CITY COUNCIL SPECIAL MEETING MINUTES
JULY 11, 2022

DATE COUNCIL CHAMBERS, CITY HALL, CITY OF WOODBURN, COUNTY OF MARION, STATE OF OREGON, JULY 11, 2022

CONVENED The meeting convened at 7:01 p.m. with Mayor Swenson presiding.

ROLL CALL

Mayor Swenson	Present
Councilor Carney	Present
Councilor Cornwell	Present
Councilor Schaub	Present
Councilor Swanson	Present
Councilor Puente	Present
Councilor Cabrales	Present

Staff Present: Assistant City Administrator Row, City Recorder Pierson

EXECUTIVE SESSION

Mayor Swenson entertained a motion to adjourn into executive session under the authority of ORS 192.660(2)(f) **Carney/Cabrales**… move into executive session under the authority of ORS 192.660(2)(f). The motion passed unanimously. The Council adjourned into executive session at 7:02 p.m. and reconvened at 7:58 p.m. Mayor Swenson stated that no action was taken by the Council while in executive session.

Councilor Carney stated that the City Council needs to take steps to redeem their public image and suggested they form a small committee of Councilors. He added that he would like to be a part of that committee and nominated himself as the chair of the committee. He stated that he would like to have two volunteers that could work day and night to look through public records and consider our position going forward.

Councilor Swanson stated that she is confused about the statement made by Councilor Carney and isn't aware that there is the perception we have done something wrong as a Council.

Councilor Puente stated that he doesn't see what the point of the committee would be and what the issues are.

Councilor Cabrales stated that these things should come before the City Council perhaps as work sessions and that people should come talk to the Council if they have concerns.

Councilor Schaub stated that the Council needs to have a consensus about what they are going to do once this hits the media and that the whole thing is embarrassing.

No other members of the Council wanted to join the committee.

ADJOURNMENT

Swanson/Schaub… meeting be adjourned. The motion passed unanimously.
The meeting adjourned at 8:10 p.m.

APPROVED_____
ERIC SWENSON, MAYOR

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

EXECUTIVE SESSION MINUTES
JULY 11, 2022

DATE COUNCIL CHAMBERS, CITY HALL, CITY OF WOODBURN, COUNTY OF MARION, STATE OF OREGON, JULY 11, 2022

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

ROLL CALL

Mayor Swenson	Present
Councilor Carney	Present
Councilor Cornwell	Present
Councilor Schaub	Present
Councilor Swanson	Present
Councilor Puente	Present
Councilor Cabrales	Present

Mayor Swenson reminded Councilors and staff that information discussed in executive session is not to be discussed with the public.

Media Present: Julia Shumway, Oregon Capital Chronicle.

Staff Present: Assistant City Administrator Row, City Recorder Pierson

Others in attendance: Jeff Condit, Miller Nash LLP

The executive session was called:

To consider records that are exempt by law from public inspection pursuant to ORS 192.660 (2)(f).

ADJOURNMENT
The executive session adjourned at 7:56 p.m.

APPROVED_____
Eric Swenson, Mayor

ATTEST_____
Heather Pierson, City Recorder
City of Woodburn, Oregon

COUNCIL MEETING MINUTES
JULY 12, 2022

DATE LIBRARY SQUARE - 280 GARFIELD ST, CITY OF WOODBURN, COUNTY OF MARION, STATE OF OREGON, JULY 12, 2022

CONVENED The meeting convened at 6:14 p.m. with Mayor Swenson presiding.

ROLL CALL

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

Staff Present: City Administrator Derickson, Assistant City Attorney Granum, Assistant City Administrator Row, Police Chief Pilcher, Public Works Director Stultz, Community Services Director Cuomo, Community Development Director Kerr, Human Resources Director Gregg, Community Relations Manager Guerrero, Economic Development Director Johnk, Special Projects Director Wakely, Public Affairs and Communications Coordinator Moore, City Recorder Pierson

PRESENTATION

Mayor Swenson thanked Antonio Germann, Shawn Baird, Marin Arreola, Jonathan Avery, and Melody Molina for their support during the COVID-19 Pandemic.

Mayor Swenson also thanked the members of the following committees for continuing their important work during the COVID-19 Pandemic:

- City Council
- Recreation and Parks Board
- Planning Commission
- Budget Committee
- Library Board
- Public Art and Mural Committee
- Museum Volunteers
- Smith Creek Park Naming Committee
- Community Center Advisory Committee

CONSENT AGENDA

A. Woodburn City Council minutes of June 27, 2022,
B. Building Activity for June 2022.

Carney/Cornwell… adopt the Consent Agenda. The motion passed unanimously.

COUNCIL BILL NO. 3190 – A RESOLUTION AUTHORIZING EXECUTION OF A COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF WOODBURN AND THE WOODBURN POLICE ASSOCIATION BEGINNING ON JULY 1, 2022 AND ENDING ON JUNE 30, 2024

Carney introduced Council Bill No. 3190. City Recorder Pierson read the bill by title only since there were no objections from the Council. City Administrator Derickson provided a staff report. On roll call vote for final passage, the bill passed unanimously. Mayor Swenson declared Council

Bill No. 3190 duly passed.

CALL-UP BRIEFING: PLANNING COMMISSION APPROVAL OF A DESIGN REVIEW AND EXCEPTION TO STREET RIGHT OF WAY AND IMPROVEMENT REQUIREMENTS ("STREET EXCEPTION") APPLICATION PACKAGE FOR DO IT BEST AT 333 S. WOODLAND AVENUE (DR 22-01 & EXCP 22-03)

The Council declined to call this item up.

CITY ADMINISTRATOR'S REPORT

The City Administrator introduced Renata Wakely, the City's new Director of Special Projects.

MAYOR AND COUNCIL REPORTS

The Mayor and Council had nothing to report.

ADJOURNMENT

Carney/Schaub…move to adjourn. The motion passed unanimously. Mayor Swenson adjourned the meeting at 6:21 p.m.

APPROVED_____
ERIC SWENSON, MAYOR

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

WOODBURN
OREGON
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Agenda Item

July 25, 2022

TO: Honorable Mayor and City Council through City Administrator

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

SUBJECT: **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 north of Hazelnut Dr (ANX 22-02) and Approval of Related Land Use Applications for Development into the Marion Pointe Planned Unit Development (PUD)**

RECOMMENDATION:

Conduct a public hearing and make a motion to tentatively approve the land use applications, directing staff to prepare and submit an ordinance and final land use decision for consideration at the next City Council meeting.

BACKGROUND:

The item before the Council is action on annexation application ANX 22-02 by AKS Engineering & Forestry, LLC on behalf of Holt Group Holdings, LLC for property totaling approximately 39.68 gross acres and located along the east side of Boones Ferry Road NE north of Hazelnut Drive.

The territory is eligible for annexation because it's within the City urban growth boundary (UGB).

Upon annexation, the City would need to designate the property with City zoning. The Comprehensive Plan land use map designates the territory Low Density Residential and Open Space and Parks. Per Comprehensive Plan Policy Table 1, the default compatible base zoning districts are the Residential Single Family (RS) and Public and Semi-Public (P/SP). Because environmental constraints are relevant to the territory, the Riparian Corridor and Wetlands Overlay District (RCWOD) also applies. The applicant accepts the two base zoning districts and the overlay district.

Agenda Item Review: City Administrator ___x___ City Attorney ___x___ Finance ___x__

Development Applications

Because the applicant proposes also to develop the subject property with 87 single-family houses, there are associated development applications submitted as part of the consolidated application:

- Property Line Adjustment PLA 22-02: This adjusts the northerly boundary of Tax Lot 051W06DC02600 so that the golf course remains on its own lot.
- Planned Unit Development PUD 22-02: This relates to the site plan and the overall physical site development. PUD is a discretionary land use application type allowing developers to modify WDO development criteria – such as minimum lot areas and residential density – in exchange for providing a minimum area of open space, minimum common area improvements, and "enhanced public amenities." The flexibility in standards is to be justified by commensurate public benefit. More to the point, the conditions of approval and the related 200 series of attachments establish PUD development standards and common area improvements.
- Riparian Corridor and Wetlands Overlay District Permit RCWOD 22-01: This permit acknowledges, protects, and enhances the west tributary of Mill Creek and wetlands.
- Preliminary Subdivision SUB 22-03: This subdivides the land into tracts and residential small lots per PUD standards – premised upon PUD approval.
- Zone Change 22-02: This relates to the zoning designations that come with annexation.

Project Summary

See the next few pages for an aerial photo and a site plan.

Aerial map (2016) with site outlined in purple

Site map from cover sheet of the site plans

Previous Proposal

For the same subject property, the Council on March 11, 2021, denied a similar proposal, ANX 2020-01 Trillium Reserve PUD, for reasons listed in the final decision document including:

- Open space tracts were too few and provided too much passive open space by lacking enough active recreation improvements and enhanced public amenities.
- Lacked a playground.
- Lacked application materials for required boundary street improvements for the portion of Hazelnut Drive & Boones Ferry Road NE running along the Southwest corner of the development.
- Lacked a second, northerly street connection to Boones Ferry Road NE (extending the proposed Trillium Avenue west to the road).

For the proposed Marion Pointe PUD, the developer duly took note and revised the site plan expressly to address the reasons that the Council had listed.

Commission Recommendation

The Planning Commission on June 23, 2022, heard and unanimously recommended approval of the consolidated applications package with the conditions of approval recommended in Commission staff addendum memo (Council Attachment 1).

Testimony

Members of the public submitted two letters of comment prior to the Commission hearing and three letters prior to the Council hearing. They are Attachments 3-7.

Besides the applicant, one individual who had submitted Attachment 4 testified verbally at the hearing:

Who	*Topic*
Eric Svela, 549 Turnberry Ave, Woodburn, OR, 97071-7742	Expected property behind home to remain undeveloped; believed playground tract would attract crime; and, believed development residents would seek to enter Tukwila swimming pools and necessitate guarding pools from them

DISCUSSION:

Annexation is a policy decision by the Council.

Decision-making criteria for annexation are in Woodburn Development Ordinance (WDO) 5.04.01C. The attached Planning Commission staff report of June 23, 2022, particularly its Attachment 102 Analyses & Findings, addresses the criteria for annexation and finds them met.

The Council reviews and decides upon the consolidated applications package for the development project because per WDO 4.01.07, the City reviews a package at the highest land use review type among the application types. (In this context, it's the annexation application type, which is Type IV – a Council decision.)

FINANCIAL IMPACT:

Annexing the territory into city limits would subject it to City taxing authority, including property tax that generates the largest source of funding for general fund services such as the library, policing, and parks and recreation.

The City permanent tax rate is $6.0534 per thousand dollars – equal to a millage rate of 6.0534 mils – as set by Oregon Ballot Measure 50 in 1997-98. The property had a rural dwelling, now demolished. The table below simplifies and grossly estimates tax revenue, not accounting for increase resulting from development:

Address	*Tax Lot*	*Marion County Assessed Value (AV)*	*Gross Estimate of City Property Tax (6.0534 mils)*
none	051W06D000502 (primary)	$203,560	$1,232.23
none	051W06D000500	$1,440	$8.72
none	051W06D000800	$620	$3.75
none	051W06DC00201	$640	$3.87
none	051W06DC00300	$1,750	$10.59
	Total:	$208,010	$1,259.17

The estimate neither accounts for how the City might assess property value differently than Marion County nor excludes the unknown cost of providing basic utility services to the properties that the City does not already provide. Crucially, site development would increase both the number of residences and assessed valuation (AV) while also increasing City utility and other service costs.

ATTACHMENTS:

1. Planning Commission June 23, 2022 staff addendum memo and select attachments:
   104D. ANX 22-02 Strikethrough-and-underline conditions of approval revised from June 23, 2022 Planning Commission staff report (7 pages)
2. Planning Commission June 23, 2022 Staff Report and select attachments:
   101. Marked Tax Maps (2 sheets)
   102. Analyses & Findings (56 pages)
   102A. Public Works comments (June 15, 2022)
   103. Site plans (27 sheets)
   103A. Annexation Service Provider Letters (SPLs; 4 pages)
   104A. TSP Tables 2 & 5 marked excerpts from pages 32 & 62: Projects R8, R9, R11, & P36 (2 pages)
   104B. TSP Fig. 2 "Functional Roadway Classification"
   104C. TSP Fig. 6 "Local Street Connectivity Plan"
   201.* ANX 2020-01 Trillium Reserve PUD: Dictionary & Glossary
   202. ANX 2020-01 Trillium Reserve PUD: Lot & Tract Development Standards
   203. ANX 2020-01 Trillium Reserve PUD: Common Area Improvements & Public Easements
   204. ANX 2020-01 Trillium Reserve PUD: Tree Preservation & Protection and Environmental Remediation
   205. ANX 2020-01 Trillium Reserve PUD: Conditioned Fees
   *The 200 series of attachments are details for the conditions of approval.
3. Testimony by Jim & Julie Nicolarsen, 620 Troon Ave, letter received June 13, 2022; 2 pages
4. Testimony by [redacted], e-mail received June 13, 2022; 2 pages
5. Testimony by Dennis & Lorell Ortega, 408 Turnberry Ave, letter received July 18, 2022; 2 pages
6. Testimony by Jim Nicolarsen, 620 Troon Ave, letter received July 19, 2022; 1 page
7. Testimony by Julie Nicolarsen, 620 Troon Ave, letter received July 19, 2022; 2 pages

Addendum

June 23, 2022

To: Planning Commission (June 23, 2022)

From: Colin Cortes, AICP, CNU-A, Senior Planner

Cc: McKenzie Granum, Assistant City Attorney
Chris Kerr, Community Development Director CK.
Rand Waltz, AKS Engineering & Forestry, LLC, applicant
Garrett H. Stephenson, applicant's attorney

Subject: Addendum to Agenda Item 6b: Annexation ANX 22-02 Marion Pointe

Summary:
Staff received the attached June 23, 2022 letter of testimony from the applicant's attorney. This cover memo provides context and addresses the first of the two objections to the recommended conditions of approval: references to the new WDO.

A number of conditions reference conformance with the WDO as newly amended up to and through Ordinance No. 2603 (Legislative Amendment LA 21-02) adopted June 13 and effective June 30, 2022.

The applicant's team is concerned not having looked at the ordinance online to see the referenced WDO provisions. Per the Assistant City Attorney, staff proposes strikethrough-and-underline edits to several conditions to:

1. Remove all such references, and
2. Copy and paste the referenced provisions themselves from the newly amended WDO into the conditions of approval.

The new WDO doesn't interfere with the proposed development, and staff believes that the strikethrough-and-underline conditions will reassure the applicant and applicant's attorney and lead them to drop the objection.

Recommendation:
To approve with conditions including those edited through this addendum memo.

Attachment(s):

- Public testimony by Garrett H. Stephenson, applicant's attorney, June 23, 2022 (7 pages)
- 104D. ANX 22-02 Strikethrough-and-underline conditions of approval revised from June 23, 2022 Planning Commission staff report (7 pages)

City Council July 25, 2022
ANX 22-02 Attachment 1

Schwabe
WILLIAMSON & WYATT®

June 23, 2022

Garrett H. Stephenson
Admitted in Oregon
T: 503-796-2893
C: 503-320-3715
gstephenson@schwabe.com

VIA E-MAIL

Mr. Charles Piper
Woodburn Planning Commission
Woodburn City Hall Council Chambers
270 Montgomery Street
Woodburn, OR 97071

RECEIVED
JUN 23 2022
COMMUNITY DEVELOPMENT DEPARTMENT

RE: Marion Pointe Application, Woodburn Case Files ANX 22-02, ZC 22-02, PLA 22-02, PUD 22-02, RCWOD 22-01, SUB 22-03 (the "Application")

Dear Mr. Piper:

This office represents Holt Homes (the "Applicant") in the Marion Pointe Application (ANX 22-02, ZC 22-02, PLA 22-02, PUD 22-02, RCWOD 22-01, SUB 22-03) (together, the "Application"). The Application includes a proposed annexation, subdivision, and planned unit development (including concept development and detailed development plans). The Application is the result of a substantial amount of effort on the part of the Applicant and City staff, and the Applicant appreciates staff's thorough review of the Application. On the whole, the Applicant agrees and accepts the conditions of approval. However, the Applicant has two concerns regarding the proposed conditions of approval in the June 15, 2022 Staff Report, which are discussed below.

1. **Applicability of Codes adopted after February 14, 2022**

The Staff Report includes a number of conditions[1] requiring the Application to comply with certain provisions of the Woodburn Development Ordinance adopted after the Application was prepared and submitted, the most recent of which were only adopted on June 13, 2022. This presents a practical problem for the Applicant because it is not clear how these new standards would alter the Application or how much additional cost might be necessary to comply with them.

Land development projects depend in large part on the ability to understand the City's approval criteria and development standards before an application is submitted, so applicants can accommodate the City's design requirements during the project design phase. To that end, Oregon law provides that most land use applications, including subdivisions and planned unit

[1] These include but are not limited to proposed conditions G4, G6, G8, SUB-1, SUB-2, PUD-2, and PUD-3.

developments, are protected by the "Fixed Goal-Post" rule, which is set forth in ORS 227.178(3):

> "If the application was complete when first submitted or the applicant submits the requested additional information within 180 days of the date the application was first submitted and the city has a comprehensive plan and land use regulations acknowledged under ORS 197.251, approval or denial of the application shall be based upon the standards and criteria that were applicable at the time the application was first submitted."

Similarly, ORS 92.040 provides that:

> "(2) After September 9, 1995, when a local government makes a decision on a land use application for a subdivision inside an urban growth boundary, only those local government laws implemented under an acknowledged comprehensive plan that are in effect at the time of application shall govern subsequent construction on the property unless the applicant elects otherwise."

The Application was submitted on February 14, 2022. The Application was deemed complete on May 12, 2022, within 180 days of application submittal. Therefore, the criteria and development standards in effect on February 14, 2022 are the standards that apply to the Application and subsequent development of the subject property.

For these reasons, the Applicant respectfully requests that the Planning Commission remove from the final conditions and findings any references to versions of the WDO which became effective after February 14, 2022. In the alternative, if the Planning Commission wishes to specify which version of the WDO governs the Application, it can replace references to "through Ordinance No. 2603" with "WDO standards in effect on February 14, 2022." This change would provide the Applicant with predictability about how the Project will ultimately be developed and add clarity for City staff construing the decision in the future.

2. Upsizing of the Private Stormwater System beneath the OGA Golf Course

Proposed condition PUD-PW provides as follows:

> "PUD-PW. Stormwater management: Prior to civil engineering plan approval through CEP review, the applicant shall provide an Engineer Stamped Storm Drainage Hydraulic Analysis Report that existing private storm drainage systems have capacity to handle the additional flow from the Marion Pointe and ANX 2020-03 Dove Landing Planned Unit Developments (PUDs), and that the culvert/pipe under Olympic Street has capacity to handle a 100 year base flood event, and to provide a final 100 year floodway, floodplain, and wetland delineation for this development. The applicant is responsible for correcting any

> capacity deficiencies, including installing new or additional drainage systems, and/or attaining the right to increase stormwater flows into neighboring private stormwater systems."

As an initial matter, there are elements of the above condition which the Applicant accepts, including the requirement to up-size the culvert/pipe beneath Olympic Street to accommodate a 100-year base flood event. The project's proposed stormwater system (including a connection to the existing private line) is designed to meet the City's current 25-year storm requirement, as described in **Exhibit 1**. However, the final sentence likely obligates the Applicant to substantially upsize the existing private stormwater line to meet a 100-year capacity not in the City's stormwater design standards, and do so at least partially to accommodate offsite stormwater flow from a different project, Dove Landing. There are both practical and legal problems with this requirement.

The practical problem is that this would require a major trenching within the OGA Golf Course and construction of the replacement pipe would entail substantial expense. This would not only disrupt golf course operations, but would also require the Applicant to obtain an additional easement to make such improvements, which the OGA Golf Course may not wish to grant.

The legal problem is that, as explained in **Exhibit 1** from the Applicant's project engineer, such an upsizing is not necessary to serve the Marion Point project. Under the 5th Amendment of the U.S. Constitution, requiring a landowner to dedicate its private property rights or pay money for public improvements in exchange for development approval is a taking requiring just compensation, unless there is an "essential nexus" between the condition and the project's impacts on the local government's public infrastructure. *Nollan v. California Coastal Com.*, 483 U.S. 825, 836–37 (1987); *Koontz v. St. Johns River Water Management District*, 570 U.S. 595, 613–14 (2013); *Hill v. City of Portland*, 293 Or App 283, 290 (2018). The project's stormwater system is already designed to meet the City's applicable stormwater requirements without up-sizing the private storm line beneath the golf course. Moreover, the requirement for up-sizing is at least partially a consequence of the Dove Landing project, not the Marion Pointe Project. Therefore, condition PUD-PW lacks the required nexus to the impacts of Marion Pointe.

Additionally, public improvement requirements must be "roughly proportional" to the expected impacts caused by the proposed development, and the City carries the burden of proof to show how proposed conditions meet the proportionality requirement. *Dolan v. City of Tigard*, 512 U.S. 374, 391-395 (1994). In this instance, **Exhibit 1** demonstrates that the potential up-sizing of existing private stormwater facilities is not roughly proportional to the impacts of Marion Pointe. This is because the proposed stormwater design is sufficient to serve the Marion Pointe project without upsizing the existing private line. Thus, the substantial payment of money required to construct that improvement is in excess (and likely *far* in excess) of the cost of improvements necessary to meet stormwater standards and offset the project's impacts on the public stormwater system.

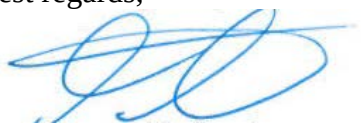
For the above reasons, the Applicant respectfully requests that Condition PUD-PW be either eliminated or revised as follows:

> "Stormwater management: Prior to civil engineering plan approval through CEP review, the applicant shall provide an Engineer Stamped Storm Drainage Hydraulic Analysis Report to determine whether the culvert/pipe under Olympic Street has capacity to handle a 100 year base flood event."

Conclusion

As noted above, the Applicant appreciates staff's hard work on this project and accepts the vast majority of proposed conditions. With the two changes recommended above, the Applicant fully supports staff's findings and proposed conditions. The applicant respectfully requests that the Planning Commission make these two changes and otherwise approve the Application as recommended in the staff report.

Best regards,



Garrett H. Stephenson

GST:jmhi
Enclosure

Cc: Mr. Colin Cortes *(via email) (w/enclosure)*
Mr. Chris Kerr *(via email) (w/enclosure)*
Ms. McKenzie Granum *(via email) (w/enclosure)*
Mr. Mike Loomis *(via email) (w/enclosure)*
Ms. MacKenzie Davis *(via email) (w/enclosure)*
Mr. Rand Waltz *(via email) (w/enclosure)*
Mr. Joey Shearer *(via email) (w/enclosure)*

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Date: 6/23/2022
To: Colin Cortes, AICP, CNU-A, Senior Planner – City of Woodburn
From: Rand Waltz/Vu Nguyen, PE
Project Name: Marion Pointe PUD
AKS Job No.: **7564**
Subject: **Condition of Approval – PUD-PW**

Condition of approval PUD-PW states:

Stormwater management: Prior to civil engineering plan approval through CEP review, the applicant shall provide an Engineer Stamped Storm Drainage Hydraulic Analysis Report that existing private storm drainage systems have capacity to handle the additional flow from the Marion Pointe and ANX 2020-03 Dove Landing Planned Unit Developments (PUDs), and that the culvert/pipe under Olympic Street has capacity to handle a 100 year base flood event, and to provide a final 100 year floodway, floodplain, and wetland delineation for this development. The applicant is responsible for correcting any capacity deficiencies, including installing new or additional drainage systems, and/or attaining the right to increase stormwater flows into neighboring private stormwater systems.

This condition of approval requests that the Marion Pointe project increase the capacity of an existing offsite private stormwater main pipe to accommodate flows beyond normal City standards for this project and an offsite residential development project (Dove Landing). Additionally, construction of this main pipe will require a public storm drainage and temporary grading and construction easement on private property that is not owned or controlled by the applicant. There is no certainty that the easement required for construction will be granted by the offsite property owner.

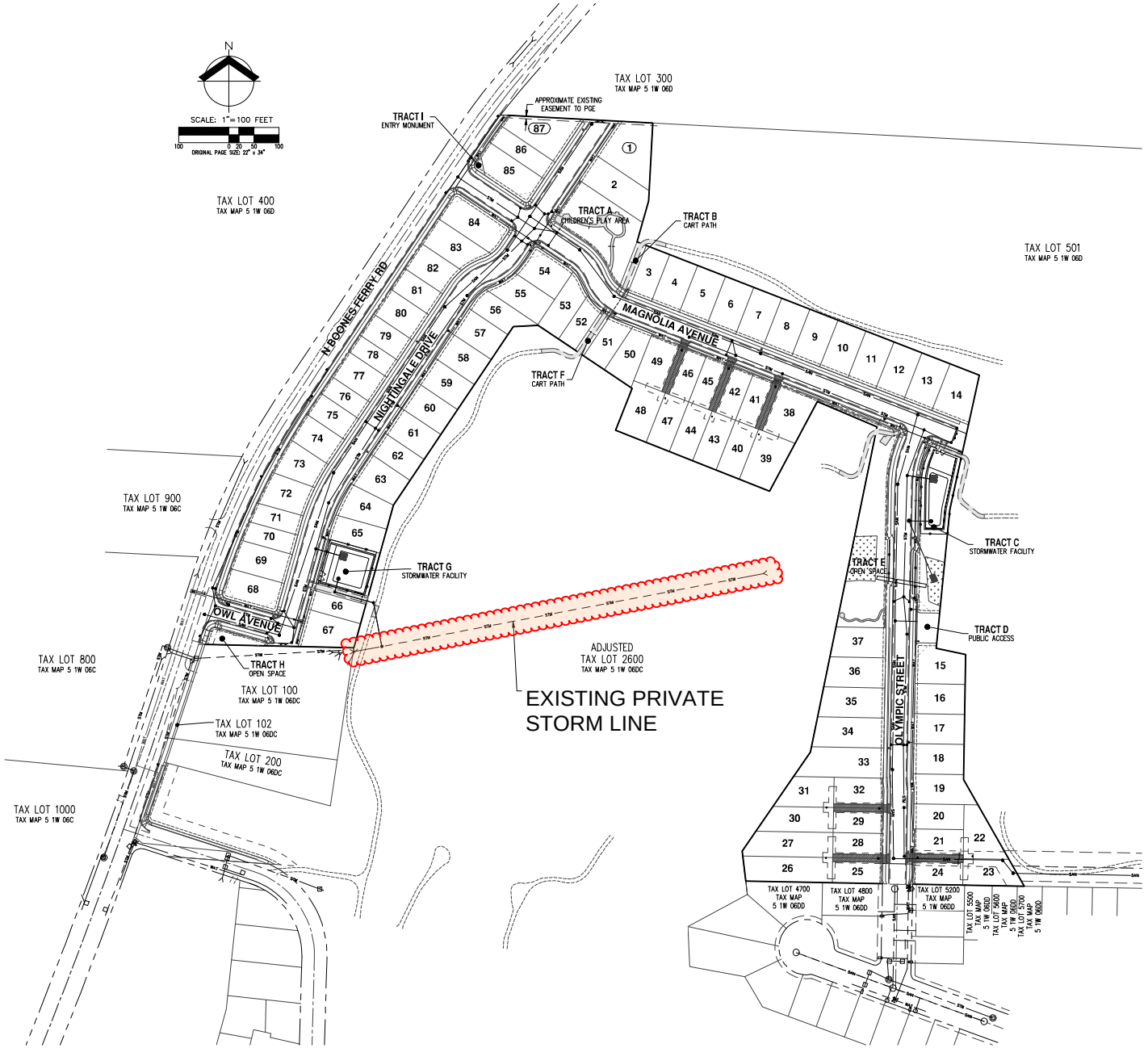
The City's Storm Drainage Master Plan requires the following regarding stormwater runoff conveyance:

- The 25-year post-developed storm event runoff be detained to the pre-developed 5-year storm event. This means that after the site is developed, stormwater from a 25-year event (an event that statistically happens once every 25 years) leaving the subject site can only be released at rate less than or equal to a 5-year storm event prior to development. This project meets this requirement.

The existing 24-inch culvert under the future Olympic Street will be replaced with a 72-inch diameter culvert. This new culvert will be sized to accommodate stormwater runoff from this site and the upstream basins (including Dove Landing under fully developed conditions) based on peak flows for the 100-year storm event.

In larger storm events, stormwater could back up out of offsite private stormwater main pipe and sheet flow across the golf course property; however, this is the historical route of the stormwater runoff, and there are no structures in this flow path.

Since this project meets the City's Storm Drainage Master Plan detention and conveyance standards and because of the proposed Olympic Street culvert replacement, there are no downstream conveyance deficiencies. Because of this, condition of approval PUD-PW should not be applied to this project.



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ENGINEERING • SURVEYING • NATURAL RESOURCES
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PRELIMINARY OVERALL COMPOSITE UTILITY PLAN
MARION POINTE
WOODBURN, OREGON

REGISTERED PROFESSIONAL ENGINEER
OREGON
JULY 15, 2005
COY NGUYEN
Exp. 12-31-22

PRELIMINARY NOT FOR CONSTRUCTION

JOB NUMBER:	7564
DATE:	04/14/2022
DESIGNED BY:	NRA
DRAWN BY:	NRA
CHECKED BY:	VHN

P-20

AKS DRAWING FILE: 7564 UTILITY OVERALLDWG | LAYOUT: P-20

Exhibit 1
Page 3 of 3

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. By and 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 by the Building Division.

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: Attachment 201 serves as a dictionary or glossary defining certain abbreviations, acronyms, phrases, terms, and words in the context of the conditions of approval. The 200 series of attachments are as binding as the conditions of approval in the main body of the final decision.

G4. Due dates / public improvements:

a. When public street improvements, and any fees in lieu of public improvements, are due shall be per WDO 3.01.02E & F and 4.02.12 ~~through Ordinance No. 2603 (LA 21-02)~~ unless if and where a condition of approval has more restrictive timing:~~.~~
   (1) The construction of all public improvements, their passing City inspections, and acceptance by the City are due no later than by either 5.01.06B in the context of land division final plat application to the City or by building permit issuance, except if (a) the developer applies to the City through the Public Works Department for deferral and (b) the City Administrator or designee issues a document approving and describing a bond or performance guarantee pursuant to Section 4.02.08. Administration of bonding and performance guarantees for improvements that are public defaults to the Public Works Department, and the department shall notify the Community Development Director of deferral applications and any approvals and conditions of approval.
   (2) Fees in lieu of public improvements: Per Condition G6.
b. Where changes to street addresses are necessary, the developer shall apply through the Planning Division for and obtain approval of an Address Assignment Request. This is due

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prior to building permit application, and if property line adjustment or lot consolidation were to become relevant, then also after recordation with County.

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.

G6. Fees: The developer shall pay fees per Attachment 205, and fees in-lieu shall be per WDO 4.02.12~~ through Ordinance No. 2603 (LA 21-02) adopted June 13, 2022~~:

a. Fees in-lieu are permissible if the Director allows, whether wholly in-lieu for one, some, or all of the kinds of required improvements or for some or all of a kind.

~~a.~~b. Fees in lieu of public improvements are due before either building permit application or, when and where any of Partition or Subdivision Final Plat is involved, completion of recordation with the County, specifically no later than before a City official signs a plat or re-plat Mylar per Section 5.01.06C.1. A developer may request in writing to pay later, specifically by issuance of building permit, or if the Director allows, across issuance of two or more structural building permits for the subject development.

G7. Demolition: Because the City through the Building Division now requires demolition permits, upon annexation and before beginning to demolish buildings or structures or demolishing more of them, consult the Permit Technician and apply for and obtain a permit or permits as applicable.

~~G8. WDO version: Upon annexation, conformance to the Woodburn Development Ordinance (WDO) and conditions of approval references to the WDO shall be to the WDO as amended by Ordinance No. 2603 (Legislative Amendment LA 21-02) adopted June 13, 2022.~~

G-PW. Public Works: Follow the appended PW comments (June 16, 2022); Attachment 102A).

Preliminary Subdivision 22-03

SUB-1. Expiration: Based on ORS 92.040(3), development per the Council land use final decision may continue 3 years past the decision date, the 3-year approval period being established ~~by WDO 4.02.04 through Ordinance No. 2603 (LA 21-02) adopted June 13, 2022, and~~ as follows:

a. Final Plat: The developer shall apply to the City prior to applying to Marion County for recordation. Owl extending east across BFR from Dove Landing PUD to Nightingale shall continue its name.

b. Recordation with Marion County: Same as WDO 5.01.06C.1. (within 30 calendar days of the Director's signature on the plat Mylar).

c. Vesting: The decision is vested unless:

(1) ~~The developer fails to meet subdivision and PUD requirements, resulting in the City being unable to authorize staff to sign a final plat Mylar by July 1, 2027~~Regarding WDO 4.02.04B.1, if by 10 years past the final decision date there is no substantial construction as Section 1.02 defines following issuance of a building permit, the final decision shall expire and fail to vest.; or

(2) ~~There is no substantial construction – as defined in 1.02 through Ordinance No. 2603 (LA 21-02) – by July 1, 2032~~Regarding subsection WDO 4.02.04B.2 as applies to Property Line Adjustment and Subdivision Final Plat Approval applications, the developer shall complete recordation no later than the land use expiration date.

SUB-2. Documents:

a. Geotech report: Prior to final plat approval by the City, the developer shall submit to the Director a geotechnical report documenting that, whether or not the developer spreads any fill or spoil dirt across lots and tracts, soil is compacted and ready to accommodate the construction of buildings on lots and tracts proposed for development.

b. Easements: Per WDO 2.01.05~~A through Ordinance No. 2603 (LA 21-02) adopted June 13, 2022 shall be applicable, and~~, where any of extinguished, altered, or additional public easements are involved, the developer shall not apply for building permit until having completed recordations with the County and provided electronic copies of the recorded easement documents and drawings to the Director and the Public Works Director when and as any of them direct. The developer shall also follow Attachments 102A (Public Works) and 203, Part D.

c. Plat: Upon recordation, the developer shall submit to PW and cc the Director copies of recorded documents per WDO 2.01.05~~ through Ordinance No. 2603 (LA 21-02) adopted June 13, 2022~~.

Planned Unit Development 22-02

PUD-PW. Stormwater management: Prior to civil engineering plan approval through CEP review, the applicant shall provide an Engineer Stamped Storm Drainage Hydraulic Analysis Report that existing private storm drainage systems have capacity to handle the additional flow from the Marion Pointe and ANX 2020-03 Dove Landing Planned Unit Developments (PUDs), and that the culvert/pipe under Olympic Street has capacity to handle a 100 year base flood event, and to provide a final 100 year floodway, floodplain, and wetland delineation for this development. The applicant is responsible for correcting any capacity deficiencies, including installing new or additional drainage systems, and/or attaining the right to increase stormwater flows into neighboring private stormwater systems.

PUD-1. Mods: The City approves PUD modifications only as written in conditions of approval and the 200 series of attachments, particularly Attachment 202. Other modifications that site plans imply are subject to later administrative approval or denial by the Director.

PUD-2.

a. ROWs: For BFR and the proposed local class streets, the developer shall dedicate ROWs that meet or exceed the min widths necessary to conform to WDO Figures 3.01C & G.
b. PUEs: ~~The developer shall grant streetside PUEs that meet or exceed the min width and do not exceed the max p~~Per WDO 3.02.01~~ through Ordinance No. 2603 (LA 21-02) adopted June 13, 2022~~, a PUE shall be dedicated along each lot line or tract boundary abutting a public street at minimum width 5 feet and maximum width 8 ft.

PUD-3. Frontage/street improvements: These shall be as follows and due per Condition G4a:

a. BFR: Per WDO Fig. 3.01C except that planter strip shall be min 6½ ft wide inc. curb width.
b. Olympic: Bridge or culvert crossing over Mill Creek tributary: Per WDO 3.01.03H ~~through Ordinance No. 2603 (LA 21-02) adopted June 13, 2022, and~~:
   (1) ROW: Required ROW shall remain such regardless of the physical width of the crossing.
   (2) Parking: Any parking lane(s) required by the applicable cross section shall remain required.
   (3) Sidewalk widths: A developer may omit from a bridge or culvert the street landscape strips, thereby resulting in curb-tight sidewalk, the minimum width of which shall be either 8 ft where there is to be no adjacent on-street parking or 9 ft

where there is to be. Wider width shall apply where ADA per WDO 3.01.03G applies such that it is required.

(4) Fence/railings: Where (a) a street segment is a bridge or culvert crossing, and (b) the public works construction code requires any pedestrian guardrail, handrail, fall protection railing, or safety railing, then it shall be decorative or ornamental (as examples, having an artistic pattern or resembling wrought iron), and a color other than black or charcoal. Any required fence at each end of railings shall be the same color(s).

(5) Bridge sides: If the bridge sides are concrete, the surface shall be stamped or treated to resemble either cut stone or rough stone.

~~(1)~~(6) Elevation: Shall be such that the travel way and parking lanes wouldn't flood during the 100-year flood.

~~(2) Sidewalks: min width 9 ft inc. curbing.~~

~~(3) Fencing/railings: Permissible colors are blue, bronze, brown, green, teal, metal, and rust color. (Black prohibited.)~~

~~(4)~~(7) Design details are deferred to PUD Final Plan Approval process; refer to Condition PUD-11.

c. Tract D: The developer shall grant to the City over the entire tract a public street easement. The easement shall allow for all purposes permitted by what would have been ROW dedication including construction of street improvements. One or more legal instruments that dedicates the easement shall contain text that the easement is revocable only with the written concurrence of both the Community Development Director and Public Works Director and by City Council action. (The objective is to have maintenance responsibility remain with a party other than the City.)

d. Hazelnut: Per WDO Fig. 3.01G, except that the territory contiguous with Tax Lots 051W06DC00201 & 300, which is occupied by Hazelnut, shall be dedicated to the City as ROW. (Note: To not meet this condition part would require modification of condition [MOC] application and approval per WDO 4.02.07.)

e. Planter strip remainder: ~~Landscape the remainder area – the area remaining after street tree plantings – p~~Per WDO 3.01.04B ~~through Ordinance No. 2603 (LA 21-02) adopted June 13, 2022~~, landscape strips shall have area remaining after street tree plantings landscaped with lawn grass or, if the Public Works Director in writing allows, a species of groundcover. Cobblestones, gravel, pebbles, and rocks are prohibited. Bark dust, mulch, or wood chips are permissible only within the immediate vicinity of a street tree trunk. The developer shall install landscape strip irrigation, and shall provide temporary irrigation during construction, per the public works construction code.

f. Sidewalks: Min 6 ft wide except wider as Exhibit PUD-3f supersedes. BFR sidewalk southerly and two northerly dead-ends shall have ADA-compliant transitions spanning between sidewalk and road shoulder as the applicable public works authority specifies. The segment extending north from Hazelnut sidewalk may meander, including PUE

overlap, and taper to 6 ft through RPZs to save most of the loose row of trees along the road.

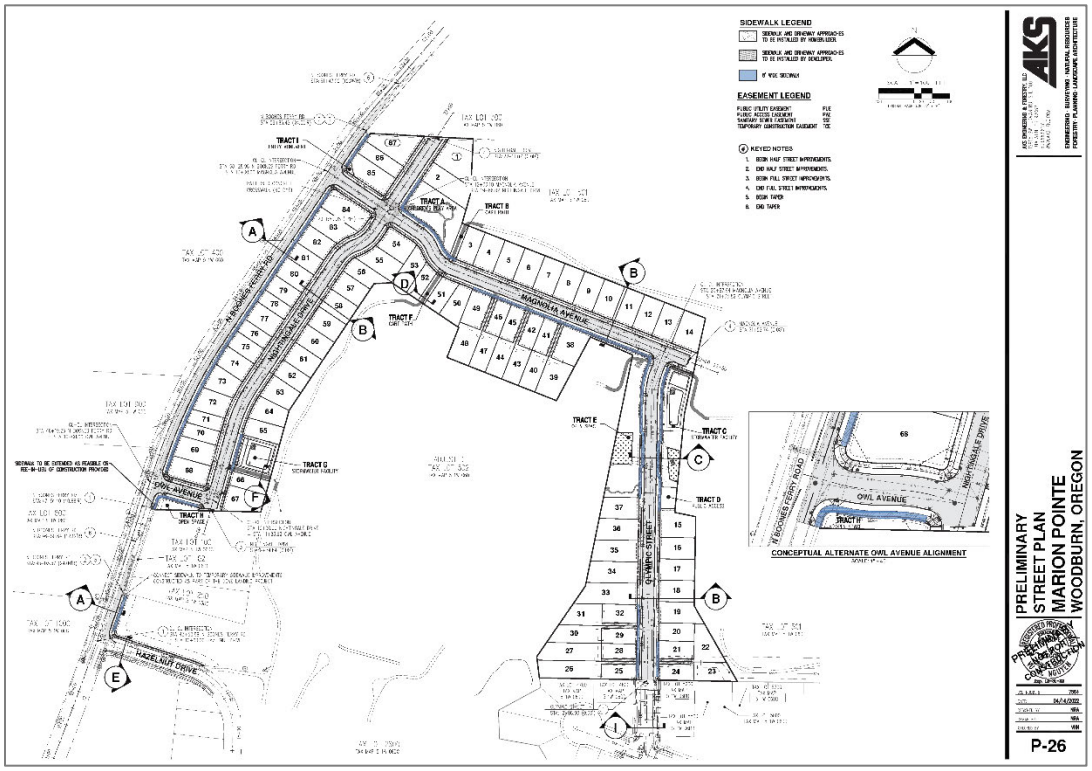

Exhibit PUD-3f: Site Plan Sheet P-26 Sidewalks (blue: min 8 ft wide); see Attachment 103 for full size

g. Overlap: The extra width of planter strip and sidewalk shall either (1) overlap outside ROW into streetside PUE and come with a recorded legal instrument granting public access to the overlap to the satisfaction of the Public Works Director, or (2) come with additional ROW to accommodate them. Wider sidewalks shall not narrow planter strips.

h. Street trees:

(1) Min numbers equal to block frontage ratios per Exhibit PUD-3h:

Exhibit PUD-3h: Site Plan Sheet P-31 Street Tree Min No. (green: equal to 1 tree per 30 ft of block frontage)

(2) Along Magnolia, revise street trees from Capital pear to *Magnolia grandiflora* "Victoria" cultivar.

(3) Fee in-lieu shall be per Attachment 205.

~~(4) Landscape strips and street trees shall conform to WDO 3.01.04B (landscaping, irrigation) and 3.06.03A.3 (root barriers) through Ordinance 2603.~~

i. Electric power lines: Electric power lines, whether in or beyond ROW, shall be buried.

j. Traffic calming: A min number of pedestrian crossings along intersection legs shall be patterned poured concrete each min 8 ft wide:

(1) Magnolia & Nightingale, 3 legs: N/NE, E/SE, & S/SW; and

(2) Magnolia & Olympic: 2-3 legs: S/SW & whichever one or both of the E/SE or W/NW legs that would have a curb ramp along the top of the "T" of the T-intersection.

PUD-4. Streets, dead-end: Barricades/Signage: Based on WDO 3.01.05A.2b & c, the developer shall place:

a. A barricade with sign at the south end of Nightingale; and

b. A barricade at each of the north end of Nightingale the east end of Magnolia.

Consult PW for a barricade detail, and no later than CEP show both it and a modified version with a sign in conformance with 3.01.05A.2c.

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June 23, 2022
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Staff Report

To: Planning Commission

Through: Chris Kerr, AICP, Community Development Director C.K.

From: Colin Cortes, AICP, CNU-A, Senior Planner

Meeting Date: June 23, 2022 (Prepared June 15, 2022)

Item: "Marion Pointe" Planned Unit Development (ANX 22-02)

Tax Lot(s): 051W06D000502 (primary), 500, & 800 and 051W06DC00201 & 300 (no address; Boones Ferry Rd NE east side north of Hazelnut Dr)

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Issue before the Planning Commission

Annexation ANX 22-02 (Type IV) with proposed planned unit development PUD 22-02 Marion Pointe: Commission is to hold a public hearing and make a recommendation to the City Council.

City Council July 25, 2022
ANX 22-02 Attachment 2

Executive Summary

Location

The proposed Marion Pointe PUD of 87 houses on small lots is based on annexation of 39.21 acres from Marion County. The territory is a former orchard located at northeast city limits along the east side of Boones Ferry Road NE and includes part of the existing Oregon Golf Association golf course. Annexation includes road right-of-way (ROW) down to include the south leg of the intersection of the road with Hazelnut Drive.

Site map from cover sheet of the site plans

Annexation & Zoning Designation

Because the Comprehensive Plan land use map designates the territory Low Density Residential and – on the golf course – Open Space and Parks per Comprehensive Plan Policy Table 1 the default corresponding zoning districts are Residential Single Family (RS) and Public and Semi-Public (P/SP). Along with an annexation ordinance, the Council would by separate ordinance designate the annexed territory as RS & P/SP base zoning districts. Because a west tributary of Mill Creek and wetlands are within the territory, designation would include the Riparian Corridor and Wetlands Overlay District (RCWOD).

