltage drop at full load.
- 9.12.15 Entire harness system and mating electrical components are plug-connected with lock tab connectors; all terminals are machine crimped; all harnesses shall be covered in high temp conduit; all exterior under body/under hood connectors are IP67 rated sealed connectors and all wiring shall be color coded and function labeled every 6 inches without having to use a legend.
- 9.12.16 All body wiring shall be run inside the body in a protected area. All wiring shall be in a loom and secured for maximum protection. Clamps shall be rubber or plastic coated to prevent them from cutting the wiring insulation.

9.12.17 When routing wiring under vehicle all wiring shall be encased in a loom and attached to the frame and sub-floor structure with proper fasteners and shall not be bundled with hoses. The harness shall run in straight lines as close to chassis frame rails as possible. Any harness that goes over the rear suspension shall be encased in a conduit fixture securely fastened to the sub-floor rails or routed inside the frame rails.

9.12.18 All electrical components shall be placed in (Front and Rear) Electrical Panels. The panels shall be accessible through an exterior lockable access door. A legend shall be provided in an accessible location that displays circuit fusing and identification information. Rear engine controls shall be included in the rear electrical panel.

9.13.0 GRAB RAILS AND STANCHIONS

9.13.1 Handrails and stanchions shall be provided in the entrance of the vehicle including:

9.13.1A LH Entry Stanchion Stainless Steel with modesty panel.
Fastening of the panel shall be by bolts - screws will not be acceptable. The front side of the stanchion shall include a handle for boarding and aligned with entry door grab handles.

9.13.1B Entry Door Handles Stainless Steel mounted parallel to interior handles.

9.13.1C RH Entry Stanchion Stainless Steel.

9.14.0 SEATING

9.14.1 Driver Seat: USSC Driver Seat w/Manual Base. Optional Air Ride Seat is available.

9.14.1 Seats shall be installed utilizing wall and floor tracking to provide flexibility and easy movement.

9.17.0 PASSENGER ENTRY RAMP

9.17.1 The entry ramp shall either be a Braun ramp or approved equal that is designed to let wheelchair and ambulatory passengers enter the bus once the ramp is fully deployed. Optional fold over ramp is available.

9.17.2 Entry ramp shall be rated at 1000 lbs.

9.17.3 Entry ramp shall be 62 inches minimum and provide a maximum 1:6 angle when deployed to the ground.

9.17.4 Steps are not allowed and all passengers shall enter by way of passenger door.

9.18.0 SAFETY

9.18.1 Every unit to include a White or Yellow Standee Line with a sign.

10.0 ELECTRIC ZERO EMISSIONS BUS

10.1 A full Electric Zero Emissions bus shall be made available with the following minimums.

10.1.1 A 710-Volt system with full multiplex control systems to maintain system integrity.

10.1.2 80 kwh with 200-mile range

10.1.3 Fully integrated inverter systems and direct drive motor maintaining original vehicles minimized overhang

10.1.4 Onboard battery management system integrated into systems controls

10.1.5 A combination of roof mounted and rear mounted battery strings to balance and control vehicle handling dynamics while maintaining serviceability.

May 24, 2021

TO: Honorable Mayor and City Council

FROM: Mel Gregg, Human Resources Director

SUBJECT: **COVID-19 Mask Guidance and Physical Distancing Requirements**

RECOMMENDATION:

Decide whether the City will continue to apply the face mask and physical distancing requirements in state COVID-19 guidance or allow visitors to the workplace to make use of the vaccine exemption as outlined in OHA revised interim guidelines, effective on a date certain.

BACKGROUND and DISCUSSION:

On May 13, 2021, the Centers for Disease Control and Prevention (CDC) updated its guidance for Covid-19 and released interim public health recommendations for fully vaccinated people, stating that fully vaccinated people no longer need to wear a mask or physically distance in any setting, except where required by federal, state, local, tribal, or territorial laws, rules, and regulations, including local business and workplace guidance.