Development

Staff and the developer worked diligently to produce a superior site development that includes features such as:

1. Frontage/street improvements including enhanced public amenities in form of wider sidewalks and more street trees;
2. Street stubs that allow a logical network for future development to extend;
3. Two street connections with Boones Ferry Road NE;
4. Lessened driveway curb cuts through shared driveways at flag lots;
5. Common area improvements such as benches and a shelter;
6. Remediation of the riparian corridor of the west tributary of Mill Creek through invasive groundcover removal (e.g. Himalaya blackberry) and restorative plantings;
7. Walking and cycling wayfinding signage;
8. Tree preservation or fees in-lieu;
9. Fees towards City bus stop improvements and bus service; and
10. Fee towards improvement of the public park land in the Dove Landing PUD west across Boones Ferry Road NE.

The recommended conditions of approval secure things like the above. Site plans are within Attachment 103.

The Public Works Department, Woodburn Fire District, and Woodburn School District gave the applicant annexation service provider letters (SPLs; Attachment 103B) indicating that they can serve the development.

Staff finds that the proposal meets applicable Woodburn Development Ordinance (WDO) provisions per the analyses and findings (Attachment 102) and with the recommended conditions of approval.

Staff notes that, following City Council denial on April 12, 2021 of ANX 2020-01 Trillium Reserve PUD for the same property, the ANX 22-02 Marion Pointe PUD application materials do a good job of addressing the City Council reasons for denial of Trillium Reserve stated in that final decision document.

Recommendation

Approval: Staff recommends that the Planning Commission consider the staff report and attachments and recommend approval to the City Council application with the conditions recommended included with this report.

Conditions of Approval

The conditions are copied from towards the end of the analyses and findings (Attachment 102):

General

G1. By and 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 by the Building Division.

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: Attachment 201 serves as a dictionary or glossary defining certain abbreviations, acronyms, phrases, terms, and words in the context of the conditions of approval. The 200 series of attachments are as binding as the conditions of approval in the main body of the final decision.

G4. Due dates / public improvements:

a. When public street improvements, and any fees in lieu of public improvements, are due shall be per WDO 3.01.02 and 4.02.12 through Ordinance No. 2603 (LA 21-02) unless if and where a condition of approval has more restrictive timing.
b. Where changes to street addresses are necessary, the developer shall apply through the Planning Division for and obtain approval of an Address Assignment Request. This is due prior to building permit application, and if property line adjustment or lot consolidation were to become relevant, then also after recordation with County.

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.

G6. Fees: The developer shall pay fees per Attachment 205, and fees in-lieu shall be per WDO 4.02.12 through Ordinance No. 2603 (LA 21-02) adopted June 13, 2022.

G7. Demolition: Because the City through the Building Division now requires demolition permits, upon annexation and before beginning to demolish buildings or structures or demolishing more of them, consult the Permit Technician and apply for and obtain a permit or permits as applicable.

G8. WDO version: Upon annexation, conformance to the Woodburn Development Ordinance (WDO) and conditions of approval references to the WDO shall be to the WDO as amended by Ordinance No. 2603 (Legislative Amendment LA 21-02) adopted June 13, 2022.

G-PW. Public Works: Follow the appended PW comments (June 16, 2022); Attachment 102A).

Preliminary Subdivision 22-03

SUB-1. Expiration: Based on ORS 92.040(3), development per the Council land use final decision may continue 3 years past the decision date, the 3-year approval period being established by WDO 4.02.04 through Ordinance No. 2603 (LA 21-02) adopted June 13, 2022, and as follows:

a. Final Plat: The developer shall apply to the City prior to applying to Marion County for recordation. Owl extending east across BFR from Dove Landing PUD to Nightingale shall continue its name.
b. Recordation with Marion County: Same as WDO 5.01.06C.1. (within 30 calendar days of the Director's signature on the plat Mylar).
c. Vesting: The decision is vested unless:
   (1) The developer fails to meet subdivision and PUD requirements, resulting in the City being unable to authorize staff to sign a final plat Mylar by July 1, 2027; or
   (2) There is no substantial construction – as defined in 1.02 through Ordinance No. 2603 (LA 21-02) – by July 1, 2032.

SUB-2. Documents:

a. Geotech report: Prior to final plat approval by the City, the developer shall submit to the Director a geotechnical report documenting that, whether or not the developer spreads any fill or spoil dirt across lots and tracts, soil is compacted and ready to accommodate the construction of buildings on lots and tracts proposed for development.
b. Easements: WDO 2.01.05A through Ordinance No. 2603 (LA 21-02) adopted June 13, 2022 shall be applicable, and follow Attachments 102A (Public Works) and 203, Part D.
c. Plat: Upon recordation, the developer shall submit to PW and cc the Director copies of recorded documents per WDO 2.01.05 through Ordinance No. 2603 (LA 21-02) adopted June 13, 2022.

Planned Unit Development 22-02

PUD-PW. Stormwater management: Prior to civil engineering plan approval through CEP review, the applicant shall provide an Engineer Stamped Storm Drainage Hydraulic Analysis Report that existing private storm drainage systems have capacity to handle the additional flow from the Marion Pointe and ANX 2020-03 Dove Landing Planned Unit Developments (PUDs), and that the culvert/pipe under Olympic Street has capacity to handle a 100 year base flood event, and to provide a final 100 year floodway, floodplain, and wetland delineation for this development. The applicant is responsible for correcting any capacity deficiencies, including installing new or additional drainage systems, and/or attaining the right to increase stormwater flows into neighboring private stormwater systems.

PUD-1. Mods: The City approves PUD modifications only as written in conditions of approval and the 200 series of attachments, particularly Attachment 202. Other modifications that site plans imply are subject to later administrative approval or denial by the Director.

PUD-2.

a. ROWs: For BFR and the proposed local class streets, the developer shall dedicate ROWs that meet or exceed the min widths necessary to conform to WDO Figures 3.01C & G.
b. PUEs: The developer shall grant streetside PUEs that meet or exceed the min width and do not exceed the max per WDO 3.02.01 through Ordinance No. 2603 (LA 21-02) adopted June 13, 2022.

PUD-3. Frontage/street improvements: These shall be as follows:

a. BFR: Per WDO Fig. 3.01C except that planter strip shall be min 6½ ft wide inc. curb width.
b. Olympic: Bridge or culvert crossing over Mill Creek tributary: Per WDO 3.01.03H through Ordinance No. 2603 (LA 21-02) adopted June 13, 2022, and:
   (1) Elevation: Shall be such that the travel way and parking lanes wouldn't flood during the 100-year flood.
   (2) Sidewalks: min width 9 ft inc. curbing.
   (3) Fencing/railings: Permissible colors are blue, bronze, brown, green, teal, metal, and rust color. (Black prohibited.)
   (4) Design details are deferred to PUD Final Plan Approval process; refer to Condition PUD-11.
c. Tract D: The developer shall grant to the City over the entire tract a public street easement. The easement shall allow for all purposes permitted by what would have

been ROW dedication including construction of street improvements. One or more legal instruments that dedicates the easement shall contain text that the easement is revocable only with the written concurrence of both the Community Development Director and Public Works Director and by City Council action. (The objective is to have maintenance responsibility remain with a party other than the City.)

d. Hazelnut: Per WDO Fig. 3.01G, except that the territory contiguous with Tax Lots 051W06DC00201 & 300, which is occupied by Hazelnut, shall be dedicated to the City as ROW. (Note: To not meet this condition part would require modification of condition [MOC] application and approval per WDO 4.02.07.)

e. Planter strip remainder: Landscape the remainder area – the area remaining after street tree plantings – per WDO 3.01.04B through Ordinance No. 2603 (LA 21-02) adopted June 13, 2022.

f. Sidewalks: Min 6 ft wide except wider as Exhibit PUD-3f supersedes. BFR sidewalk southerly and two northerly dead-ends shall have ADA-compliant transitions spanning between sidewalk and road shoulder as the applicable public works authority specifies. The segment extending north from Hazelnut sidewalk may meander, including PUE overlap, and taper to 6 ft through RPZs to save most of the loose row of trees along the road.

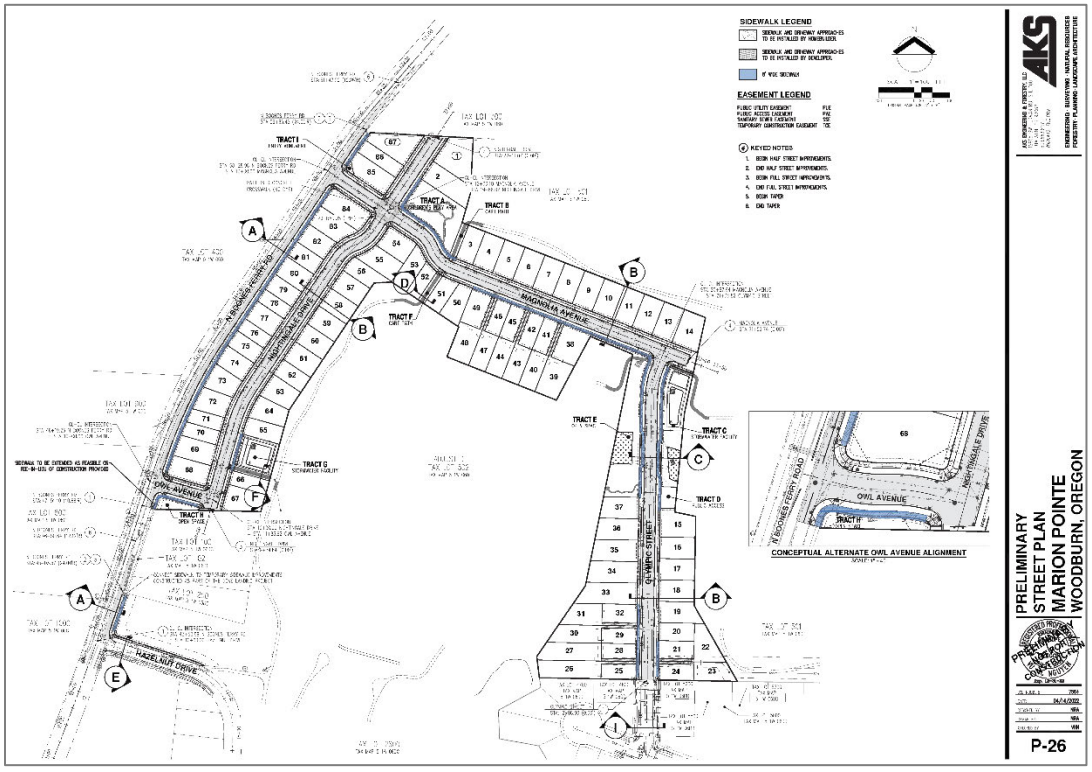

Exhibit PUD-3f: Site Plan Sheet P-26 Sidewalks (blue: min 8 ft wide); see Attachment 103 for full size

g. Overlap: The extra width of planter strip and sidewalk shall either (1) overlap outside ROW into streetside PUE and come with a recorded legal instrument granting public

access to the overlap to the satisfaction of the Public Works Director, or (2) come with additional ROW to accommodate them. Wider sidewalks shall not narrow planter strips.

h. Street trees:

(1) Min numbers equal to block frontage ratios per Exhibit PUD-3h:

Exhibit PUD-3h: Site Plan Sheet P-31 Street Tree Min No. (green: equal to 1 tree per 30 ft of block frontage)

(2) Along Magnolia, revise street trees from Capital pear to *Magnolia grandiflora* "Victoria" cultivar.

(3) Fee in-lieu shall be per Attachment 205.

(4) Landscape strips and street trees shall conform to WDO 3.01.04B (landscaping, irrigation) and 3.06.03A.3 (root barriers) through Ordinance 2603.

i. Electric power lines: Electric power lines, whether in or beyond ROW, shall be buried.

j. Traffic calming: A min number of pedestrian crossings along intersection legs shall be patterned poured concrete each min 8 ft wide:

(1) Magnolia & Nightingale, 3 legs: N/NE, E/SE, & S/SW; and

(2) Magnolia & Olympic: 2-3 legs: S/SW & whichever one or both of the E/SE or W/NW legs that would have a curb ramp along the top of the "T" of the T-intersection.

PUD-4. Streets, dead-end: Barricades/Signage: Based on WDO 3.01.05A.2b & c, the developer shall place:

a. A barricade with sign at the south end of Nightingale; and
b. A barricade at each of the north end of Nightingale the east end of Magnolia.

Consult PW for a barricade detail, and no later than CEP show both it and a modified version with a sign in conformance with 3.01.05A.2c.

PUD-5. Tree preservation: The developer shall preserve trees per Attachment 204 or pay removal fees per Attachment 205.

PUD-6. RCWOD designation: The developer shall through zone change ordinance exhibits apply not only the base zoning districts consistent with the Comprehensive Plan but also the RCWOD that WDO 2.05.05 describes to the applicable areas within Tracts C & E and where the applicable area overlaps the golf course lot.

PUD-7. Environmental remediation: The developer shall remediate per Attachment 204, Part C.

PUD-8. Lot and tract development standards: The standards shall be per Attachment 202.

PUD-9. Common area improvements: Improvements shall be per Attachment 203.

PUD-10. Association: The developer shall establish an association/HOA per Attachment 203, Part E.

PUD-11. PUD Final Plan Approval Process:

a. The developer shall conform to WDO 5.01.07, the purpose of which is to ensure that the PUD is in substantial conformance with the conditions of the PUD Detailed Development Plan (DDP) approval, including regarding street improvements, public improvements outside ROW if any, and common area improvements. The developer shall apply to the Director for PUD Final Plan Approval no later than when applying to PW for CEP review.
b. Scope: The scope of DDP includes any topic for which any given final decision condition of approval, and any separate document it might reference, is too general to establish civil engineering standards and construction levels of detail. It also includes any topic or situation for which no standard exists through previous adoption by PW. The Final Plan Approval process is to establish any and all design details deferred from land use review.
c. CEP: The developer shall incorporate a PUD Final Plan Approval by the Director into CEP review by PW and the civil engineering plan set that PW would approve through CEP.

PUD-12. Construction access: Construction access is prohibited from and to Olympic. If public works construction code standards necessary for PW to administer this condition are absent, the Public Works Director may administratively through a PW permit process establish details, specifications, and revisions to administer including regarding time, place, manner, and temporary signage directing traffic.

PUD-13. Dove Landing park improvements: The developer shall pay a fee per Attachment 205 towards improvement of the public park land within the Dove Landing PUD, which is west across BFR.

Planned Unit Development 22-02: Transportation

T-A. BFR & OR 214: The developer shall pay towards TSP signal timing studies or a combined study per Attachment 205. [TSP R8, R9, & R11, p. 32 as Attachment 104A]

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

a. Install 3 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 min:
   (1) 1 installation of 1 face along Tract A Magnolia frontage;
   (2) 1 installation of 2 faces at or near the intersection of BFR & Owl and along Tract H;
   (3) 1 installation of 2 faces at or near the intersection of BFR & Magnolia and near Tract I;

   Note: The developer may mimic the typical wayfinding per WDO interpretation memo INT 22-0608.
b. Pay a fee in-lieu per Attachment 205. [TSP B40 "wayfinding"/P62]

T-T1. Bus shelter: To further TDM through bus transit, the developer shall provide for a bus shelter by either (a) installing a shelter to the specs per WDO interpretation memo INT 22-0609 or (b) paying a fee in-lieu per Attachment 205. [TPU 9]

T-T2. Bus stop bicycle parking: To further TDM through bus transit, the developer shall at each of the following locations provide for bicycle parking by either (1) installing a bicycle rack to the specs specified WDO interpretation memo INT 22-0609 or (2) paying a fee in-lieu per Attachment 205:

a. BFR along Tract H; and
b. BFR northbound adjacent to Tax Lot 051W07BA01300 (2348 N. Boones Ferry Rd). [TSP T18]

T-T3. Bus transit fee: To further transportation demand management (TDM) through bus transit, the developer shall pay a bus transit fee per Attachment 205.

Actions

The Planning Commission may instead act on the land use application to recommend to:

1. Approve with modified conditions, or
2. Deny, based on WDO criteria or other City provisions.

If the Planning Commission were to act upon the recommendation, staff would proceed to a City Council hearing, tentatively scheduled for July 25, 2022, with the Commission recommendation. (Were the Council to approve the consolidated application package, it would do so by adopting two ordinances, one for annexation and one for zoning, and authorizing a final decision document for the applications besides the annexation.)

Attachment List

101. Marked Tax Maps (2 sheets)
102. Analyses & Findings
102A. Public Works comments (June 15, 2022)
103. Site plans (dated Apr. 14, 2022 and submitted Apr. 21, 2022; 27 sheets)
103A. Annexation Service Provider Letters (SPLs; 4 pages)
104A. TSP Tables 2 & 5 marked excerpts from pages 32 & 62: Projects R8, R9, R11, & P36 (2 pages)
104B. TSP Fig. 2 "Functional Roadway Classification"
104C. TSP Fig. 6 "Local Street Connectivity Plan"
201.* ANX 22-02 Marion Pointe PUD: Dictionary & Glossary
202. ANX 22-02 Marion Pointe PUD: Lot & Tract Development Standards
203. ANX 22-02 Marion Pointe PUD: Common Area Improvements & Public Easements
204. ANX 22-02 Marion Pointe PUD: Tree Preservation & Protection and Environmental Remediation
205. ANX 22-02 Marion Pointe PUD: Conditioned Fees

*The 200 series of attachments are details for the conditions of approval.

05 1W 06D

MARION COUNTY, OREGON

SE1/4 SEC6 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
- Section Corner (16 15 / 21 22)

NUMBERS

Tax Code Number

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

200.00
175.00

CANCELLED NUMBERS

600	1200		
601	1400		
602	1500		
700	1501		
801			
900			
901			
902			
1000			
1001			
1002			
1100			
1101			
1102			
1103			
1104			
1105			

DISCLAIMER: THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY

Marion County OREGON — Assessors Office Cartography Dept

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

PLOT DATE: 10/16/2020

Attachment 101
Sheet 1 of 2

05 1W 06D

05 1W 06DC

05 1W 06DC
WOODBURN

MARION COUNTY, OREGON
SW1/4 SE1/4 SEC6 T5S R1W W.M.
SCALE 1" = 100'

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
- Section Corner

NUMBERS

Tax Code Number

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

200.00
175.00

CANCELLED NUMBERS

101
202

DISCLAIMER: THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY

Marion County OREGON — Assessors Office Cartography Dept

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

PLOT DATE: 10/16/2020

WOODBURN
05 1W 06DC

05 1W 06DC

ANX 22-02: 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:

Symbol	*Category*	*Indication*
✔	Requirement (or guideline) met	No action needed
✖	Requirement (or guideline) not met	Correction needed
⊖	Requirement (or guideline) not applicable	No action needed
▲	• 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
■	Deviation: Planned Unit Development, Zoning Adjustment, and/or Variance	Request to modify, adjust, or vary from a requirement

Section references are to the Woodburn Development Ordinance (WDO).

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Project Name & Case File Numbers

The project name is Marion Pointe. The land use application master/parent case file number is Annexation ANX 22-02, and the children/corollary case file numbers are Property Line Adjustment PLA 22-02, Planned Unit Development PUD 22-02, Riparian Corridor and Wetlands Overlay District Permit RCWOD 22-01, Preliminary Subdivision SUB 22-03, & Zone Change 22-02.

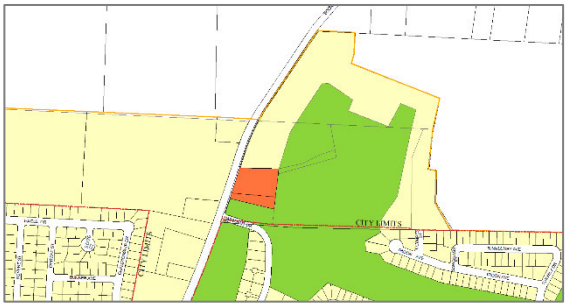
Location

Address(es)	None (east side of N. Boones Ferry Rd north of Hazelnut Dr)
Tax Lot(s)	051W06D000502 (primary), 500, & 800 and 051W06DC00201 & 300; respectively 39.21, 0.15, 0.07, 0.09, & 0.16 acres, totaling 39.69 acres
Nearest intersection	N. Boones Ferry Rd & Hazelnut Dr

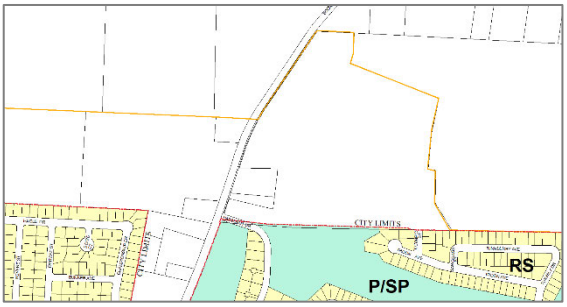
Land Use & Zoning

Comprehensive Plan Land Use Designation	Low Density Residential and Open Space and Parks
Zoning District	Residential Single Family (RS) and Public and Semi-Public (P/SP) – the latter covering the existing golf course – upon annexation
Overlay District(s)	Riparian Corridor and Wetlands Overlay District (RCWOD) along the west tributary of Mill Creek
Existing Use(s)	Closed orchard and part of Oregon Golf Association golf course

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

Cardinal Direction	*Adjacent Zoning*
North	No City zoning because not annexed and outside the City urban growth boundary (UGB)
East	No City zoning because not annexed and outside the City urban growth boundary (UGB)
South	Mix of RS & P/SP; from east to west: The Links at Tukwila Phase IV subdivision, golf course, Tukwila Orchard Greens No. 1 subdivision, and more golf course
West	Orchard and two rural houses to be demolished and developed into the Dove Landing PUD [ANX 2020-03]

Statutory Dates

Application Completeness	February 14, 2022
120-Day Final Decision Deadline	September 9, 2022 per Oregon Revised Statutes (ORS) 227.178. (The nearest and prior regularly scheduled City Council date would be August 22, 2022.)*

*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).

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 February 14, 2022 and revised and additional materials through April 21, 2022 (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 21-20) on August 12, 2021.

The applicant requests that the City designate the annexed territory with the Residential Single Family (RS) and Public and Semi-Public (P/SP) base zoning districts and the Riparian Corridor and Wetlands Overlay District (RCWOD).

Regarding the criteria of subsection C.:

1. 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: N. Boones Ferry Road borders to the property to the west, providing a means of access. The property also has a second access by bordering to the south the dead-end of Olympic Street. The annexation legal description and map series include the right-of-way (ROW) adjacent to the site, from the north end south to the south leg of the intersection of N. Boones Ferry Road & Hazelnut Drive.
   - Transit: Along N. Boones Ferry Road and Olympic Street, 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 civil engineer plan (CEP) review and public works 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.

2. 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, evidenced by the Public Works comments that are Attachment 102A.

Second, the Public Works Department, Woodburn Fire District (WFD), and Woodburn School District (WSD) submitted service provider letters (SPLs) as annexation applications require. They are in Attachment 103B. The Public Works one dated September 3, 2020 states:

> "This letter is to certify that the City of Woodburn has no capacity issue with the public wastewater treatment facility or public water treatment facility. However, the subject property is not adjacent to an existing collection system for water, wastewater or a public storm sewer collection system. The requirements for these collection facilities would still need to be determined. The capacity analysis, design and installation would be the responsibility of the applicant/property owner."

Along with the Public Works comments that are Attachment 102A, it appears to Planning Division staff that the Public Works Department has no objection to annexation and that public works can serve the development through typical public improvements by a developer of the territory to be annexed.

Additionally, the applicant's narrative (April 21, 2022, pp. 46-47) states:

> "Water service via a 12-inch-diameter mainline is available at the intersection of Hazelnut Drive and N Boones Ferry Road. This water line is planned to be extended through the community and looped back into an 8-inch-diameter water line at the current stub end of Olympic Street.
>
> Stormwater from the project is planned to be routed to internal stormwater facilities. Per the Preliminary Composite Utility Plans (included in Exhibit D) and Preliminary Stormwater Report (Exhibit H), these facilities have capacity to accommodate surface water runoff from the project.
>
> Sanitary sewer for the project is planned to be routed to a point of confluence at the south end of the planned extension of Olympic Street, then east and south through the golf course to an existing sanitary sewer mainline within an existing utility easement near the intersection of Troon Avenue and Tukwila Drive. The existing line has the capacity for the planned PUD project and potential future development west of N Boones Ferry Road.

Application to Marion County to extend sanitary sewer utilities within the Exclusive Farm Use (EFU) zone has been previously approved (Administrative Review Case No. 20-027), included as Exhibit L. Plans depicting the sanitary sewer and other planned utilities are included as part of Exhibit D.

The Applicant plans to install necessary water, wastewater, stormwater, and other utility facilities needed to serve the project. No obstructions to the orderly provision of public services have been identified by the Applicant or service providers. Additional review and details will be provided prior to permitting of public improvements. These criteria are met."

There's no written objection by the Public Works Department to the applicant's narrative.

3. a. Examining the considerations under subsection a. because the Comprehensive Plan land use map designates the territory Low Density Residential and Open Space and Parks, and the territory is to be designated with Residential Single Family (RS) and Public and Semi-Public (P/SP) base zoning districts consistent with both the applicant's request and Comprehensive Plan Policy Table 1:

    1) Following ANX 2020-03 Dove Landing PUD west across Boones Ferry Road NE, the territory to be annexed meets the guideline that it "should be contiguous to the City on two or more sides".

    2) The applicant's narrative (pp. 47) states:

        "The Comprehensive Plan Land Use Map designates the territory as a combination of Low Density Residential and Open Space and Parks. Per the City's Housing Needs Analysis adopted December 9, 2019, the territory was included in the Buildable Lands Inventory and had been previously designated Low-Density Residential; therefore, the project helps meet the needs identified within the Housing Needs Analysis and Buildable Lands Inventory. Changes to density or zoning designation are not planned.

        This petition for annexation represents only a small portion of the residentially designated lands within the UGB. The Housing Needs Analysis states that the future estimated housing need to be provided by single-family detached dwellings, manufactured homes, and mobile homes is 1,563 net new dwellings. The planned 90-lot PUD is planned to provide 5.76 percent of the total needed single-family detached dwellings or slightly more than one year's supply. There is no known oversupply of annexed Low Density Residential lands and the supply of these lands following annexation is not more than a 5-year supply for residential growth."

Staff concurs.

3) The applicant's narrative (p. 48) states:

"The project involves the extension of an existing public street stub from Olympic Street to N Boones Ferry Road and provide for future local street connections to surrounding development. The project is planned to also correct a previous dedication error to accommodate right-of-way for future N Boones Ferry Road widening needs. Utility projects related to this project that increase capacity or serve other developments are part of the City's Capital Improvement Plan."

There's no written objection by the Public Works Department to the applicant's narrative.

4) Regarding (a) & (b), the applicant's narrative (p. 48) states:

> "The territory is feasible for development. The RS-zoned lands are relatively flat former farmland with no obvious physical constraints other than the unnamed North Mill Creek tributary. The territory is adjacent to City utilities and street infrastructure. The annexation includes right-of-way along N Boones Ferry Road. Infrastructure for the project including potable water extends along or under N Boones Ferry Road. The *Woodburn Comprehensive Plan* addresses the extension of utility infrastructure for the project and its criteria are addressed within this written narrative below. The existing Olympic Street stub is planned to be extended to N Boones Ferry Road. These provisions, required by WDO, are illustrated within the Preliminary Plans (Exhibit D). Additional street stubs are shown to be dedicated for potential future development. These criteria are met."

Staff concurs.

5) The applicant asserts (p. 48) that the annexation fulfills a substantial unmet community need by filling the City's housing needs per the City adopted Housing Needs Analysis (December 9, 2019). Because these analyses and findings come before the first public hearing by the Planning Commission, it is yet unknown if annexation fulfills a substantial unmet community need because the City Council has not yet identified such a need. Examples of community needs include park space and conservation of significant natural or historic resources, and the corollary development includes Tracts G & H along the west tributary of Mill Creek that the developer is to improve and dedicate as common area tracts to be owned and maintained by an association such as a homeowners association (HOA).

No public parkland is proposed, and the applicant's narrative (p. 48) notes, "Public park land, as yet undeveloped, is available for resident use approximately 200 feet from the PUD. The next closest public park, Heritage Park, is located ±2,000 feet from Marion Pointe." The applicant is referring to ANX 2020-03 Dove Landing PUD.

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 base zoning districts other than RS and P/SP. (Pursuant to Comprehensive Plan Policy Table 1, RS and P/SP are each the only zoning district that implements the respective Low Density Residential and Open Space and Parks designations.)

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 development review, i.e. site plan review process, instead of annexation itself.

✔ The criteria are met.

Zoning Map Change Provisions

Zoning Map Change Provisions

5.04.04

A. Purpose: The purpose of an Owner Initiated Official Zoning Map Change is to provide a procedure to change the Official Zoning Map, in a manner consistent with the Woodburn Comprehensive Plan.

B. Criteria: The following criteria shall be considered in evaluating an Official Zoning Map Change;

1. Demonstrated need for the proposed use and the other permitted uses within the proposed zoning designation.

2. Demonstrated need that the subject property best meets the need relative to other properties in the existing developable land inventory already designated with the same zone considering size, location, configuration, visibility and other significant attributes of the subject property.

3. Demonstration that amendments which significantly affect transportation facilities ensure that allowed land uses are consistent with the function, capacity, and level of service of the facility identified in the Transportation System Plan. This shall be accomplished by one of the following:

a. Limiting allowed land uses to be consistent with the planned function of the transportation facility; or

b. Amending the Transportation System Plan to ensure that existing, improved, or new transportation facilities are adequate to support the proposed land uses consistent with the requirement of the Transportation Planning Rule; or,

c. Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes of transportation.

Staff interprets this section such that it applies only to rezoning – a change from one City zoning district to another. Because the zone change proposed through ZC 22-02 comes with annexation in order to assign City zoning, and the proposed zoning districts comply with the Comprehensive Plan land use map designations, the criteria are not applicable.

⛔ Not applicable.

Riparian Corridor and Wetlands Overlay District (RCWOD) Provisions

RCWOD Provisions

2.05.05 Riparian Corridor and Wetlands Overlay District

A. Purpose

The Riparian Corridor and Wetlands Overlay District (RCWOD) is intended to conserve, protect and enhance significant riparian corridors, wetlands, and undeveloped floodplains in keeping with the goals and policies of the Comprehensive Plan. The RCWOD is further intended to protect and enhance water quality, prevent property damage during floods and storms, limit development activity in designated areas, protect native plant species, maintain and enhance fish and wildlife habitats, and conserve scenic and recreational values.

B. Boundaries of the RCWOD

1. The RCWOD includes:

a. Riparian corridors extending upland 50 feet from the top of the bank of the main stem of Senecal Creek and Mill Creek and those reaches of their tributaries identified as fish-bearing perennial streams on the Woodburn Wetlands Inventory Map; and

b. Significant wetlands identified on the Woodburn Wetlands Inventory Map. Where significant wetlands are located fully or partially within a riparian corridor, the RCWOD shall extend 50 feet from the edge of the wetland; and

c. The 100-year floodplain on properties identified as vacant or partly vacant on the 2005 Woodburn Buildable Lands Inventory.

2. The approximate boundaries of the RCWOD are shown on the Zoning Map. The precise boundaries for any particular lot should be verified by the property owner when making a land use application. Map errors may be corrected as provided in this Ordinance (Section 1.02.04).

RCWOD applies per subsection B. and mainly aligns with the west tributary of Mill Creek across Tracts C & E and under the golf course, as well as over associated wetlands, and the applicant submitted a legal description and map as the zoning ordinance exhibits to designate the RCWOD. (Incidentally, no other overlay districts from 2.05 apply.)

✔ The criteria are met.

C. Permitted Uses and activities

The following uses and activities are allowed, provided they are designed and constructed to minimize intrusion into the RCWOD:

1. Erosion or flood control measures that have been approved by the Oregon Department of State Lands, the U.S. Army Corps of engineers, or another state or federal regulatory agency

2. Maintenance of existing structures, lawns and gardens

3. Passive recreation uses and activities

4. Removal of non-native plant species and replacement with native plant species

5. Streets, roads, and paths that are included in an element of the Comprehensive Plan

6. Utilities

7. Water-related and water-dependent uses, including drainage facilities, water and sewer facilities, flood control projects, drainage pumps, public paths, access ways, trails, picnic areas or interpretive and educational displays and overlooks, including benches and outdoor furniture

D. Prohibited Uses and Activities

1. New buildings or structures or impervious surfaces, except for replacement of existing structures within the original building footprint

2. Expansion of existing buildings or structures or impervious surfaces

3. Expansion of areas of pre-existing non-native landscaping such as lawn, gardens, etc.

4. Dumping, piling, or disposal of refuse, yard debris, or other material

5. Removal of vegetation except for:

a. Uses permitted by this Section

b. Perimeter mowing of a wetland for fire protection purposes;

c. Water-related or water-dependent uses, provided they are designed and constructed to minimize impact on the existing riparian vegetation;

d. Removal of emergent in-channel vegetation that has the potential to cause flooding;

e. Hazardous tree removal.

6. Grading, excavation and the placement of fill except for uses permitted by this Section.

The site plans illustrate nothing that would conflict.

✔ The standards are met.

G. Site Plan

When a use or activity that requires the issuance of a building permit or approval of a land use application is proposed on a parcel within, or partially within the RCWOD, the property owner shall submit a site plan to scale showing the location of the top-of-bank, 100-year flood elevation, jurisdictional delineation of the wetland boundary approved by the Oregon Department of State Lands (if applicable), riparian setback, existing vegetation, existing and proposed site improvements, topography, and other relevant features.

The applicant is conforming to such through land use review site plan sheets, DSL application #63057-GP in review, and DSL approved wetland delineation WD2020-0463, and will factor in the RCWOD through civil engineering plan (CEP) review by the Public Works Department, which comes after land use final decision, for the Olympic Street bridge/culvert/crossing of the west tributary.

H. Coordination with the Department of State Lands

The Oregon Department of State Lands shall be notified in writing of all applications to the City for development activities, including applications for plan and/or zone amendments, development or building permits, as well as any development proposals by the City that may affect any wetlands, creeks or waterways.

Planning staff notified DSL through the webform form specific to that agency for what became agency case file number WN2020-0690.

✔ The criteria are met.

Property Line Adjustment Provisions

Property Line Adjustment; Consolidation of Lots

A. Purpose: The purpose of this review is to ensure that adjustments to property lines or the consolidation of existing lots and parcels, complies with the standards of this ordinance (Section 2), and State Statutes (ORS Chapters 92 and 209). Property line adjustments and consolidation of lots are allowed in all zones.

B. Criteria:

1. Lot area, depth, width, frontage, building setbacks, vehicular access and lot coverage comply with the standards of this ordinance (Sections 2 and 3);

2. Existing easements are accurately reflected;

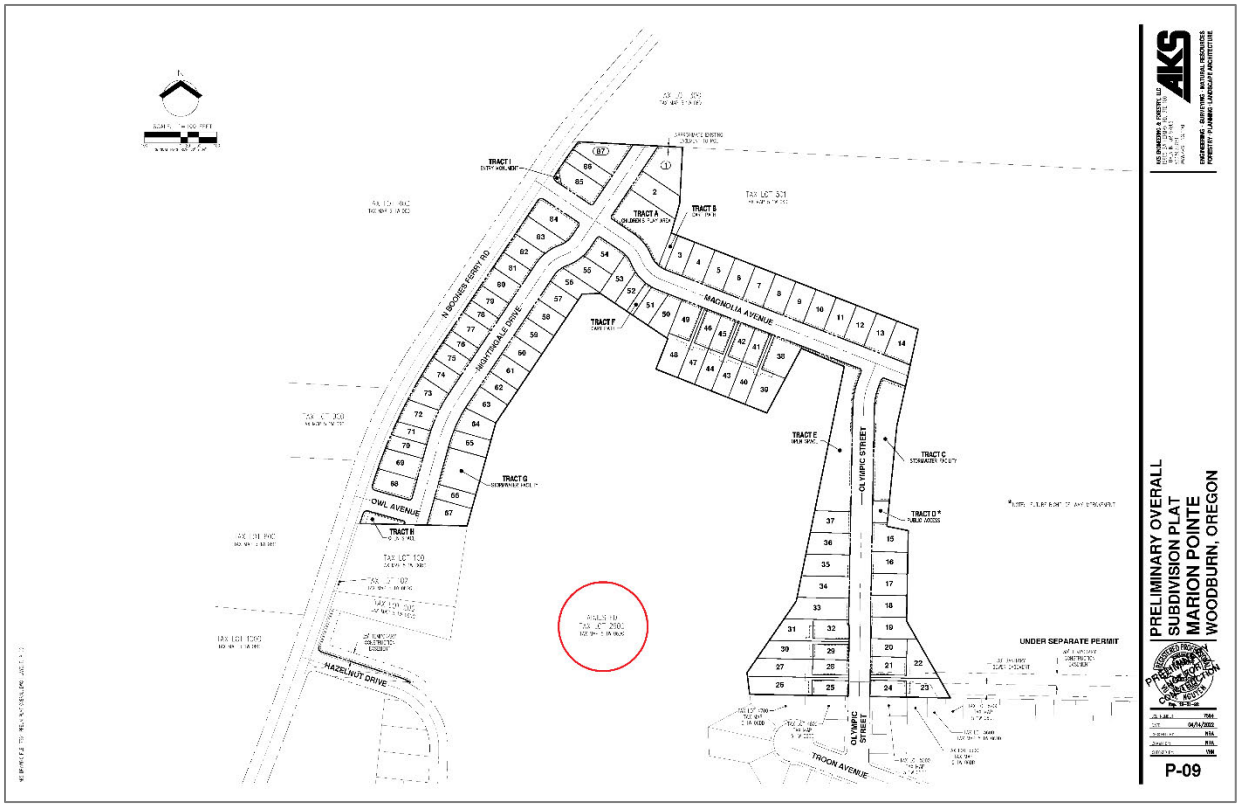
3. Existing land use and development on the subject property comply with the requirements of prior land use actions; and

4. Buildings and structures abutting the adjusted property lines comply with State building codes and with respect to current occupancy.

5. Property line adjustments are surveyed and monumented to the requirements set forth in State statutes (ORS Chapters 92 and 209) and recorded by the County Surveyor.

C. Procedure: The Director shall review and approve the application when it is found that it meets this Ordinance and the State Building Codes.

The proposal through PLA 22-02 is to adjust the northerly boundary of Tax Lot 051W06DC02600 so that the golf course remains on its own lot. Below is an excerpt of land use review Sheet P-09 with the adjusted tax lot labeled circled in red, and Sheet P-08 shows the adjustment.



The applicant proposes re-routing some segments of golf cart paths to align with new paths on adjacent subdivision tracts, and the proposal includes no new buildings or building additions on the golf course adjusted lot. The northerly adjusted lot line doesn't come near any existing building, and the City geographic information system (GIS) showed no public easements on the adjusted golf course lot with which the adjustment would interfere.

The golf course lot is to be zoned Public/Semi-Public (P/SP) zoning district, which has few development standards per Table 2.04D. There are no minimums for lot area, width, depth, or street frontage. Because the proposal includes no new buildings or building additions, the remainder of the standards in the table are not applicable.

✔ The criteria are met.

Subdivision Preliminary Approval Provisions

Subdivision Preliminary Approval Provisions

5.03.10 Subdivision Preliminary Approval

A. Purpose: The purpose of a Type III Subdivision decision is to ensure that the division of properties into 4 or more lots complies with the standards of this Ordinance (Sections 2 and 3). Subdivisions are allowed in all zones, provided the proposal meets applicable standards.

B. Criteria: Preliminary approval of a Subdivision shall require compliance with the following:

1. That approval does not impede the future best use of the remainder of the property under the same ownership or adversely affect the safe and efficient development of the remainder of any adjoining land or access thereto.

2. That the proposed development shall be served with city streets, water, sewer and storm drainage facilities with adequate capacity.

3. That the plan for the development takes into account topography, vegetation and other natural features of the site.

4. That adequate measures have been planned to alleviate identified hazards and limitations to development:

a. For wetlands these shall be the measures required by the Division of State Lands for regulatory wetlands.

b. For unstable areas, demonstration that streets and building sites are on geologically stable soil considering the stress and loads.

5. The preliminary plat complies with all applicable provisions of this Ordinance (Sections 2 and 3), except where waived by variance.

Because the subdivision is for planned unit development (PUD), which can and does modify WDO provisions, the criteria are met through the PUD provisions, including modification by PUD to establish a smaller minimum lot area standard.

■ *PUD:* Staff further addresses WDO and modified subdivision standards below under the Planned Unit Development Provisions section.

Planned Unit Development Provisions

Planned Unit Development Provisions

3.09

The purpose of this Section is to establish the requirements for Planned Unit Developments (PUDs). PUDs allow flexible development standards, unique street cross-sections, and more variety in permitted uses. They are especially appropriate when developing properties with unique topographic, geotechnical, or other constraints. They also encourage innovation and creative approaches for developing land. In exchange for the ability to modify development and use standards, PUDs must provide common open space and enhanced public amenities.

PUD is a discretionary land use application type allowing developers to modify WDO provisions – such as getting smaller minimum lot areas and higher residential density – in exchange for a minimum area of open space, minimum common area improvements, and what the City interprets to mean "enhanced public amenities". More to the point, the conditions of approval and the related 200 series of attachments establish PUD development standards and common area improvements.

3.09.01 Allowable Types and Minimum Area of PUDs

A. Transfer of Density PUD

1. A Transfer of Density PUD shall consist entirely of property in any residential zone, or in more than one residential zone. A Transfer of Density PUD may only be used to transfer residential density from undevelopable areas of a site (riparian corridor, floodplain, wetlands, unstable soils or slopes) to developable areas of a site, but not to increase the overall number of dwelling units allowed on the site. Note: This development option is often called cluster housing.

2. There is no minimum site area for a Transfer of Density PUD.

B. Residential PUD

1. A Residential PUD shall consist entirely of property zoned RS, RM, RSN, RMN, R1S, or P/SP, or in more than one such zone. A PUD is not allowed in the Neighborhood Conservation Overlay District (NCOD).

2. A Residential PUD shall contain a minimum of two acres.

C. Mixed-Use PUD

1. A Mixed-Use PUD may consist of property in any zone or zones. A Mixed- Use PUD is not allowed in the Neighborhood Conservation Overlay District (NCOD).

2. A Mixed-Use PUD shall contain a minimum of three acres.

The applicant's narrative (April 21, 2022, p. 31) states, "This application involves a 'Residential PUD' with RS and P/SP zoning districts and not a 'Transfer of Density PUD.'" The PUD contains at least two acres and territory to be annexed and zoned RS & P/SP.

✔ The provisions are met.

3.09.02 Allowed Uses

A. Transfer of Density PUD

Single-family dwellings, manufactured dwellings, duplexes, row houses, and multiple-family dwellings shall be allowed in a Transfer of Density PUD.

B. Residential PUD

Any use allowed in any residential zone shall be allowed in a Residential PUD (see Table 2.02A). No separate Conditional Use process shall be required for any use that is described in the Detailed Development Plan and the project narrative.

C. Mixed-Use PUD …

Because the proposal includes no conditional use for the Residential PUD, subsection B isn't applicable.

⛔ Not applicable.

3.09.03 Density Transfer

A. Any PUD may be used to transfer residential density from undevelopable areas of a site (riparian corridor, floodplain, wetlands, unstable soils or slopes) to developable areas of a site. Up to 40 percent of the density may be transferred, except as provided in Sections B through G, below. No more than 100 percent of the density may be transferred.

B. If the PUD dedicates to the City or provides an easement for a trail or bike path shown in any adopted City Plan, an additional 20 percent of the density may be transferred.

C. If the PUD dedicates to the City property abutting a public park, the Commission may allow up to an additional 20 percent of the density to be transferred, commensurate with the amount and usability of the property dedicated.

D. If the improved common area of the PUD is available for use by the public, the Commission may allow up to an additional 10 percent of the density to be transferred, commensurate with the amount and usability of the improved common area. The area must be permanently posted with a sign reading, "This common area is available for use by the public."

E. If the PUD plan proposes landscaping or buffering that exceeds the WDO minimum standards by at least 25 percent, the Commission may allow up to an additional 20 percent of the density to be transferred, commensurate with the amount, quality, and variety of the enhanced landscaping or buffering.

F. If the PUD plan proposes stormwater mitigation measures that exceed minimum City standards by at least 25 percent, the Commission may allow up to an additional 10 percent of the density to be transferred, upon a recommendation by the Public Works Department.

G. If the PUD plan proposes other environmental, sustainability, or architectural enhancements, the Commission may allow up to an additional 10 percent of the density to be transferred, commensurate with the amount, quality, and community benefit of the enhancements. Such enhancements may include, but are not limited to, solar heating or electrical generation, community gardens, public art, mitigation of off-site stormwater, and greywater diversion.

The applicant's narrative skips this section except for subsection A, stating, "The Marion Pointe Residential PUD does not plan the transfer of density as part of the project. These criteria do not apply."

⛔ Not applicable.

3.09.04 Conceptual Development Plan

A. PUDs require both a Conceptual Development Plan and a Detailed Development Plan. These reviews may be accomplished sequentially or as a consolidated review, at the applicant's discretion.

B. A Conceptual Development Plan shall include drawings and a narrative describing the surrounding neighborhood, existing site conditions, general development areas, phasing, land uses, building envelopes, architectural theme, landscaping and buffering, streets, bicycle and pedestrian circulation, common areas, utility locations, sign theme, and other information the Director may deem necessary to convey the concept plan.

The application materials indicate that the applicant seeks Conceptual Development Plan approval.

✔ The provisions are met.

3.09.05 Detailed Development Plan

A. PUDs require both a Conceptual Development Plan and a Detailed Development Plan. These reviews may be accomplished sequentially or as a consolidated review, at the applicant's discretion.

B. No building, grading, access, or other development permit may be issued until a Detailed Development Plan has been approved for at least one phase of the project.

C. Buildings shown on a Detailed Development Plan are exempt from Design Review if they are in substantial conformity to the Detailed Development Plan (see Section 3.07.01.B).

D. A Detailed Development Plan shall include drawings and a narrative sufficient to demonstrate compliance with the Conceptual Development Plan and any conditions of approval previously imposed. A Detailed Development Plan shall provide specific information regarding the site layout, architecture, and proposed amenities. A Detailed Development Plan that proposes land uses not in the Conceptual Development Plan or that deviates by more than ten percent from any development standard in the Conceptual Development Plan for any phase, or that does not meet the standards of this Section shall not be approved. The applicant may request that the decision-maker approve such a plan as an amended Conceptual Development Plan.

The application materials indicate that the applicant seeks both PUD Conceptual Development Plan and Detailed Development Plan (DDP) approvals.

Staff applies a PUD condition, similar to as was done for the Smith Creek PUD (ANX 2017-05), to conform to 5.01.07, the purpose of which is to ensure that the PUD is in substantial conformance with the conditions of the DDP approval.

⚠ Staff applies a *PUD condition* for PUD Final Plan Approval process.

3.09.06 Development Standards

A PUD is intended to allow flexibility in the development standards of Sections 2.02 through 2.04 and 3.01 through 3.10. The Detailed Development Plan may propose modified standards without a separate Variance. Any standard that is not proposed for modification shall apply to the PUD. The development standards stated below shall not be modified through the PUD process.

A. Common area and density shall comply with Table 3.09A.

Common Area and Density Standards for Planned Unit Developments Table 3.09A

		Transfer of Density	Residential	Mixed-Use
Common Area, Minimum	Four or fewer dwelling units	All undevelopable site area		
	Five or more dwelling units, or nonresidential uses	30 percent of gross site area, including all undevelopable site area [1]		
Improved Common Area, Minimum	Four or fewer dwelling units	None		
	Five or more dwelling units	100 square feet per dwelling unit		
	Nonresidential uses	None	None	None
Residential Density, Minimum (units per net acre)		Pursuant to the Comprehensive Plan[2]		
Residential Density, Maximum (units per net acre)		Not specified [4]		

1. At least one common area shall be sized to accommodate a circle 25 feet in diameter.
2. In residential zones only. There is no minimum for non-residential zones.
3. Child care facility for 13 or more children, group home for six or more persons.
4. The maximum density is determined by setbacks, off-street parking, open space, and other requirements. Pursuant to Comprehensive Plan Policy Table 1, Note (p. 7), allowable densities may be increased through PUD above the maximum(s) of the base zone(s).

First, before applying standards from the table, definitions from 1.02 are in order:

- "Common area": Not defined.
- "Improved common area": Not defined. However, the next section beyond Table 3.09A, which is 3.09.06B, states that, "Common areas are deemed improved if they are provided with benches, playground equipment, gazebos, picnic facilities, or similar amenities. Lawn area by itself does not constitute improvement. Trails or paths do not constitute improvement, unless they connect to the public trail system. Common meeting or recreation rooms are deemed to be improved common areas."

- "Open space, common": "An area, feature, building or other facility within a development which has been dedicated in common to the ownership within the development, or to the public, specifically for the purpose of providing places for recreation, conservation or landscaping, and which is intended for the use of the residents and property owners of the development."
- "Open space, usable common": "Common open space, the use of which conforms with use and development guidelines specified by the Woodburn Development Ordinance."

It appears that through the table, "common area" describes the same as "open space, common". "Improved common area" could mean the same as "open space, usable common", except that the definition is vague and refers to WDO guidelines and specifications that simply don't exist except for 3.09.06B, so the description in 3.09.06B stands. Staff concludes that the City through PUD can define the details of what "improved common area" and "similar amenities" mean as standards and require that they be met. Staff concluded the same and acted accordingly for the Smith Creek Development (ANX 2017-05), for example.

Second, looking at the applicable standards from the table, they are as follows:

Common Area, Minimum: Five or more dwelling units, or nonresidential uses	30 percent of gross site area, including all undevelopable site area[1] [1]At least one common area shall be sized to accommodate a circle 25 feet in diameter.	30.0% of the subdivision gross area is (18.58 acres x 0.3) =5.57 acres The applicant proposes 30% with common area tracts totaling 1.90 acres (10.2% among the 30%) and part of the existing golf course crediting towards the remaining 3.67 acres (19.8% among the 30%) Looking at the 30% common area as a base of 100%, the tracts are 34.1%, and part of the existing golf course credits towards 65.9% of the remaining common area standard. In other words, the vast share of the 30% PUD common area is golf course.
Improved Common Area, Minimum: Five or more dwelling units	100 square feet per dwelling unit	The next section beyond Table 3.09A, which is 3.09.06B, defines improved common area.

		What the applicant proposes on land use review revised Sheets P-31 to P-36 is improved common area, and a PUD condition or conditions recognize or expand these improvements.
Residential Density, Maximum (units per net acre)	Pursuant to the Comprehensive Plan[2] [2]In residential zones only. There is no minimum for non-residential zones.	Through Policy Table 1 starting on plan p. 7, the table has a footnote stating, "Note: … Allowable densities may be increased through the discretionary planned unit development review process." The proposal does so and proposes at least 7.1 dwelling units (DUs) per net acre. The conditioned development standards acknowledge such.
Residential Density, Maximum (units per net acre)	Not specified[4] [4]The maximum density is determined by setbacks, off-street parking, open space, and other requirements. Pursuant to Comprehensive Plan Policy Table 1, Note (p. 7), allowable densities may be increased through PUD above the maximum(s) of the base zone(s).	The applicant's narrative (submitted 4/21/2022, p. 33) states that the average lot size of the 87 house lots of Trillium Reserve is 5,920 sq ft. The resulting density is (43,560 / 5,920) = 7.4 houses (DUs) per net acre. Additionally, Oregon House Bill (HB) 2001 (2019) and OAR 660-046 took effect that require most cities including Woodburn to allow "middle housing" – duplexes, triplexes, quadplexes, cottage clusters, and townhouses – as follows: (a) All middle housing types in areas zoned for residential use that allow for the development of detached single-family dwellings; and (b) A duplex on each lot or parcel zoned for residential use that allows for the development

		of detached single-family dwellings. The max densities are as follows: • 7.4 DUs per net acre for the proposed 90 houses on 90 lots; and • 46.1 DUs per net acre for the 90 lots to allow a theoretical maximum of four dwellings per lot composed of a combination of houses and middle housing. Note: Accessory dwelling units (ADUs) don't count against max density, and the bulleted maximums exclude the golf course territory. In service of substantial conformance and out of caution, a PUD condition establishes as a development standard min density as a little less than what's proposed, and higher than 7.0, the min density necessary as a city planning rule of thumb to make bus service viable at a frequency of at least once every 30 minutes.

Lastly, here staff addresses development standards in lieu of addressing them in the Subdivision Preliminary Approval Provisions section: A PUD condition establishes development standards, each on either modified by PUD or as in the WDO. Because the standards accommodate the proposed subdivision, the proposed subdivision meets them.

✔ The provisions are met.

B. Improved Common Area

1. Common areas are deemed improved if they are provided with benches, playground equipment, gazebos, picnic facilities, or similar amenities. Lawn area by itself does not constitute improvement. Trails or paths do not constitute improvement, unless they connect to the public trail system.

2. Common meeting or recreation rooms are deemed to be improved common areas.

3. Improved common areas are subject to the performance guarantee provisions of Section 4.02.08.

Staff addressed this through 3.09.06A above.

C. Streets

1. A PUD shall conform to and, where possible, enhance existing or planned vehicle, pedestrian and bicycle networks, including connections and functionality. Note: See Figures 7-1 (Functional Classification Designations), 7-3 (Pedestrian Plan), and 7-4 (Bicycle Plan) of the Transportation System Plan.

2. All streets shall be public.

3. Boundary and connecting streets shall use the street sections of Section 3.01.04.

4. Internal streets may use the street sections of Section 3.01.04, or the PUD may propose other street sections, provided that the streets:

a. conform to the Oregon Fire Code (see Figures 3.04C and 3.04D)

b. include sidewalks, and

c. are constructed to the specifications of the Public Works Department.

D. Parking

If a front setback of less than 20 feet is proposed, the requirement of Section 3.05.03 for an improved parking pad for single-family and duplex dwellings may be satisfied by on-street parking or by a common off-street parking lot.

E. Signs

1. A PUD may include a sign plan to require a common architectural design and location.

2. The standards of the Mixed Use Village (MUV) zone shall apply to commercial uses in the residential zones of a Mixed-Use PUD.

The street improvements as proposed or conditioned meet or exceed 3.01, including Figures 3.01A, C, & G:

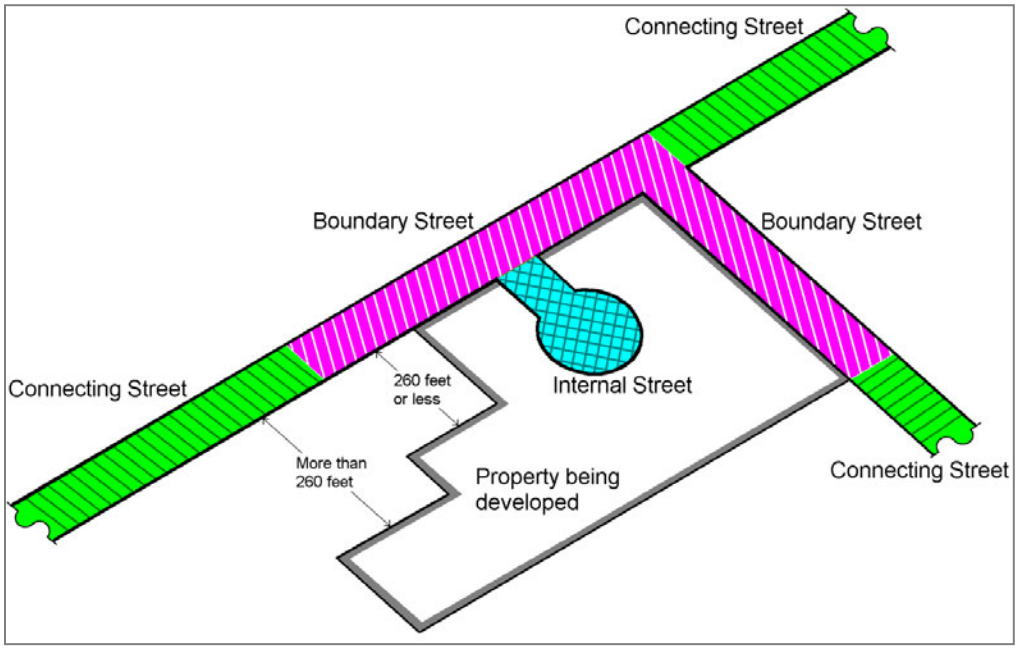
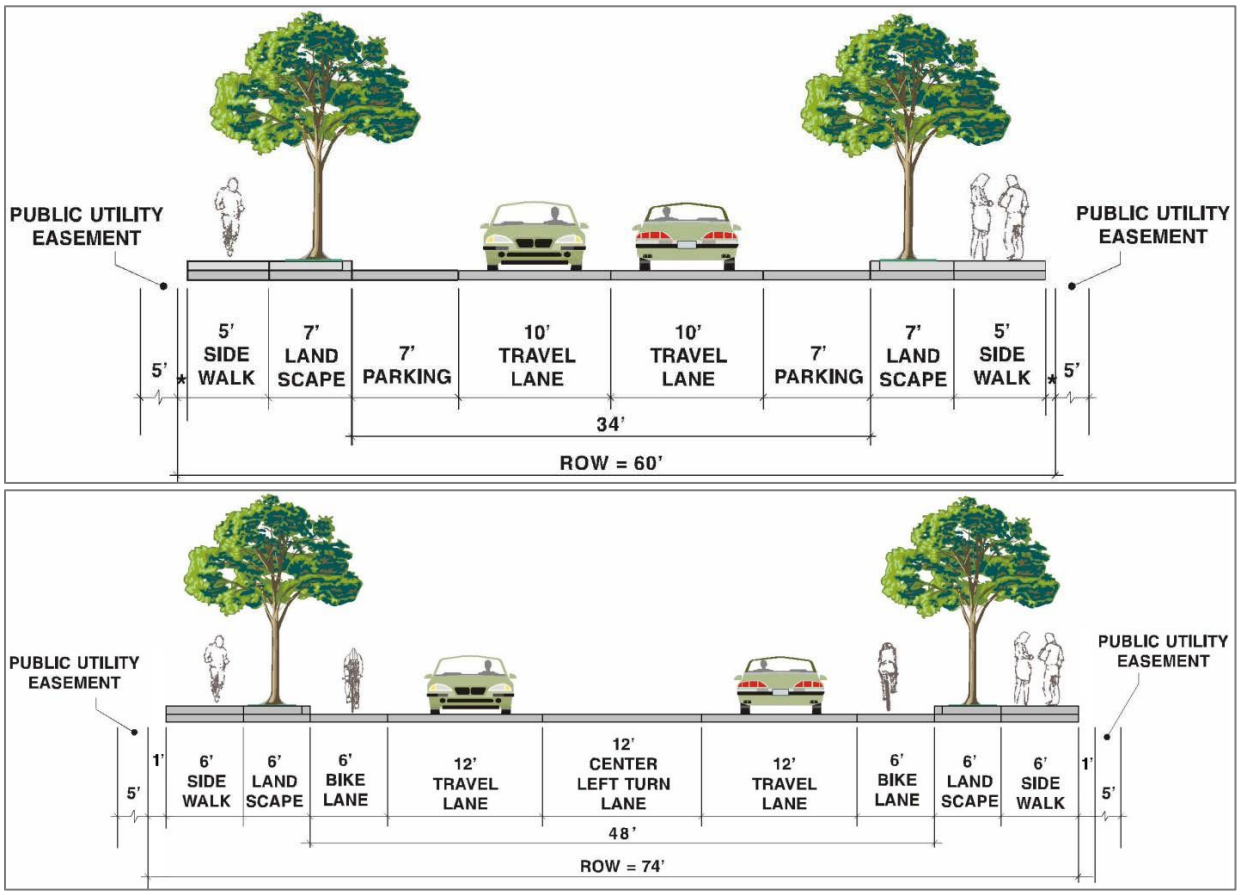


Figure 3.01A – Internal, Boundary, and Connecting Streets



Top: Figure 3.01C – Minor Arterial (This applies to N. Boones Ferry Road.)
Bottom: Figure 3.01G – Local Residential Street with Parking Both Sides, 60 Foot Right-of-Way (This applies to remaining streets.)

Street improvements include wider sidewalks to encouraging walking and accommodate cyclists who feel safer on sidewalk.

⚠ Staff applies a *PUD condition* to specify street improvements.

3.09.09 Owners/Tenants Association
Any land and structures not dedicated to the public, but reserved for the common use of the owners or tenants, shall be subject to control by an association of owners or tenants.

⚠ Staff applies a *PUD condition* to ensure conformance.

3.09.10 Phasing
A. A PUD may be developed in phases, pursuant to Section 5.03.05.

B. Phases shall be functionally self-contained with regard to access, parking, utilities, open spaces, and similar physical features, and capable of occupancy, operation, and maintenance upon completion.
C. The phased provision of common areas and improvements shall be roughly proportional to the development of housing and other elements intended for private ownership.
D. At least one improved common area sized to accommodate a circle 25 feet in diameter shall be provided with the first phase.
There's no phasing.

⛔ Not applicable.

[Other]

ORS 92.040(3) sets a 10-year expiration on development approvals in order to help with the issue of entitlement "vesting". It also local governments to set shorter periods, and staff opts to do so in case the project begins to manifest during the 3-year land use approval window but slows down or stops afterwards. Condition SUB-1 sets an ultimate deadline. As an example, were another recession like the Great Recession to occur and lead to a "zombie" project, it would be clear when an apparently dormant project was dead.

⚠ Staff applies a *SUB condition* to clarify the issue of "vesting".

A geotechnical or "geotech" report is necessary for subdivision improvements. It became necessary for Smith Creek Development building permits, and the master developer happened to have prepared one in keeping with private agreements with homebuilders and so was able to submit it on short notice. Thankfully, the report document no field conditions that needed correction. The Building Official thought Public Works handled Geotech reports, and this item isn't a WDO requirement or a Planning Division policy item. So, staff established a condition that gets the developer to submit a copy prior to the City accepting subdivision improvements.

⚠ Staff applies a *SUB condition* regarding a geotech report.

PUD per the opening purpose statement of 3.09 refers to "enhanced public amenities", which along with annexation as interpreted by staff includes upgrades to public works. The Public Works Department asked for what became Condition PUD-PW to reinforce related items with the Public Works comments that are Attachment 102A. Staff mentions annexation again because public facilities, a.k.a. public works, with adequate capacity are an annexation criterion.

⚠ Staff applies *Condition PUD-PW* supporting Public Works Department desires regarding stormwater management.

PUD per the opening purpose statement of 3.09 refers to both "enhanced public amenities" and "unique street cross-sections", which staff interprets to include what it considers "upgrades" such as wider sidewalk segments, more street trees, traffic calming in the form of patterned poured concrete crosswalks as subtle visual reinforcement for drivers, and public works as civic art, e.g. more than simply functional sides of the Olympic Street bridge over the tributary of Mill Creek.

Staff also accommodates some of the developer's desires, such as to have Tract D in place of an improved street stub, while conditioning a public street easement that secures to the City the right to have a street constructed (by someone other than the present developer).

There are also conditions about tree preservation (or fee in-lieu).

Staff also notes for the developer, PUD is a tool for getting more lots and more houses than a standard subdivision in order to get greater profit. In exchange, the City gets enhanced public amenities. For example, staff interprets enhanced public amenities to include through easement public access to common area off-street bicycle/pedestrian paths. Another example is improved park land.

⚠ Staff applies *PUD conditions* requiring street improvements that meet or exceed the WDO or provide an enhanced public amenity in exchange for meeting a street standard.

"Enhanced public amenities" includes common area and "off-street" improvements. Examples are to preserve trees outside ROW, specifying how to apply and remediate the RCWOD, and specifying common area improvements.

Staff accommodates some of the developer's desires by requiring common area improvements that are basically the same as what the developer proposed after many discussions with staff, the purpose being to have standards that remain clear to all heading into the final plat stage.

Conditions also gain variety in trees, getting more evergreens, establishes a table of standards for off-street bicycle/pedestrian paths, and establishes a table of standards for public easements to secure public access to off-street bicycle/pedestrian paths and allow for future mid-block public utility corridors where and as needed.

Because all proposed common areas are just that – private, not any City/public parkland to be dedicated – there is a condition reiterating that there needs to be maintenance association per WDO 3.09.09.

Dove Landing PUD Park Land Improvement Funding
As examined in the table above, the developer proposes that the existing golf course meet most of the PUD 30% common area / open space requirement:

> "30.0% of the subdivision gross area is (18.58 acres x 0.3) =5.57 acres
>
> The applicant proposes 30% with common area tracts totaling 1.90 acres (10.2% among the 30%) and part of the existing golf course crediting towards the remaining 3.67 acres (19.8% among the 30%)
>
> Looking at the 30% common area as a base of 100%, the tracts are 34.1%, and part of the existing golf course credits towards 65.9% of the remaining common area standard.
>
> In other words, the vast share of the 30% PUD common area is golf course."

The developer proposes no public parkland.

Across Boones Ferry Road to the west is entitled ANX 2020-03 Dove Landing PUD. By conditioning, that developer is dedicating two tracts totaling 8.31 acres of park land and improving it to a degree.

Based on input from City officials including the Assistant City Administrator (the *de facto* parks and recreation director), and premised on improved park land being an "enhanced public amenity" as the 3.09 purpose statement references, a simple way for Mario Pointe PUD to provide "enhanced public amenity" regarding open space is to pay money towards the large amount of park land next door in Dove Landing, this park land being of benefit not only to Dove Landing and Marion Pointe future residents, but also the public. Fee payment involves no Marion Pointe site plan disruption, acknowledges the spatial constraint on Marion Pointe from providing more and public open space because of the existing golf course and the RCWOD, and involves no construction or contractor logistics with which the developer would have to deal.

⚠ Staff applies a *PUD condition* requiring the developer to pay a fee to the City towards improvement of the park land within the Dove Landing PUD.

Lastly, there is a condition reiterating that there needs to be PUD "Final Plan Approval" per WDO 5.01.07 so that outstanding details are deferred after land use approval, allowing the

developer to proceed, but also securing between the developer and the City resolution of details before final plat approval by the City.

⚠ Staff applies *PUD conditions* requiring common area improvements and public access to some improvements.

Relating to annexation and more so PUD, a number of transportation (T) conditions call out modest transportation improvements (or fees in-lieu where conditions of approval allow), all from the Transportation System Plan (TSP):

- Funding a signal timing study or studies.

  A factor is that much traffic passes through the already highly trafficked intersection of N. Boones Ferry Road and Oregon Highway 214 (OR 214) to and from I-5 (Portland and Salem metros).

  The development being all houses, it would attract households with commuters to and from those metro areas.

  The developer proposes no traffic mitigation or transportation demand management (TDM), and staff anticipates Planning Commission and City Council to seek the developer doing something about traffic.

  TSP signal timing study Projects R8, R9, & R11 are readily identifiable and might identify a way to deal with traffic that wouldn't require construction. They also cost less than a conventional road widening or traffic signal installation.

  Lastly, with ANX 2020-03 Dove Landing also in review and across the street from the subject development, Trillium Reserve, the condition requires Trillium Reserve to pay a small fraction – 35.2% -- as a proportionate share of the total cost of the three studies, the idea being that the City Council would approve with conditions both developments and that Dove Landing would be conditioned to pay the remaining 64.8% share, thereby completing the funding of the three signal timing studies. (See below the Remaining Provisions section, under 3.04.05, to the Tables T-A1-1 & 2 for detail about how staff determined the shares based on number of houses.)

- Wayfinding signage for people walking and cycling.

  The basic objective is that if people perceive they can walk and cycle more easily and safely, they'll do so and drive less. This includes being able to see wayfinding signage

to quell concerns they might have like, “Is that public?”, “Can my kids go there?”, and “Can I get to Boones Ferry from here?”

Based on input from the Assistant City Administrator (the *de facto* parks and recreation director) about what a wayfinding installation would cost, staff discussions about conditioning of ANX 2019-01 Woodburn Eastside Apartments, and ANX 2019-01 Condition T-BP4, staff applies the set figure of $1,500 per installation location.

- A bus shelter.

The basic objective is that if people perceive they can wait to ride the bus in greater comfort, they’ll do so and drive less. PUD per the opening purpose statement of 3.09 refers to “enhanced public amenities”, which along with annexation as interpreted by staff includes upgrades to public works. Public facilities, a.k.a. public works, with adequate capacity are an annexation criterion. Both annexation and PUD support the City requiring a bus shelter or fee in-lieu. The fee in-lieu option is practical accommodation of the fact that the City is yet to expand its transit system beyond city limits into the outer urban growth boundary (UGB) area as territory is annexed and developed. However, where development expands, transit generally will follow. Getting a shelter or fee in-lieu now allows the Assistant City Administrator (the *de facto* transit director) to use an installed shelter or pay to install one when the City extends bus service. This is an enhanced public amenity.

Also, a basis is the Transit Plan Update (November 8, 2010):

Specifically, TPU Project 9 “Install New Bus Shelters” on p. 10-11, which states, “"Safe and comfortable passenger amenities are an important element of any successful transit service. As such, bus shelters are recommended ...", and indicates a City bus shelter cost $10,000 – in 2010 dollars, which equates to about $12,000 in present dollars.

(Note: a separate condition requires a public easement accommodating placement on Tract A along N. Boones Ferry Road of the required shelter. This accommodates later decision by the Assistant City Administrator to install a shelter in the region of the development and identifies a tract along and visible from the major road next to and that serves the development. Clearing a default and readily identifiable space for a shelter enables the enhanced public amenity of a bus shelter.)

- Bus stop bicycle parking.

The basic objective is that if people perceive they can walk and cycle more easily and safely as well as wait to ride the bus in greater comfort and without having to mount their bicycles, they'll do so and drive less. Bike parking also is inexpensive.

There's a bus stop bike parking fee in-lieu option based on the table below:

Table TSP-18.

TSP Project 18 Description	*TSP Cost Estimate*	*Method*
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	50 existing bus stops are WTS stops. 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. This leaves 48 stops, and an updated cost of ($25,000 - $510.20) / 48 = *$510.20 per bus stop.* Second, staff identifies two bus stops, a new one that could be along or on Tract A and the existing nearest one south of the development along N. Boones Ferry Road, both for which no bike parking exists. 2 stops x $510.20 = $1,020.40 total.

Another factor for staff for all the above bulleted items that are in the TSP is that they reflect the Council's legislative intent for transportation citywide and that the developer constructing them manifests them sooner than if the City managed them as projects. P36 would be less expensive to construct by private labor than the 2019 cost estimate based on City construction at public wages. Projects R8, R9, R11, & P36 would benefit residents traveling between the development and both I-5 and Woodburn H.S. The wayfinding and transit improvements per Conditions T-BP2, T-T2, & T-T3 serve to provide public facilities to preserve (a) adequate encouragement to walk and cycle more and (b) the ability of the City to extend a bus transit route or routes adequately with signage, a shelter, and bike parking that encourages walking and cycling to the bus. Staff concludes by nothing that together Trillium Reserve and Dove Landing all but constitute the north area within the UGB, and it is necessary with development to obtain infrastructure concurrent with development of the north UGB.

⚠ Staff applies *transportation (T) conditions* requiring the construction or funding of transportation improvements.

Remaining Provisions

These are applicable provisions not already addressed in the application type provisions sections above.

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.

The proposal is consolidated.

2.07 Special Uses

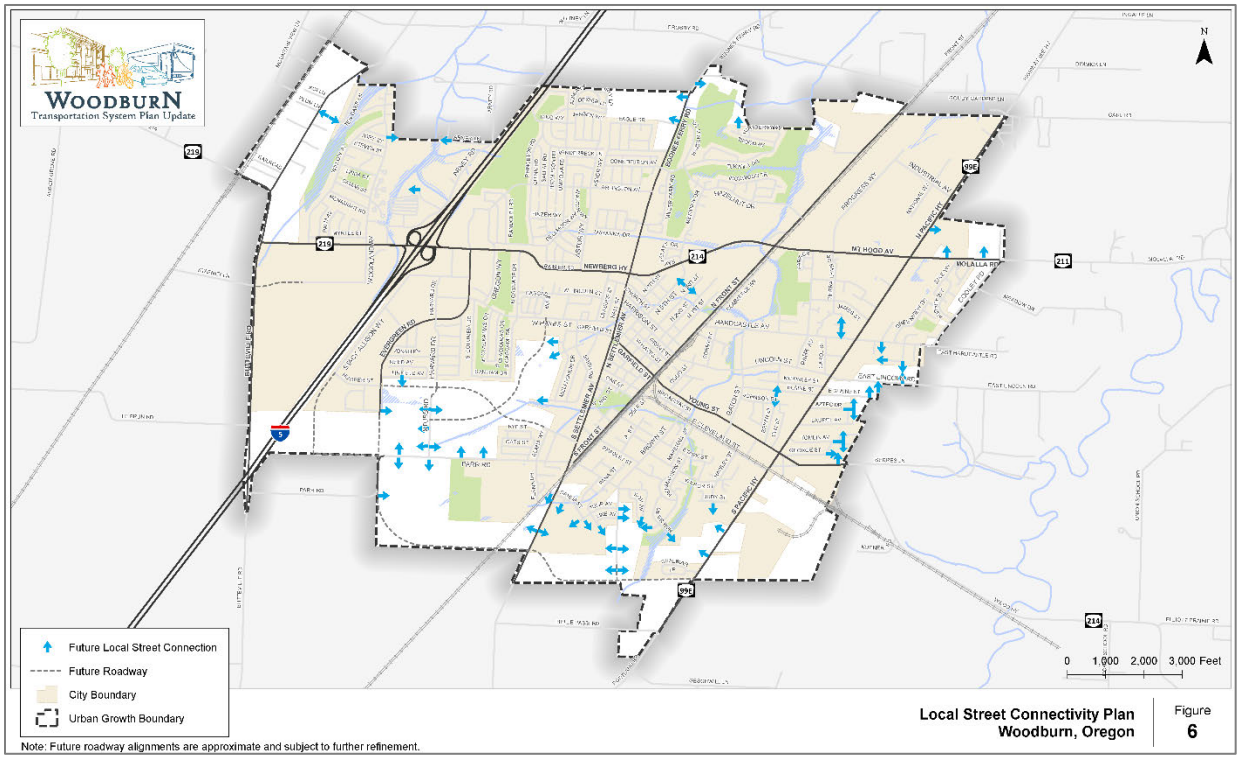
There is no "community club building" (clubhouse).

None apply.

3.01 Streets

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 two blue arrows, one each to N. Boones Ferry Road and one from the dead-end of Olympic Way. The two connections – the proposed extension of Olympic Street to N. Boones Ferry Road (as Magnolia Avenue) and the extension of Owl Avenue east from Dove Landing PUD across Boones Ferry Road – conform to Figure 6.

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.

Planning staff expects the Public Works Department during the final plat stage to ensure that the developer dedicates the minimum streetside PUEs, and the preliminary subdivision drawings indicate conformance with 3.02.01B.

⚠ Regarding 3.02.01A & C, staff applies a *PUD condition* for additional public easements for public bicycle/pedestrian access and potential mid-block utility corridors.

3.04 Vehicular Access

3.04.03 Driveway Guidelines and Standards

B. Joint Access

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.

⚠ Staff applies a *PUD condition* ensuring the subdivision plat will provide for flag lot pole access easements to lessen curb curbs and thereby preserve more room for on-street parking and street trees.

3.04.05 Traffic Impact Analysis

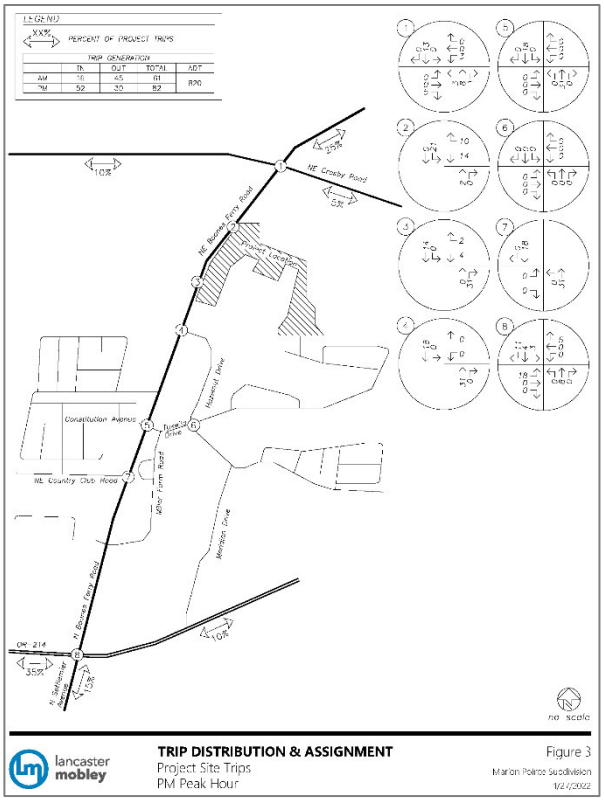
A. A Traffic Impact Analysis (TIA) may be required by the Director prior to the approval of a City access permit when the Director estimates a development proposal may generate either 100 or more additional, peak hour trips, or 1,000 or more additional daily trips, within ten years of a development application.

The applicant submitted two exhibits as a TIA: the original TIA (February 11, 2022) and an updated TIA (application materials Exhibit G, April 15, 2022).

The TIA studied 8 intersections, the northernmost being N. Boones Ferry Road at Crosby Road and the southernmost Boones Ferry Road at Oregon Highway 214 (OR 214) / Newberg Highway. The traffic modeling distributed 40% of trips generated by development to north of the development (to and past Crosby Road) and 60% to the south.

The TIA identified no vehicle trip reduction or transportation demand management (TDM) measures.

Below is an image serving as a vicinity map of the intersections:



TIA intersection locations map adapted from exhibits

As of June 14, 2022, no agency including ODOT responded to notice of hearing with any written comment.

Boones Ferry Road & OR 214

- The one studied intersection north of the project is outside the urban growth boundary (UGB).
- South of the project, BFR & OR 214 is heavily trafficked at peak hours.
- Of the studied intersections, the trips that the project would add show that BFR & OR 214 is the most trafficked.
- Staff supposes that most of the generated trips are to and from I-5 (Portland and Salem), the back way to Salem along S. Settlemier Avenue and S. Boones Ferry Road and outer rural roads southwest of Woodburn, and central Woodburn.
- The intersection includes a state highway under ODOT control (OR 214).
- There are no specific plans in any foreseeable time horizon by ODOT to make major physical changes to the intersection or highway.
- It thus seems that the best thing to do is collect money for some kind of transportation improvement somewhere under City control that benefits travel through the intersection, whether directly or indirectly. This leads to Condition T-A1.

Automotive

Looking to specific TSP projects, Condition T-A gets money to study the highway. Specifically, Transportation System Plan (TSP) Projects R8, R9, & R11 relate to traffic signal timing on three highway intersections east of I-5. (The City already conditioned DR 2019-05 Allison Way Apartments with funding R10.)

This condition has a proportionate fair share based on the following logic that these two tables show:

Table T-A-1			
Case file no.	*Development Name*	*Dwelling Units*	*Percentage*
ANX 22-02	Marion Pointe	87*	35.2%
ANX 2020-03	Dove Landing	166	64.8%
tot.		253*	100.0%

*The proportionate share ratios were determined when the proposal was ANX 2020-01 Trillium Reserve with 90 dwellings and the total of both developments was 256, and ANX 2020-03 is entitled and conditioned at the 64.8% payment based on these earlier, higher numbers. For simplicity, staff is keeping the remaining 35.2% and applying it to Marion Pointe though 87 lots so that the total remains 100%.

Staff notes that together Marion Pointe and Dove Landing all but constitute the north area within the UGB.

Table T-A-2			
TSP Project No.	*Cost Estimate*	*Proportionate Shares*	
		Marion Pointe	*Dove Landing*
R8	$15,000		
R9	$15,000		
R11	$15,000		
tot.	$45,000:	35.2%	64.8%
		$15,840	$29,160

Staff applies *Condition T-A*.

Bicycle/Pedestrian & Transit

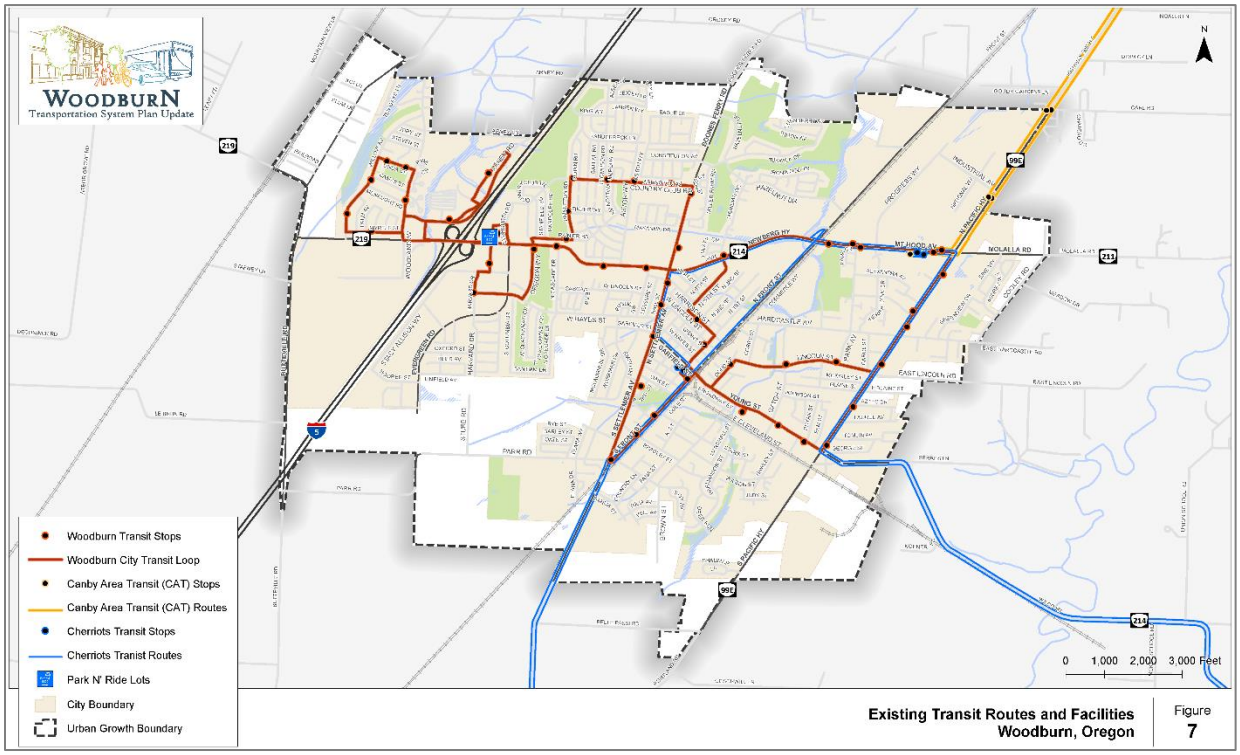
In the interest of PUD per the purpose statement that opens 3.09 of providing enhanced public amenities, below are comprehensive plan policies that relate to infrastructure upgrades, enhanced public amenities, and improved traveling for those who walk, cycle, and ride transit.

Policy	*Page No.*	*What Related Conditions Address*
G-1.1	27	Expansion areas of the City are served by adequate public facilities and services.
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 add a bus shelter and bus stop bicycle parking.
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 duly requiring frontage/street improvements and also conditioning wide sidewalk segments as a public bicycle/pedestrian path and planter strip segments that are wider and/or have more street trees than standard. The subdivision connection path through Tract C also serves.
H-1.4	34	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 duly requiring frontage/street improvements, conditioning wide sidewalk segments as a public bicycle/pedestrian path and planter strip segments that are wider and/or have more street trees than standard, having the proposed Tract C subdivision connection path, and having some common area bike parking. These are all to raise the attractiveness, ease, safety, and potential cyclists' perception of safety of cycling.
H-1.5	34	Maintain adequate intersection and roadway capacity on the key east-west and norths south arterials, in this case OR 214 through Condition T-A1.
H-3.2	35	Implement strategies to address pedestrian and bicycle safety issues, specifically for travel to and from local schools, commercial areas, and major activity centers – through Conditions T-BP1 (the part about Project P36) & T-BP2.
H-5.1	35	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 through Conditions T-BP1, T-BP2, T-T2, & T-T3.

For these transportation reasons and based on the PUD, staff applies *bicycle/pedestrian (T-B/P) conditions*.

Additional Issues: Transit

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



TSP Figure 7 (2019)

Neither do Salem-Keizer Cherriots nor Canby Area Transit (CAT) serve it. Staff discussed conditioning fees towards local and regional bus service and vanpooling, similar as for DR 2019-05 Allison Way Apartments (Condition T-T) and ANX 2019-01 Woodburn Eastside Apartments (recommended Condition T-T1). The Assistant City Administrator declined to support such for Trillium Reserve. Conditions T-T2 & T-T3 require a bus shelter or fee in-lieu and bicycle parking at two bus stops or fee(s) in-lieu.

As a concluding summary, City objectives are for the development to contribute towards the objectives of:

- Increasing walking and cycling appeal and safety
- Bus shelter installation or purchase
- Installation of bicycle parking where bus stops lack it, and
- Dealing with traffic along OR 214 near I-5.

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

3.06 Landscaping

3.06.02 General Requirements

Staff expects the development to meet this section except where otherwise conditioned and will confirm such during PUD Final Plan Approval process.

✔ 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 *PUD condition*.

Staff expects the development to meet the remainder of 3.06 except where otherwise conditioned.

3.06.05 Significant Trees on Private Property

There are two Significant Trees that are healthy and structurally sound enough and appear feasible to save, as well as a number of additional mature trees in a row along the road. However, the application materials including an Exhibit M arborist memo dated February 11, 2022 make a plausible case that removal of Tree 12610 (a 64-inch diameter Douglas-fir), as well as a grove of trees (Douglas-firs of 6-18 inches diameter) along the Boones Ferry Road east side near the NE corner of the road and Hazelnut Drive, are inevitable to construct Boones Ferry Road east half-street improvements, and for Significant Tree 13296 near the rear lot line of Lot 65, an arborist can and will advise at the time of lot site planning and building of a dwelling about preservation before staff confirms whether this tree must remain or the developer can remove. Staff applies conditions that allow for removal with fee in lieu of preservation to fund tree plantings elsewhere in town.

⚠ To secure tree preservation or fee in-lieu, staff applies a *PUD condition*.

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. By and 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 by the Building Division.

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: Attachment 201 serves as a dictionary or glossary defining certain abbreviations, acronyms, phrases, terms, and words in the context of the conditions of approval. The 200 series of attachments are as binding as the conditions of approval in the main body of the final decision.

G4. Due dates / public improvements:

a. When public street improvements, and any fees in lieu of public improvements, are due shall be per WDO 3.01.02 and 4.02.12 through Ordinance No. 2603 (LA 21-02) unless if and where a condition of approval has more restrictive timing.
b. Where changes to street addresses are necessary, the developer shall apply through the Planning Division for and obtain approval of an Address Assignment Request. This is due prior to building permit application, and if property line adjustment or lot consolidation were to become relevant, then also after recordation with County.

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.

G6. Fees: The developer shall pay fees per Attachment 205, and fees in-lieu shall be per WDO 4.02.12 through Ordinance No. 2603 (LA 21-02) adopted June 13, 2022.

G7. Demolition: Because the City through the Building Division now requires demolition permits, upon annexation and before beginning to demolish buildings or structures or demolishing more of them, consult the Permit Technician and apply for and obtain a permit or permits as applicable.

G8. WDO version: Upon annexation, conformance to the Woodburn Development Ordinance (WDO) and conditions of approval references to the WDO shall be to the WDO as amended by Ordinance No. 2603 (Legislative Amendment LA 21-02) adopted June 13, 2022.

G-PW. Public Works: Follow the appended PW comments (June 16, 2022); Attachment 102A).

Preliminary Subdivision 22-03

SUB-1. Expiration: Based on ORS 92.040(3), development per the Council land use final decision may continue 3 years past the decision date, the 3-year approval period being established by WDO 4.02.04 through Ordinance No. 2603 (LA 21-02) adopted June 13, 2022, and as follows:

a. Final Plat: The developer shall apply to the City prior to applying to Marion County for recordation. Owl extending east across BFR from Dove Landing PUD to Nightingale shall continue its name.
b. Recordation with Marion County: Same as WDO 5.01.06C.1. (within 30 calendar days of the Director's signature on the plat Mylar).
c. Vesting: The decision is vested unless:
   (1) The developer fails to meet subdivision and PUD requirements, resulting in the City being unable to authorize staff to sign a final plat Mylar by July 1, 2027; or
   (2) There is no substantial construction – as defined in 1.02 through Ordinance No. 2603 (LA 21-02) – by July 1, 2032.

SUB-2. Documents:

a. Geotech report: Prior to final plat approval by the City, the developer shall submit to the Director a geotechnical report documenting that, whether or not the developer spreads any fill or spoil dirt across lots and tracts, soil is compacted and ready to accommodate the construction of buildings on lots and tracts proposed for development.
b. Easements: WDO 2.01.05A through Ordinance No. 2603 (LA 21-02) adopted June 13, 2022 shall be applicable, and follow Attachments 102A (Public Works) and 203, Part D.
c. Plat: Upon recordation, the developer shall submit to PW and cc the Director copies of recorded documents per WDO 2.01.05 through Ordinance No. 2603 (LA 21-02) adopted June 13, 2022.