Following CDC's updated guidance, on May 18, 2021, Oregon Health Authority (OHA) issued a revised statewide guidance regarding masks, face coverings and face shields, stating:

Fully vaccinated persons, (i.e. anyone for whom two weeks has passed since receiving the single or both doses of a two-dose vaccine), are no longer required to wear face masks, face coverings, or face shields except when they are at a business or place of public accommodation that maintains masking requirements; in a health care setting; jail/correctional facility; shelter/transitional housing; on planes or trains or other public transportation; or at K-12 schools.

OHA's Interim Guidance for Fully Vaccinated Individuals states:

All businesses, employers and faith institutions are required to continue to apply and enforce the mask, face covering and face shield guidance and physical

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distancing requirements in state COVID-19 guidance to all individuals unless a business, employer or faith institution:

- Has a policy for checking for proof of vaccination status of individuals; and
- Requests proof of vaccination status from each individual; and
- Reviews each individual's proof of vaccination prior to entry or admission

On May 19, 2021, Oregon Occupational Safety and Health Administration (OR-OSHA) issued a statement regarding Vaccination Status in Relation to Oregon's Facial Covering and Social Distancing Requirements. This document stated that as outlined in the OHA document, if the employer chooses to allow either employees or visitors to the workplace to make use of the vaccine exemption, the employer does not need to enforce the physical distancing and facial covering requirements in relation to those individuals provided that the employer verifies the vaccination status of such individuals.

An employer who requests and reviews verification of vaccination may permit fully vaccinated individuals with such proof of vaccination to go without a mask, face covering or face shield, and does not need to enforce physical distancing requirements for such individuals.

Should the Council decide it wants to allow fully vaccinated visitors to City workplaces, with proof of vaccination status, to go without a mask/face covering, staff will then draft and adopt the necessary policies and procedures for checking an individual's proof of vaccination status as specified by OHA requirements.

FINANCIAL IMPACT:

None.

Attachments:

OHA Interim Guidance for Fully Vaccinated Individuals (Effective May 18, 2021)

Oregon OSHA's Statement on Vaccines and Face Coverings (Dated May 19, 2021)



Effective Date: May 18, 2021

Interim Guidance for Fully Vaccinated Individuals:

Applicability and Enforcement of Mask, Face Covering and Face Shield Guidance and Physical Distancing Requirements in Public Settings

Applicability: This guidance applies statewide to:

- Fully vaccinated individuals in Oregon regarding requirements to wear masks, face coverings and face shields and physically distance; and
- Places of employment, businesses, faith institutions, and other settings subject to current state guidance regarding mask, face covering and face shield requirements and physical distancing requirements. This guidance adjusts the applicability and enforcement of current state guidance for fully vaccinated individuals.

Definitions. For purposes of this guidance the following definitions apply:

- “Business” means an individual, organization or entity engaged in commercial, industrial, or professional activities, and includes the sectors listed in the Oregon Health Authority’s [sector risk level guidance chart](#) such as eating and drinking establishments, indoor recreation and fitness establishments, indoor entertainment establishments, retail stores, indoor and outdoor shopping centers and malls, outdoor recreation and fitness establishments, outdoor entertainment establishments, and personal services providers.
- “Face covering” means a cloth, polypropylene, paper or other face covering that covers the nose and the mouth and that rests snugly above the nose, below the mouth, and on the sides of the face.
 - The following **are not** face coverings because they allow droplets to be released: a covering that incorporates a valve that is designed to facilitate easy exhalation, mesh masks, lace masks or other coverings with openings, holes, visible gaps in the design or material, or vents.
- “Face shield” means a clear plastic shield that covers the forehead, extends below the chin, and wraps around the sides of the face.
- “Fully vaccinated individual” means an individual has received both doses of a two-dose COVID-19 vaccine or one dose of a single-dose vaccine and at least 14 days have passed since the individual’s final dose of COVID-19 vaccine.