Planned Unit Development 22-02

PUD-PW. Stormwater management: Prior to civil engineering plan approval through CEP review, the applicant shall provide an Engineer Stamped Storm Drainage Hydraulic Analysis Report that existing private storm drainage systems have capacity to handle the additional flow from the Marion Pointe and ANX 2020-03 Dove Landing Planned Unit Developments (PUDs), and that the culvert/pipe under Olympic Street has capacity to handle a 100 year base flood event, and to provide a final 100 year floodway, floodplain, and wetland delineation for this development. The applicant is responsible for correcting any capacity deficiencies, including installing new or additional drainage systems, and/or attaining the right to increase stormwater flows into neighboring private stormwater systems.

PUD-1. Mods: The City approves PUD modifications only as written in conditions of approval and the 200 series of attachments, particularly Attachment 202. Other modifications that site plans imply are subject to later administrative approval or denial by the Director.

PUD-2.

a. ROWs: For BFR and the proposed local class streets, the developer shall dedicate ROWs that meet or exceed the min widths necessary to conform to WDO Figures 3.01C & G.
b. PUEs: The developer shall grant streetside PUEs that meet or exceed the min width and do not exceed the max per WDO 3.02.01 through Ordinance No. 2603 (LA 21-02) adopted June 13, 2022.

PUD-3. Frontage/street improvements: These shall be as follows:

a. BFR: Per WDO Fig. 3.01C except that planter strip shall be min 6½ ft wide inc. curb width.
b. Olympic: Bridge or culvert crossing over Mill Creek tributary: Per WDO 3.01.03H through Ordinance No. 2603 (LA 21-02) adopted June 13, 2022, and:
   (1) Elevation: Shall be such that the travel way and parking lanes wouldn't flood during the 100-year flood.
   (2) Sidewalks: min width 9 ft inc. curbing.
   (3) Fencing/railings: Permissible colors are blue, bronze, brown, green, teal, metal, and rust color. (Black prohibited.)
   (4) Design details are deferred to PUD Final Plan Approval process; refer to Condition PUD-11.

c. Tract D: The developer shall grant to the City over the entire tract a public street easement. The easement shall allow for all purposes permitted by what would have been ROW dedication including construction of street improvements. One or more legal instruments that dedicates the easement shall contain text that the easement is revocable only with the written concurrence of both the Community Development Director and Public Works Director and by City Council action. (The objective is to have maintenance responsibility remain with a party other than the City.)
d. Hazelnut: Per WDO Fig. 3.01G, except that the territory contiguous with Tax Lots 051W06DC00201 & 300, which is occupied by Hazelnut, shall be dedicated to the City as ROW. (Note: To not meet this condition part would require modification of condition [MOC] application and approval per WDO 4.02.07.)
e. Planter strip remainder: Landscape the remainder area – the area remaining after street tree plantings – per WDO 3.01.04B through Ordinance No. 2603 (LA 21-02) adopted June 13, 2022.
f. Sidewalks: Min 6 ft wide except wider as Exhibit PUD-3f supersedes. BFR sidewalk southerly and two northerly dead-ends shall have ADA-compliant transitions spanning between sidewalk and road shoulder as the applicable public works authority specifies. The segment extending north from Hazelnut sidewalk may meander, including PUE overlap, and taper to 6 ft through RPZs to save most of the loose row of trees along the road.

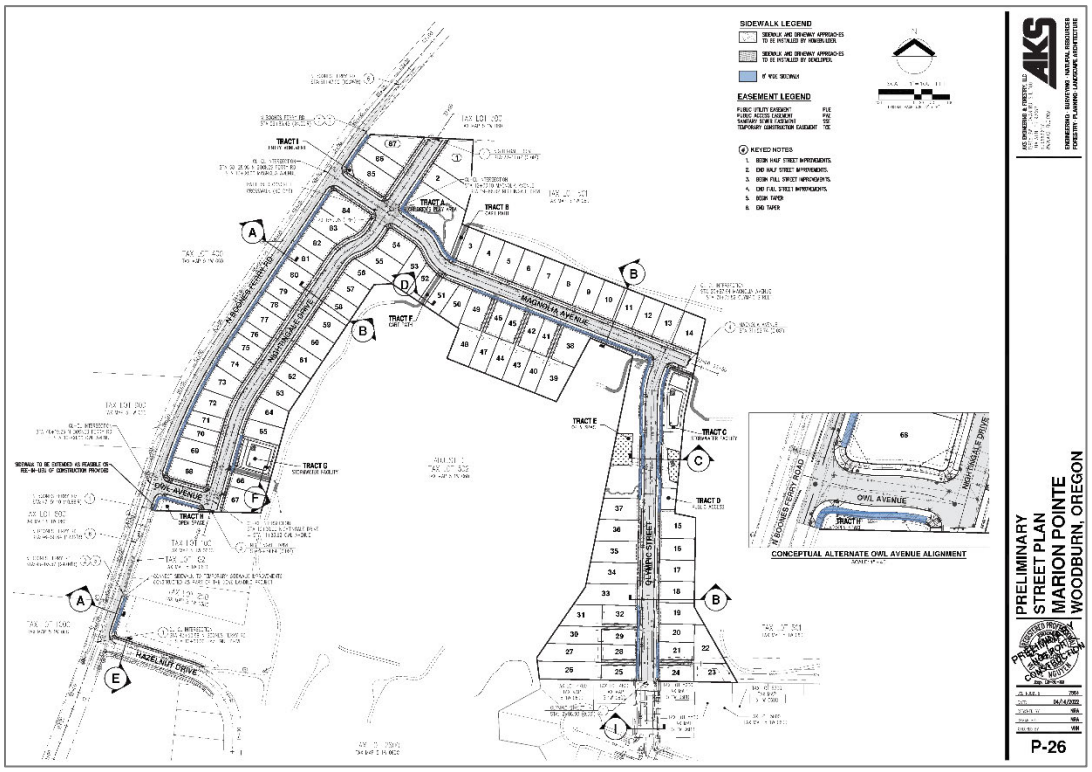


Exhibit PUD-3f: Site Plan Sheet P-26 Sidewalks (blue: min 8 ft wide); see Attachment 103 for full size

g. Overlap: The extra width of planter strip and sidewalk shall either (1) overlap outside ROW into streetside PUE and come with a recorded legal instrument granting public access to the overlap to the satisfaction of the Public Works Director, or (2) come with additional ROW to accommodate them. Wider sidewalks shall not narrow planter strips.

h. Street trees:

(1) Min numbers equal to block frontage ratios per Exhibit PUD-3h:

Exhibit PUD-3h: Site Plan Sheet P-31 Street Tree Min No. (green: equal to 1 tree per 30 ft of block frontage)

(2) Along Magnolia, revise street trees from Capital pear to *Magnolia grandiflora* "Victoria" cultivar.

(3) Fee in-lieu shall be per Attachment 205.

(4) Landscape strips and street trees shall conform to WDO 3.01.04B (landscaping, irrigation) and 3.06.03A.3 (root barriers) through Ordinance 2603.

i. Electric power lines: Electric power lines, whether in or beyond ROW, shall be buried.

j. Traffic calming: A min number of pedestrian crossings along intersection legs shall be patterned poured concrete each min 8 ft wide:

(1) Magnolia & Nightingale, 3 legs: N/NE, E/SE, & S/SW; and

(2) Magnolia & Olympic: 2-3 legs: S/SW & whichever one or both of the E/SE or W/NW legs that would have a curb ramp along the top of the "T" of the T-intersection.

PUD-4. Streets, dead-end: Barricades/Signage: Based on WDO 3.01.05A.2b & c, the developer shall place:

a. A barricade with sign at the south end of Nightingale; and
b. A barricade at each of the north end of Nightingale the east end of Magnolia.

Consult PW for a barricade detail, and no later than CEP show both it and a modified version with a sign in conformance with 3.01.05A.2c.

PUD-5. Tree preservation: The developer shall preserve trees per Attachment 204 or pay removal fees per Attachment 205.

PUD-6. RCWOD designation: The developer shall through zone change ordinance exhibits apply not only the base zoning districts consistent with the Comprehensive Plan but also the RCWOD that WDO 2.05.05 describes to the applicable areas within Tracts C & E and where the applicable area overlaps the golf course lot.

PUD-7. Environmental remediation: The developer shall remediate per Attachment 204, Part C.

PUD-8. Lot and tract development standards: The standards shall be per Attachment 202.

PUD-9. Common area improvements: Improvements shall be per Attachment 203.

PUD-10. Association: The developer shall establish an association/HOA per Attachment 203, Part E.

PUD-11. PUD Final Plan Approval Process:

a. The developer shall conform to WDO 5.01.07, the purpose of which is to ensure that the PUD is in substantial conformance with the conditions of the PUD Detailed Development Plan (DDP) approval, including regarding street improvements, public improvements outside ROW if any, and common area improvements. The developer shall apply to the Director for PUD Final Plan Approval no later than when applying to PW for CEP review.
b. Scope: The scope of DDP includes any topic for which any given final decision condition of approval, and any separate document it might reference, is too general to establish civil engineering standards and construction levels of detail. It also includes any topic or situation for which no standard exists through previous adoption by PW. The Final Plan Approval process is to establish any and all design details deferred from land use review.
c. CEP: The developer shall incorporate a PUD Final Plan Approval by the Director into CEP review by PW and the civil engineering plan set that PW would approve through CEP.

PUD-12. Construction access: Construction access is prohibited from and to Olympic. If public works construction code standards necessary for PW to administer this condition are absent, the Public Works Director may administratively through a PW permit process establish details, specifications, and revisions to administer including regarding time, place, manner, and temporary signage directing traffic.

PUD-13. Dove Landing park improvements: The developer shall pay a fee per Attachment 205 towards improvement of the public park land within the Dove Landing PUD, which is west across BFR.

Planned Unit Development 22-02: Transportation

T-A. BFR & OR 214: The developer shall pay towards TSP signal timing studies or a combined study per Attachment 205. [TSP R8, R9, & R11, p. 32 as Attachment 104A]

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

a. Install 3 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 min:
   (1) 1 installation of 1 face along Tract A Magnolia frontage;
   (2) 1 installation of 2 faces at or near the intersection of BFR & Owl and along Tract H;
   (3) 1 installation of 2 faces at or near the intersection of BFR & Magnolia and near Tract I;

   Note: The developer may mimic the typical wayfinding per WDO interpretation memo INT 22-0608.
b. Pay a fee in-lieu per Attachment 205. [TSP B40 "wayfinding"/P62]

T-T1. Bus shelter: To further TDM through bus transit, the developer shall provide for a bus shelter by either (a) installing a shelter to the specs per WDO interpretation memo INT 22-0609 or (b) paying a fee in-lieu per Attachment 205. [TPU 9]

T-T2. Bus stop bicycle parking: To further TDM through bus transit, the developer shall at each of the following locations provide for bicycle parking by either (1) installing a bicycle rack to the specs specified WDO interpretation memo INT 22-0609 or (2) paying a fee in-lieu per Attachment 205:

a. BFR along Tract H; and
b. BFR northbound adjacent to Tax Lot 051W07BA01300 (2348 N. Boones Ferry Rd). [TSP T18]

T-T3. Bus transit fee: To further transportation demand management (TDM) through bus transit, the developer shall pay a bus transit fee per Attachment 205.

Applicant Identity

Applicant	Holt Group Holdings, LLC
Applicant's Representative	Rand Waltz, Project Manager, AKS Engineering & Forestry, LLC (Tualatin office)
Landowner(s)	Tukwila Partners; and Oregon Golf Association c/o Members Club Inc.

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.

19. PUD Final Plan (FP) Approval Process:

A. Context and project management:
   1. 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 PW.
   2. CEP remains the means for implementing final decision conditions of approval affecting street improvements, both surface and underground, and extending into PUEs.
   3. The developer is project manager. Because PW establishes that CEP applicants have a single point of contact termed the "Engineer of Record", the developer manages the engineer of record who handles the CEP and also interacts with the Planning Division regarding FP review. For Planning Division staff, the developer is the point of contact, namely whoever on the developer's team the developer tasks with being the project manager.

4. The developer shall be completely responsible for integrating staff directions found in FP documents issued by Planning Division staff into civil engineering plans that the engineering of record submits to PW.
5. If, when, and where conflicting directions arise between FP directions and CEP directions, the developer shall be responsible for communicating with formal cover or transmittal letters messages from the conflicting division to the other division, and shall communicate such.
6. The Planning Division observes the CEP for other projects has come after land use final decision and before the building permit stage. Except where otherwise conditioned, it's up to the developer to determine when to submit for CEP and PUD Final Plan relative to each other to best meet this "context and project management" condition.

B. PUD Final Plan review scope and result:
   1. The scope of FP review includes any topic for which any given final decision condition of approval, and any separate document it might reference, is too general to establish civil engineering standards and construction levels of detail. It also includes any topic or situation for which no standard exists through previous adoption by PW or, where applicable, parks and recreation staff. It includes, as examples, pavement, game and sports courts and fields, buildings including pre-fabricated ones, playgrounds and other structures including pre-fabricated ones, exterior lights, landscaping, signage, and appurtenances such as benches, bicycle parking, dog waste stations, ornamental fountains, and water fountains, as well as materials, textures, colors, and model specifications. (Although in or partially in ROW, a bus shelter or shelters are to be subject to FP instead of CEP based on PW preference, unless PW were to direct the engineer of record to include such in CEP scope.)
   2. There shall result an official version of a civil engineering plan set marked approved by PW that shows all common area improvements and all public improvements, including off-street public improvements, resulting from both FP review and CEP. It shall come to be prior to building permit application; however, PW is prohibited from approving any time prior to the developer paying conditioned fees related to CEP Planning Division review.

C. Submittal directions FP review:
   1. Due date: For CEP, none other than what PW might specify. For FP, original / 1st submittal is due whichever occurs earlier: When the developer applies for either CEP or final plat application to the City.
   2. Cover letter: Upon submitting CEP application to PW, 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, tax lot number(s), street address(es), and the land use final decision conditions

of approval that require the public improvements that ares 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 part of a condition is met.

3. 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 to the Planning Division may include these. The developer may submit to the Planning Division a copy of the stamped CEP application form submitted to PW if the form includes the required information.

D. Site Plans: For CEP Planning Division review and FP:
   1. CEP: Submit to the attention of the Planning Division at least 2 plan size copies of plan sets, one plotted at native scale (min 22 by 34 inches, max 24 by 36) and one at ledger (11 by 17). Within the cover sheet title block(s), include the anticipated date of submittal and the phrase "civil engineering plans", "civil plans for CEP", or "public improvements civil plans".
   2. FP: Submit to the attention of the Planning Division at least 6 plan size copies of plan sets, 3 plotted at native scale (min 22 by 34 inches, max 24 by 36) and 3 at ledger (11 by 17). Within the cover sheet title block(s), include the anticipated date of submittal.
   3. Both: Fold the plan size sets if thin enough to do so. Submit also Adobe PDFs using a fileshare service.

Public Works Comments
ANX 22-02
Marion Pointe PUD _ Land Use Application

June 15, 2022

A. CONDITIONS OF LAND USE APPROVAL:

1. The Applicant, not the City, is responsible for obtaining any necessary permits from the State, Marion County, Oregon Division of State Lands, US Army Corps of Engineering and/or federal agencies that may require such permit or approval for the construction of this development.

2. Applicant to obtain necessary approvals/permits from Marion County for proposed improvements to N Boones Ferry Road that will continue to be under Marion County jurisdiction.

3. The Applicant is responsible for obtaining permit/approval/agreement from applicable property owners for the conveyance and maintenance of the storm water drainage from the Marion Pointe PUD into the existing storm drainage system located on current tax lot 051W06D000502 and tax lot 051W06D000501.

4. Applicant to provide a final Engineer stamped storm drainage hydraulic analysis report for detention and conveyance system. The storm drainage hydraulic analysis shall comply with Marion County, Oregon Division of State Lands, US Army Corps of Engineering and City's requirements, as applicable. Applicant is responsible for correcting/upgrading any existing storm drainage capacity deficiencies, including upgrading private storm drainage systems or installing a new drainage system as per City's requirements and per approved Storm Drainage Hydraulic Analysis Report.

5. Prior to civil engineering plan approval the applicant shall provide a final Engineer Stamped Storm Drainage Hydraulic Analysis Report that existing private storm drainage systems have capacity to handle the additional flow from the Marion Pointe and ANX 2020-03 Dove Landing Planned Unit Developments (PUDs), and that the culvert/pipe under Olympic Street has capacity to handle a 100 year base flood event, and to provide a final 100 year floodway, floodplain, and wetland delineation for this development. The applicant is responsible for correcting any capacity deficiencies, including installing new or additional drainage systems, and/or attaining the right to increase stormwater flows into neighboring private stormwater systems.

6. Applicant is responsible for obtaining approval from the Woodburn Fire District for dead-end turnarounds requirements for streets and private share access. Buncherry Drive north end and all proposed private share access.

ANX 22-02
Attachment 102A

Engineering & Project Delivery
190 Garfield Street • Woodburn, Oregon 97071
Ph. 5030-982-5240 • Fax 503-982-5242

7. Improvements to N Boones Ferry Road shall be redesigned/adjusted accordingly with pending future improvements to N Boones Ferry that are part of the Dove Landing PUD project. Improvements to Boones Ferry Road shall comply with City and Marion County Requirements.

   Design items to be aware that are part of the Dove Landing project but not limited:
   - Aligning Marion Pointe intersections with Dove Landing intersections on N Boones Ferry Road.
   - Align Pedestrian crossing on N Boones Ferry Road with Dove Landing crossing.
   - Maintain/reconstruct future sidewalk on the east side of Boones Ferry Road that maybe constructed, as per the Dove Landing project.

8. Engineer of record to provide memo indicating that proposed intersections at N Boones Ferry Road complies with current Federal and State safety, sight distance and vehicular traffic/ turning movement guidelines. The engineer report shall take into consideration the proposed Dove Landing PUE intersection on N Boones Ferry Road. Please find Dove Landing information on the City's website under the following link: https://www.woodburn-or.gov/dev-planning/project/annexation-anx-2020-03-schultz-farm-dove-landing-boones-ferry-rd-ne-west-side

9. Engineer of record to provide a recommendation for safety pedestrian crossings along N Boones Ferry Road, including enhancements to the crossing based on current State and Federal guidelines.

B. CONDITIONS TO BE COMPLETED PRIOR TO CIVIL PLANS APPROVAL:

1. Applicant to provide a copy of approved permit(s) from the Oregon Division of State Lands and US Army Corps of Engineering and Marion County, as applicable, if a permit shall be obtained for discharging storm drainage into state lands. This permit(s) shall be obtained prior to City approval of the Marion Pointe PUD Civil Plans.
2. The Applicant is to provide a recorded permit/approval/agreement from applicable property owners for the conveyance and maintenance of the storm water drainage from the Marion Pointe PUD Development into the existing storm drainage system located in current tax lot 051W06D000502 and tax lot 051W06D000501. The agreement(s) shall be obtained prior to City approval of the Marion Pointe PUE Civil plans.
3. 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.

4. Department of Environmental Quality Erosion Control 1200C permit will need to be obtained for this development prior to City issuing approval of civil plans.

5. All sewer mains are a gravity system and the termini of sewer lines locations and depths shall be such that it is suited for future extensions to adjoining areas.

6. Culvert pipes at Olympic Street shall be sized to accommodate future development of adjoining areas, specifically properties located west of N Boones Ferry Road. The culvert pipes shall be designed by a Professional Engineer to handle a 100-year flow event.

7. Final review of the Civil Plans will be done during the Subdivision Application for Construction. Public infrastructure will be constructed in accordance with plans approved by public works and Marion County (where applicable).

8. For general information, the minimum cover depth for water mains is 4ft.

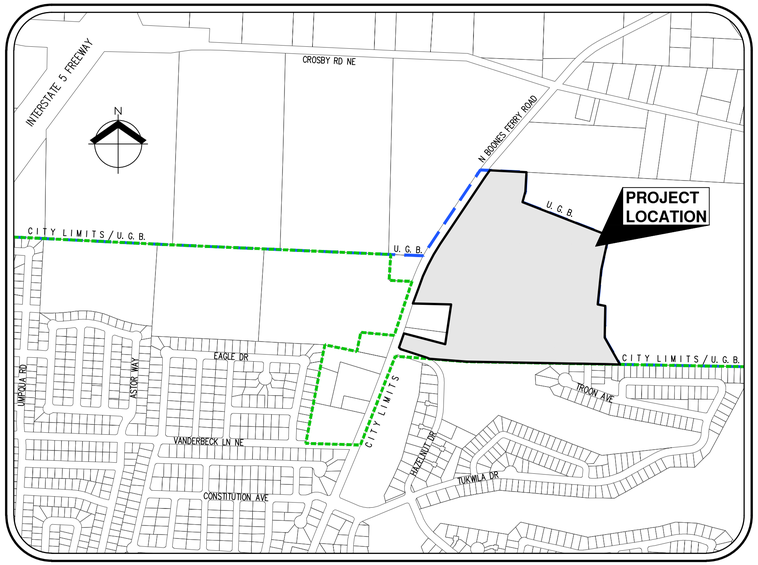
9. Applicant to adjust/redesign the water main on N Boones Ferry in accordance with the plan to extend the main line north of Hazelnut Drive towards Dove Landing Development.

10. Engineer of record to provide a storm analysis report indicating that the existing pipes in Olympic can provide capacity to convey a 100-year event for the entire basing. Engineer of record to provide a pipe analysis certifying the integrity of the existing pipes and strength to support a public road, meet the Oregon Department of Transportation Standards and Specifications. In the event that the pipes cannot provide the capacity or strength requirements the applicant shall provide new culverts or bridge over the drainage pattern. The applicant is responsible for acquiring permits from applicable regulatory agencies for all work within the limits of designated wetlands or waterways prior to, during and/or after the construction of all private and public development improvements, including all culverts/bridge installations and roadway improvements.

Engineering & Project Delivery
190 Garfield Street • Woodburn, Oregon 97071
Ph. 5030-982-5240 • Fax 503-982-5242

MARION POINTE

PRELIMINARY PLANS



VICINITY MAP
1" = 500'

APPLICANT: HOLT GROUP HOLDINGS, LLC
1300 ESTHER STREET, SUITE 200
VANCOUVER, WA 98660

PLANNING / ENGINEERING / SURVEYING TEAM: AKS ENGINEERING & FORESTRY, LLC
CONTACT: RAND WALTZ / GLEN SOUTHERLAND
12965 SW HERMAN RD, SUITE 100
TUALATIN, OR 97062
PH: 503-563-6151

PROJECT LOCATION: NORTHEAST OF THE INTERSECTION OF NORTH BOONES FERRY ROAD AND HAZELNUT DRIVE WOODBURN, OREGON

PROPERTY DESCRIPTION: TAX LOT 502, MARION COUNTY ASSESSOR'S MAP 5S 1W 6D, SOUTHEAST ONE QUARTER SECTION OF TOWNSHIP 5 SOUTH, RANGE 1 WEST, LOCATED IN SECTION 6, WILLAMETTE MERIDIAN, CITY OF WOODBURN, MARION COUNTY, OREGON.

EXISTING LAND USE: VACANT/GOLF COURSE

PROJECT PURPOSE: PLANNED UNIT DEVELOPMENT FOR FUTURE SINGLE-FAMILY DETACHED RESIDENTIAL DWELLING UNITS.

VERTICAL DATUM: VERTICAL DATUM: ELEVATIONS ARE BASED ON NGS BENCHMARK RD1523, LOCATED AT THE SOUTHEASTERLY CORNER OF THE INTERSECTION OF STATE HIGHWAY 99E AND INDUSTRIAL AVENUE ACCESS BEING A PAVED ROAD LEADING EAST TO MACLAREN YOUTH CORRECTIONAL FACILITY.
ELEVATION = 182.27 FEET (NAVD 88)

HORIZONTAL DATUM: HORIZONTAL DATUM: A LOCAL DATUM PLANE SCALED FROM OREGON STATE PLANE NORTH 3601 NAD83(2011) EPOCH 2010.0000 BY HOLDING A PROJECT MEAN GROUND COMBINED SCALE FACTOR OF 1.0001105030 AT A CALCULATED CENTRAL PROJECT POINT WITH GRID VALUES OF (NORTH 553991.748, EAST 7595761.288). THE MERIDIAN CONVERGENCE ANGLE AT THE CALCULATED CENTRAL POINT IS -1°40'03". THE STATE PLANE COORDINATES WERE DERIVED FROM THE TRIMBLE VRS NOW NETWORK.

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ANX 22-02
Attachment 103

LEGEND

	EXISTING	PROPOSED		EXISTING	PROPOSED
DECIDUOUS TREE			STORM DRAIN CLEAN OUT		
CONIFEROUS TREE			STORM DRAIN CATCH BASIN		
			STORM DRAIN AREA DRAIN		
FIRE HYDRANT			STORM DRAIN MANHOLE		
WATER BLOWOFF			GAS METER		
WATER METER			GAS VALVE		
WATER VALVE			GUY WIRE ANCHOR		
DOUBLE CHECK VALVE			UTILITY POLE		
AIR RELEASE VALVE			POWER VAULT	P	P
SANITARY SEWER CLEAN OUT			POWER JUNCTION BOX		
SANITARY SEWER MANHOLE			POWER PEDESTAL		
SIGN			COMMUNICATIONS VAULT	C	C
STREET LIGHT			COMMUNICATIONS JUNCTION BOX		
MAILBOX	MB	MB	COMMUNICATIONS RISER		

	EXISTING	PROPOSED
RIGHT-OF-WAY LINE		
BOUNDARY LINE		
PROPERTY LINE		
CENTERLINE		
DITCH		
CURB		
EDGE OF PAVEMENT		
EASEMENT		
FENCE LINE		
GRAVEL EDGE		
POWER LINE	PWR	PWR
OVERHEAD WIRE	OHW	OHW
COMMUNICATIONS LINE	COM	COM
FIBER OPTIC LINE	CFO	CFO
GAS LINE	GAS	GAS
STORM DRAIN LINE	STM	STM
SANITARY SEWER LINE	SAN	SAN
WATER LINE	WAT	WAT

SITE MAP
1" = 200'

AKS ENGINEERING & FORESTRY, LLC
12965 SW HERMAN RD, STE 100
TUALATIN, OR 97062
503.563.6151
WWW.AKS-ENG.COM

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COVER SHEET WITH LEGEND, VICINITY, AND SITE MAPS
MARION POINTE
WOODBURN, OREGON

REGISTERED PROFESSIONAL ENGINEER
OREGON
JULY 31, 2007
GLEN N. SOUTHERLAND
Exp. 12-31-22
PRELIMINARY NOT FOR CONSTRUCTION

JOB NUMBER:	7564
DATE:	04/14/2022
DESIGNED BY:	NRA
DRAWN BY:	NRA
CHECKED BY:	VHN

P-01

AKS DRAWING FILE: 7564 COVER.DWG | LAYOUT: P-01

SHELTER WITH ACCESSIBLE PICNIC TABLE

CHILDREN'S PLAY AREA

MONUMENT SIGN AND LANDSCAPING

CART PATH CONNECTION

N BOONES FERRY ROAD

NIGHTINGALE DRIVE

MAGNOLIA AVENUE

CART PATH CONNECTION

SHELTER WITH ACCESSIBLE PICNIC TABLE

STORMWATER FACILITY

CART PATH CONNECTION

CART PATH CONNECTION

GOLF NETTING

PRESERVED WETLAND

STORMWATER FACILITY

ACTIVE OPEN SPACE

OWL AVENUE

OPEN SPACE WITH LARGE FOCAL POINT TREES

EXISTING GOLF COURSE/ DRIVING RANGE

OLYMPIC STREET

BUS SHELTER AND LANDSCAPING

HAZELNUT DRIVE

POTENTIAL PLAN ELEMENTS, LOCATIONS, AND DETAILS AS SHOWN ARE CONCEPTUAL AND SUBJECT TO CHANGE.

N

SCALE: 1"=100 FEET

100 0 20 50 100

ORIGINAL PAGE SIZE: 22" x 34"

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PRELIMINARY LANDSCAPE AMENITY PLAN

MARION POINTE

WOODBURN, OREGON

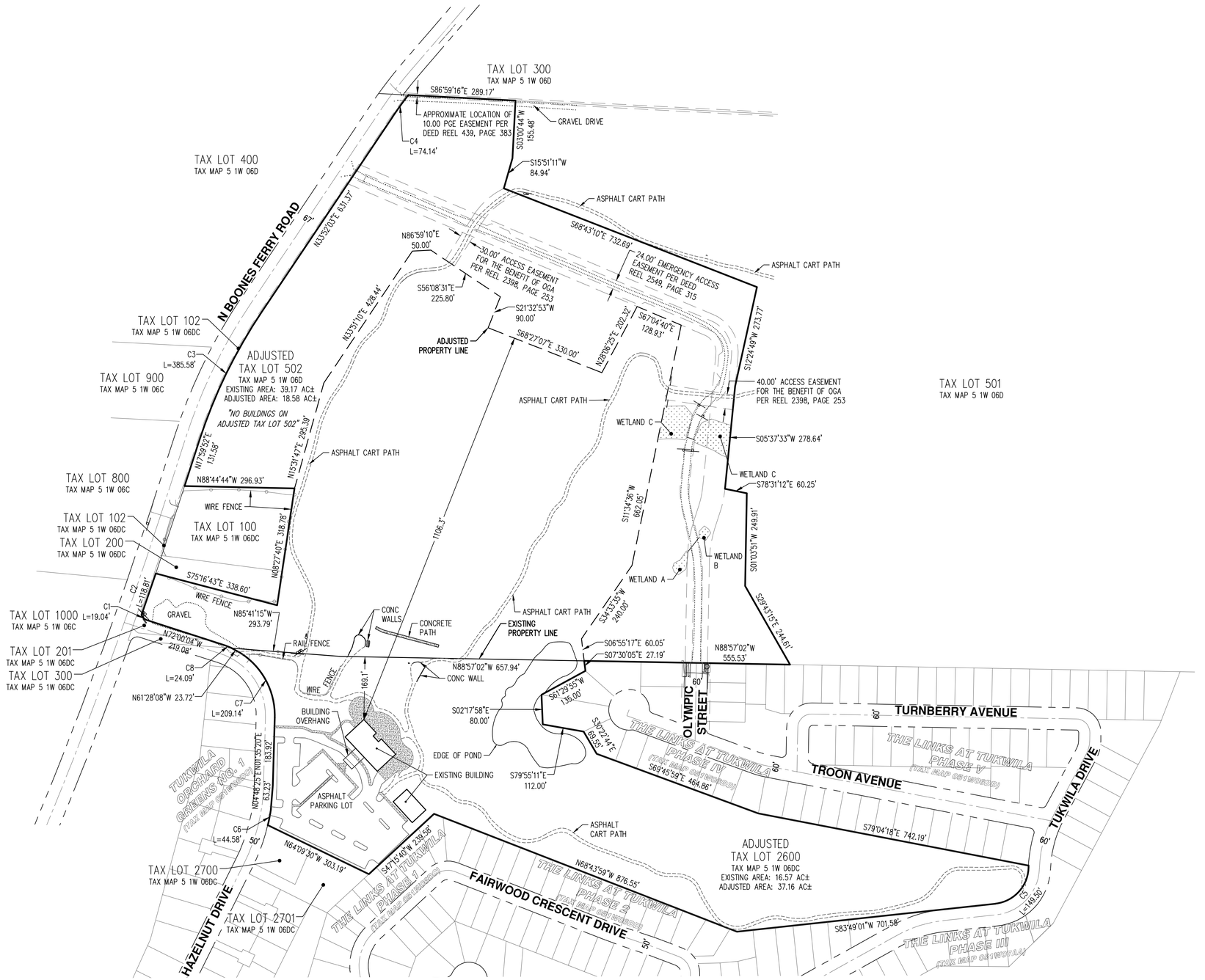
REGISTERED LANDSCAPE ARCHITECT OREGON DEC. 6, 2013 KRISTOPHER A. HOWELL

PRELIMINARY NOT FOR CONSTRUCTION

JOB NUMBER:	7564
DATE:	04/04/2022
DESIGNED BY:	NKP
DRAWN BY:	NKP
CHECKED BY:	KAH

P-02

AKS DRAWING FILE: 7564 20220207 LANDSCAPE COLOR.DWG | LAYOUT: P-02



N

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150 0 30 75 150

CURVE TABLE				
CURVE	RADIUS	DELTA	LENGTH	CHORD
C1	20.00'	54°32'08"	19.04'	N44°44'00"W 18.33'
C2	11496.13'	0°35'32"	118.81'	N19°00'18"E 118.81'
C3	1395.40'	15°49'56"	385.58'	N25°57'05"E 384.36'
C4	1108.92'	3°49'50"	74.14'	N35°46'58"E 74.12'
C5	100.52'	85°13'02"	149.50'	S40°49'29"W 136.10'
C6	524.66'	4°52'06"	44.58'	N10°52'44"E 44.57'
C7	199.63'	60°01'32"	209.14'	N28°25'26"W 199.71'
C8	200.00'	6°54'05"	24.09'	N68°33'02"W 24.08'

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PRELIMINARY PROPERTY LINE ADJUSTMENT PLAN
MARION POINTE
WOODBURN, OREGON

REGISTERED PROFESSIONAL LAND SURVEYOR
OREGON
JANUARY 17, 2005
BRAD D. RETTIG
60124LS
RENEWS: 12/31/22

PRELIMINARY
NOT FOR CONSTRUCTION

JOB NUMBER:	7564
DATE:	04/14/2022
DESIGNED BY:	NRA
DRAWN BY:	MTB
CHECKED BY:	VHN

P-08

AKS DRAWING FILE: 7564 PLA.DWG | LAYOUT: P-08

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SCALE: 1"=100 FEET

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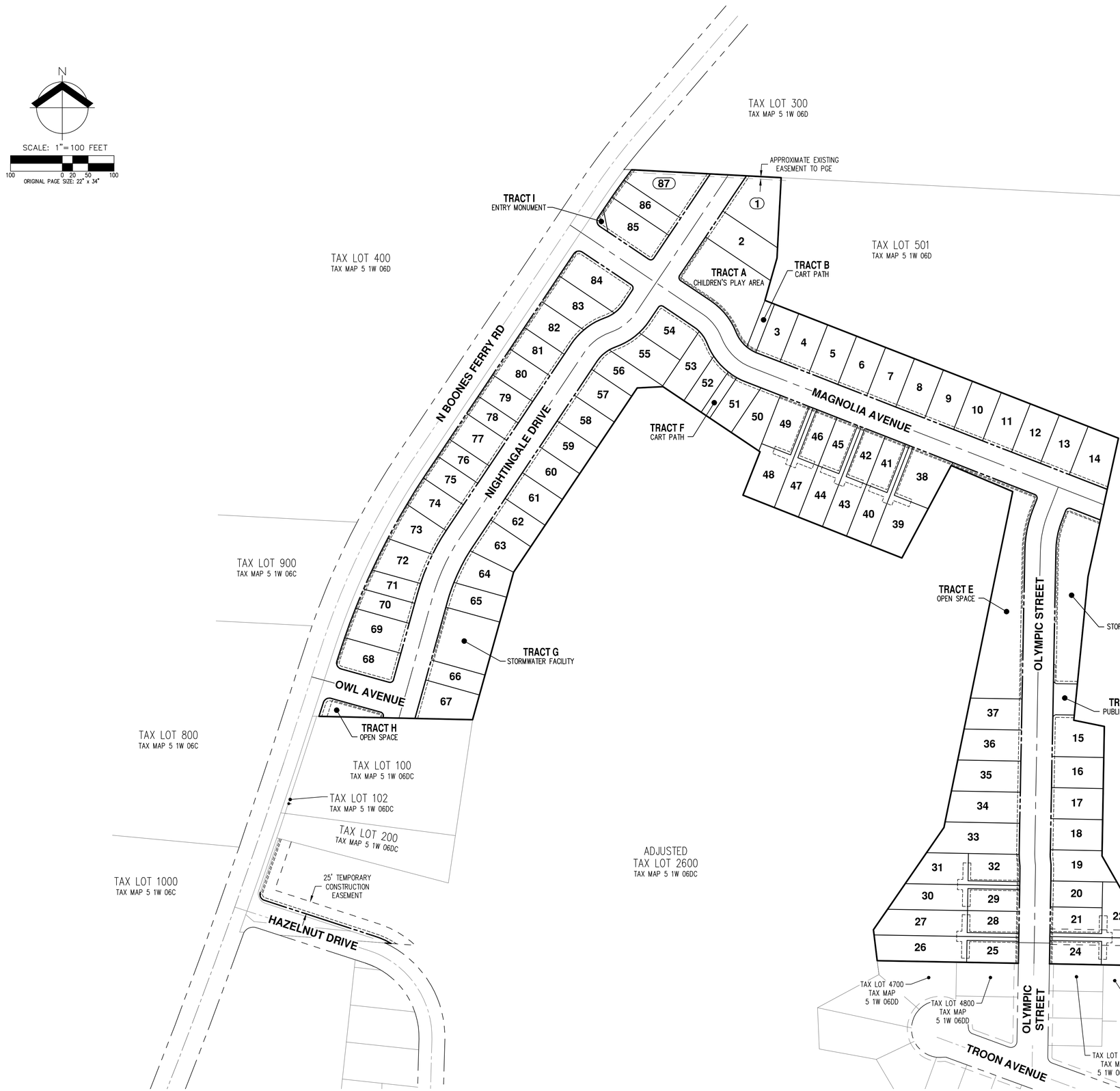

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PRELIMINARY OVERALL SUBDIVISION PLAT MARION POINTE WOODBURN, OREGON

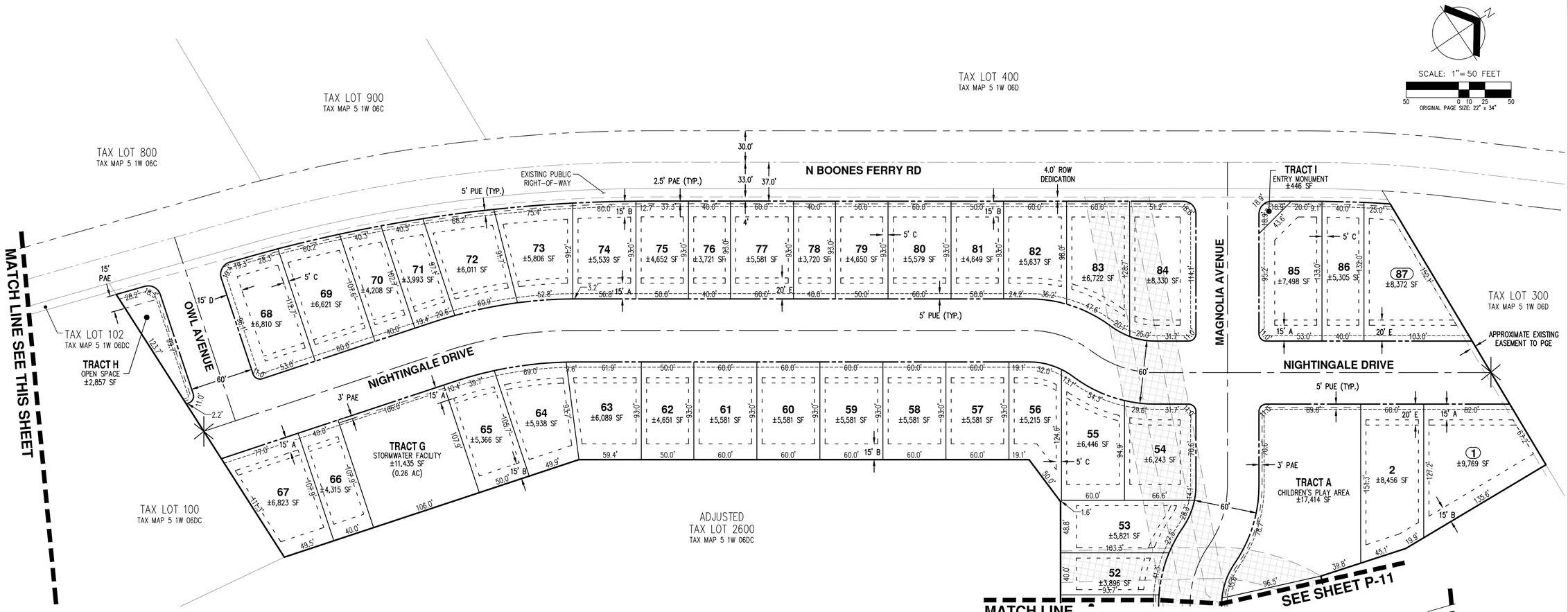
REGISTERED PROFESSIONAL ENGINEER
OREGON
JULY 7, 2009
VINH H. NGUYEN
Exp. 12-31-22

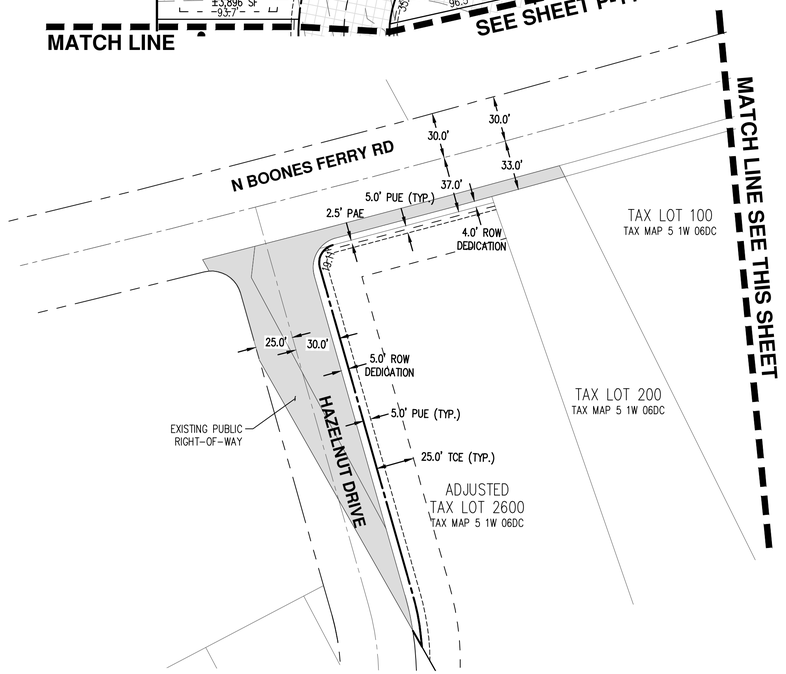
PRELIMINARY NOT FOR CONSTRUCTION

JOB NUMBER:	7564
DATE:	04/14/2022
DESIGNED BY:	NRA
DRAWN BY:	NRA
CHECKED BY:	VHN

P-09

AKS DRAWING FILE: 7564 PRELIM PLAT OVERALL.DWG | LAYOUT: P-09





PUD SETBACK LEGEND

A.	FRONT YARD:	15 FT
B.	REAR YARD:	15 FT
C.	SIDE YARD:	5 FT
D.	STREET SIDE YARD:	15 FT
E.	GARAGE SETBACK:	20 FT

NOTES:

- THE PURPOSE OF THIS PRELIMINARY SUBDIVISION PLAT IS TO SHOW LOT DIMENSIONS AND AREAS FOR PLANNING PURPOSES. THIS IS NOT AN OFFICIAL RECORDED FINAL PLAT AND IS NOT TO BE USED FOR SURVEY PURPOSES. ALL DIMENSIONS ARE SUBJECT TO CHANGE.
- A ONE FOOT RESERVE STRIP, NON-ACCESS RESERVATION, OR ALTERNATIVE METHOD FOR LIMITING ACCESS APPROVED BY THE CITY WILL BE PROVIDED AT EACH TEMPORARY STREET STUB.

EASEMENT LEGEND

ACCESS AND UTILITY EASEMENT	AE
PUBLIC UTILITY EASEMENT	PUE
PUBLIC ACCESS EASEMENT	PAE
SANITARY SEWER EASEMENT	SSE
TEMPORARY CONSTRUCTION EASEMENT	TCE

LEGEND

EXISTING EASEMENT TO BE VACATED

AKS ENGINEERING & FORESTRY, LLC
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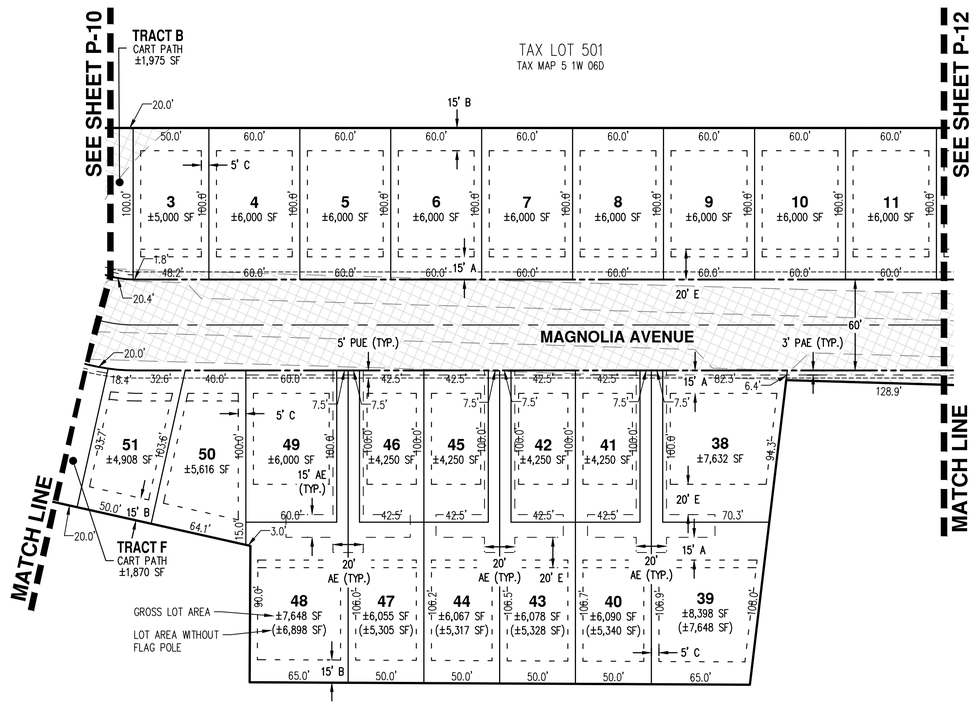
PRELIMINARY DETAILED SUBDIVISION PLAT
MARION POINTE
WOODBURN, OREGON

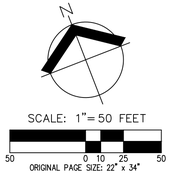
REGISTERED PROFESSIONAL ENGINEER
OREGON
VINH H. NGUYEN
Exp. 12-31-22
PRELIMINARY NOT FOR CONSTRUCTION

JOB NUMBER:	7564
DATE:	04/14/2022
DESIGNED BY:	NRA
DRAWN BY:	NRA
CHECKED BY:	VHN

P-10

AKS DRAWING FILE: 7564 PRELIM PLAT.DWG | LAYOUT: P-10





PUD SETBACK LEGEND

A. FRONT YARD:	15 FT
B. REAR YARD:	15 FT
C. SIDE YARD:	5 FT
D. STREET SIDE YARD:	15 FT
E. GARAGE SETBACK:	20 FT

NOTE:

THE PURPOSE OF THIS PRELIMINARY SUBDIVISION PLAT IS TO SHOW LOT DIMENSIONS AND AREAS FOR PLANNING PURPOSES. THIS IS NOT AN OFFICIAL RECORDED FINAL PLAT AND IS NOT TO BE USED FOR SURVEY PURPOSES. ALL DIMENSIONS ARE SUBJECT TO CHANGE.

EASEMENT LEGEND

ACCESS AND UTILITY EASEMENT	AE
PUBLIC UTILITY EASEMENT	PUE
PUBLIC ACCESS EASEMENT	PAE
SANITARY SEWER EASEMENT	SSE
TEMPORARY CONSTRUCTION EASEMENT	TCE

LEGEND

EXISTING EASEMENT TO BE VACATED

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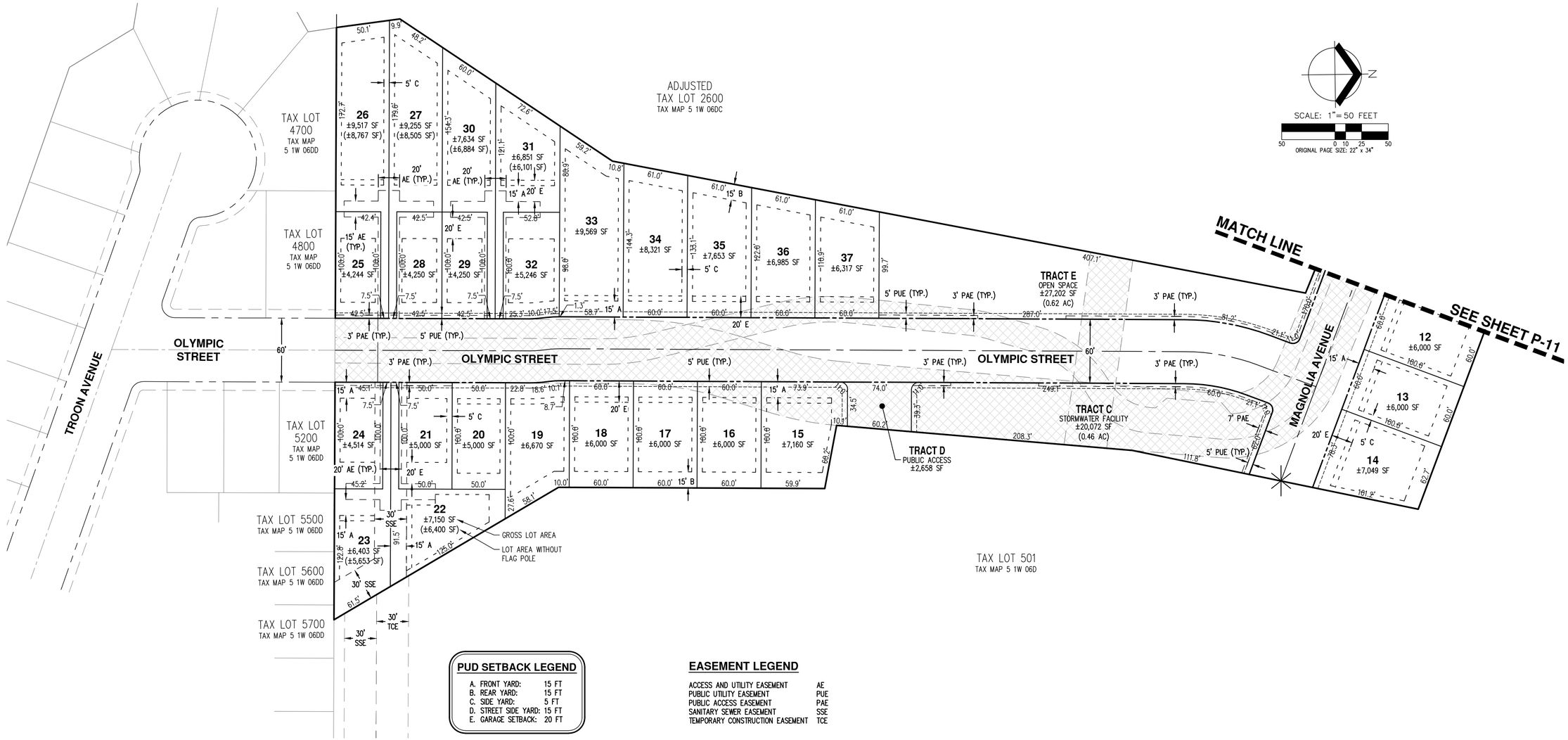
PRELIMINARY DETAILED SUBDIVISION PLAT
MARION POINTE
WOODBURN, OREGON

REGISTERED PROFESSIONAL ENGINEER
OREGON
VINH H. NGUYEN
Exp. 12-31-22
PRELIMINARY NOT FOR CONSTRUCTION

JOB NUMBER:	7564
DATE:	04/14/2022
DESIGNED BY:	NRA
DRAWN BY:	NRA
CHECKED BY:	VHN

P-11

AKS DRAWING FILE: 7564 PRELIM PLAT.DWG | LAYOUT: P-11



PUD SETBACK LEGEND

A. FRONT YARD:	15 FT
B. REAR YARD:	15 FT
C. SIDE YARD:	5 FT
D. STREET SIDE YARD:	15 FT
E. GARAGE SETBACK:	20 FT

EASEMENT LEGEND

ACCESS AND UTILITY EASEMENT	AE
PUBLIC UTILITY EASEMENT	PUE
PUBLIC ACCESS EASEMENT	PAE
SANITARY SEWER EASEMENT	SSE
TEMPORARY CONSTRUCTION EASEMENT	TCE

LEGEND

EXISTING EASEMENT TO BE VACATED

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PRELIMINARY DETAILED SUBDIVISION PLAT
MARION POINTE
WOODBURN, OREGON

REGISTERED PROFESSIONAL ENGINEER
OREGON
JULY 13, 2005
VINH H. NGUYEN
Exp. 12-31-22

PRELIMINARY NOT FOR CONSTRUCTION

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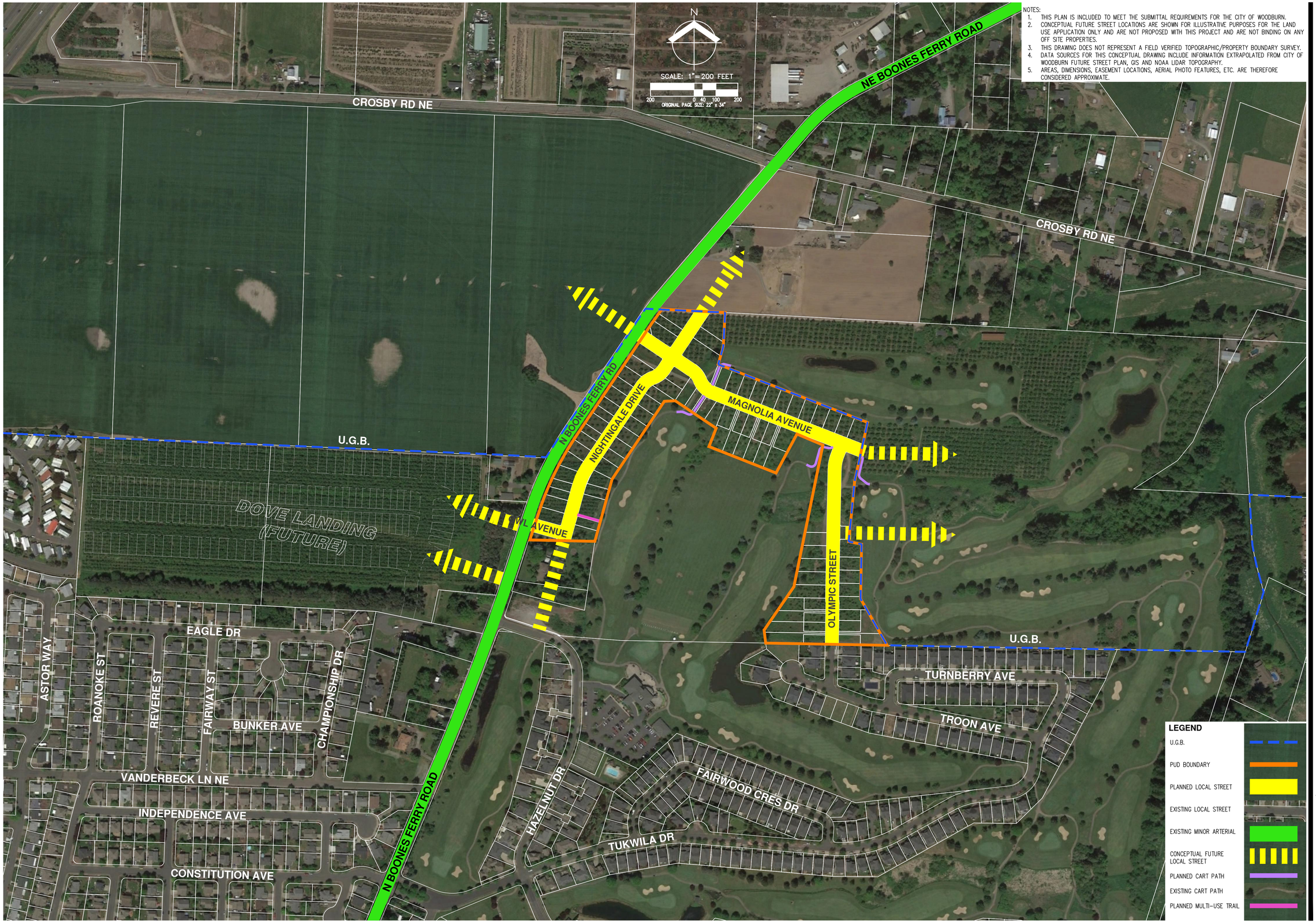
P-12

AKS DRAWING FILE: 7564 PRELIM PLAT.DWG | LAYOUT: P-12



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CONCEPTUAL NEIGHBORHOOD CIRCULATION PLAN
MARION POINTE
WOODBURN, OREGON

REGISTERED PROFESSIONAL ENGINEER
OREGON
VINH H. NGUYEN
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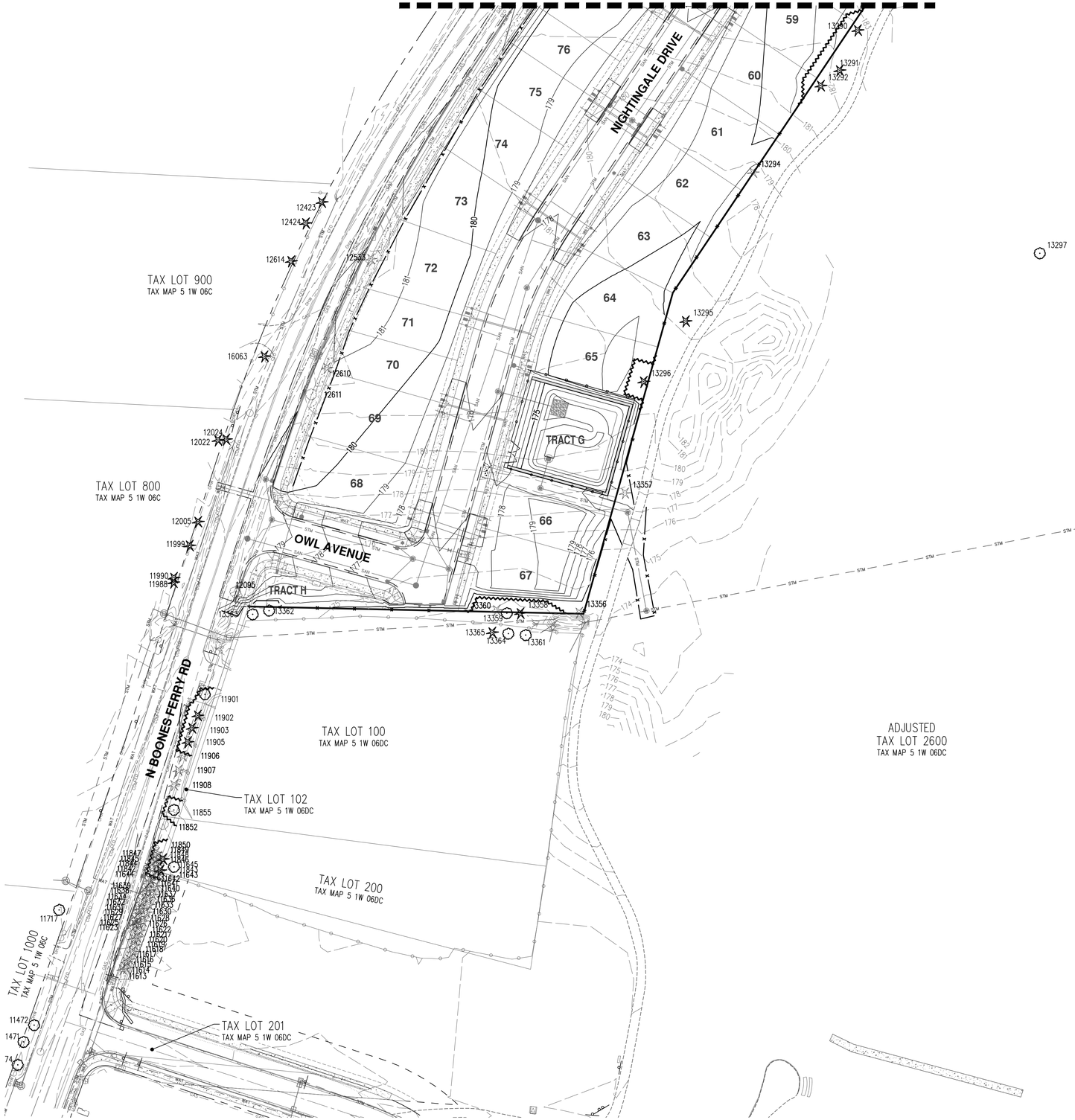
P-13

AKS DRAWING FILE: 7564 CIRCULATION PLAN.DWG | LAYOUT: P-13

MATCHLINE SEE SHEET P-15



LEGEND

EXISTING GROUND CONTOUR (1 FT)	149
EXISTING GROUND CONTOUR (5 FT)	150
FINISHED GRADE CONTOUR (1 FT)	149
FINISHED GRADE CONTOUR (5 FT)	150
EXISTING CONIFEROUS TREE	
EXISTING DECIDUOUS TREE	
TREE REMOVAL	
SEDIMENT FENCE (ALSO SERVES AS TREE PROTECTION WHERE SHOWN)	x x
TREE PROTECTION FENCE	

NOTES:

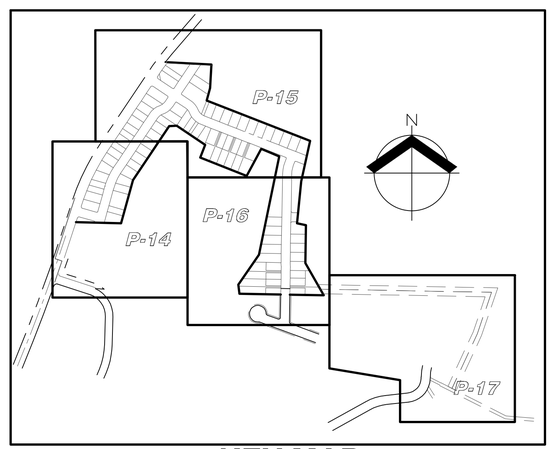
1. REFER TO THE MARION POINTE PRELIMINARY TREE PRESERVATION AND REMOVAL TABLE FOR ADDITIONAL TREE RELATED INFORMATION.
2. TREE REMOVAL BEHIND TREE PROTECTION FENCE TO BE DONE USING HAND TOOLS AND METHODS.

N

SCALE: 1" = 50 FEET

50 0 10 25 50

ORIGINAL PAGE SIZE: 22" x 34"



KEY MAP

1" = 500'

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PRELIMINARY DETAILED TREE PRESERVATION AND REMOVAL PLAN

MARION POINTE

WOODBURN, OREGON

REGISTERED PROFESSIONAL ENGINEER
OREGON
JULY 13, 2005
VINH T. NGUYEN
Exp. 12-31-22

PRELIMINARY NOT FOR CONSTRUCTION

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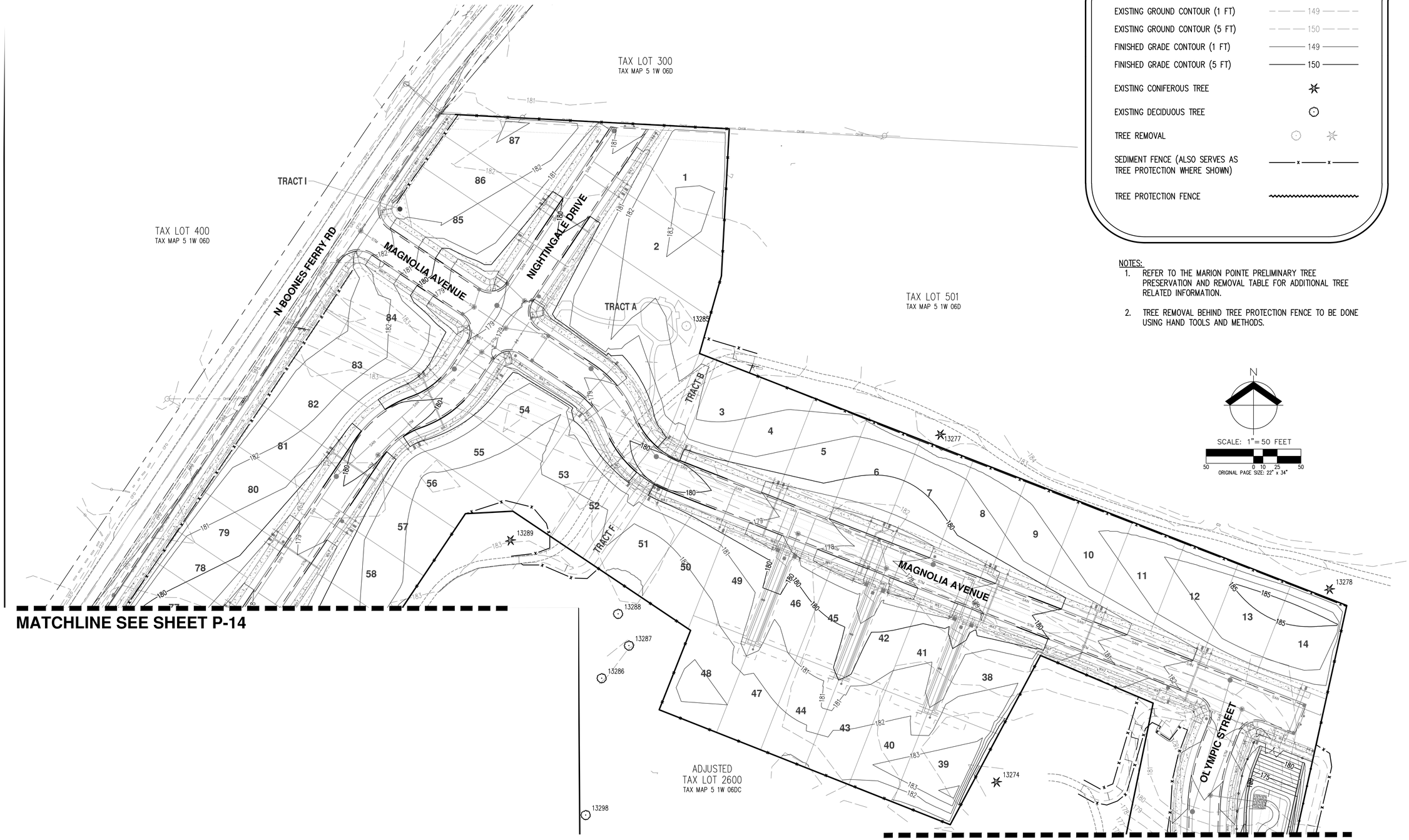
P-14

AKS DRAWING FILE: 7564 TREES.DWG | LAYOUT: P-14



MATCHLINE SEE SHEET P-14

MATCHLINE SEE SHEET P-16

LEGEND

EXISTING GROUND CONTOUR (1 FT)	149
EXISTING GROUND CONTOUR (5 FT)	150
FINISHED GRADE CONTOUR (1 FT)	149
FINISHED GRADE CONTOUR (5 FT)	150
EXISTING CONIFEROUS TREE	
EXISTING DECIDUOUS TREE	
TREE REMOVAL	
SEDIMENT FENCE (ALSO SERVES AS TREE PROTECTION WHERE SHOWN)	
TREE PROTECTION FENCE	

NOTES:

1. REFER TO THE MARION POINTE PRELIMINARY TREE PRESERVATION AND REMOVAL TABLE FOR ADDITIONAL TREE RELATED INFORMATION.
2. TREE REMOVAL BEHIND TREE PROTECTION FENCE TO BE DONE USING HAND TOOLS AND METHODS.

N

SCALE: 1"=50 FEET

50 0 10 25 50

ORIGINAL PAGE SIZE: 22" x 34"

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PRELIMINARY DETAILED TREE PRESERVATION AND REMOVAL PLAN

MARION POINTE

WOODBURN, OREGON

REGISTERED PROFESSIONAL ENGINEER
OREGON
JULY 14, 2006
V. NGUYEN
Exp. 12-31-22

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P-15

AKS DRAWING FILE: 7564 TREES.DWG | LAYOUT: P-15

LEGEND

EXISTING GROUND CONTOUR (1 FT)	149
EXISTING GROUND CONTOUR (5 FT)	150
FINISHED GRADE CONTOUR (1 FT)	149
FINISHED GRADE CONTOUR (5 FT)	150
EXISTING CONIFEROUS TREE	
EXISTING DECIDUOUS TREE	
TREE REMOVAL	
SEDIMENT FENCE (ALSO SERVES AS TREE PROTECTION WHERE SHOWN)	
TREE PROTECTION FENCE	

NOTES:

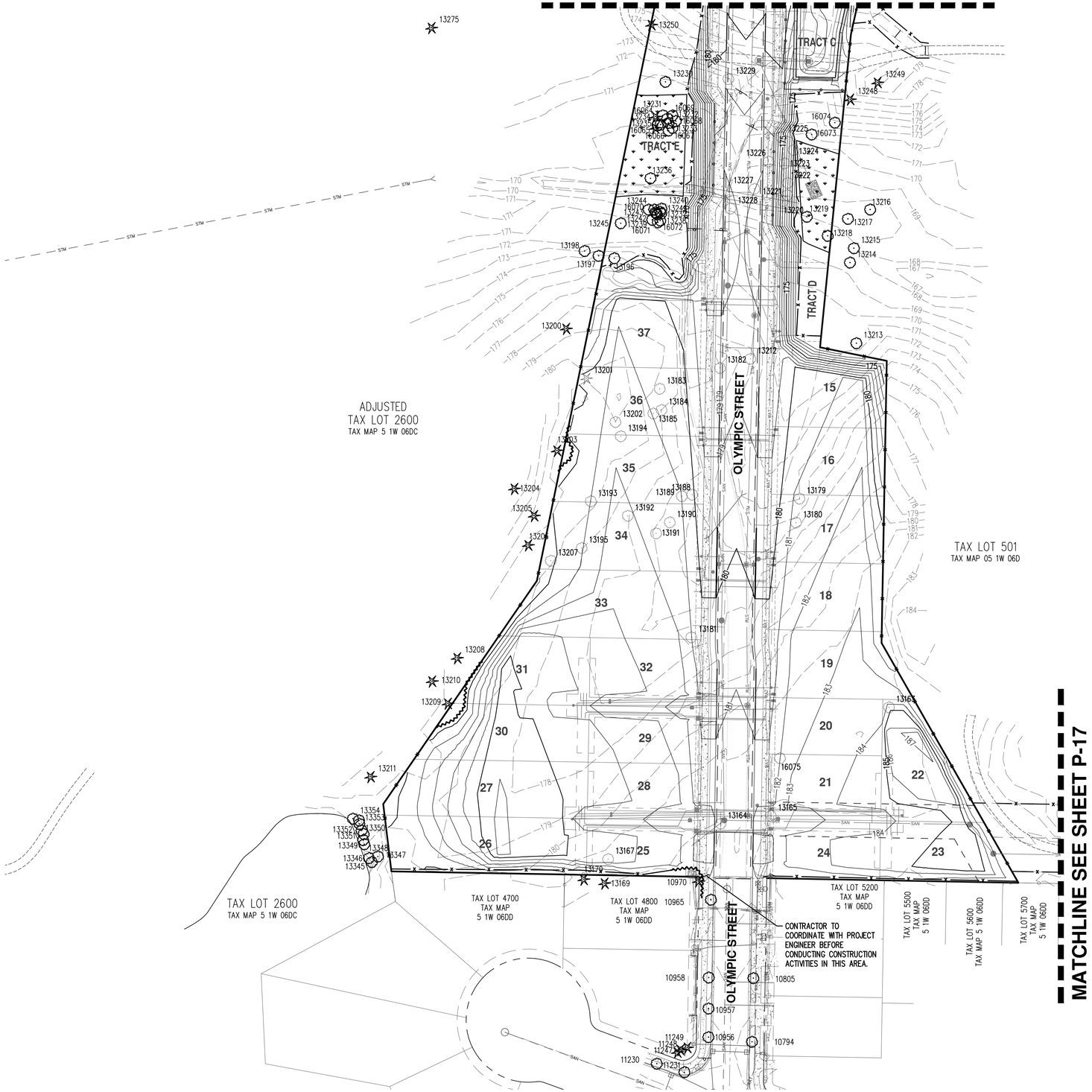
1. REFER TO THE MARION POINTE PRELIMINARY TREE PRESERVATION AND REMOVAL TABLE FOR ADDITIONAL TREE RELATED INFORMATION.
2. TREE REMOVAL BEHIND TREE PROTECTION FENCE TO BE DONE USING HAND TOOLS AND METHODS.

N

SCALE: 1" = 50 FEET

50 0 10 25 50

ORIGINAL PAGE SIZE: 22" x 34"



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PRELIMINARY DETAILED TREE PRESERVATION AND REMOVAL PLAN
MARION POINTE
WOODBURN, OREGON

REGISTERED PROFESSIONAL ENGINEER — OREGON — NGUYEN — Exp. 12-31-22

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P-16

AKS DRAWING FILE: 7564 TREES.DWG | LAYOUT: P-16

N

SCALE: 1"=100 FEET

100 0 20 50 100

ORIGINAL PAGE SIZE: 22" x 34"

TAX LOT 300
TAX MAP 5 1W 06D

APPROXIMATE EXISTING EASEMENT TO PGE

TRACT I
ENTRY MONUMENT

TRACT A
CHILDREN'S PLAY AREA

TRACT B
CART PATH

TRACT F
CART PATH

TRACT C
STORMWATER FACILITY

TRACT E
OPEN SPACE

TRACT D
PUBLIC ACCESS

TRACT G
STORMWATER FACILITY

TRACT H
OPEN SPACE

TAX LOT 400
TAX MAP 5 1W 06D

TAX LOT 501
TAX MAP 5 1W 06D

TAX LOT 900
TAX MAP 5 1W 06C

TAX LOT 800
TAX MAP 5 1W 06C

TAX LOT 100
TAX MAP 5 1W 06DC

TAX LOT 102
TAX MAP 5 1W 06DC

TAX LOT 200
TAX MAP 5 1W 06DC

TAX LOT 1000
TAX MAP 5 1W 06C

ADJUSTED
TAX LOT 2600
TAX MAP 5 1W 06DC

PRIVATE STORM DRAINAGE SYSTEM

NOTE: MAINTENANCE AGREEMENT SHALL BE OBTAINED FROM APPLICABLE PROPERTY OWNERS FOR THE CONVEYANCE AND MAINTENANCE OF STORM WATER DRAINAGE FROM MARION POINTE.

TAX LOT 4700
TAX MAP
5 1W 06DD

TAX LOT 4800
TAX MAP
5 1W 06DD

TAX LOT 5200
TAX MAP
5 1W 06DD

TAX LOT 5500
TAX MAP
5 1W 06DD

TAX LOT 5600
TAX MAP
5 1W 06DD

TAX LOT 5700
TAX MAP
5 1W 06DD

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PRELIMINARY OVERALL COMPOSITE UTILITY PLAN
MARION POINTE
WOODBURN, OREGON

REGISTERED PROFESSIONAL ENGINEER
OREGON
JULY 15, 2005
VINH N. NGUYEN
Exp. 12-31-22

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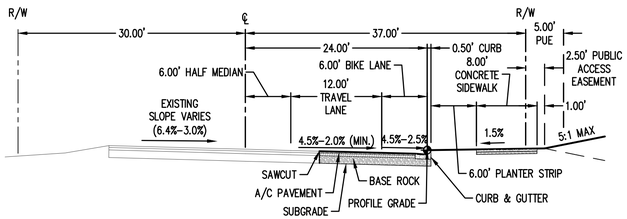
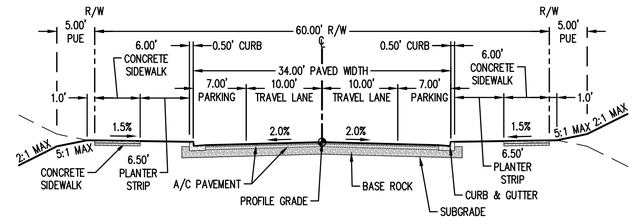
P-20

AKS DRAWING FILE: 7564 UTILITY OVERALL.DWG | LAYOUT: P-20



A TYPICAL MINOR ARTERIAL HALF STREET IMPROVEMENT

SCALE: 1" = 10'

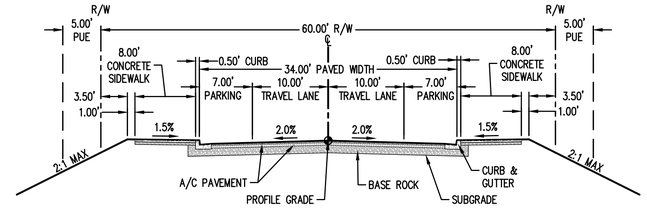


B TYPICAL LOCAL STREET CROSS SECTION

SCALE: 1" = 10'

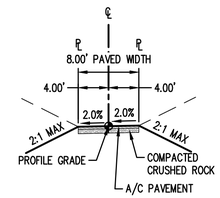
CROSS SECTION G SHALL BE USED IN THE FOLLOWING LOCATIONS:
OWL AVENUE: STA 10+46.73 TO 11+46.92 RT
NIGHTINGALE DRIVE: STA 10+93.06 TO 11+99.17 RT, STA 20+03.02 TO 20+92.83 RT
MAGNOLIA AVENUE: STA 12+37.10 TO 14+48.07 LT, STA 15+23.36 TO 20+50.64 RT
OLYMPIC STREET: STA 12+09.95 TO 13+19.95 RT, STA 12+09.95 TO 14+20.50 LT
STA 16+84.13 TO 17+74.92 RT, STA 17+20.07 TO 18+01.01 LT
STA 18+83.52 TO 20+98.82 RT, STA 19+08.02 TO 20+98.82 LT

CROSS SECTION H SHALL BE USED IN THE FOLLOWING LOCATIONS:
MAGNOLIA AVENUE: STA 21+24.64 TO 21+83.51 RT



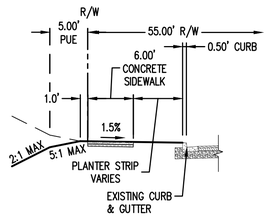
C LOCAL STREET CROSS SECTION AT NATURAL RESOURCES (WETLANDS) CROSSING

SCALE: 1" = 10'



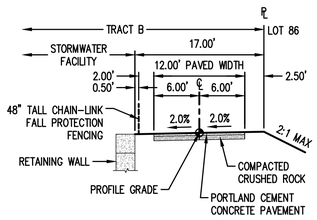
D TYPICAL CART PATH

SCALE: 1" = 10'



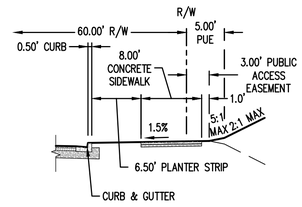
E TYPICAL HAZELNUT DRIVE SIDEWALK IMPROVEMENT

SCALE: 1" = 10'



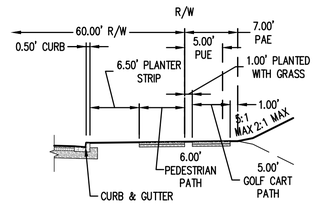
F TYPICAL MULTI-USE PATH (TRACT B)

SCALE: 1" = 10'



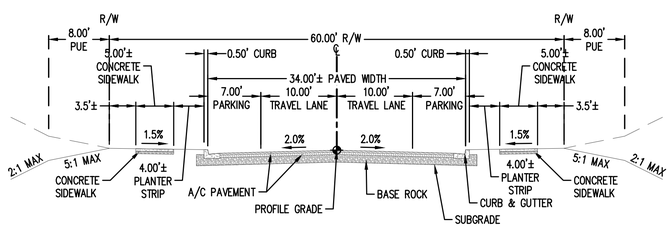
G LOCAL STREET WITH 8-FOOT SIDEWALK CROSS SECTION

SCALE: 1" = 10'



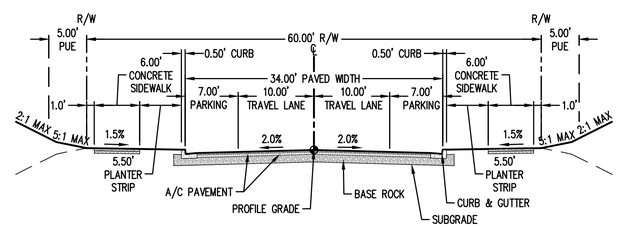
H LOCAL STREET WITH SIDEWALK AND GOLF CART PATH CROSS SECTION

SCALE: 1" = 10'



I EXISTING OLYMPIC STREET CROSS SECTION

SCALE: 1" = 10'



J 2019 TSP LOCAL STREET CROSS SECTION

(FOR REFERENCE ONLY)

SCALE: 1" = 10'

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PRELIMINARY STREET CROSS SECTIONS
MARION POINTE
WOODBURN, OREGON

REGISTERED PROFESSIONAL ENGINEER
OREGON
JULY 13, 2004
VINH T. NGUYEN
Exp. 12-31-22

PRELIMINARY NOT FOR CONSTRUCTION

JOB NUMBER:	7564
DATE:	04/14/2022
DESIGNED BY:	NRA
DRAWN BY:	NRA
CHECKED BY:	VHN

P-25

AKS DRAWING FILE: 7564 STR.DWG | LAYOUT: P-25

SIDEWALK LEGEND

- SIDEWALK AND DRIVEWAY APPROACHES TO BE INSTALLED BY HOMEBUILDER.
- SIDEWALK AND DRIVEWAY APPROACHES TO BE INSTALLED BY DEVELOPER.
- 8' WIDE SIDEWALK

EASEMENT LEGEND

PUBLIC UTILITY EASEMENT	PUE
PUBLIC ACCESS EASEMENT	PAE
SANITARY SEWER EASEMENT	SSE
TEMPORARY CONSTRUCTION EASEMENT	TCE

(#) KEYED NOTES

1. BEGIN HALF STREET IMPROVEMENTS.
2. END HALF STREET IMPROVEMENTS.
3. BEGIN FULL STREET IMPROVEMENTS.
4. END FULL STREET IMPROVEMENTS.
5. BEGIN TAPER
6. END TAPER

N

SCALE: 1"=100 FEET

100 0 20 50 100

ORIGINAL PAGE SIZE: 22" x 34"

N BOONES FERRY RD
STA: 61+47.20 (10.26'R) (6)

N BOONES FERRY RD
STA: 59+86.49 (24.00'R) (2) (5)

TRACT I
ENTRY MONUMENT

CL-CL INTERSECTION
STA 58+28.96 N BOONES FERRY RD
= STA 10+00.00 MAGNOLIA AVENUE

PATTERNED CONCRETE
CROSSWALK (NO DYE)

TAX LOT 300
TAX MAP 5 1W 06D

(4) NIGHTINGALE DRIVE
STA: 22+11.07 (0.00')

CL-CL INTERSECTION
STA 12+00.10 MAGNOLIA AVENUE
= STA 19+66.02 NIGHTINGALE DRIVE

TAX LOT 501
TAX MAP 5 1W 06D

TRACT A
CHILDREN'S PLAY AREA

TRACT B
CART PATH

20' RADIUS (TYP.)