- “Health care setting” means places where healthcare is delivered and includes, but is not limited to, acute care facilities, long term acute care facilities, inpatient rehabilitation facilities, nursing homes and assisted living facilities, home healthcare, vehicles where healthcare is delivered (e.g., mobile clinics), and outpatient facilities, such as dialysis centers, physician offices, and others.
- “Mask” means a medical grade mask.
- “Proof of vaccination status” means documentation provided by a tribal, federal, state or local government, or a health care provider, that includes an individual’s name, date of birth, type of COVID-19 vaccination given, date or dates given, depending on whether it is a one-dose or two-dose vaccine, and the name/location of the health care provider or site where the vaccine was administered. Documentation may include, but is not limited to, COVID-19 vaccination record card, or a copy or digital picture of the vaccination record card.
- “Transportation hub” means any airport, bus terminal, marina, seaport or other port, subway station terminal (including any fixed facility at which passengers are picked-up or discharged), train station, U.S. port of entry, or any other location that provides transportation subject to the jurisdiction of the United States.

Enforcement: To the extent this guidance requires compliance with certain provisions, it is enforceable as specified in Executive Order No. 20-66, paragraph 10.

Mask, Face Covering, Face Shield and Physical Distancing Requirements for Fully Vaccinated Individuals:

Regardless of requirements in other state guidance related to COVID-19, individuals who are fully vaccinated with proof of vaccination status are not required to wear a mask, face covering or face shield, or maintain physical distancing EXCEPT:

- In health care settings.
- In adult jails and correctional facilities.
- In youth detention and correctional facilities.
- In shelters and transitional housing.
- In K-12 schools. (Fully vaccinated individuals must comply with [Ready School, Safe Learners \(RSSL\)](#) guidance face covering requirements).
- On planes, buses, trains, and other forms of public transportation traveling into, within, or out of the United States.
- In U.S. transportation hubs such as airports and bus stations.
- In other settings where the owner or operator continues to apply and enforce the [mask, face covering and face shield guidance](#), and physical distancing requirements in state COVID-19 guidance.

Applicability and Enforcement of Mask, Face Covering, Face Shield and Physical Distancing Requirements

All businesses, employers and faith institutions are required to:

- Continue to apply and enforce the [mask, face covering and face shield guidance](#), and physical distancing requirements in state COVID-19 guidance to all individuals unless a business, employer or faith institution:
 - Has a policy for checking for proof of vaccination status of individuals; and
 - Requests proof of vaccination status from each individual; and
 - Reviews each individual's proof of vaccination prior to entry or admission.

A business, employer or faith institution that has a policy for requesting and checking for proof of vaccination and requests and reviews proof of vaccination may permit fully vaccinated individuals with proof of vaccination to go without a mask, face covering or face shield, and does not need to enforce physical distancing requirements for such individuals.

Businesses, employers and faith institutions may, at their discretion, continue to apply and enforce the [mask, face covering and face shield guidance](#), and physical distancing requirements in state [COVID-19 guidance](#) to all individuals, regardless of vaccination status, and must continue to do so if they do not have a policy for checking proof of vaccination or have not reviewed proof of vaccination for an individual, or if the individual has declined to provide such proof.

All businesses, employers and faith institutions should, but are not required to:

- Post [signs](#) about mask, face covering, face shield requirements.
- Post [signs](#) about mask, face covering, face shield requirement in languages that are commonly spoken by customers, visitors and attendees.

Additional Resources

- [Statewide Masks, Face Coverings, Face Shields Guidance](#)
- [COVID-19 and Oregon OSHA](#)
- [Early Learning Division COVID-19 Resources](#)
- [Higher Education Coordinating Commission COVID-19 Resources](#)
- [Oregon Department of Education Resources](#)
- [OHA Shelter Guidance](#)
- [Oregon Youth Authority Resources](#)
- [Oregon Department of Corrections Resources](#)
- [OHA General Guidance for Employers and Organizations](#)
- [OHA Sector-specific Guidance](#)
- [OHA Mask and Face Covering webpage](#)
- [OHA Mask and Face Covering Accommodations Sign](#)

Document accessibility: For individuals with disabilities or individuals who speak a language other than English, OHA can provide information in alternate formats such as translations, large print, or braille. Contact the Health Information Center at 1-971-673-2411, 711 TTY or COVID19.LanguageAccess@dhsosha.state.or.us.