TAX LOT 400
TAX MAP 5 1W 06D

N BOONES FERRY RD

NIGHTINGALE DRIVE

MAGNOLIA AVENUE

TRACT F
CART PATH

CL-CL INTERSECTION
STA 20+87.64 MAGNOLIA AVENUE
= STA 21+35.82 OLYMPIC STREET

(4) MAGNOLIA AVENUE
STA: 21+59.74 (0.00')

TAX LOT 900
TAX MAP 5 1W 06C

CL-CL INTERSECTION
STA 48+19.25 N BOONES FERRY RD
= STA 10+00.00 OWL AVENUE

SIDEWALK TO BE EXTENDED AS FEASIBLE OR
FEE-IN-LIEU OF CONSTRUCTION PROVIDED

TRACT G
STORMWATER FACILITY

TRACT E
OPEN SPACE

TRACT C
STORMWATER FACILITY

TRACT D
PUBLIC ACCESS

OLYMPIC STREET

N BOONES FERRY RD
STA: 47+51.10 (10.88'R) (1)

OWL AVENUE

TRACT H
OPEN SPACE

TAX LOT 800
TAX MAP 5 1W 06C

N BOONES FERRY RD
STA: 46+50.64 (12.12'R) (6)

TAX LOT 100
TAX MAP 5 1W 06DC

CL-CL INTERSECTION
STA 10+00.00 NIGHTINGALE DRIVE
= STA 11+83.92 OWL AVENUE

(3) NIGHTINGALE DRIVE
STA: 9+74.64 (0.00')

N BOONES FERRY RD
STA: 45+03.37 (24.00'R) (2) (5)

TAX LOT 102
TAX MAP 5 1W 06DC

CONNECT SIDEWALK TO TEMPORARY SIDEWALK IMPROVEMENTS
CONSTRUCTED AS PART OF THE DOVE LANDING PROJECT

TAX LOT 200
TAX MAP 5 1W 06DC

TAX LOT 1000
TAX MAP 5 1W 06C

(1) CL-CL INTERSECTION
STA 43+50.69 N BOONES FERRY RD
= STA 10+00.00 HAZELNUT DRIVE

HAZELNUT DRIVE

ADJUSTED
TAX LOT 502
TAX MAP 5 1W 06D

TAX LOT 2600
TAX MAP 5 1W 06DC

TAX LOT 501
TAX MAP 5 1W 06D

TAX LOT 4700
TAX MAP
5 1W 06DD

TAX LOT 4800
TAX MAP
5 1W 06DD

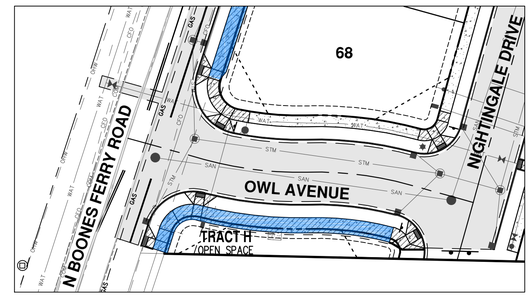
TAX LOT 5200
TAX MAP
5 1W 06DD

TAX LOT 5700
TAX MAP
5 1W 06DD

TAX LOT 5500
TAX MAP
5 1W 06DD

TAX LOT 5600
TAX MAP 5 1W 06DD

OLYMPIC STREET
STA: 12+08.90 (0.00') (1)



CONCEPTUAL ALTERNATE OWL AVENUE ALIGNMENT
SCALE: 1" = 40'

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PRELIMINARY STREET PLAN
MARION POINTE
WOODBURN, OREGON

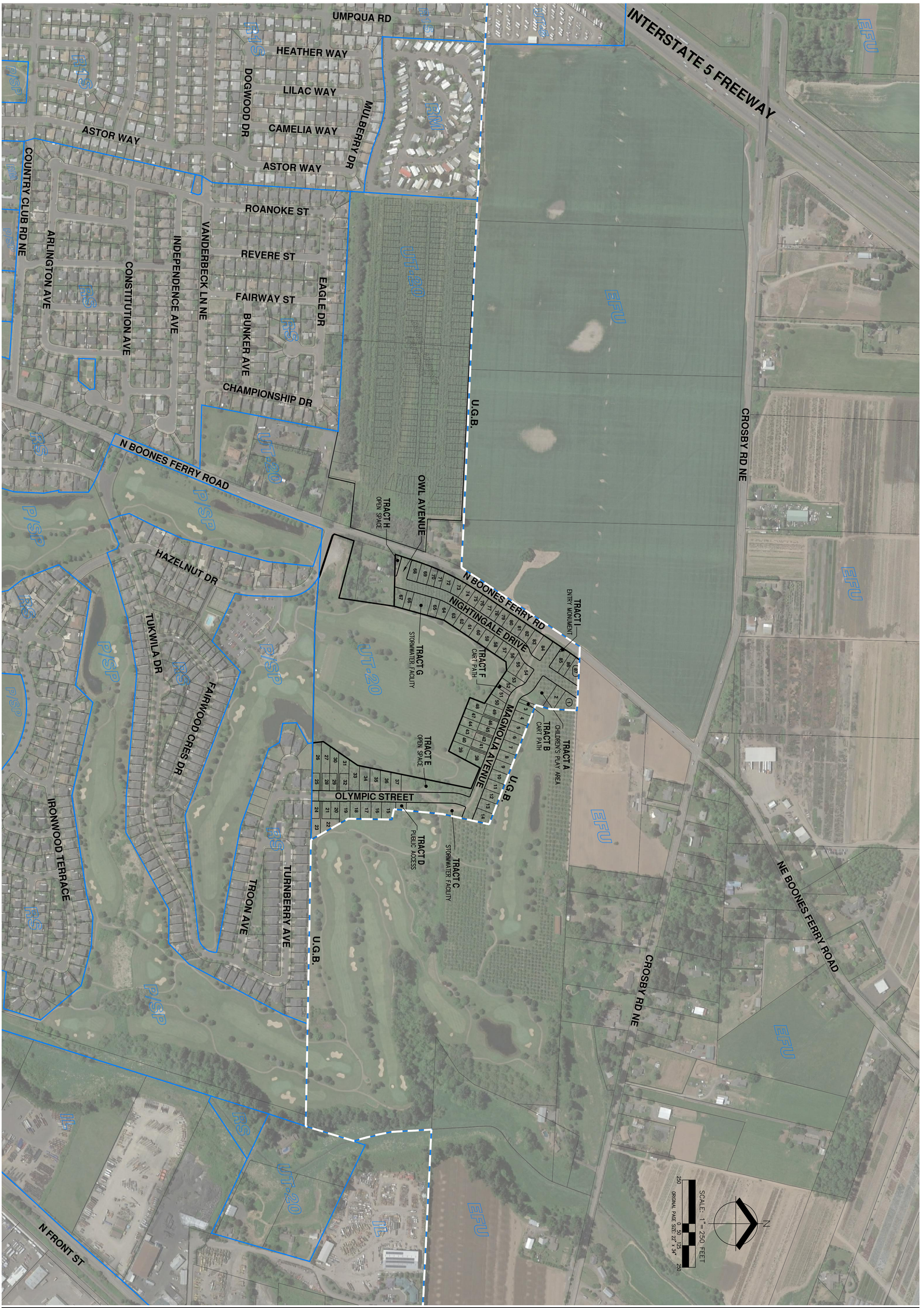
REGISTERED PROFESSIONAL ENGINEER
OREGON
JULY 15, 2005
VINH H. NGUYEN
Exp. 12-31-22

PRELIMINARY
NOT FOR CONSTRUCTION

JOB NUMBER:	7564
DATE:	04/14/2022
DESIGNED BY:	NRA
DRAWN BY:	NRA
CHECKED BY:	VHN

P-26

AKS DRAWING FILE: 7564 STR.DWG | LAYOUT: P-26



PRELIMINARY AERIAL PHOTOGRAPH PLAN
MARION POINTE
WOODBURN, OREGON

P-30

JOB NUMBER:	7564
DATE:	04/14/2022
DESIGNED BY:	NRA
DRAWN BY:	NRA
CHECKED BY:	VNN

REGISTERED PROFESSIONAL ENGINEER
OREGON
JANUARY 31, 2003
VINCENT N. NGUYEN
PRELIMINARY
NOT FOR CONSTRUCTION
Exp. 12-31-22

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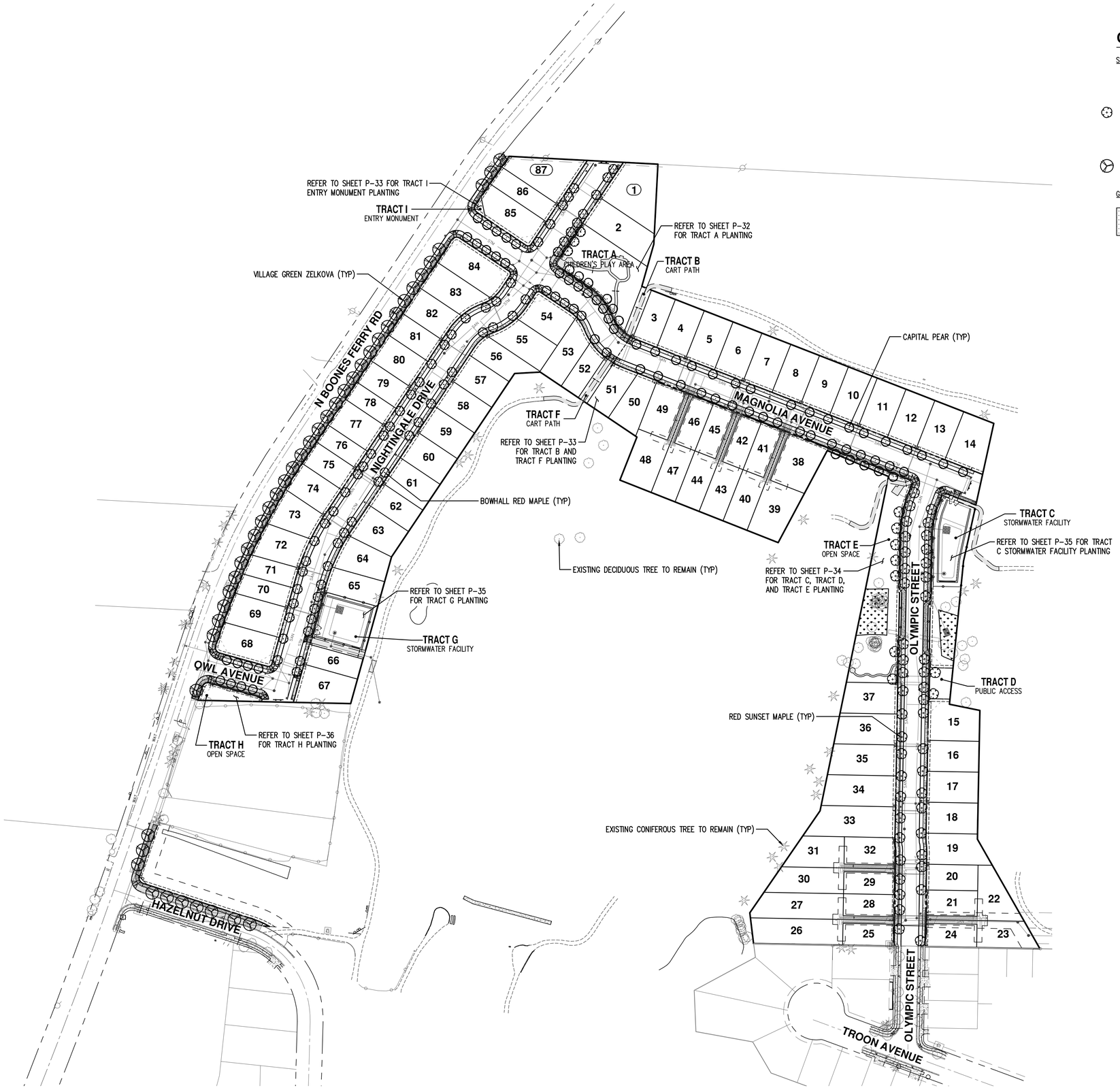

CONCEPTUAL STREET TREE PLANT SCHEDULE

STREET TREES	QTY	BOTANICAL NAME	COMMON NAME	SIZE/CONTAINER	SPACING
	64	ACER RUBRUM 'BOWHALL'	BOWHALL RED MAPLE	2" CAL. B&B	AS SHOWN
	53	ACER RUBRUM 'FRANKSRED'	RED SUNSET MAPLE	2" CAL. B&B	AS SHOWN
	78	PYRUS CALLERYANA 'CAPITAL'	CAPITAL PEAR	2" CAL. B&B	AS SHOWN
	44	ZELKOVA SERRATA 'VILLAGE GREEN'	VILLAGE GREEN ZELKOVA	2" CAL. B&B	AS SHOWN

GROUND COVERS	QTY	DESCRIPTION
	± 12,054 SF	NORTHWEST SUPREME LAWN MIX – SUNMARK SEEDS OR OTHER APPROVED DISTRIBUTOR. CUTTER II PERENNIAL RYEGRASS (LOLIMUM PERENNE VAR. CUTTER II) 35%; DASHER III PERENNIAL RYEGRASS (LOLIMUM PERENNE VAR DASHER III) 35%; GARNET CREEPING RED FESCUE (FESTUCA RUBRA) 15%; WINDWARD CHEWINGS FESCUE (FESTUCA RUBRA SPP LONGIFOLIA) 15%. APPLY AT A RATE OF 8 POUNDS PER 1000SF OR AT A RATE APPROVED BY DISTRIBUTOR.

PRELIMINARY LANDSCAPE NOTES

1. LANDSCAPE AND SITE FURNISHINGS ARE PRELIMINARY AND SHOWN TO PORTRAY THE CHARACTER OF THE SITE. PLAN REVISIONS INCLUDING CHANGES TO PLANT SPECIES, SIZES, SPACING, QUANTITIES, ETC., DUE TO PLANT AVAILABILITY OR UNFORESEEN SITE CONDITIONS MAY BE MADE PRIOR TO INSTALLATION WHERE ALLOWED BY THE CITY OF WOODBURN DESIGN STANDARDS.
2. CONTRACTOR IS RESPONSIBLE FOR VERIFYING PLANT QUANTITIES AND ALL MATERIALS. IF DISCREPANCIES OCCUR, DESIGN INTENT PREVAILS OVER QUANTITIES LISTED.
3. REFER TO DETAIL PLANS P-32 THROUGH P-36 FOR PRELIMINARY OPEN SPACE AND STORMWATER FACILITY PLANTING PLANS.
4. ALL PLANTS AND INSTALLATION SHALL CONFORM TO THE CITY OF WOODBURN LANDSCAPE DESIGN STANDARDS AND TO AMERICAN NURSERY STANDARDS ANSI Z60.1 IN ALL WAYS. PLANT IN ACCORDANCE WITH BEST PRACTICE STANDARDS ADOPTED BY THE OREGON LANDSCAPE CONTRACTOR'S BOARD (OLCB) AND THE AMERICAN ASSOCIATION OF NURSERYMEN, INC. FIELD ADJUST PLANT LOCATION AS NECESSARY TO AVOID CONFLICTS WITH UTILITIES, TREE CANOPIES, BUILDING OVERHANGS, EXISTING VEGETATION TO REMAIN, ETC.
5. TREES TO BE PLANTED SHALL MEET THE REQUIREMENTS OF THE AMERICAN ASSOCIATION OF NURSERYMEN (AAN) STANDARDS FOR NURSERY STOCK (ANSI Z60.1). DOUBLE STAKE ALL TREES UNLESS OTHERWISE SPECIFIED. TREES SHALL BE PLANTED NO CLOSER THAN 3' O.C. FROM SIDEWALKS, CURBING, OR OTHER HARDSCAPING; TREES IN PLANTING ISLANDS SHALL BE CENTERED IN ISLAND.
6. A PERMANENT UNDERGROUND IRRIGATION SYSTEM SHALL BE INSTALLED FOR ALL NEW LANDSCAPE AREAS FOR THE ESTABLISHMENT AND LONG-TERM HEALTH OF PLANT MATERIAL. THE IRRIGATION SYSTEM SHALL BE 'DESIGN-BUILD' BY THE LANDSCAPE CONTRACTOR, USING CURRENT WATER-SAVING TECHNOLOGY, AND INCLUDE ALL MATERIALS, COMPONENTS, CITY APPROVED BACKFLOW OR ANTI-SIPHON DEVICES, VALVES, ETC. NECESSARY FOR THE COMPLETE AND EFFICIENT COVERAGE OF LANDSCAPE AREAS SHOWN.
7. MULCH: APPLY 3" DEEP WELL-AGED DARK HEMLOCK OR FIR, MEDIUM GRIND, UNDER AND AROUND ALL PLANTS IN PLANTING BEDS.
8. ADJUST PLANTING ON SITE AS NECESSARY TO AVOID CONFLICTS WITH DRIVEWAYS, UTILITIES, METERS, STREET LIGHTS, ETC. STREET TREES SHALL NOT BE PLACED IN FRONT OF STOP SIGNS, FIRE HYDRANTS, OR STREET LIGHTS.
9. ALL STREET TREES WITHIN A VISION CLEARANCE TRIANGLE SHALL HAVE BRANCHES AND FOLIAGE LIMBED UP 7' ABOVE GRADE.

N

SCALE: 1"=100 FEET

100 0 20 50 100

ORIGINAL PAGE SIZE: 22" x 34"

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PRELIMINARY OVERALL STREET TREE AND LANDSCAPE PLAN
MARION POINTE
WOODBURN, OREGON

REGISTERED LANDSCAPE ARCHITECT
OREGON
KRISTINE A. HOSKINS
2017
PRELIMINARY NOT FOR CONSTRUCTION

JOB NUMBER:	7564
DATE:	04/14/2022
DESIGNED BY:	TEB/NKP
DRAWN BY:	TEB/NKP
CHECKED BY:	KAH

P-31

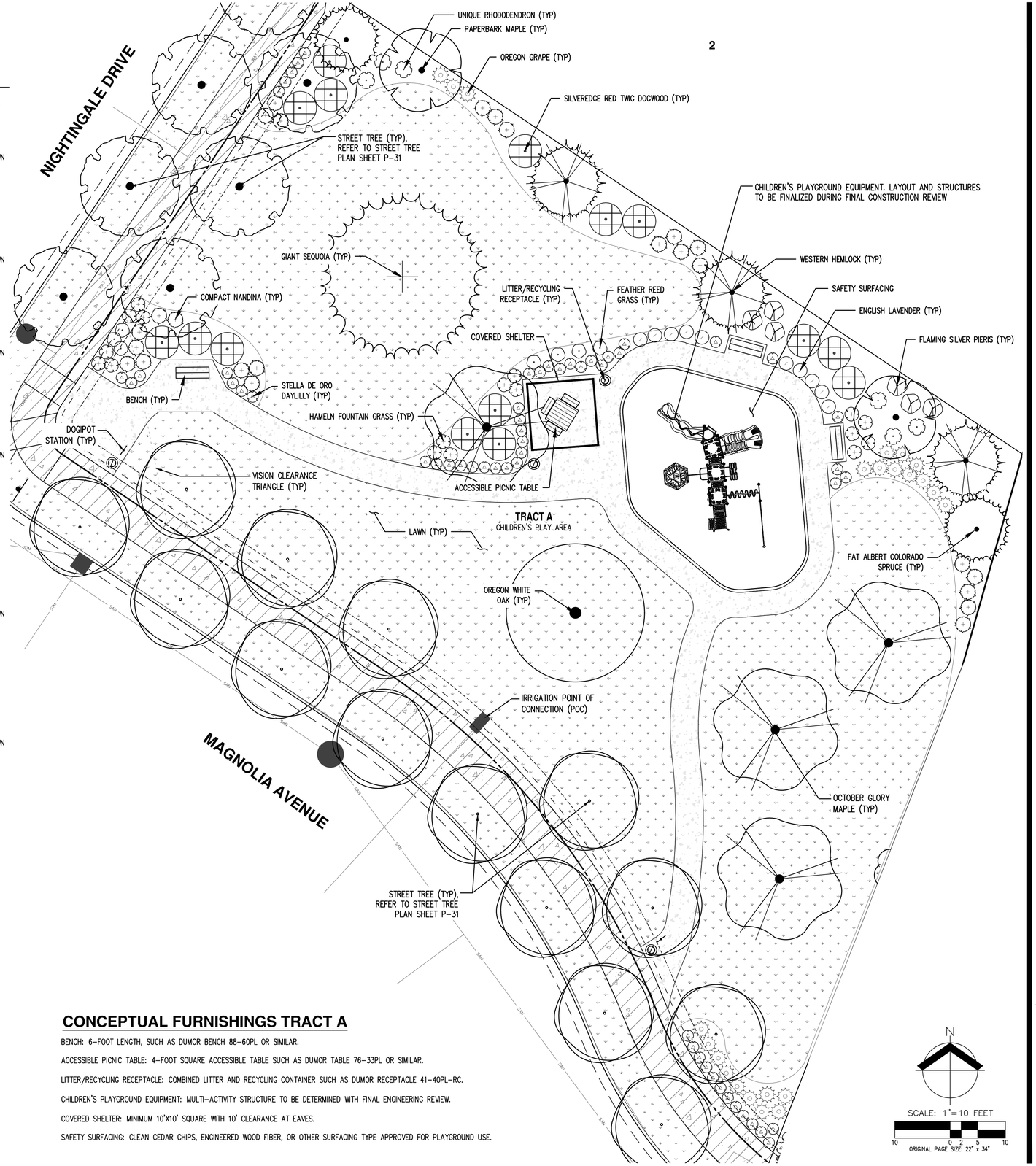
AKS DRAWING FILE: 7564 LANDSCAPE OVERALL.DWG | LAYOUT: P-31

CONCEPTUAL PLANT SCHEDULE TRACT A CHILDREN'S PLAY AREA

TREES	QTY	COMMON NAME	BOTANICAL NAME	SIZE/CONTAINER	SPACING
	2	PAPERBARK MAPLE	ACER GRISEUM	2" CAL. B&B	AS SHOWN
	4	OCTOBER GLORY MAPLE	ACER RUBRUM 'OCTOBER GLORY'	2" CAL. B&B	AS SHOWN
	2	FAT ALBERT COLORADO SPRUCE	PICEA PUNGENS 'FAT ALBERT'	6' HT. B&B	AS SHOWN
	1	OREGON WHITE OAK	QUERCUS GARRYANA	2" CAL. B&B	AS SHOWN
	1	GIANT SEQUOIA LARGE FOCAL POINT TREE	SEQUOIADENDRON GIGANTEUM	10'-12' HT/B&B	AS SHOWN
	3	WESTERN HEMLOCK	TSUGA HETEROPHYLLA	6'-7' HT. B&B	AS SHOWN

SHRUBS	QTY	COMMON NAME	BOTANICAL NAME	SIZE/CONTAINER	SPACING
	7	FEATHER REED GRASS	CALAMAGROSTIS X ACUTIFLORA 'KARL FOERSTER'	1 GAL CONT.	30" o.c.
	15	SILVEREDGE RED TWIG DOGWOOD	CORNUS ALBA 'ELEGANTISSIMA'	2 GAL. CONT.	72" o.c.
	56	STELLA DE ORO DAYLILY	HEMEROCALLIS X 'STELLA DE ORO'	1 GAL CONT.	24" o.c.
	10	ENGLISH LAVENDER	LAVANDULA ANGUSTIFOLIA	1 GAL CONT.	30" o.c.
	23	OREGON GRAPE NATIVE; SPRING FLOWERS ATTRACT HONEY AND NATIVE BEES AND POLLINATORS	MAHONIA AQUIFOLIUM	1 GAL CONT.	36" o.c.
	25	COMPACT NANDINA	NANDINA DOMESTICA 'COMPACTA'	3 GAL CONT.	36" o.c.
	17	HAMELN FOUNTAIN GRASS	PENNISETUM ALOPECUROIDES 'HAMELN'	1 GAL CONT.	30" o.c.
	6	FLAMING SILVER PIERIS	PIERIS JAPONICA 'FLAMING SILVER'	3 GAL CONT.	42" o.c.
	6	UNIQUE RHODODENDRON	RHODODENDRON X 'UNIQUE'	3 GAL CONT.	36" o.c.

GROUND COVERS	QTY	DESCRIPTION
	± 10,856 SF	NORTHWEST SUPREME LAWN MIX – SUNMARK SEEDS OR OTHER APPROVED DISTRIBUTOR. CUTTER II PERENNIAL RYEGRASS (LOLIMUM PERENNE VAR. CUTTER II) 35%; DASHER III PERENNIAL RYEGRASS (LOLIMUM PERENNE VAR DASHER III) 35%; GARNET CREEPING RED FESCUE (FESTUCA RUBRA) 15%; WINDWARD CHEWINGS FESCUE (FESTUCA RUBRA SPP LONGIFOLIA) 15%. APPLY AT A RATE OF 8 POUNDS PER 1,000 SF OR AT A RATE APPROVED BY DISTRIBUTOR.



CONCEPTUAL FURNISHINGS TRACT A

BENCH: 6-FOOT LENGTH, SUCH AS DUMOR BENCH 88-60PL OR SIMILAR.

ACCESSIBLE PICNIC TABLE: 4-FOOT SQUARE ACCESSIBLE TABLE SUCH AS DUMOR TABLE 76-33PL OR SIMILAR.

LITTER/RECYCLING RECEPTACLE: COMBINED LITTER AND RECYCLING CONTAINER SUCH AS DUMOR RECEPTACLE 41-40PL-RC.

CHILDREN'S PLAYGROUND EQUIPMENT: MULTI-ACTIVITY STRUCTURE TO BE DETERMINED WITH FINAL ENGINEERING REVIEW.

COVERED SHELTER: MINIMUM 10'X10' SQUARE WITH 10' CLEARANCE AT EAVES.

SAFETY SURFACING: CLEAN CEDAR CHIPS, ENGINEERED WOOD FIBER, OR OTHER SURFACING TYPE APPROVED FOR PLAYGROUND USE.

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PRELIMINARY LANDSCAPE PLAN
TRACT A CHILDREN'S PLAY AREA
MARION POINTE
WOODBURN, OREGON

REGISTERED LANDSCAPE ARCHITECT
OREGON
NATHAN K. POLAND
2007/13
PRELIMINARY
NOT FOR CONSTRUCTION

JOB NUMBER:	7564
DATE:	04/14/2022
DESIGNED BY:	TEB/NKP
DRAWN BY:	TEB/NKP
CHECKED BY:	KAH

P-32

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CONCEPTUAL PLANT SCHEDULE TRACTS C, D, AND E

TREES	QTY	COMMON NAME	BOTANICAL NAME	SIZE/CONTAINER	SPACING
	3	VINE MAPLE	ACER CIRCINATUM	6' HT. B&B	AS SHOWN
	3	PAPERBARK MAPLE	ACER GRISEUM	2" CAL. B&B	AS SHOWN
	1	OREGON WHITE OAK	QUERCUS GARRYANA	2" CAL. B&B	AS SHOWN
	5	WESTERN RED CEDAR	THUJA PLICATA	5'-6' HT. B&B	AS SHOWN
	6	WESTERN HEMLOCK	TSUGA HETEROPHYLLA	6'-7' HT. B&B	AS SHOWN

SHRUBS	QTY	COMMON NAME	BOTANICAL NAME	SIZE/CONTAINER	SPACING
	10	SILVEREDGE RED TWIG DOGWOOD	CORNUS ALBA 'ELEGANTISSIMA'	2 GAL. CONT.	72" o.c.
	41	STELLA DE ORO DAYLILY	HEMEROCALLIS X 'STELLA DE ORO'	1 GAL CONT.	24" o.c.
	9	ENGLISH LAVENDER	LAVANDULA ANGUSTIFOLIA	1 GAL CONT.	30" o.c.
	48	OREGON GRAPE NATIVE; SPRING FLOWERS ATTRACT HONEY AND NATIVE BEES AND POLLINATORS	MAHONIA AQUIFOLIUM	1 GAL CONT.	36" o.c.
	19	COMPACT NANDINA	NANDINA DOMESTICA 'COMPACTA'	3 GAL CONT.	36" o.c.

SHRUBS	QTY	COMMON NAME	BOTANICAL NAME	SIZE/CONTAINER	SPACING
	19	HAMELN FOUNTAIN GRASS	PENNISETUM ALOPECUROIDES 'HAMELN'	1 GAL CONT.	30" o.c.
	20	FLAMING SILVER PIERIS	PIERIS JAPONICA 'FLAMING SILVER'	3 GAL CONT.	42" o.c.
	14	UNIQUE RHODODENDRON	RHODODENDRON X 'UNIQUE'	3 GAL CONT.	36" o.c.
	18	RED FLOWERING CURRANT NATIVE; SPRING FLOWERS ATTRACT HONEY AND NATIVE BEES AND POLLINATORS	RIBES SANGUINEUM	1 GAL CONT.	36" o.c.
	38	SWAMP ROSE NATIVE; SPRING FLOWERS ATTRACT HONEY AND NATIVE BEES AND POLLINATORS	ROSA PISOCARPA	1 GAL CONT.	36" o.c.
	11	TRILLIUM CLUSTER GROUP OF 3 PLANTS PER CLUSTER, 24" O.C. BETWEEN PLANTS	TRILLIUM OVATUM 'PURSH'	1 GAL CONT.	36" o.c.

GROUND COVERS	QTY	DESCRIPTION
	±3,800 SF	NORTHWEST SUPREME LAWN MIX – SUNMARK SEEDS OR OTHER APPROVED DISTRIBUTOR. CUTTER II PERENNIAL RYEGRASS (LOLIMUM PERENNE VAR. CUTTER II) 35%; DASHER III PERENNIAL RYEGRASS (LOLIMUM PERENNE VAR DASHER III) 35%; GARNET CREEPING RED FESCUE (FESTUCA RUBRA) 15%; WINDWARD CHEWINGS FESCUE (FESTUCA RUBRA SPP LONGIFOLIA) 15%. APPLY AT A RATE OF 8 POUNDS PER 1,000 SF OR AT A RATE APPROVED BY DISTRIBUTOR.
	±18,190 SF	NATIVE ECOTURF MIX BY SUNMARK NATIVE SEED OR APPROVED EQUAL: FESTUCA RUBRA RUBRA (NATIVE RED FESCUE) 45%; BOUTELOUS GRACILIS (BLUE GRAMA) 25%; BUCHOLE DACTYLOIDES (BUFFALOGRASS) 20%; KOELERIA MACRANTHA (PRAIRIE JUNEGRASS) 7%; TRIFOLIUM FRAGIFERUM (STRAWBERRY CLOVER) 3% APPLY AT A RATE OF 1LB PER 1,000 SF OR AT RATE RECOMMENDED BY SUPPLIER.

CONCEPTUAL TRACT E FURNISHINGS

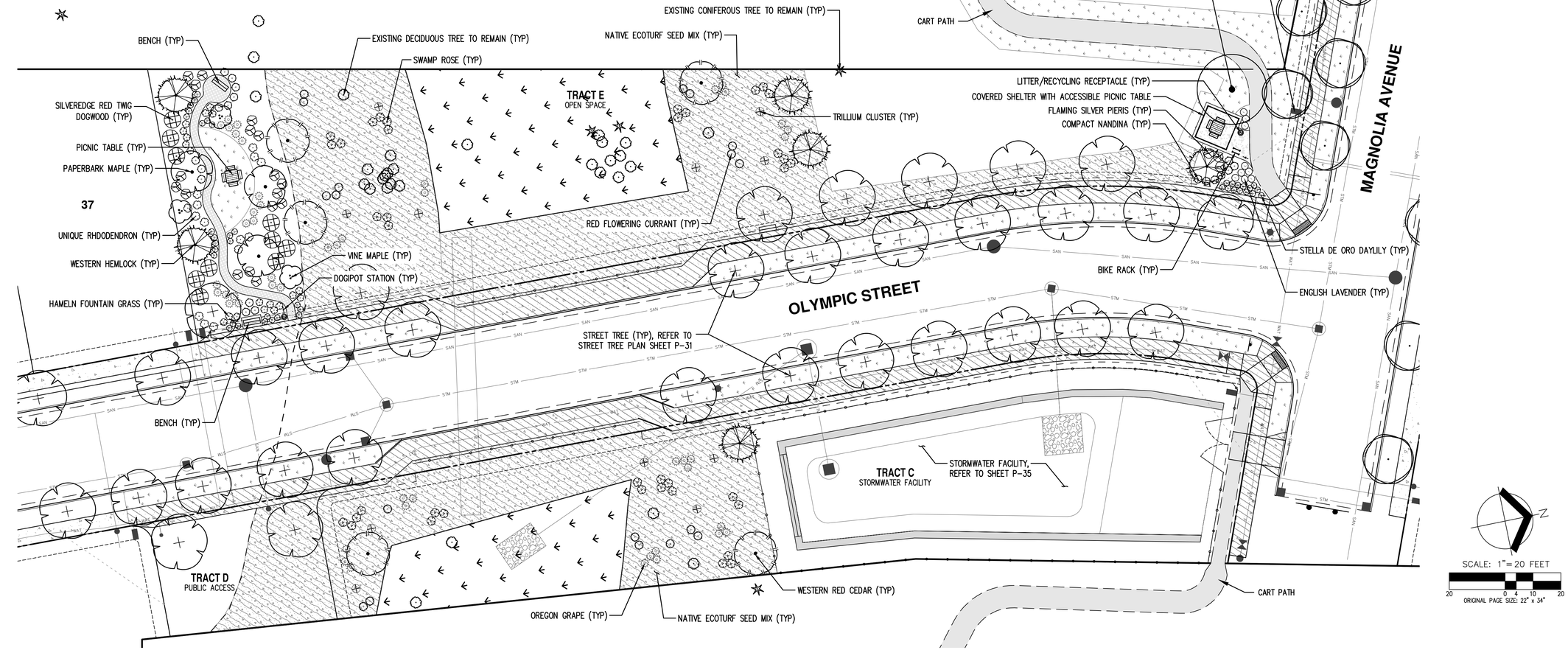
BENCH: 6-FOOT LENGTH, SUCH AS DUMOR BENCH 88-60PL OR SIMILAR.

ACCESSIBLE PICNIC TABLE: 4-FOOT SQUARE ACCESSIBLE TABLE SUCH AS DUMOR TABLE 76-33PL OR SIMILAR.

LITTER/RECYCLING RECEPTACLE: COMBINED LITTER AND RECYCLING CONTAINER SUCH AS DUMOR RECEPTACLE 41-40PL-RC.

COVERED SHELTER: MINIMUM 10'X10' SQUARE WITH 10' CLEARANCE AT EAVES.

BIKE RACK: STAPLE STYLE SINGLE BIKE RACK, SUCH AS OREGON CORRECTIONS ENTERPRISE (OCE) #718-012-006.



SCALE: 1" = 20 FEET

ORIGINAL PAGE SIZE: 22" x 34"

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PRELIMINARY LANDSCAPE PLAN
TRACT C, D, & E OPEN SPACE
MARION POINTE
WOODBURN, OREGON

REGISTERED LANDSCAPE ARCHITECT OREGON 2007/13

PRELIMINARY NOT FOR CONSTRUCTION

JOB NUMBER:	7564
DATE:	04/14/2022
DESIGNED BY:	TEB/NKP
DRAWN BY:	TEB/NKP
CHECKED BY:	KAH

P-34

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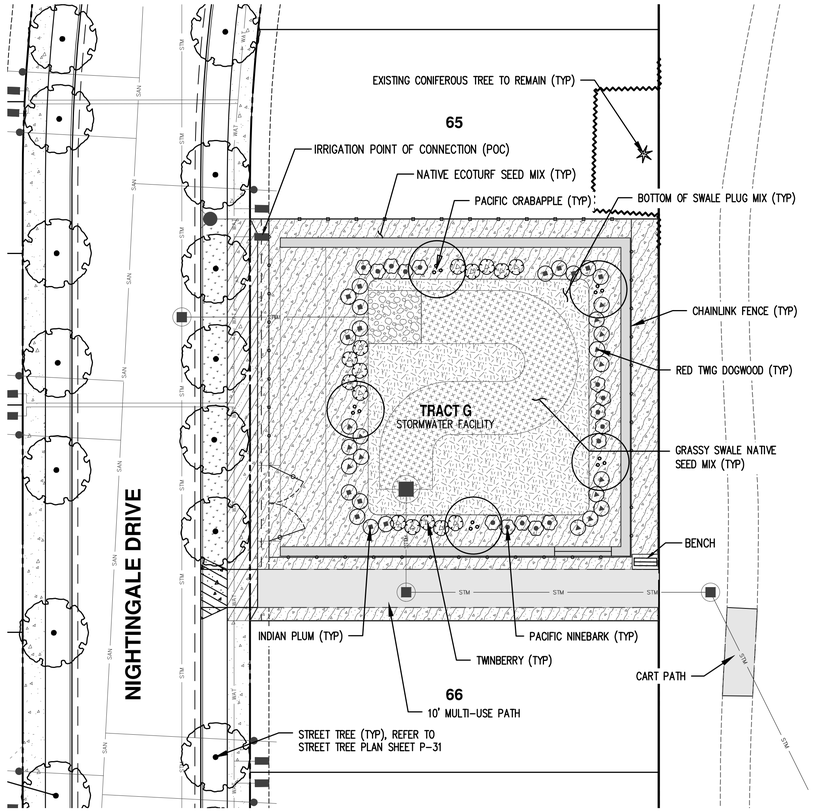

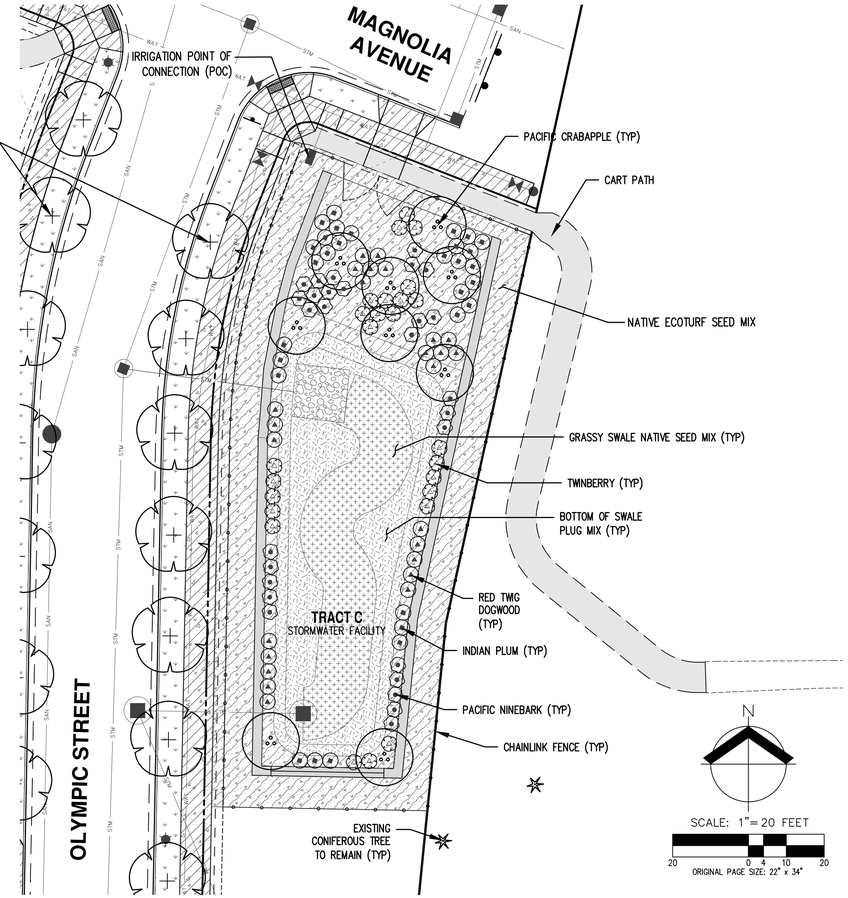

CONCEPTUAL PLANT SCHEDULE TRACT B STORMWATER FACILITY

STORMWATER TREES	QTY	BOTANICAL NAME	COMMON NAME	SIZE/CONTAINER	SPACING
	5	MALUS FUSCA	PACIFIC CRABAPPLE	1.5" CAL. B&B	AS SHOWN

LARGE STORMWATER SHRUB/SMALL TREE	QTY	BOTANICAL NAME	COMMON NAME	SIZE/CONTAINER	SPACING
	15	CORNUS SERICEA	RED TWIG DOGWOOD	3 GAL. CONT.	48" o.c.
	15	LONICERA INVOLUCRATA	TWINBERRY	3 GAL. CONT.	48" o.c.
	15	OEMLERIA CERASIFORMIS	INDIAN PLUM	3 GAL. CONT.	48" o.c.
	15	PHYSOCARPUS CAPITATUS	PACIFIC NINEBARK	3 GAL. CONT.	48" o.c.
	TOTAL SHRUBS: 60				

GROUND COVERS	QTY	DESCRIPTION
	± 1,435 SF	GRASSY SWALE NATIVE SEED MIX – PRO TIME LAWN SEED PT442 BES GRASSY SWALE NATIVE MIX OR APPROVED EQUAL: HORDEUM BRACHYANTHERUM (MEADOW BARLEY) 25%; DANTHONIA CALIFORNICA (CALIFORNIA OAT-GRASS) 15%; ELYMUS GLAUCUS (BLUE WILD RYE) 10%; BROMUS CARINATUS (CALIFORNIA BROME) 10%; FESTUCA ROMERII (ROEMER'S FESCUE) 10%; DESCHAMPSIA CESPITOSA (TUFTED HAIRGRASS) 10%; AGROSTIS EXARATA (SPIKE BENTGRASS) 10%; ALOPECURUS GENICULATUS (WATER FOXTAIL) 5%; DESCHAMPSIA ELONGATA (SLENDER HAIRGRASS) 5%. APPLY 1 LB PER 1,000 SQ FT OR AS RECOMMENDED BY SUPPLIER
	± 5,366 SF	NATIVE ECOTURF SEED MIX BY SUNMARK NATIVE SEED OR APPROVED EQUAL: FESTUCA RUBRA RUBRA (NATIVE RED FESCUE) 45% BOUTELOUS GRACILIS (BLUE GRAMA) 25% BUCHOLE DACTYLOIDES (BUFFALOGRASS) 20% KOELERIA MACRANTHA (PRAIRIE JUNEGRASS) 7% TRIFOLIUM FRAGIFERUM (STRAWBERRY CLOVER) 3% APPLY AT A RATE OF 1LB PER 1,000 SF OR AT RATE RECOMMENDED BY SUPPLIER.
	2,066	BOTTOM OF SWALE PLUG MIX (6" HIGH PLUGS, PLANT AT A RATE OF 1 PLUG PER SQUARE FOOT, GROUPED IN NATURAL LOOKING MASSES OF SAME SPECIES, MINIMUM OF 7 PLANTS PER GROUPING): 690 PLUGS CAREX OBNUPTA/SLOUGH SEDGE 688 PLUGS JUNCUS PATENS/SPREADING RUSH 688 PLUGS SCIRPUS MICROCARPUS/SMALL-FRUITED BULRUSH 2,066 PLUGS TOTAL

CONCEPTUAL TRACT G FURNISHINGS

BENCH: 6-FOOT LENGTH, SUCH AS DUMOR BENCH 88-60PL OR SIMILAR.

CONCEPTUAL PLANT SCHEDULE TRACT F STORMWATER FACILITY

STORMWATER TREES	QTY	BOTANICAL NAME	COMMON NAME	SIZE/CONTAINER	SPACING
	9	MALUS FUSCA	PACIFIC CRABAPPLE	1.5" CAL. B&B	AS SHOWN

LARGE STORMWATER SHRUB/SMALL TREE	QTY	BOTANICAL NAME	COMMON NAME	SIZE/CONTAINER	SPACING
	25	CORNUS SERICEA	RED TWIG DOGWOOD	3 GAL. CONT.	48" o.c.
	25	LONICERA INVOLUCRATA	TWINBERRY	3 GAL. CONT.	48" o.c.
	30	OEMLERIA CERASIFORMIS	INDIAN PLUM	3 GAL. CONT.	48" o.c.
	28	PHYSOCARPUS CAPITATUS	PACIFIC NINEBARK	3 GAL. CONT.	48" o.c.
	TOTAL SHRUBS: 108				

GROUND COVERS	QTY	DESCRIPTION
	±1,421 SF	GRASSY SWALE NATIVE SEED MIX – PRO TIME LAWN SEED PT442 BES GRASSY SWALE NATIVE MIX OR APPROVED EQUAL: HORDEUM BRACHYANTHERUM (MEADOW BARLEY) 25%; DANTHONIA CALIFORNICA (CALIFORNIA OAT-GRASS) 15%; ELYMUS GLAUCUS (BLUE WILD RYE) 10%; BROMUS CARINATUS (CALIFORNIA BROME) 10%; FESTUCA ROMERII (ROEMER'S FESCUE) 10%; DESCHAMPSIA CESPITOSA (TUFTED HAIRGRASS) 10%; AGROSTIS EXARATA (SPIKE BENTGRASS) 10%; ALOPECURUS GENICULATUS (WATER FOXTAIL) 5%; DESCHAMPSIA ELONGATA (SLENDER HAIRGRASS) 5%. APPLY 1 LB PER 1,000 SQ FT OR AS RECOMMENDED BY SUPPLIER
	±13,729 SF	NATIVE ECOTURF SEED MIX BY SUNMARK NATIVE SEED OR APPROVED EQUAL: FESTUCA RUBRA RUBRA (NATIVE RED FESCUE) 45% BOUTELOUS GRACILIS (BLUE GRAMA) 25% BUCHOLE DACTYLOIDES (BUFFALOGRASS) 20% KOELERIA MACRANTHA (PRAIRIE JUNEGRASS) 7% TRIFOLIUM FRAGIFERUM (STRAWBERRY CLOVER) 3% APPLY AT A RATE OF 1LB PER 1,000 SF OR AT RATE RECOMMENDED BY SUPPLIER.
	2,230	BOTTOM OF SWALE PLUG MIX (6" HIGH PLUGS, PLANT AT A RATE OF 1 PLUG PER SQUARE FOOT, GROUPED IN NATURAL LOOKING MASSES OF SAME SPECIES, MINIMUM OF 7 PLANTS PER GROUPING): 746 PLUGS CAREX OBNUPTA/SLOUGH SEDGE 746 PLUGS JUNCUS PATENS/SPREADING RUSH 746 PLUGS SCIRPUS MICROCARPUS/SMALL-FRUITED BULRUSH 2,238 PLUGS TOTAL

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PRELIMINARY LANDSCAPE PLAN TRACT C & G - STORMWATER FACILITIES
MARION POINTE
WOODBURN, OREGON

REGISTERED LANDSCAPE ARCHITECT
Erin Kathryn Teuscher
OREGON
PRELIMINARY NOT FOR CONSTRUCTION

JOB NUMBER:	7564
DATE:	04/14/2022
DESIGNED BY:	TEB/NKP
DRAWN BY:	TEB/NKP
CHECKED BY:	KAH

P-35

AKS DRAWING FILE: 7564 LANDSCAPE.DWG | LAYOUT: P-35

CONCEPTUAL PLANT SCHEDULE TRACT H

TREES	QTY	BOTANICAL NAME	COMMON NAME	SIZE/CONTAINER	SPACING
	2	ACER CIRCINATUM	VINE MAPLE	6' HT. B&B	AS SHOWN
	1	ACER RUBRUM 'BOWHALL'	BOWHALL RED MAPLE	2" CAL. B&B	AS SHOWN
	2	CALOCEDRUS DECURRENS	INCENSE CEDAR	10' MIN. HT./B&B	AS SHOWN
	2	SEQUOIADENDRON GIGANTEUM LARGE FOCAL POINT TREE	GIANT SEQUOIA	10'-12' HT/B&B	AS SHOWN
	1	TSUGA HETEROPHYLLA	WESTERN HEMLOCK	6'-7' HT. B&B	AS SHOWN

SHRUBS	QTY	BOTANICAL NAME	COMMON NAME	SIZE/CONTAINER	SPACING
	4	CALAMAGROSTIS X ACUTIFLORA 'KARL FOERSTER'	FEATHER REED GRASS	1 GAL CONT.	30" o.c.
	7	CORNUS ALBA 'ELEGANTISSIMA'	SILVEREDGE RED TWIG DOGWOOD	2 GAL. CONT.	72" o.c.
	10	HEMEROCALLIS X 'STELLA DE ORO'	STELLA DE ORO DAYLILY	1 GAL CONT.	24" o.c.
	19	LAVANDULA ANGUSTIFOLIA	ENGLISH LAVENDER	1 GAL CONT.	30" o.c.
	19	PENNISETUM ALOPECUROIDES 'HAMELN'	HAMELN FOUNTAIN GRASS	1 GAL CONT.	30" o.c.
	3	PIERIS JAPONICA 'FLAMING SILVER'	FLAMING SILVER PIERIS	3 GAL CONT.	42" o.c.
	16	RHODODENDRON X 'UNIQUE'	UNIQUE RHODODENDRON	3 GAL CONT.	36" o.c.

GROUND COVERS	QTY	DESCRIPTION			
	83	ARCTOSTAPHYLOS UVA-URSI	KINNIKINNICK	1 GAL CONT.	24" o.c.
	± 763 SF	NORTHWEST SUPREME LAWN MIX – SUNMARK SEEDS OR OTHER APPROVED DISTRIBUTOR. CUTTER II PERENNIAL RYEGRASS (LOLIMUM PERENNE VAR. CUTTER II) 35%; DASHER III PERENNIAL RYEGRASS (LOLIMUM PERENNE VAR DASHER III) 35%; GARNET CREEPING RED FESCUE (FESTUCA RUBRA) 15%; WINDWARD CHEWINGS FESCUE (FESTUCA RUBRA SPP LONGIFOLIA) 15%. APPLY AT A RATE OF 8 POUNDS PER 1,000 SF OR AT A RATE APPROVED BY DISTRIBUTOR.			

CONCEPTUAL FURNISHINGS TRACT H

BENCH: 6-FOOT LENGTH, SUCH AS DUMOR BENCH 88-60PL OR SIMILAR.