***Statement Regarding Vaccination Status
in Relation to Oregon's Facial Covering and Social Distancing Requirements***

Consistent with the May 18, 2021 document from the Oregon Health Authority (OHA) entitled "Interim Guidance for Fully Vaccinated Individuals" and based on the requirements of OAR 437-001-0744, Oregon OSHA expects employers to ensure that the physical distancing and facial covering requirements of the rule are enforced as reflected by the OHA guidance.

As outlined in the OHA document, if the employer chooses to allow either employees or visitors to the workplace to make use of the vaccine exemption, the employer does not need to enforce the physical distancing and facial covering requirements in relation to those individuals *provided* that the employer verifies the vaccination status of such individuals. An employer who requests and reviews verification of vaccination may permit fully vaccinated individuals with such proof of vaccination to go without a mask, face covering or face shield, and does not need to enforce physical distancing requirements for such individuals.

If an individual who claims to be vaccinated but refuses to provide verification of vaccination status, the employer need take no further action but must enforce the physical distancing and facial covering requirements without regard to the exemption.

The requirements of OAR 437-001-0744 other than those related to distancing and the use of facial coverings remain in place and are not affected by the vaccination exemption.

May 24, 2021

To: Honorable Mayor and City Council through City Administrator

From: Chris Kerr, Community Development Director *CK*

Subject: **Call-Up Briefing: Planning Division staff approval of a Zoning Adjustment application for 531 Ostrom Drive (ZA 21-03)**

RECOMMENDATION:

Staff recommends no action and briefs the Council on this item pursuant to Woodburn Development Ordinance (WDO) Section [4.02.02](#). The Council may call up this item for review if desired and, by majority vote, initiate a review of this decision.

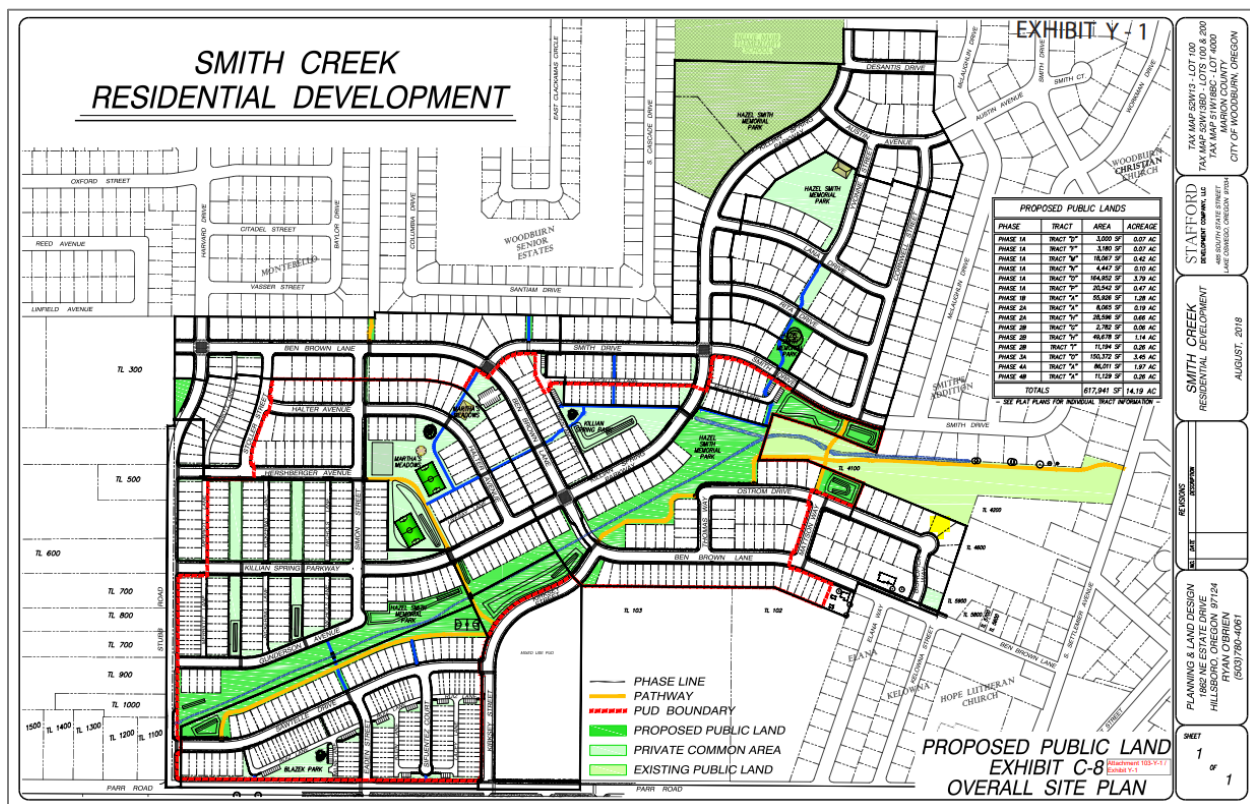
BACKGROUND:

The subject property is within Phase 2C of the Smith Creek Development project, which was approved via Final Order issued by the City Council on November 14, 2018. Phase 2C is within the Single-Family Residential (RS) zoning district.

The applicant applied for Zoning Adjustment ZA 21-03, requesting a 1.75-foot reduction to the front setback requirement and a 4.8-foot reduction to the rear setback requirement, both requests relating to the primary structure. Pursuant to Woodburn Development Ordinance (WDO) Table 2.02B, the minimum front setback is 20 feet and the minimum rear setback for a single-story building is 24 feet.

Staff approved the request, granting a 1.75-foot reduction to the front setback and a 4.8-foot reduction to the rear setback for this lot only. Impacts to neighboring properties would be minimal and limited to the abutting properties. Due to the bulb in the street as it turns from Bishopick Way to Ostrom Drive, the subject lot has an abnormal shape and a slight reduction to the front and rear setbacks is unlikely to be noticed by the adjacent lots to the east and west. The proposed house would back up against a City-owned property developed with a stormwater detention pond and multi-use trail.

Agenda Item Review: City Administrator ___x___ City Attorney ___x___



May 24, 2021

To: Honorable Mayor and City Council through City Administrator

From: Chris Kerr, Community Development Director *CK*

Subject: **Call-Up Briefing: Planning Division staff approval of a Zoning Adjustment application for 680 Bishopick Way (ZA 21-04)**

RECOMMENDATION:

Staff recommends no action and briefs the Council on this item pursuant to Woodburn Development Ordinance (WDO) Section [4.02.02](#). The Council may call up this item for review if desired and, by majority vote, initiate a review of this decision.