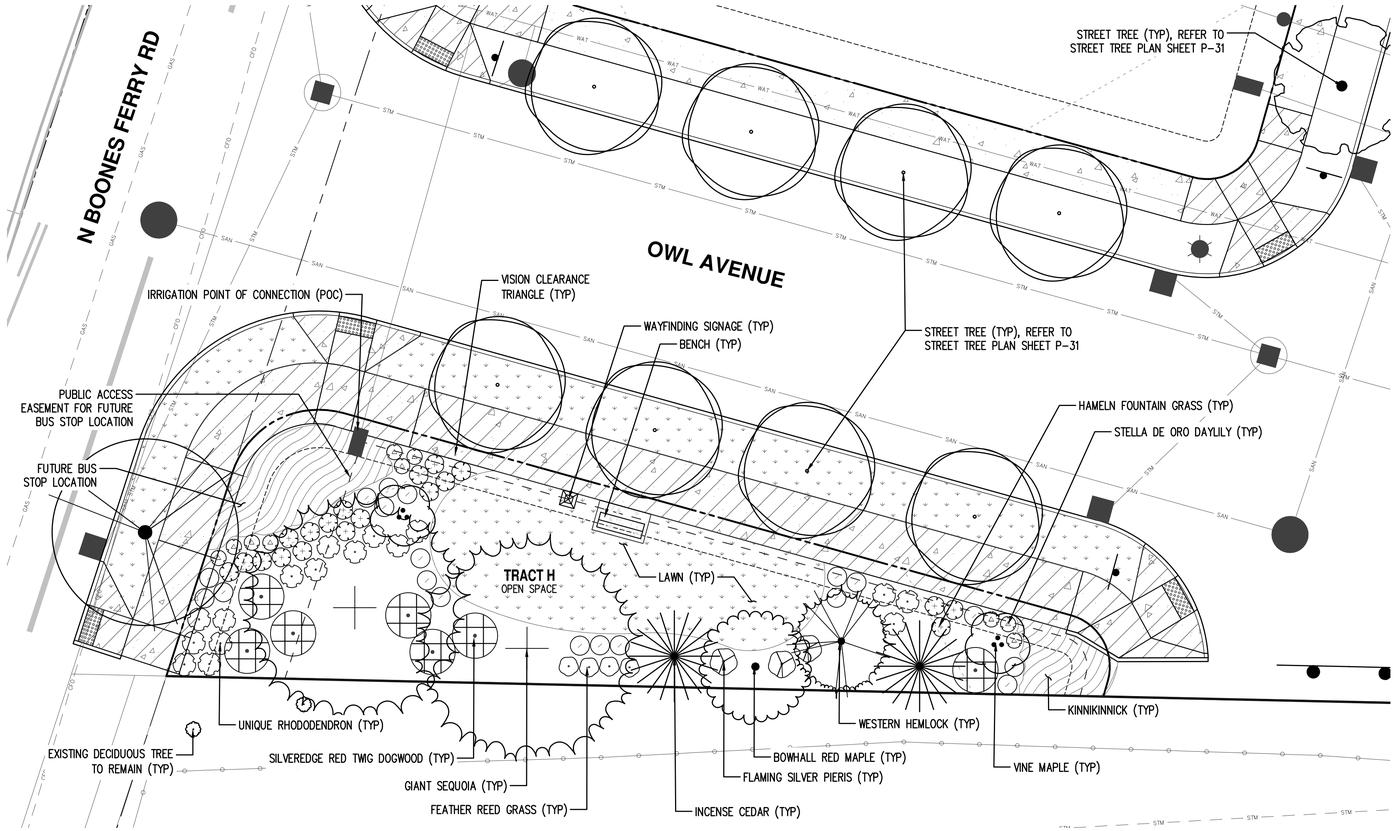
WAYFINDING SIGNAGE: ALUMINUM OR OTHER OUTDOOR MATERIAL WAYFINDING SIGNAGE.

N

SCALE: 1"=10 FEET

10 0 2 5 10

ORIGINAL PAGE SIZE: 22" x 34"



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PRELIMINARY LANDSCAPE PLAN
TRACT H OPEN SPACE
MARION POINTE
WOODBURN, OREGON

REGISTERED LANDSCAPE ARCHITECT
OREGON
KATHRYN A. HOSWALL
2007/13

PRELIMINARY NOT FOR CONSTRUCTION

JOB NUMBER:	7564
DATE:	04/14/2022
DESIGNED BY:	TEB/NKP
DRAWN BY:	TEB/NKP
CHECKED BY:	KAH

P-36

AKS DRAWING FILE: 7564 LANDSCAPE.DWG | LAYOUT: P-36

DATE: 07/09/2021

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FLAG LOT DRIVEWAY LAYOUT CONCEPT PLAN

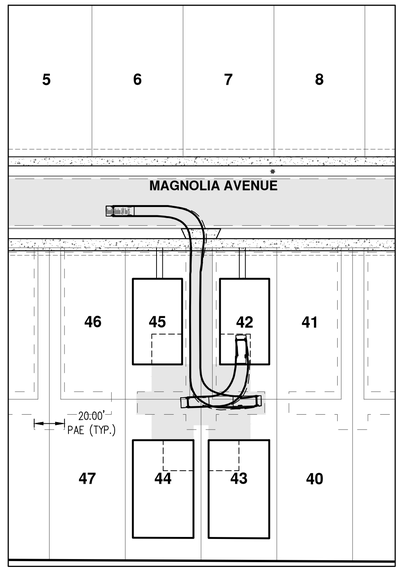
2850 N BOONES FERRY ROAD

N

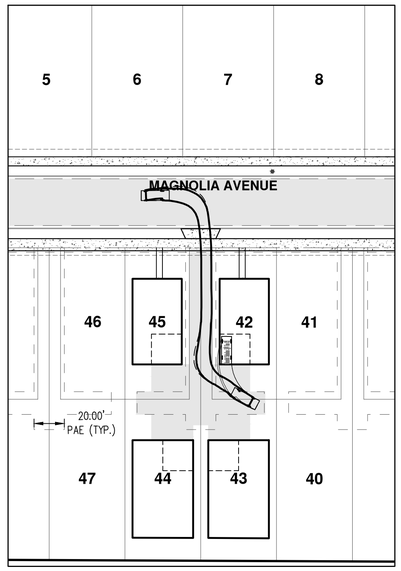
SCALE 1"=20 FEET
20 0 4 10 20
ORIGINAL PAGE SIZE: 22" x 34"

WOODBURN, OREGON
SHEET 10

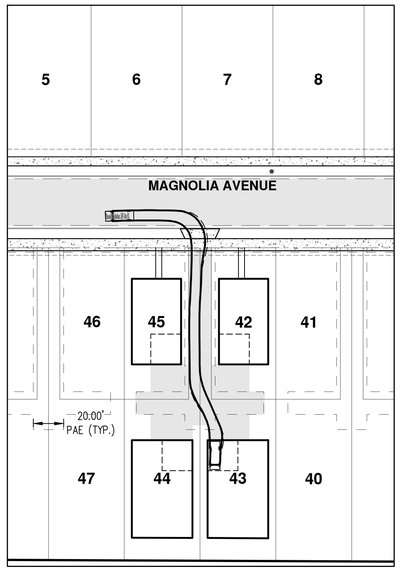
DISCLAIMER
1. PROPERTY LINES AND RIGHT-OF-WAY LINES ARE BASED ON GIS OR SURVEY INFORMATION AND ARE CONSIDERED APPROXIMATE.
2. THIS MAP IS FOR PRE-APPLICATION CONFERENCE.



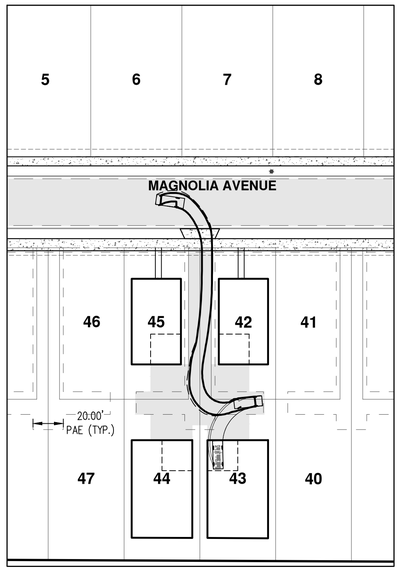
LOT 42 - VEHICLE ENTERING MOVEMENT



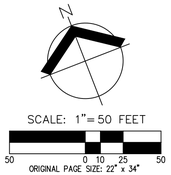
LOT 42 - VEHICLE EXITING MOVEMENT

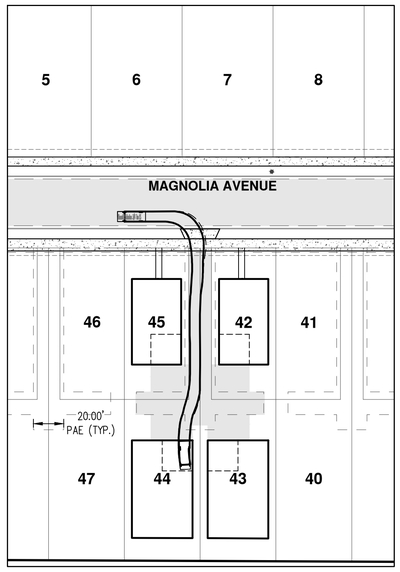


LOT 43 - VEHICLE ENTERING MOVEMENT

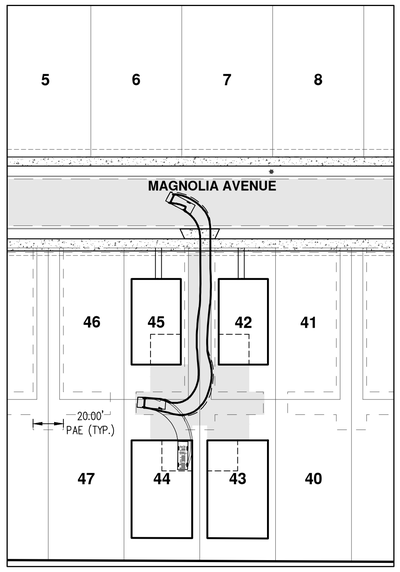


LOT 43 - VEHICLE EXITING MOVEMENT

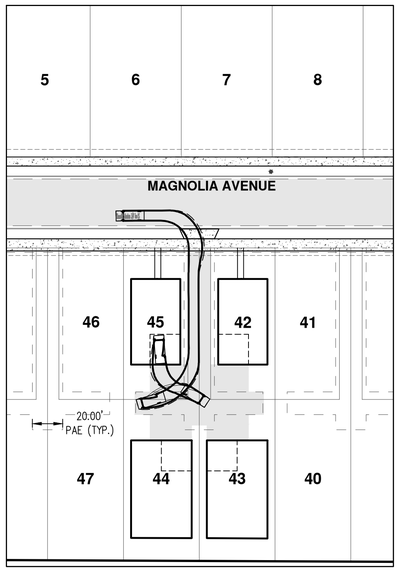




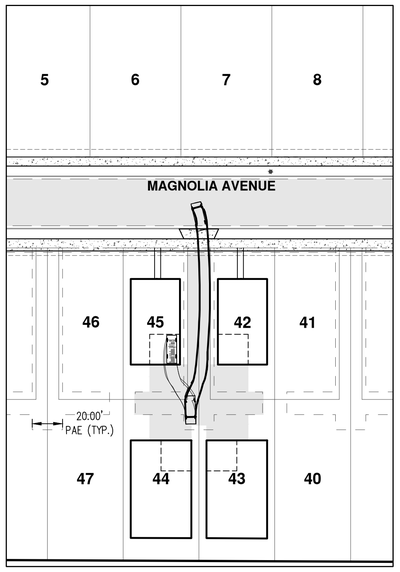
LOT 44 - VEHICLE ENTERING MOVEMENT



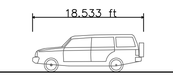
LOT 44 - VEHICLE EXITING MOVEMENT



LOT 45 - VEHICLE ENTERING MOVEMENT



LOT 45 - VEHICLE EXITING MOVEMENT



Chevrolet Suburban 3/4 Ton LS	
Overall Length	18.533ft
Overall Width	6.592ft
Overall Body Height	6.258ft
Min Body Ground Clearance	0.990ft
Track Width	6.592ft
Lock-to-lock time	4.00s
Curb to Curb Turning Radius	22.650ft

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PRELIMINARY TYPICAL FLAG LOT VEHICLE ENTRY & EXIT SIMULATION

MARION POINTE

WOODBURN, OREGON

REGISTERED PROFESSIONAL ENGINEER
OREGON
VINH H. NGUYEN
Exp. 12-31-22

PRELIMINARY NOT FOR CONSTRUCTION

JOB NUMBER:	7564
DATE:	04/14/2022
DESIGNED BY:	NRA
DRAWN BY:	NRA
CHECKED BY:	VHN

P-39

AKS DRAWING FILE: 7564 DRIVE PATHS.DWG | LAYOUT: P-39

STANDARD ELEVATIONS

1" = 20'0"

Exhibit 5, Page 2 of 2

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PRELIMINARY FLAG LOT FRONTAGE ELEVATIONS

MARION POINTE
WOODBURN, OREGON

REGISTERED LANDSCAPE ARCHITECT
OREGON
PRELIMINARY NOT FOR CONSTRUCTION

JOB NUMBER:	7564
DATE:	02/14/2022
DESIGNED BY:	NKP
DRAWN BY:	NKP
CHECKED BY:	KAH

P-38

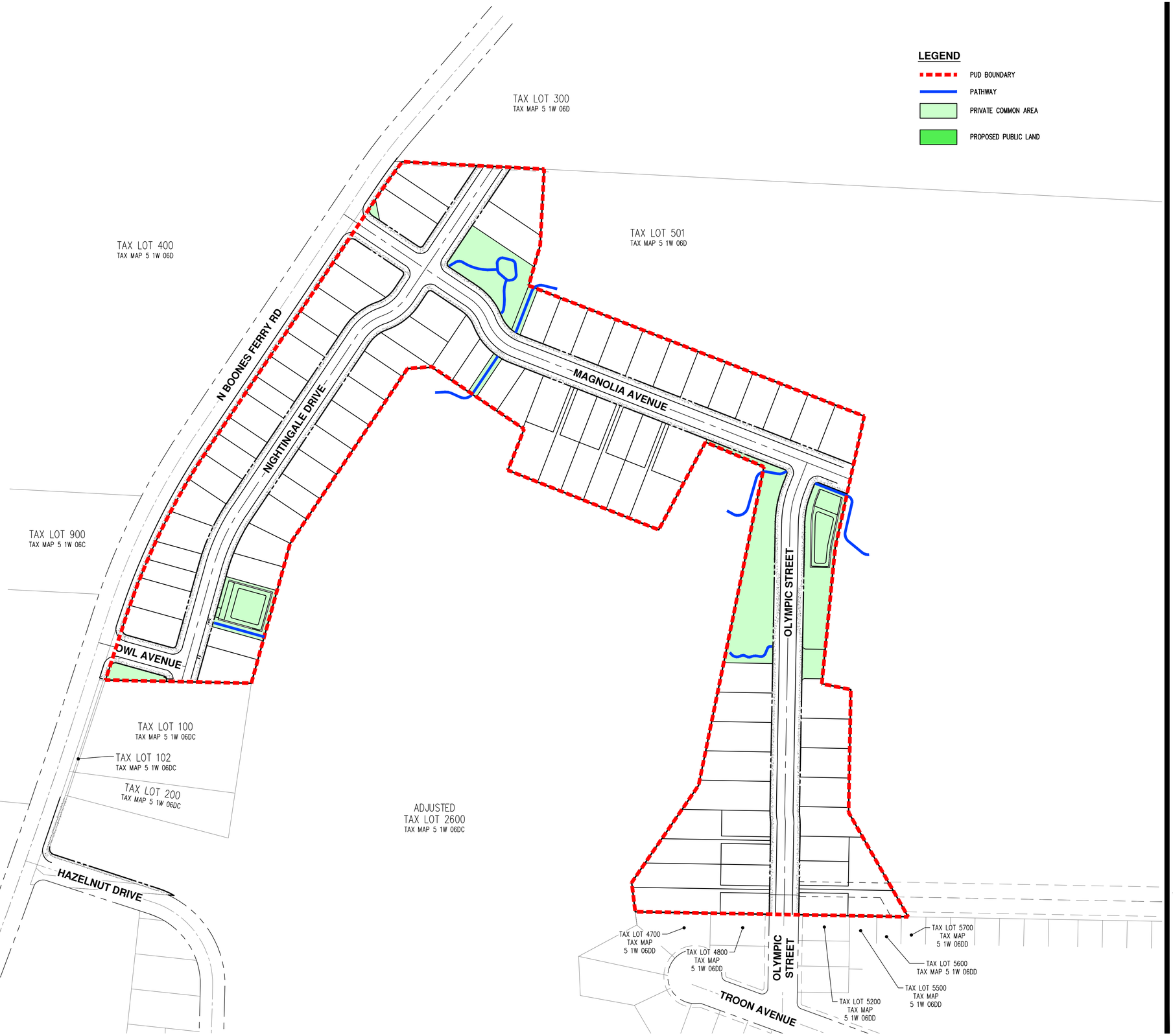
AKS DRAWING FILE: 7564 20220207 LANDSCAPE COLOR.DWG | LAYOUT: P-38

N

SCALE: 1"=100 FEET

100 0 20 50 100

ORIGINAL PAGE SIZE: 22" x 34"



LEGEND

- PUD BOUNDARY
- PATHWAY
- PRIVATE COMMON AREA
- PROPOSED PUBLIC LAND

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EXHIBIT Y
PROPOSED COMMON AREAS
MARION POINTE
WOODBURN, OREGON

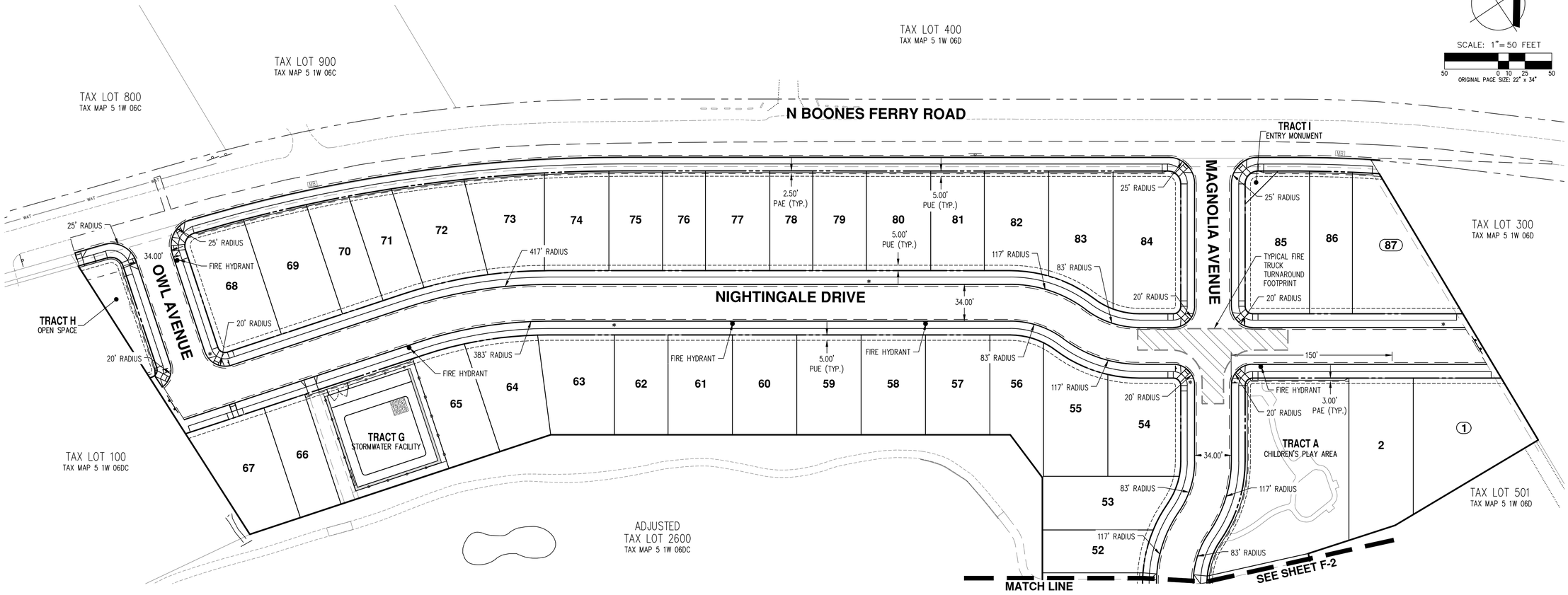
REGISTERED PROFESSIONAL ENGINEER
OREGON
JULY 15, 2005
VINH H. NGUYEN
Exp. 12-31-22

PRELIMINARY
NOT FOR CONSTRUCTION

JOB NUMBER:	7564
DATE:	04/14/2022
DESIGNED BY:	NRA
DRAWN BY:	NRA
CHECKED BY:	VHN

P-41

AKS DRAWING FILE: 7564 COLOR TRACT.DWG | LAYOUT: P-41



SCALE: 1"=50 FEET

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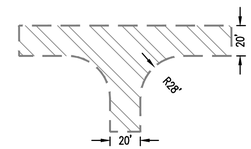
ORIGINAL PAGE SIZE: 22" x 34"

TYPICAL FIRE TRUCK TURNAROUND FOOTPRINT
(OFC 503.2.5)



EASEMENT LEGEND

ACCESS AND UTILITY EASEMENT	AE
PUBLIC UTILITY EASEMENT	PUE
PUBLIC ACCESS EASEMENT	PAE
SANITARY SEWER EASEMENT	SSE
TEMPORARY CONSTRUCTION EASEMENT	TCE

LEGEND:

- PROPOSED FIRE HYDRANT
- EXISTING FIRE HYDRANT

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PRELIMINARY FIRE ACCESS AND WATER SUPPLY PLAN
MARION POINTE
WOODBURN, OREGON

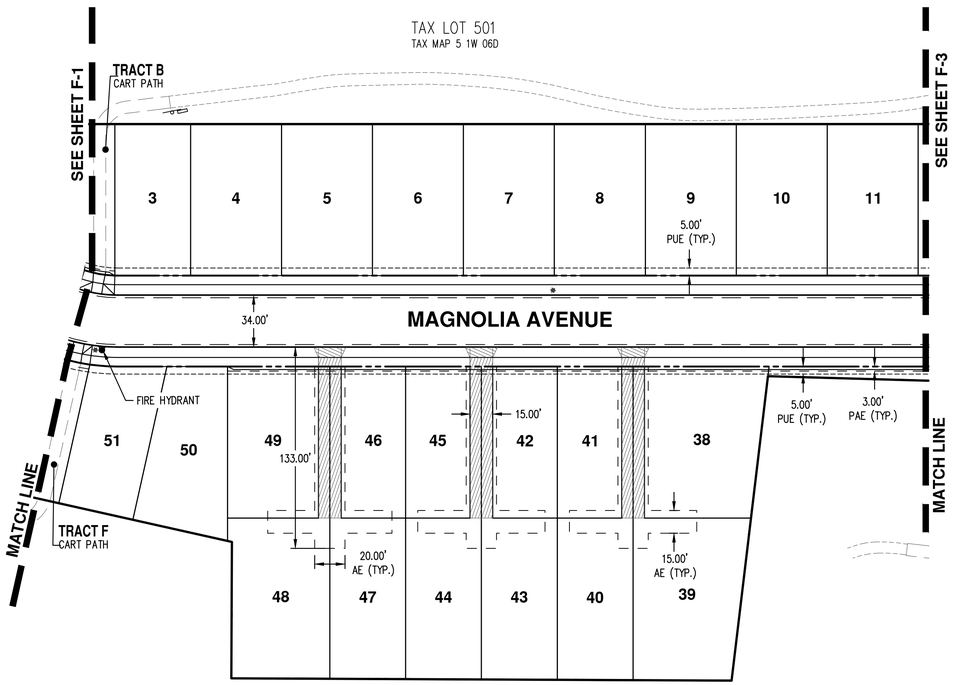
REGISTERED PROFESSIONAL ENGINEER
OREGON
NGUYEN
Exp. 12-31-22

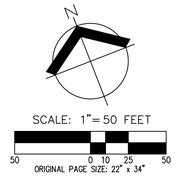
PRELIMINARY
NOT FOR CONSTRUCTION

JOB NUMBER:	7564
DATE:	04/14/2022
DESIGNED BY:	NRA
DRAWN BY:	NRA
CHECKED BY:	VHN

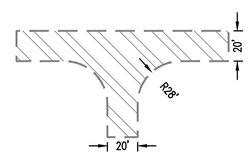
P-42

AKS DRAWING FILE: 7564 FIRE.DWG | LAYOUT: P-42





TYPICAL FIRE TRUCK TURNAROUND FOOTPRINT
(OFC 503.2.5)



EASEMENT LEGEND

ACCESS AND UTILITY EASEMENT	AE
PUBLIC UTILITY EASEMENT	PUE
PUBLIC ACCESS EASEMENT	PAE
SANITARY SEWER EASEMENT	SSE
TEMPORARY CONSTRUCTION EASEMENT	TCE

LEGEND:

- PROPOSED FIRE HYDRANT
- EXISTING FIRE HYDRANT

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PRELIMINARY FIRE ACCESS AND WATER SUPPLY PLAN
MARION POINTE
WOODBURN, OREGON

REGISTERED PROFESSIONAL ENGINEER
OREGON
JULY 13, 2004
VIET H. NGUYEN
Exp. 12-31-22
PRELIMINARY NOT FOR CONSTRUCTION

JOB NUMBER:	7564
DATE:	04/14/2022
DESIGNED BY:	NRA
DRAWN BY:	NRA
CHECKED BY:	VHN

P-43

AKS DRAWING FILE: 7564 FIRE.DWG | LAYOUT: P-43

ADJUSTED
TAX LOT 2600
TAX MAP 5 1W 06DC

SCALE: 1" = 50 FEET
50 0 10 25 50
ORIGINAL PAGE SIZE: 22" x 34"

MATCH LINE

SEE SHEET F-2

OLYMPIC STREET

OLYMPIC STREET

TROON AVENUE

MAGNOLIA AVENUE

26 27 30 31 33 34 35 36 37

25 28 29 32

24 21 20 19 18 17 16 15

22 23

12 13 14

15.00' AE (TYP.)

20.00' PAE (TYP.)

133.00'

15.00'

34.00'

5.00' PUE (TYP.)

3.00' PAE (TYP.)

TRACT E
OPEN SPACE

217' RADIUS

20' RADIUS

FIRE HYDRANT

34.00'

EXISTING FIRE HYDRANT

FIRE HYDRANT

TRACT D
PUBLIC ACCESS

FIRE HYDRANT

183' RADIUS

20' RADIUS

TRACT C
STORMWATER FACILITY

TYPICAL FIRE TRUCK TURNAROUND FOOTPRINT

133.00'

30.00' SSE

20.00' PAE (TYP.)

30.00' SSE

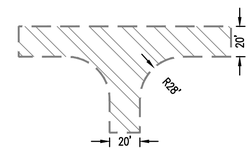
30.00' SSE

30.00' TCE

TAX LOT 501
TAX MAP 5 1W 06D

TAX LOT 501
TAX MAP 5 1W 06D

TYPICAL FIRE TRUCK TURNAROUND FOOTPRINT
(OFC 503.2.5)



EASEMENT LEGEND

ACCESS AND UTILITY EASEMENT	AE
PUBLIC UTILITY EASEMENT	PUE
PUBLIC ACCESS EASEMENT	PAE
SANITARY SEWER EASEMENT	SSE
TEMPORARY CONSTRUCTION EASEMENT	TCE

LEGEND:

- PROPOSED FIRE HYDRANT
- EXISTING FIRE HYDRANT

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PRELIMINARY FIRE ACCESS AND WATER SUPPLY PLAN
MARION POINTE
WOODBURN, OREGON

REGISTERED PROFESSIONAL ENGINEER
OREGON
VINH H. NGUYEN
Exp. 12-31-22
PRELIMINARY NOT FOR CONSTRUCTION

JOB NUMBER:	7564
DATE:	04/14/2022
DESIGNED BY:	NRA
DRAWN BY:	NRA
CHECKED BY:	VHN

P-44

AKS DRAWING FILE: 7564 FIRE.DWG | LAYOUT: P-44

PUBLIC WORKS DEPARTMENT
190 GARFIELD STREET
WOODBURN, OR 97071

September 3, 2020, 2020
Attn: Chris Goodell, AICP, LEED AP
AKS Engineering & Forestry, LLC
12965 SW Herman Road, Suite 100
Tualatin, OR 97062

Re: Annexation Certification
Subject Property Address: N/A
Marion County Tax Map: 051W06D000502

This letter is to certify that the City of Woodburn has no capacity issue with the public wastewater treatment facility or public water treatment facility. However, the subject property is not adjacent to an existing collection system for water, wastewater or a public storm sewer collection system. The requirements for these collection facilities would still need to be determined. The capacity analysis, design and installation would be the responsibility of the applicant/property owner.

If you have any questions, please contact me at 503.982.5248.

Sincerely,

Dago Garcia

Dago Garcia, P.E.
City Engineer
City of Woodburn

Attachment 103A
Letter 1 of 3

Woodburn School District
1390 Meridian Drive, Woodburn, OR 97071
Phone: 503-981-9555
Fax: 971-983-3611

September 18, 2020

Glen Southerland, AICP
AKS Engineering and Forestry, LLC
12965 SW Herman Road, Suite 100
Tualatin, OR 97062

Re: Annexation for 90-lot subdivision located at 2850 North Boones Ferry Road

Mr. Southerland:

In response to your request, Woodburn School District has determined that your planned annexation located at 2850 North Boones Ferry Road will impact our schools in our district however we believe we will be able to accommodate the growth.

Thank you,

Casey Woolley

Director of Safety and Operations
Woodburn School District

Attachment 103A
Letter 2 of 3

Glen Southerland

From: James Gibbs <gibbsj@woodburnfire.com>
Sent: Thursday, September 24, 2020 1:41 PM
To: Glen Southerland; Joe Budge; Scott Heesacker
Subject: RE: City of Woodburn Annexation SPL Request

EXTERNAL EMAIL: This email originated from outside of AKS Engineering & Forestry. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Glen,

Per our conversation this afternoon, this email is our response to the housing development in the northern City of Woodburn area and our capability/capacity to support/respond. This additional housing development is within our district and we have the capabilities to support this new addition.

James Gibbs
Fire Marshal
Woodburn Fire District
1776 Newberg Hwy
Woodburn, OR 97071
(503) 982-2360
gibbsj@woodburnfire.com

From: Glen Southerland [mailto:southerlandg@aks-eng.com]
Sent: Thursday, September 17, 2020 4:19 PM
To: Joe Budge; James Gibbs
Subject: RE: City of Woodburn Annexation SPL Request

**** This email is from an EXTERNAL sender. Exercise caution when opening attachments or click links from unknown senders or unexpected email. ****

Hello Chief and Fire Marshal,

I hope you're both doing well!

I realize that you are probably incredibly busy at the moment, so I was just hoping you could tell me whether the WFD has capacity to serve the additional 90 dwellings on N Boones Ferry Road.

Please let me know if you have any questions or need any more information.

Best Regards,

Attachment 103A
Letter 3 of 3

Glen Southerland, AICP
AKS ENGINEERING & FORESTRY, LLC
P: 503.563.6151 Ext. 166 | www.aks-eng.com | southerlandg@aks-eng.com

From: Glen Southerland
Sent: Monday, August 31, 2020 3:03 PM
To: James Gibbs (gibbsj@woodburnfire.com) <gibbsj@woodburnfire.com>
Subject: City of Woodburn Annexation SPL Request

Hello James,

I was hoping to get your input and request a Service Provider Letter for an annexation of territory/new 90-unit subdivision at the northern extent of the city limits. I'm not sure if you've been apprised yet what is being proposed or not.

I've attached preliminary site plans for your review. Water mains and hydrants will be installed by the developer. At the pre-app, the City specified 12" lines to the city limits and 8" within the development.

Please let me know if there is anything else you need or questions I can answer. I look forward to your comments!

Thank you!
Glen Southerland, AICP

AKS ENGINEERING & FORESTRY, LLC
12965 SW Herman Road, Suite 100 | Tualatin, OR 97062
P: 503.563.6151 Ext. 166 | www.aks-eng.com | southerlandg@aks-eng.com
Offices in: Bend, OR | Keizer, OR | Tualatin, OR | Vancouver, WA

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Project Number	Location	Responsible Jurisdiction	Type	Description	Priority	Cost Estimate[2]
R7	Brown Street from Comstock Avenue to end of roadway	City	Street design	Upgrade to Service Collector urban standards including bicycle and pedestrian enhancements	Low	$0[1] (Project includes P20)
R8	OR 214/I-5 Southbound Ramp Intersection	State	Traffic signal timing	Investigate corridor signal timing and coordination adjustments in coordination with ODOT	Medium	$15,000
R9	OR 214/I-5 Northbound Ramp Intersection	State	Traffic signal timing	Investigate corridor signal timing and coordination adjustments in coordination with ODOT	Medium	$15,000
R10	OR 214/Evergreen Road Intersection	State	Traffic signal timing	Investigate corridor signal timing and coordination adjustments in coordination with ODOT	Medium	$15,000
R11	OR 214/Oregon Way/Country Club Road Intersection	State	Traffic signal timing	Investigate corridor signal timing and coordination adjustments in coordination with ODOT	Medium	$15,000
R12	OR 214/Front Street Ramp Intersection	State	Traffic control	Install intersection capacity improvement such as traffic signal (if warranted), turn lanes, or roundabout in coordination with ODOT	Medium	$1,000,000
R13	OR 214/Park Street Intersection	State	Traffic control	Install intersection capacity improvement such as traffic signal (if warranted), turn lanes, or roundabout in coordination with ODOT	Medium	$1,000,000
R14	OR 214/OR 211/OR 99E Intersection	State	Intersection - geometric considerations	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	Medium	$900,000
R15	Parr Road/ Settlemier Avenue Intersection	City	Traffic control	Install intersection capacity improvement such as traffic signal (if warranted), turn lanes, or roundabout	Low	$500,000
R16	OR 99E/Hardcastle Avenue Intersection	State	Intersection - geometric considerations	Reconfigure the westbound approach to incorporate one left-turn lane and one thru-right turn lane in coordination with ODOT	Medium	$50,000
R17	OR 99E/Lincoln Street Intersection	State	Intersection - geometric considerations	Install a shared through-right turn lane on the eastbound approach and reconfigure the existing approach lane as a separate left-turn lane in coordination with ODOT	Medium	$500,000
R18	OR 99E/Young Street Intersection	State	Intersection - geometric considerations	As identified in the Highway 99E Corridor Plan, install a third westbound lane to provide separate left, thru, and right turn lanes in coordination with ODOT. Implement protected-permissive left-turn phasing on the eastbound and westbound approaches.	Medium	$550,000

Attachment 104A
Page 1 of 2

Project Number	Location	Responsible Jurisdiction	Type	Description	Priority	Cost Estimate[3]
P25	Gatch Street from Hardcastle Road to Cleveland Street	City	Sidewalks - Fill in gaps	Fill in the gaps. This project improves safe routes to school for Washington Elementary School	High	$350,000
P26	Park Avenue from Hardcastle Avenue to Lincoln Street	City	New sidewalks	Install new sidewalks on one side. This project improves safe routes to school for Washington Elementary School	High	$65,000
Local Streets						
P27	Willow Avenue from McNaught Road to OR 219	City	New sidewalks	Install new sidewalks on both sides	Medium	$350,000
P28	Cascade Drive from OR 214 to Hayes Street	City	New sidewalks	Install new sidewalks. This project improves safe routes to school for Nellie Muir Elementary School	High	$400,000
P29	Ben Brown Lane from end of roadway to Boones Ferry Road	City	Sidewalks - Fill in gaps	Fill in the gaps	Medium	$200,000
P30	Oak Street from Boones Ferry Road to Front Street	City	New sidewalks	Install new sidewalks on one side	Medium	$150,000
P31	Ogle Street from Cleveland Street to Boones Ferry Road	City	New sidewalks	Install new sidewalks on one side	Medium	$900,000
Pedestrian Crossing Enhancements						
P32	Front Street/Young Street	City	Enhanced crossing	Construct ADA-compliant ramps and sidewalks on the east leg of the intersection	Medium	$15,000
P33	Front Street/Lincoln Street	City	Enhanced crossing	Construct ADA-compliant ramps and sidewalks on the east leg of the intersection. This project improves safe routes to school for St Luke's School	High	$15,000
P34	Cascade Drive/Hayes Street	City	Enhanced crossing	Install an enhanced pedestrian crossing. This project improves safe routes to school for Nellie Muir Elementary School	High	$65,000
P35	Park Avenue/Legion Park Driveway	City	Enhanced crossing	Install an enhanced pedestrian crossing. This project improves access to Legion Park	Medium	$65,000
P36	Hazelnut Drive/ Broadmoor Place Accessway	City	Enhanced crossing	Install an enhanced pedestrian crossing. This project improves safe routes to school for Woodburn High School	High	$65,000

Attachment 104A
Page 2 of 2

WOODBURN
Transportation System Plan Update

Existing Roadway

- Freeway
- Major Arterial
- Minor Arterial
- Service Collector
- Access Street

Future Roadway

- Future Major Arterial
- Future Minor Arterial
- Future Service Collector
- Future Access Street
- Future Local Industrial
- City Boundary
- Urban Growth Boundary

Note: Future roadway alignments are approximate and subject to further refinement.

N

0 1,000 2,000 3,000 Feet

Functional Roadway Classification
Woodburn, Oregon

Attachment 104B

Figure **2**

Coordinate System: NAD 1983 HARN StatePlane Oregon North FIPS 3601 Feet Intl
Data Source: City of Woodburn, Oregon Department of Transportation

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WOODBURN
Transportation System Plan Update

Future Local Street Connection
Future Roadway
City Boundary
Urban Growth Boundary

Note: Future roadway alignments are approximate and subject to further refinement.

0 1,000 2,000 3,000 Feet

Local Street Connectivity Plan
Woodburn, Oregon

Attachment 104C

Figure
6

Coordinate System: NAD 1983 HARN StatePlane Oregon North FIPS 3601 Feet Intl
Data Source: City of Woodburn, Oregon Department of Transportation

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ANX 22-02 Marion Pointe PUD:

Attachment 201: Dictionary & Glossary

This document defines and explains abbreviations, acronyms, phrases, and words particularly in the context of conditions of approval.

- "ADA" refers to the federal Americans with Disabilities Act of 1990.
- "BFR" refers to Boones Ferry Road, whether N. Boones Ferry Road or Boones Ferry Road NE.
- "C of O" refers to building certificate of occupancy.
- "CC&Rs" refers to covenants, conditions, and restrictions in the context of private contract among an association of owners and/or tenants within a PUD or a conventional subdivision with common area improvements.
- "CEP" refers to civil engineering plan review, which is a review process independent of land use review led by the Community Development Department Planning Division and that is led by the Public Works Department Engineering Division through any application forms, fees, and review criteria as the Division might establish. A staff expectation is that CEP follows land use review and approval, that is, a final decision, and precedes building permit application.
- "County" refers to Marion County.
- "Director" refers to the Community Development Director.
- "exc." means excluding.
- "ft" refers to feet.
- "Hazelnut" refers to Hazelnut Drive.
- "inc." means including.
- "max" means maximum.
- "min" means minimum.
- "Magnolia" refers to Magnolia Avenue, the proposed easterly-westerly street that connects with BFR.
- "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).
- "Nightingale" refers to Nightingale Drive, the proposed northerly-southerly street.
- "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.
- "OGA" refers to the Oregon Golf Association.
- "Olympic" refers to Olympic Street and its proposed north extension.
- "Owl" refers to Owl Avenue, an easterly-westerly street proposed to continue east across BFR from Dove Landing PUD into Marion Pointe to Nightingale.
- "ORS" refers to Oregon Revised Statutes.
- "PBPE" refers to a public bicycle/pedestrian easement that grants pedestrian and cyclist access along sidewalk that overlaps private property or along an off-street bicycle/pedestrian path on private property. It substitutes for a PUBPE.
- "PLA" refers to property line adjustment.
- "PU" refers to plant unit as WDO Table 3.06B describes.
- "PUBPE" refers to a PUE adapted to grant pedestrian and cyclist access along sidewalk that overlaps private property ("streetside" PUBPE) or along an off-street bicycle/pedestrian path on private property ("off-street" PUBPE). A PBPE may substitute.
- "PUD" refers to planned unit development.
- "PUE" refers to public utility easement, whether along and abutting public ROW ("roadside" or "streetside" PUE) or extending into or across the interior of private property ("off-street" PUE). In the context of property line adjustment, partition, or subdivision, the developer records through the plat with drawings and notes on the face of the plat. Absent this context, recordation is separate from land use review pursuant to a document template or templates established by PW. PW is the project manager for receiving, reviewing, accepting, obtaining City Council approval for, and recording public easement materials that a developer submits.
- "PW" refers to Public Works (the department) or on rare occasion public works (civil infrastructure) depending on context.
- "RCWOD", pronounced by City staff as "R quad", refers to the Riparian Corridor and Wetlands Overlay District that WDO 2.05.05 describes.
- "Root barrier" refers to that illustrated by PW SS&Ds, Drawing No. 1 "Street Tree Planting New Construction".
- "ROW" refers to right-of-way.
- "RPZ" refers to root protection zone in the context of tree preservation.
- "SDCs" refers to system development charges, also known as impact fees.
- "SE" means southeast.
- "SDA" refers to site development area, the entire territory that is the subject of the land use application package.
- "sq ft" refers to square feet.
- "SS&Ds" refers to PW standard specifications and drawings.

- "Street trees" refer to trees that conform to the WDO, including 3.06.03A and Tables 3.06B & C, and that have root barriers where applicable per PW Drawing No. 1 "Street Tree Planting New Construction".
- "SW" means southwest.
- "Tot." means total.
- "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.
- "WFD" refers to the Woodburn Fire District.
- "WTS" refers to the Woodburn Transit System.
- "w/i" means within.
- "w/o" means without.
- "VCA" refers to vision clearance area as WDO 1.02 and 3.03.06 establish or as a specific condition establishes.

ANX 22-02 Marion Pointe PUD:

Attachment 202: Lot & Tract Development Standards

Introduction

This attachment establishes PUD lot and tract development standards and could serve as a standalone document for both homebuilders and Planning Division review of building permits assuming the developer will have constructed or paid fees in-lieu for all public improvements (if such fees are due earlier than building permit issuance), obtained final plat approval by the City, have had the Director sign the Mylar, and recorded the plat.

"WDO" refers to the Woodburn Development Ordinance, last amended via Ordinance No. 2603 adopted June 13, 2022, unless otherwise specified. Refer to Attachment 201 for a dictionary/glossary, including other acronyms and abbreviations.

For improvements that the City requires of tracts, see Attachment 203.

Part A. Lot Development Standards Table

Table 202A. PUD 22-02 Marion Pointe PUD
Lot Development Standards

Lot Area, Minimum (square feet)	Interior, flag or cul-de-sac lot		3,700 [1]
	Corner lot	Single-family dwelling	6,200 [1]
		Child care facility or group home [2]	Per WDO
		Middle housing: duplex, triplex, quadplex, townhouse, or cottage cluster	Same as required for single-family dwelling
		Any other use	Per WDO
Lot Width, Minimum (feet)	Interior, flag or cul-de-sac lot		40
	Corner lot		50
Lot Depth, Average (feet)	Interior, flag or cul-de-sac lot		50
	Corner lot		Per WDO
Street Frontage Minimum (feet)	Interior or cul-de-sac lot		Per WDO
	Corner lot	Dwelling	Per WDO, except min capped at 40

Table 202A cont.				
		Any other use		Per WDO
	Flag lot			Per each pole if poles of adjacent flag lots are paired: 7½ [12] Per independent pole: 11 [12]
Residential Density, Minimum (units per net acre)				7.1
Front Setback and Setback Abutting a Street, Minimum (feet) – excluding garage and carport [3, 5]	Other than corner lot			15
	Corner lot			15 with second frontage 10
Setback Abutting an Alley, Minimum (feet) – excluding garage and carport				Either zero or where there is a required alleyside PUE then 5
Side Setback, Minimum (feet) – excluding garage	Primary structure			Per WDO
	Accessory structure			Per WDO
Rear Setback, Average (feet)	Primary structure	Other than flag lot		15 [7, 11]
		Flag lot	Yard closest to street; rear	Yard closest to street: 12 from the lot line parallel to the street [7, 11]; Rear: 12
			Rear	12 [7, 11]
			Sides	5 [11]
	Accessory structure			Per WDO
Garage and carport setback, Minimum (feet)				Per WDO 3.07.02 through Ordinance No. 2603 (LA 21-02) adopted June 13, 2022.
Setback to a streetside porch or roofed patio, Minimum (feet)				Per WDO through by Ordinance No. 2603 (LA 21-02) adopted June 13, 2022.
Setback to a Private Access Easement, Minimum (feet)				1
Lot Coverage, Maximum (percent)				51.1

Building Height, Maximum (feet)	Primary structure	Per WDO
	Features not used for habitation	Per WDO
	Accessory structure	Per WDO

1. Per WDO Table 2.02B Footnote 1

2. Per WDO Table 2.02B Footnote 2

3. Is not applicable to through lots to the lot lines along N. Boones Ferry Road (BFR).

5. Regarding flat lots, a front setback applies to only to the pole frontage. A flag is considered to have three sides and a rear.

7. Per WDO Table 2.02B Footnote 7

11. Encroachments and projections into setback minimums remain permissible per WDO 3.03.03, 04, & 05.

12. Where flat lot poles adjoin to share a driveway and driveway approach / apron / curb cut / ramp ("shared rear lane"), public shared access easement shall be per WDO 3.04 through Ordinance No. 2603 (LA 21-02) adopted June 13, 2022. Shared utilities might necessitate a wider public easement than that necessary for vehicular access only; refer to WDO 3.02.01C.