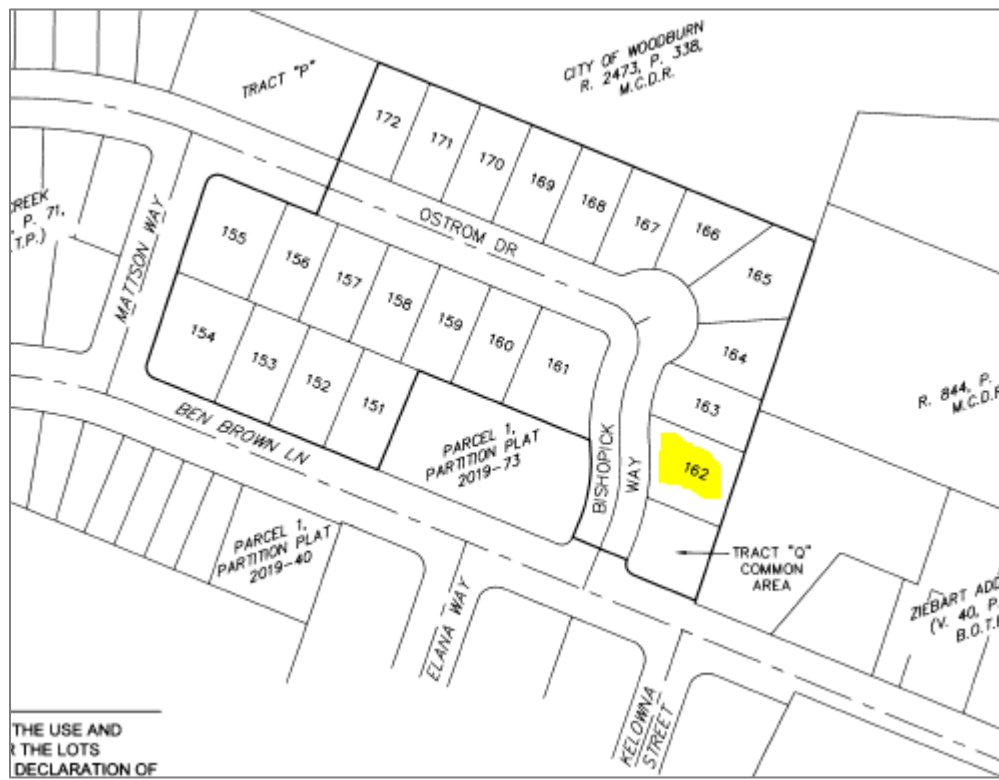
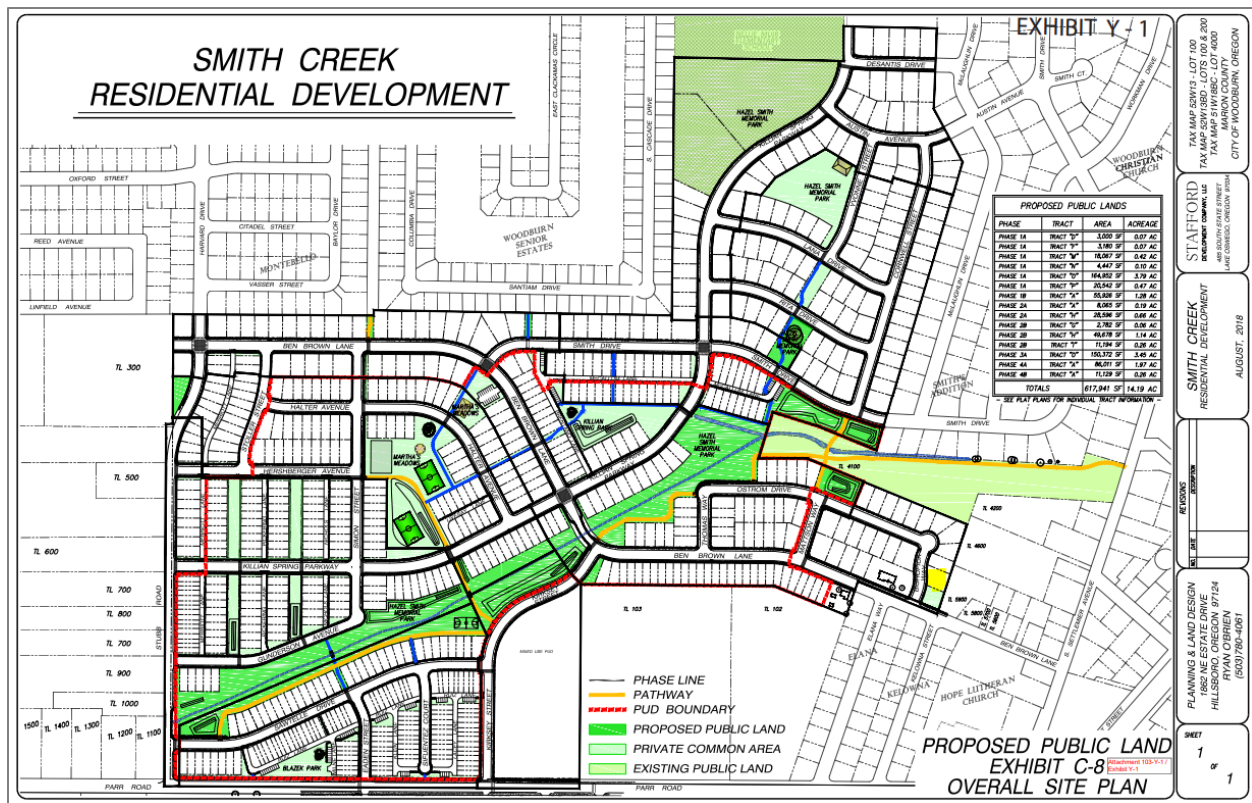
BACKGROUND:

The subject property is within Phase 2C of the Smith Creek Development project, which was approved via Final Order issued by the City Council on November 14, 2018. Phase 2C is within the Single-Family Residential (RS) zoning district.

The applicant applied for Zoning Adjustment ZA 21-04, requesting a 2-foot reduction to the front setback requirement and a 2.5-foot reduction to the rear setback requirement, both requests relating to the primary structure. Pursuant to Woodburn Development Ordinance (WDO) Table 2.02B, the minimum front setback is 20 feet and the minimum rear setback for a single-story building is 24 feet.

Staff approved the request, granting a 2-foot reduction to the front setback and a 2.5-foot reduction to the rear setback for this lot only. Impacts to neighboring properties would be minimal and limited to the abutting properties. Due to the curve of Bishopick Way as it runs north towards Ostrom Drive, the subject lot has an abnormal shape and a slight reduction to the front setback is unlikely to be noticed by the adjacent lots to the north and south. The proposed house would back up against a tributary to Mill Creek that runs through the back yard of the adjacent property to the east.

Agenda Item Review: City Administrator ___x___ City Attorney ___x___





Agenda Item

May 24, 2021

To: Honorable Mayor and City Council through City Administrator
From: Chris Kerr, Community Development Director *CK*
Subject: **Call-Up Briefing: Planning Division staff approval of a Zoning Adjustment application for 622 Bishopick Way (ZA 21-05)**

RECOMMENDATION:

Staff recommends no action and briefs the Council on this item pursuant to Woodburn Development Ordinance (WDO) Section [4.02.02](#). The Council may call up this item for review if desired and, by majority vote, initiate a review of this decision.

BACKGROUND:

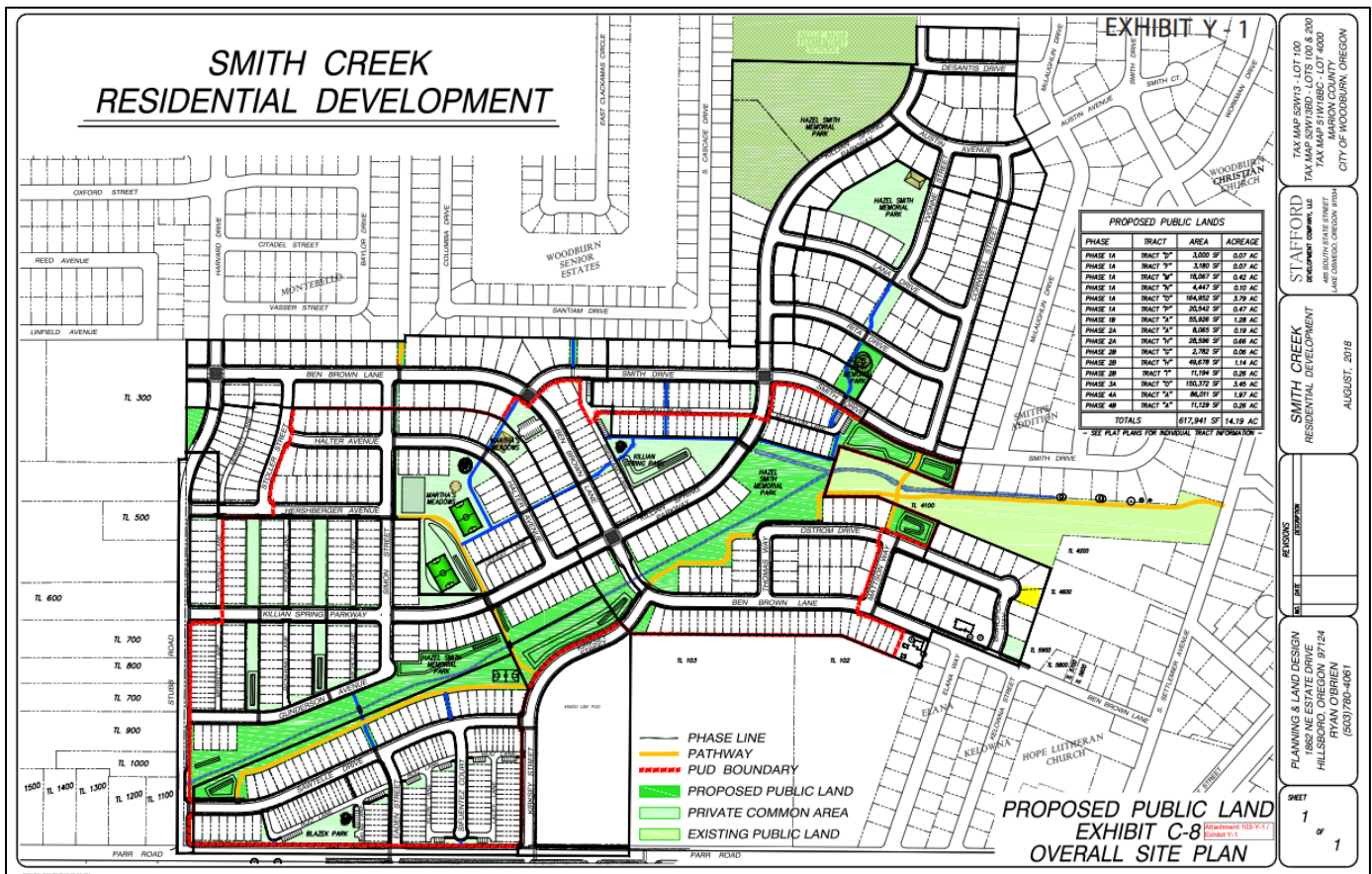
The subject property is within Phase 2C of the Smith Creek Development project, which was approved via Final Order issued by the City Council on November 14, 2018. Phase 2C is within the Single-Family Residential (RS) zoning district.

The applicant applied for Zoning Adjustment ZA 21-05, requesting a 2-foot reduction to the front setback requirement and a 4.21-foot reduction to the rear setback requirement, both requests relating to the primary structure. Because the subject property was already approved for a 4.8-foot reduction to the rear setback requirement via ZA 21-01, the staff report as final decision only addressed the requested 2-foot reduction to the front setback requirement. Pursuant to Woodburn Development Ordinance (WDO) Table 2.02B, the minimum front yard setback is 20 feet.

Staff approved the request, granting a 2-foot reduction to the front setback for this lot only. Impacts to neighboring properties would be minimal and limited to the abutting properties. Due to the bulb in the street as it turns from Bishopick Way to Ostrom Drive, the subject lot has an abnormal shape and a slight reduction to the front setback is unlikely to be noticed by the adjacent lots to

Agenda Item Review: City Administrator ___x___ City Attorney ___x___

the north and south. The proposed house would back up against a tributary to Mill Creek that runs through the back yard of the adjacent property to the east.



Smith Creek Development Overall Site Plan (subject lot highlighted yellow)



Phase 2C lots (subject lot highlighted yellow)