Part B. Related Development Standards Table

Table 202B. PUD 22-02 Marion Pointe PUD Related Development Standards			
Architecture	Per WDO 3.07.02 through by Ordinance No. 2603 (LA 21-02) adopted June 13, 2022, except Table 3.07A item P1 is not available for optional points.		
Driveways	Approach / apron / curb cut	Per WDO through by Ordinance No. 2603 (LA 21-02) adopted June 13, 2022.	
	Throat / portion outside ROW	Per WDO through by Ordinance No. 2603 (LA 21-02) adopted June 13, 2022.	
	Access	Lots 21, 24, 25, 28, 29, 32, 38, 41, 42, 45, 46, & 49 are prohibited from having their own driveways along the street and shall take access from the shared driveway along an adjacent flag lot pole. To facilitate such, these lots are exempt from any parking pad requirement.	
Parking spaces/stalls	Ratio	Per WDO Table 3.05A	
	Parking pad (WDO 3.05.03F.1b)	Number, Minimum	Per WDO through by Ordinance No. 2603 (LA 21-02) adopted June 13, 2022.
		Dimensions, Minimum	
	Stalls within a garage and/or carport	Number, Minimum	2, either both garaged or as both a carport and garage on the same lot.
		Dimensions, Minimum	Per WDO Table 3.05B, footnote 6 through Ordinance No. 2603 (LA 21-02) adopted June 13, 2022.
	The 5-ft parking setback of WDO 3.05.02E does not apply.		

Part C. Tract Development Standards

1. Driveway approaches / aprons / curb cuts / ramps: max 10 ft wide.
2. Fencing: Stormwater facilities: If any fencing proposed for such facilities, max 3½ ft high and w/ the coating (required for fencing per WDO 2.06.02D.2) any of blue, bronze, brown, green, teal, metal, or rust color. (Black prohibited.) By PUD modification of 2.06.02D.2, slats aren't required.
3. Tracts: Any retaining walls shall conform to 3.06.05C as a standard.
4. Golf cart path: If PW during CEP allows a golf cart path in lieu of direct access to and from Magnolia and possibly additional streets, the path shall be:
   a. Min 1 ft away from the southerly edge of the Magnolia sidewalk as a buffer.
   b. The resulting buffer area shall be planted with mostly groundcover and some lawn grass.
   c. Groundcover shall each be min number equal to average spacing of 1 plant per 3 ft of buffer length.
   d. The design details resulting from a golf cart path deflecting northerly to street corners and its crossing of Olympic or any street, if any, is deferred to CEP and remains up to PW to decide whether to allow and, if it were to allow, to regulate.
5. Tract C is limited to one driveway approach / apron / curb cut / ramp (to serve the stormwater facility).
6. Subdivision identification sign: Tract I subdivision identification monument or wall sign maximum height shall be 6 ft above grade.

Part D. VCA

WDO 3.03.06 is hereby modified such that:

1. The alley part of Fig 3.03A shall apply to alleys except that VCA triangles shall measure min 5 by 5 ft.
2. Regarding the street corner part of Fig. 3.03A, VCA triangles shall measure min 15 by 15 ft.

Part E. Lighting:

1. Shall conform to WDO 3.11 through Ordinance No. 2603 (LA 21-02) adopted June 13, 2022.
2. The Planning Division may require inspection to be scheduled evening or night.

ANX 22-02 Marion Pointe PUD:

Attachment 203: Common Area Improvements & Public Easements

Introduction

This attachment establishes PUD common area tract improvements and types and placements of public easements.

Refer to Attachment 201 for a dictionary/glossary, including other acronyms and abbreviations.

For lot and tract development standards, see Attachment 202.

Part A. Common area improvements: Amenities / appurtenances / street furniture / support facilities

The mins of the improvement types are per Table 203A below:

Table 203A. Common Area Improvements

Improvement Type	*Number*	*Placements*	*Details*
Benches	7	Tract A: 1, w/i 8 ft of ROW Tract D: 1 Tract E: 2 (1 each paved path) Tract G: 1 (path south side) Tract H: 1, w/i 8 ft of ROW	Place along paths and sidewalks, set back 2 ft min, and on at least 6 by 4 ft of asphalt, brick, concrete pavers, or poured concrete. If brick or pavers, pour concrete for bench post footings. 6 ft width min; 75% min of them having backs. The recommended model (with back) is per WDO interpretation memo INT 22-0608. For Tracts D, E, & G, this model is the standard.
Picnic bench	2	Tract A: 1 Tract E: 1	1 under a shelter (as required for Tract A or E). Min 1 shall be ADA-accessible from a sidewalk or path other than a golf cart path. The recommended model (with back) is per WDO interpretation memo INT 22-0608. For Tract E, this model is the standard.

Table 203A. Common Area Improvements			
Improvement Type	*Number*	*Placements*	*Details*
Bicycle parking	4 (2 U-racks)	Tract A: 2 (w/i 12 ft of ROW) Tract E: 2	For Tract A, the recommended model is per WDO interpretation memo INT 22-0608. See OCE parks and recreation catalog. For Tract E, this model is the standard. See the memo for remaining specs.
Dog waste stations	3	Tract A: 1 Tract E: 1 Either Tract G or H: 1	The model shall be per WDO interpretation memo INT 22-0608. For Tracts E & H, this model is the standard.
Shelter	1	Either Tract A or E: 1	A gazebo, pavilion, or shelter min 12 by 12 ft and with min 10 ft height clearance. If a shelter floor level is at grade, place an ADA-compliant picnic bench; the recommended model is per WDO interpretation memo INT 22-0608. Provide a walkway min 4 ft wide between each shelter and any of a sidewalk or path other than a golf cart path. Walkway may be flush with a golf cart path if distinguished with any of (i) concrete or (ii) hatch pattern thermoplastic striping of walkway asphalt.
Trash receptacles	3	Tract A: 1 Tract E: 1 Either Tract G or H: 1	The recommended model is per WDO interpretation memo INT 22-0608. For Tract E, this model is the standard.

Administrative minor adjustment by the Director to common area improvement location or placement is permissible.

Part B. Common area landscaping:

1. Bark dust: 5.0% max of landscaped area may be bark dust or wood chip.
2. Evergreen: 8 min of trees new to the site and outside of ROW. The 8 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

3. Screening: Evergreen hedge or shrubbery shall be screen at-grade electrical and mechanical equipment along their sides, excepting the side intended for technician access.
4. Complementary trees: A row of trees shall complement and be offset from street trees, planted within 5-14 ft of ROW. 4 min shall be one or more species other than maple.

Tract	*Tree Min No.*
A	9
C	8
D	4 (2 as proposed near Olympic, plus 2, 1 each centered within where north and south street stub landscape strips would have been)
E	14
G	4 (2 as proposed near Nightingale, plus 2 along bicycle/pedestrian path south side)
H	4

Part C. Paths

Bicycle/pedestrian paths: As proposed, Tracts E & G shall have an off-street bicycle/pedestrian path or multi-use path follows:

Table 203C. Paths						
Tract	*Path*					
	Min Width (ft)	*Placement*	*Pavement*	*Construction*	*Shoulders & Furniture Zones*	*Reference*
D	6	Same as where street stub north and south sidewalks would have been relative to centerline, plus east end connecting segment, forming a rectangular loop.	Same specifications as for sidewalk per public works construction code.			"Path D"
E	10	As proposed: south yard.	Per WDO interpretation memo INT 22-0608			"Path E1"

Table 203C. Paths						
Tract	*Path*					
	Min Width (ft)	*Placement*	*Pavement*	*Construction*	*Shoulders & Furniture Zones*	*Reference*
	3	Just south of RCWOD south boundary, meandering along the boundary.	Bark dust, hazelnut shells, or wood chips min 4 inches deep.	n/a	n/a	"Path E2"
G	10	As proposed: south yard.	Per WDO interpretation memo INT 22-0608			"Path G"

Part D. Public Easements

In addition to standard streetside PUEs per WDO 3.02.01 as amended by Ordinance No. 2603 (LA 21-02) adopted June 13, 2022, based on WDO 3.02.01C the developer shall dedicate public easements as follows:

Table 203D. Public Easements		
Locations	*Types*	*Details*
Wherever sidewalk overlaps area where streetside PUE would be	Either a streetside PBPE or streetside PUBPE	- Note: See Attachment 201 for dictionary/glossary including acronyms.
Tract A and/or B	Off-street PUE	Min 16 ft wide along any of (1) Tract A north boundary, (2) Tract A east boundary, (3) straddling common boundary line of Tracts A & B, or (4) along Tract B east boundary.
Tract C	Either two easements, a watercourse easement and a PUBPE, or a consolidated easement serving the functions of both and covering the larger area.	For watercourse: Per WDO 3.02.02A, or, if the min. width/area is unclear, default to the same area as the RCWOD. For PUBPE: Same area as the RCWOD.
Tract E	Either two easements, a watercourse easement and an off-street PUBPE, or a consolidated easement serving the	One the same area as the RCWOD. (Surveyor may substitute with adapted watercourse easement.) A second one min 16 ft wide along south tract boundary.

Table 203D. Public Easements		
Locations	*Types*	*Details*
	functions of both and covering the larger required area. Also, provide an additional, separate off-street PUBPE.	The additional, separate PUBPE is min 16 ft wide along the south tract boundary.
Tract F	Off-street PUE	Min 16 ft wide
Tract G	Off-street PUBPE	Min 16 ft wide along south tract boundary
Tract H: Westerly boundary	Either an easement allowing installation of a public bus shelter and pad to extend beyond ROW, or some other easement type such as a PUBPE adapted to serve this function.	Absent direction by PW, default to a PUE total min width of either (1) 16 ft along both tract westerly and northerly boundaries or (2) entire width of tract, whichever is narrower.
Golf course: Along the piped tributary of Mill Creek, west of the east golf cart path	Off-street PUE	Min 16 ft wide centered along the pipe.
Golf course: Along the open channel tributary of Mill Creek, east of the east golf cart path	Watercourse easement	Per WDO 3.02.02A, or, if the min width/area is unclear, default to the same area as the RCWOD.
Flag lot adjacent poles with shared driveways ("shared rear lane")	Public access and utility easement(s)	Through Ordinance No. 2603 (LA 21-02) adopted June 13, 2022: Public access: Per WDO 3.04. Utilities: Per WDO 3.02.01C.
Various	PUE	Wherever PW requires.

Part E. Association / HOA

To meet WDO 3.09.09, there shall be an association of owners and/or tenants as follows:

1. Prior to conveying land ownership of any tract, the developer shall establish an association, such as homeowners association (HOA), pursuant to ORS 94 and other applicable statutes.

2. The association shall assume maintenance of improvements on common area tracts, inc. stormwater facilities; repair, replace, and restore improvements; identify and make clear to owners association duties; and levy assessments to owners in a fair, transparent, and written way. (If the association ceases to exist resulting in a tract or tracts no longer having an existing owner for a year or more based on the Oregon Secretary of State Corporation Division business registry, and where this provision does not conflict with ORS or OAR, the City shall have right of first refusal to acquire the property in coordination with the Marion County Assessor's Office.)
3. Golf carts on public streets: Association documents applying to the Marion Pointe PUD shall make owners or occupants eligible for membership in or the use of one or more golf courses within the development by virtue of ownership or occupancy of a residential dwelling unit in the development. (This facilitates City regulation of golf cart access to public streets per ORS 810.070.)
4. "Middle Housing": The association documents shall cite and comply with enrolled Oregon House Bill 2001 (HB 2001) (2019), Sect. 13 (p. 10).
5. Abandonment/dissolution: The association documents shall include a provision that the start of any attempt to dissolve the HOA must include written notice delivered or mailed to the City c/o Assistant City Administrator. (This is to alert the City that the HOA is abandoning its stormwater facility and open space maintenance responsibilities.) They shall also include a provision that would result, were the Oregon Secretary of State Corporation Division to issue written warning of pending administrative dissolution, in the City receiving notice as well as the HOA.
6. Documents: The developer shall provide copies of articles of incorporation, bylaws, and CC&Rs for the association to the Assistant City Attorney and Director for review upon final plat application to the City or earlier if ORS 94.565(2) requires. Bylaws and/or CC&Rs shall describe the responsibilities of the association to maintain common area improvements, and bylaws and CC&Rs shall reiterate that because of ORS 94.626, any dissolution would not also dissolve obligations. To this end, the corporation shall comply with applicable statutes and the administrative rules of the Oregon Secretary of State Corporation Division.

The above would continue to apply were the developer to either (1) establish multiple associations or (2) make use of an existing association related to adjacent existing development. The developer shall provide copies of articles of incorporation, bylaws, and CC&Rs for the multiple associations or these documents amended to conform to conditions of approval.

ANX 22-02 Marion Pointe PUD:

Attachment 204: Tree Preservation & Protection and Environmental Remediation

Part A. Tree preservation

1. On-site: Development shall preserve Tree 13296 along the Lot 65 rear lot line, contingent per both Sheet P-14 and the application materials Exhibit M February 11, 2022 arborist memo having mentioned preservation is situational and premised on arborist examination during construction. Were the arborist at that time to recommend removal, the developer or homebuilder may remove the tree and shall pay a fee in-lieu per Attachment 205.
2. Protection during construction: The developer shall follow Attachment 204, Part B.

Part B. Tree preservation During Construction

Tree preservation: Protection during construction:

The applicant shall protect the preserved trees pursuant similar to City of Portland Title 11.60.030, specifically either the subsections set of C.1.a.(1), (3) and C.1.b., e., & f. (clear and objective) and D.; or, the subsections set of C.2.a., b., & d.-f. (arborist's discretion) and D. as modified below and shall do so between Design Review approval and issuance of certificate of occupancy (C of O):

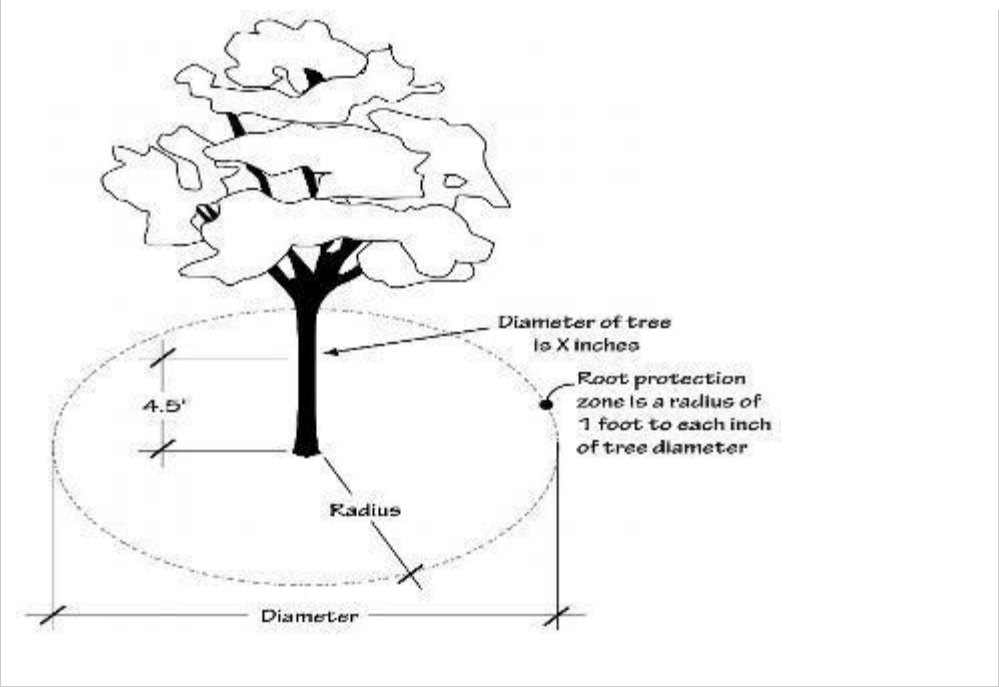
C. Protection methods. The Tree Plan shall show that the contractor adequately protects trees to be preserved during construction using one of the methods described below:

1. Clear & Objective Path.

a. A root protection zone is established as follows:

(1) For trees on the development site - a minimum of 1 foot radius (measured horizontally away from the face of the tree trunk) for each inch of tree diameter (see Figure 80-2)

Figure 80-2 **Root Protection Zone**



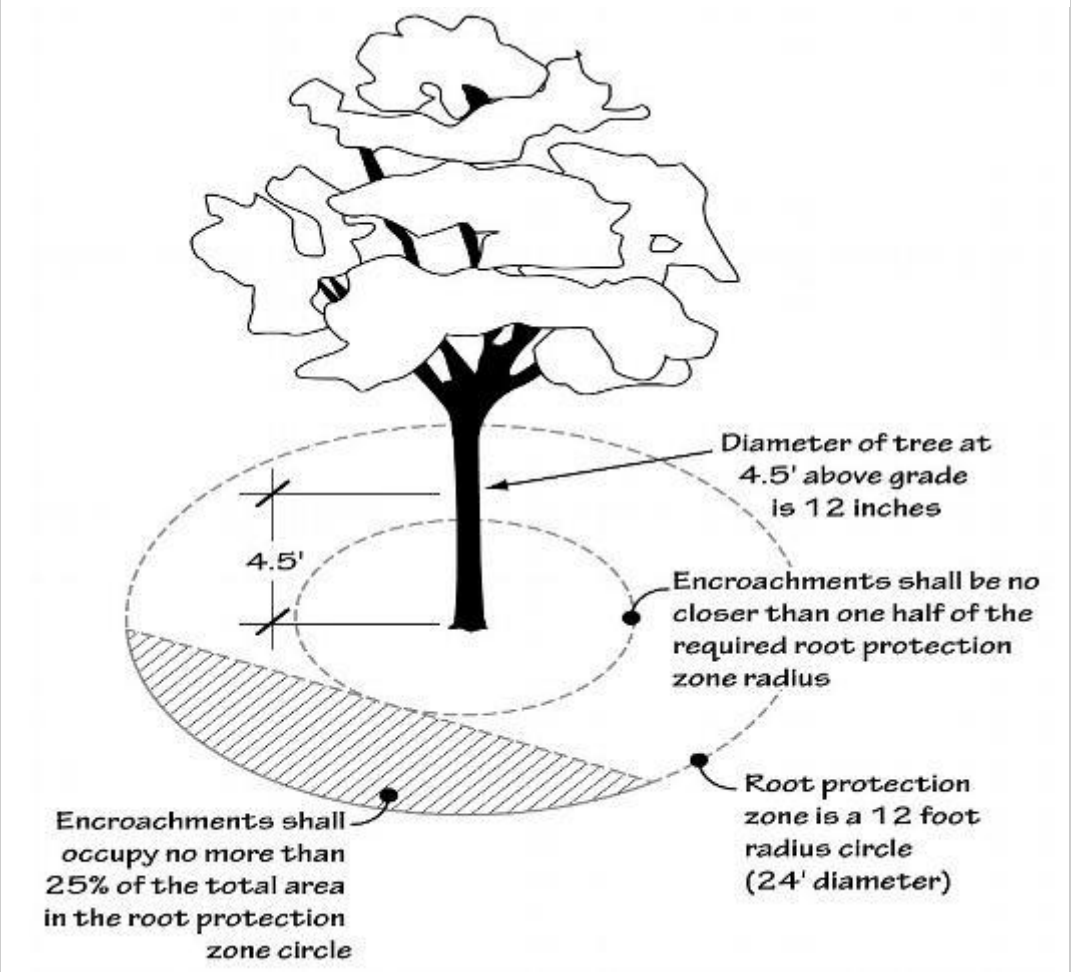
(3) Existing encroachments into the root protection zone, including structures, paved surfaces and utilities, may remain. New encroachments into the root protection zone are allowed provided:

(a) the area of all new encroachments is less than 25 percent of the remaining root protection zone area when existing encroachments are subtracted; and

(b) no new encroachment is closer than 1/2 the required radius distance (see Figure 60-1);

Figure 60-1

Permissible RPZ Encroachments



b. Protection fencing

(1) Protection fencing consisting of a minimum 6-foot high metal chain link construction fence, secured with 2-foot metal posts shall be established at the edge of the root protection zone and permissible encroachment area on the development site. Existing structures and/or existing secured fencing at least 3½ feet tall can serve as the required protective fencing.

(2) When a root protection zone extends beyond the development site, protection fencing is not required to extend beyond the development site. Existing structures and/or existing secured fencing at least 3½ feet tall can serve as the required protective fencing.

e. The following is prohibited within the root protection zone of each tree or outside the limits of the development impact area: ground disturbance or construction activity including vehicle or equipment access (but excluding access on existing streets or driveways), storage of equipment or materials including soil, temporary or permanent stockpiling, proposed buildings, impervious surfaces, underground utilities, excavation or fill, trenching or other work activities; and

f. The fence shall be installed before any ground disturbing activities including clearing and grading, or construction starts; and shall remain in place until final inspection by Planning Division staff.

2. Arborist's Discretion. When the prescriptive path is not practicable, the applicant may propose alternative measures to modify the clear and objective root protection zone (RPZ), provided the following standards are met:

a. The alternative RPZ is prepared by an arborist who has visited the site and examined the specific tree's size, location, and extent of root cover, evaluated the tree's tolerance to construction impact based on its species and health, identified any past impacts that have occurred within the root zone, and forwarded a report through the developer to Planning Division staff;

b. The arborist has prepared a plan providing the rationale used to demonstrate that the alternate method provides an adequate level of protection based on the findings from the site visit described above;

d. If the alternative methods require the arborist be on site during construction activity, the applicant shall submit a copy of the contract for those services prior to permit issuance and a final report from the arborist documenting the inspections and verifying the viability of the tree(s) prior to final inspection by the Planning Division;

e. If the alternative tree protection method involves alternative construction techniques, an explanation of the techniques and materials used shall be submitted;

f. The arborist shall sign the tree preservation and protection plan and include contact information.

D. Changes to tree protection. Changes to the tree protection measures during the course of the development may be approved as a revision to a permit provided that the change is not the result of an unauthorized encroachment into a root protection zone (RPZ), and the applicant demonstrates that the tree protection standards of this Section continue to be met. When an unauthorized encroachment has occurred, the City may pursue an enforcement action or other remedy.

Part C. Environmental Remediation

1. Invasive plant removal: This applies to all tracts and where the RCWOD overlaps the golf course lot. The developer shall eradicate invasive creepers, groundcover, shrubbery, vines, and weeds that might exist, at min. any of the following species:
   (a) Himalaya blackberry (*Rubus armeniacus*)
   (b) English ivy (*Hedera helix*)
   (c) Common reed (*Phragmites australis*)
   (d) Giant hogweed (*Heracleum mantegazzianum*)
   (e) Gorse (*Ulex europaeus*)
   (f) Kudzu (*Pueraria lobata*)
   (g) Old man's beard (*Clematis vitalba*)
   (h) Ribbongrass (*Phalaris arundinacea var. Picta*)
   (i) Water primrose (*Ludwigia hexapetala, peploides*)
   (j) Yellow flag or yellow water iris (*Iris pseudacorus*)
2. Grass: Within the RCWOD, where removal of invasive plants or the unintended effect of nearby construction results in bare ground, plant lawn grass, wild grass, or a combination.
3. Other plants: Within the RCWOD area where it overlaps Tracts C & E, plant min 20 PUs of any of the following four Trillium species: *albidum* 'J.D.Freeman', *chloropetalum* (giant trillium), *ovatum* 'Pursh' (common name wake robin), *kurabayashii* 'J.D.Freeman' (large purple wake robin), and *petiolatum* 'Pursh'. Also plant 80 PUs of any min 3 non-invasive species of shrubbery most likely to attract honeybees, having identified such species on a landscape plan.

4. Trees:
   (a) Number: Within the RCWOD area where it overlaps Tracts C & E, plant a min number of trees that, combined with existing trees, is a number equal to 1 per 15 ft of Mill Creek tributary centerline distance.
   (b) Placement: These RCWOD trees shall be placed within a 5-ft band inside of each of the northerly and southerly RCWOD boundaries, and have distribution approximate average o.c. spacing of 1 tree every 30 ft across the four bands (The RCWOD north and south bands on Tracts C & E each).
   (c) Species: This applies to all tracts. Have 10.0% min. of existing and additional trees combined be coniferous/evergreen. WDO Table 3.06C is hereby modified by PUD to allow anywhere within the SDA (outside of ROW) any tree species that isn't invasive. A number of street trees may be coniferous/evergreen if and where PW allows during CEP, and were this to happen, such trees may count towards the min percentage.

ANX 22-02 Marion Pointe PUD:

Attachment 205: Conditioned Fees

All of the following conditioned fees are due as applicable, whether or not mentioned directly by a condition of approval.

Refer to Condition G3 and/or Attachment 201 for a dictionary/glossary, including acronyms and shorthand text.

Part A. Fee Provisions

1. Any and all conditioned fees are in addition to, and not in place or as discounts of, any existing charge or fee however termed ordinarily assessed based on any existing ordinance, resolution, or administrative policy, inc. adopted fee schedules. If and when the City amends any ordinance, resolution, or administrative policy, inc. a fee schedule, to increase a charge or fee that is (a) the same kind of charge or fee that is conditioned, (b) the amended charge or fee amount would exceed the amount conditioned, and (c) the increase takes effect before the conditioned fee is due, then the developer shall pay the greater amount.
2. Payments of conditioned fees shall reference a final decision case file number and the condition of approval letter/number designation, be it in a check memo field or through a cover or transmittal letter.
3. For fees due by building permit issuance, a developer may request the Director to allocate payments the same as allowed for fees in-lieu by WDO 4.02.12A.2 through Ordinance No. 2603 (LA 21-02) adopted June 13, 2022, specifically, to pay across issuance of two or more structural building permits for the subject development.

For all administrative and logistical questions about payment of land use conditioned fees outside the context of assessment and payment through building permit, the developer is to contact the Administrative Assistant at (503) 982-5246 and refer to this attachment within the ANX 22-02 Marion Pointe PUD final decision.

For payment method policy details, the developer is to contact the Finance Department at (503) 982-5222, option zero, for payment method policy details.

Part B. Fee Table

Table 205. Fee Table					
Condition Reference	*Fee Type*	*Amount*	*Context*	*Timing*	*Staff Tracking:*
T-A	Transportation: Automotive: TSP signal timing study or studies	$15,840	Proportionate share of the TSP Projects R8, R9, & R11 (p. 32+). (ANX 2020-03 Dove Landing PUD pays remaining share.)	Building permit issuance	
PUD-3	Street tree fee in-lieu for street trees omitted through civil engineering plan (CEP) review, or, inspection missing tree fee	$950 per tree	Applies to omitted street trees, or, ones missing from required number upon inspection	If CEP context, then by building permit issuance; if in inspection context, then prior to passing final inspection / obtaining certificate of occupancy	
PUD-5	Significant Tree 12610 removal	$1,900	Tree 12610 removal from BFR east side	Building permit issuance	
	Significant Tree 13296 removal	$1,900	Tree 13296 removal from Lot 65, if and after removal justified per conditions	Building permit issuance or passing of final inspection	
	Tree removal	$246 per tree assessed at min 18 trees	Removal of trees from along BFR east side near NE corner of BFR & Hazelnut	Building permit issuance	
PUD-13	Dove Landing PUD public park land improvement fee	By year of assessment: 2022: $100,000 2023: $103,000 2024: $106,090 or 2025 or later: $109,273	The developer of Dove Landing PUD, which is west across BFR, conveyed/dedicated/deeded to the City public park land. Fee towards park improvements.	Building permit issuance	
T-BP	Wayfinding signage fee in-lieu	$1,500 per location	Regardless of number of sign faces that would've been at the location	Building permit issuance	

Table 205. Fee Table					
Condition Reference	*Fee Type*	*Amount*	*Context*	*Timing*	*Staff Tracking:*
T-T1	Bus shelter fee in-lieu	By year of assessment: 2022: $13,214 2023: $13,610 2024: $14,018 or 2025 or later: $14,439	See condition.	Building permit issuance	
T-T2	Bus stop bicycle parking fee in-lieu	$510.20 per location	See condition.	Building permit issuance	
T-T3	Bus service	$290 per dwelling	For City bus service	Building permit issuance per each dwelling	
G6 through this Attachment 205	Public Works Dept. civil engineering plan (CEP) review: Review by Planning Division	$250; $346	Original/1st submittal; each subsequent inc. deferral/piecemeal	Upon CEP application to Public Works Dept. (PW)	
	Inspections by Planning Division	$75; $346	1st inspection or "walkthrough"; each subsequent	Inspection requests related to public (street) improvements and building permits	
G6 through this Attachment 205	Bond / bonding / performance guarantee: Specifically any that would allow or allows the developer to delay construction of street improvements beyond building permit issuance, with the exceptions of (a) sidewalk along individual dwelling lots and (b) street trees.	$4,474	Serves as bond application / review request min fee and isn't a bond amount itself. Fee not applicable to warranty bonds or ordinary construction bonds if they do not authorize delay of construction of street improvements beyond building permit issuance. (See WDO 3.01.02E through Ordinance No. 2603 [LA 21-02] adopted June 13, 2022.)	If CEP context, then payment (through Planning Division) upon CEP application to PW; if developer applies for building permit review and there has been no CEP application to PW, then building permit issuance	

Marion Pointe - Boones Ferry Road

Woodburn Planning Commission, Mr. Rand Waltz June 2022

Upon recieving the newly submitted application for the area ajacient to our neighborhood our initial reaction was... wow!

My husband and I want to applaud the developer for listening to the 'suggestions' and taking appropriate actions. We think the added street access, and well placed and sized new 'park' will go a long way to make this a viable and attractive community. We even like the name changes of the area and streets.

However, we feel the two remaining issues we had with the previous proposal still needs addressing.

First. We see a problem with the width of lots 25, 28, and 29. They are only 42.5' wide. The lot at 2863 Olympic St. which is directly next to lot 25 is considerably wider and I think this drastic change would make the transition between the neighborhoods unfavorable .

Is there anyway to 'steal' a few feet from the five 60' lots at the other end of this tract to increase the widths and make the area more uniform?

I'd like to address lot 24 and lots 22 and 23 also. Although the lot at 2878 Olympic St. next to lot 24 is considerably smaller than 2863 Olympic St. , I'd still like to see the width increase to a reasonable size, again by shifting the lots a bit to the north. As far as lots 22 and 23, my only concern is the impact it will have on the neighbors. Putting two homes in there seems unnecessarily crowded.

Second. The six lots at the end of the driving range. My husbands opinion about this issue still stands.

"I have played golf most of my life and have played many courses and not one of them has ever had homes at the end of a driving range. It is nonsensical to do so."

We still feel that it will not only be dangerous, but adding the net will be an unnecessary eyesore if those homes are built. Please reconsider adding those lots.

I have one last item I'd like to add. Honestly I'm on the fence with this but will add my two cents. The gate. I think in one of the diagrams I saw the word 'gate' with an arrow pointing to where it is. Does this mean we will leave it? Before, we proposed leaving it to protect our neighborhood from added traffic, but now maybe it should stay to protect the new neighborhood from added traffic from US! From what I understand it would be okay with the Fire Marshal. I would strongly recommend we at least leave it until ALL construction is completed just for safety sake.

In conclusion, we are leaning toword recommending approval of this development and would be fully on board if these last items of concern are addressed.

Thank you for your time and effort. Sincerely,

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Julie and Jim Nicolarsen

Julie A. Nicolarsen Jim Nicolarsen

City Council July 25, 2022
ANX 22-02 Attachment 3

I hereby agree and support the letter submitted by Mr. and Mrs. Nicolarsen.

Name	Street Address
Lisa Goodell	2878 Olympic St
Melony Hardman	2863 Olympic St
[illegible]	2863 Olympic St
[illegible]	2832 Olympic St

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JUN 13 2022

COMMUNITY DEVELOPMENT DEPARTMENT

From: [redacted]
To: Cassandra Martinez
Subject: Fwd: Objections to RE: Status of ANX 22-02, PUD 22-02, PLA 22-02, SUB 22-03, RCWOD 22-01, & ZC 22-02 "Marion Pointe" along the east side of Boones Ferry Rd NE (Tax Lots 051W06D000502 primary, 500, & 800; and, 051W06DC00201 & 300 under Hazelnut Dr)
Date: Saturday, June 11, 2022 9:15:41 AM

**** This email is from an EXTERNAL sender. Exercise caution when opening attachments or click links from unknown senders or unexpected email. ****

Picture 549 Turnberry Avenue

Sent from my iPad

Begin forwarded message:

From: [redacted]
Date: June 11, 2022 at 09:14:15 PDT
To: cassandra.martinez@ci.woodburn.or.us
Cc: [redacted] eric svela <ericsvela@yahoo.com>
Subject: Objections to RE: Status of ANX 22-02, PUD 22-02, PLA 22-02, SUB 22-03, RCWOD 22-01, & ZC 22-02 "Marion Pointe" along the east side of Boones Ferry Rd NE (Tax Lots 051W06D000502 primary, 500, & 800; and, 051W06DC00201 & 300 under Hazelnut Dr)

I [redacted] and I Eric Svela highly object to to this change in land use. This change not only effects the natural beauty of the golf course, wetlands and natural habitats of the area but also the current homeowners property and the value of our property. We currently pay 7200.00 a year in property taxes and we will not and have heard that several others will not continue to do so if our property is ruined with views of several homes.The left back corner of our property at 549 Turnberry Avenue would then sit directly next to LOT #23. Our cul de sac and dead end street will be turning into a thorough way for Olympic Street. What about our privacy and our HOA, what about our swimming pool and who has rights to use it? Will we become a gated community? Who is protecting our investment? What will stop us from selling and/or how will we continue to love where we live when our whole landscape is destroyed with homes that take our view away? Please view our photo-now imagine to the left-starting right at the edge of the fence LOT#23.

Eric Svela
[redacted]

Sent from my iPad

City Council July 25, 2022
ANX 22-02 Attachment 4

DENNIS and LORELL ORTEGA
408 Turnberry Ave. • Woodburn, Oregon 97071-7740

City of Woodburn Planning Commission
City of Woodburn City Council
270 Montgomery St.
Woodburn, OR 97071

July 17, 2022

RE: Case # ANX 22-02

ATTN: Mr. Eric Swenson, Mayor
Mr. Charles Piper, Chair Planning Commission

Honorable Mayor Swenson, City Council and Planning Commission Members:

As a 6-year resident in the Tukwila development and homeowner in the Renaissance Reserve neighborhood, this letter addresses concerns regarding the annexation and approval for development known as Marion Pointe. We specifically chose purchasing a home in Tukwila due to the serene environment associated with the OGA golf course plus the aesthetics of both the high quality of home construction, seclusion from local traffic, the average age of homeowners and the overall beauty of the development itself.

Our neighborhood faces major changes if, and when, the Marion Pointe development proceeds. The potential for losing the peace and tranquility of living in a golf course community to the hustle and bustle caused by multiple and potentially much younger families and the increased traffic and safety issues are unsettling. Nor does this include the lowering of our current property values due to the building of lesser valued, crammed together houses that will be built in our immediate back yards.

Over these six years we have witnessed the decline to infrastructure in Woodburn. Such declines will be drastically increased should Marion Pointe be approved.

- Citywide our roads are neglected, in disrepair and are overcrowded. Potholes are left unrepaired for months on end; traffic flow and congestion is not being addressed. The traffic flowing both directions from I-5 on Newbery Highway during peak times of day moves at a snail pace. Commercial and delivery truck traffic, school buses, safety vehicles, log trucks, etc. add exponentially to the problem; and Amazon has not even arrived yet.
- Renaissance Reserve adjoins the prorposed Marion Pointe development. We have a swimming pool that is located off Olympic Avenue. Children play in the common area surrounding the pool when not swimming; many of our residents walk daily. Opening the gate at the end of Olympic Avenue will pose new safety risks for our residents and families. We do not want, nor support, opening this gate. The amenities of the

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COMMUNITY DEVELOPMENT DEPARTMENT

City Council July 25, 2022
ANX 22-02 Attachment 5

Renaissance Reserve neighborhood, and Tukwila in general, cannot be open to future residents of Marion Pointe. Our HOA fees do not, and should not, pay for their pleasures. Proper ingress and/or egress for Marion Pointe needs to be addressed without infringing on the Renaissance Reserve neighborhood. Please work with any future developer(s) so there is no need to open access to Olympic Avenue.

- New housing projects seem to be moving at an accelerated pace with no serious infrastructure improvements in progress. If there are existing plans, they are not being shared with the city's residents. With apartment building off of southbound Hwy 99 and eastbound Hwy 214 plus new home construction to the south of the city, what is the rationale for this housing frenzy? Without adding more roads, adding more homes brings safety concerns that are unwarranted and unwanted. What will happen when the Marion Pointe development adds 87+ families to an already bustling community? We ask you to take a long serious look at the impact this development may bring to our neighborhood. Are you prepared to handle this impact?
- The addition of more high density housing will detract, not add to, the beauty of golf course living and, as a result, have the potential to decrease our overall property values.
- The City of Woodburn/Marion County presently has/have one of the highest tax rates, if not the highest, in the entire state of Oregon. Please put our tax dollars to work to better our city's infrastructure.
- We've heard that the position of the City Council is that we have sufficient schools to support all the additional building. In the surrounding area of Marion Pointe there are two school complexes which are traffic choke points. Try getting out of Tukwila during school opening and closing times. Waiting 10 minutes or more in line to exit our community due to the number of vehicles for high school students/parents, school buses and cross traffic on Boones Ferry Road is so irritating. This traffic issue is compounded by the number of vehicles that travel through Tukwila streets to divert congestion on Newbery Highway. This congestion will continue to increase when traffic from the new apartment complexes and other developments in various planning stages or under construction begins. When you consider that our teachers all lobby for less children per classroom, more funding, and now have fewer classroom days per year where does it all stop?
- Our golf course environment is special! The crowding of densely built homes into this proposed area is unreasonable. Everyone needs to respect and protect the environment around our city's OGA Golf Course. Our city has growing pains but expanding into, and infringing on the only highly recognized golf course in our area, is not an answer.

While deciding the future of the Tukwila development, please listen and respect the voices of the Tukwila residents who would be impacted by the Marion Pointe high density project. We ask that you postpone this annexation to such time that this area is fully prepared and the development meets the same standards as the homes built in Renaissance Reserve and other areas within Tukwila. PLEASE STOP THE MARION POINTE DEVELOPMENT!

Respectfully submitted,

Woodburn Mayor and City Council: **July 18, 2022**

RE: Marion Pointe PUD 87 homes on 39.21 acres

I want to first say I'm not against the development, but I think the increased density of homes for the project without adequate public space is a big issue. I believe the staff, in the Planning Commision meeting for the previous proposal, indicated that this property, if it was a normal development, would have 55 homes. This PUD is 87 homes and 45 are below the 6,000 sq.ft. City threshold.

I want to address certain inadequacies and shortcomings of this proposed PUD.

The idea that this developer has provided something in return for reduced lot size is a ridiculous notion with all due respect to all parties involved. The quote from the staff report is---
"Staff also notes for the developer, PUD is a tool for getting more lots and more houses that a standard subdivision in order to get greater profit. In exchange, the City gets enhanced public amenities."

If we go a little deeper on this development, the planning department this time around has taken the stance that "common area" describes the same as "open space". The developer now proposes that the existing golf course can meet most of the PUD common area / open space requirement. This means that the vast share of the 30% PUD common areas is golf course.
Seriously? The golf course is private property. It has nothing to do with this developer. If I go on it it's trespassing without paying a greens fee. Does that mean the farm on the northwest corner or the one on the southwest corner of the property can be considered "open space" too? Where does it end? What is the enhanced public amenity for the City? Just some money for the park land described below? Does this really enhance Marion Pointe directly?

There is a condition that the developer is to pay a fee to the City towards improvement of the park land within the Dove Landing PUD. That is pretty vague? What does that mean exactly? Is that $100, $1,000, $10,000 or something else?

I seriously think this needs to be revisited before approval of this project.

Another area of concern I have are lots 39, 40, 43, 44, 47 and 48 located at the end of the OGA Golf Course driving range. I have played golf most of my life, on many courses and not one of them has ever had homes at the end of a driving range. I talked to the OGA Golf Course Head Pro and he has never seen this before with the wealth of his experience. It is nonsensical to do so, even with a net! Now granted the start of these lots are at around 300 yards from the practice mats and not a lot of golfers can hit the ball that far. However, in front of the mats is 25 yards of grass where during the summer these mats are no longer used and the hitting area is moved between the end of the grass and the mats, reducing the yardage to the lots. These lots should be removed from the PUD.

City Council July 25, 2022
ANX 22-02 Attachment 6

Thanks for your time and consideration!

Regards, Jim Nicolarsen 620 Troon Ave., Woodburn

Jim Nicolarsen

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COMMUNITY DEVELOPMENT DEPARTMENT

Case #ANX 22-02 Marion Pointe July 15, 2022

Mr. Mayor and City Council, [Please refer to my letter to the Planning Commission]

Once again we find ourselves struggling with important decisions in regard to how growth will impact our community. I want to thank all of you, including the Planning Commission, for your efforts in this regard.

As far as Marion Pointe is concerned, the developer made several changes that does improve the impact this tract of homes will have on our neighborhood but maybe we are missing the point.

Do we really need yet another high density area in a city that already has so many and is growth happening too fast? I see enormous apartment buildings near Safeway and Als Garden Center going up, and what about the planned area behind the outlet stores? There are growing neighborhoods to the south and an approved development that would be across Boones Ferry from this one (Dove Landing). What will the impact of the new Amazon complex be on our community? The Schools assure us that they can handle the additional population, has the police, fire, social services and streets been upgraded and expanded enough to handle it as well?

I see us turning into another Wilsonville where it takes an overly reasonable time to get on or off the freeway, and around town. The 214 corridor that passes the High School, Elementary School and Firehouse is nearly impossible now during peak times, and you want to add more traffic?

Not only that but the golf course environment is special. Shouldn't we respect and protect that environment? I'm not saying no development, ever, that's unreasonable. However, the crowding of the homes especially on Olympic Street and at the end of the driving range seems excessive and unnecessary, driven by the all mighty dollar, not by aesthetics or concern for the natural habitat, or the impact it will have on the city.

I urge you to slow development down, see what the impacts of existing new growth will have, then decide if yet another high density development is in the best interest of our city. I urge you to deny annexation at this time.

If not.....
I strongly recommend leaving the gate on Olympic Street. The added traffic down Troon would be highly undesirable.

Sincerely,

Julie Nicolarsen 620 Troon

Julie A. Nicolarsen

City Council July 25, 2022
ANX 22-02 Attachment 7

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COMMUNITY DEVELOPMENT DEPARTMENT

I hereby agree with Mrs. Nicolarsen and support denying the annexation and development called Marion Pointe for the reasons stated in her letter.

NAME	STREET ADDRESS
Ray Headrick	2863 Olympic
Jan King	524 Turnberry Ave.
Barb McRobb	566 Troon Ave
Hans Riemer	"
[illegible]	494 TUKWILA
Sue Enyart	542 Troon
Deborah Wimmer	438 Troon
Jim Nicolarsen	620 Troon
[illegible]	590 Troon
Carla Gall	590 Troon

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WOODBURN
OREGON
Incorporated 1889

Agenda Item

July 25, 2022

TO: Honorable Mayor and City Council through City Administrator

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

SUBJECT: **Appeal of the Planning Commission Approval with Conditions of the US Market Gas Station Development at 2540 & 2600 Newberg Hwy at the Southwest Corner of Newberg Hwy & Oregon Way (CU 21-02)**

RECOMMENDATION:

Conduct a public hearing and make a motion to affirm the Planning Commission approval with conditions, directing staff to prepare a final land use decision for consideration at the next City Council meeting.

BACKGROUND:

The item before the Council is an appeal of the Planning Commission's approval with conditions of Conditional Use CU 21-02 and corollary applications Design Review 21-10, Exception to Street Right of Way and Improvement Requirements ("Street Exception") EXCP 21-05, & Phasing Plan PP 21-01 for the US Market gas station development at 2540 & 2600 Newberg Highway, which is at the southwest corner of the intersection of the highway and Oregon Way.

The subject property of approximately 1.42 gross acres, is zoned Commercial General (CG), and was previously occupied by two vacant bank buildings, now demolished.

The applicant is architect Ronald "Ron" Ped, acting on behalf of property owner Lal "Don" Sidhu of Woodburn Petroleum LLC. The parties appealing the Planning Commission's decision (appellant) are LB Group, LLC and Woodburn Fast Serv Inc, represented by attorney David Petersen of Tonkon Torp LLP. A copy of the appellant's letter received June 21 requesting an appeal is included as Attachment 2.

Agenda Item Review: City Administrator ___x___ City Attorney ___x___ Finance _x____

Project Summary

The proposal is to develop a gas station with convenience store and speculative commercial office area on two lots. (There is no lot consolidation.) A colored site plan is included on a later page.

The site plan that the Planning Commission approved for development includes the following features:

- The east, corner lot, which has the one driveway along Oregon Way, would have a single northeast building with a convenience store of 4,110 square feet (sq ft) at the north end and a speculative commercial office of 1,863 sq ft at the south end.
- The west lot, which has the one driveway along the highway, would have a north fuel pump canopy and a south commercial office building of 5,000 sq ft.

Development Applications

A gas station is a conditional use (CU) in the CG zoning district if and where it would be within 200 feet of residentially zoned property.

A "conditional" use is called such because (1) it's conditional upon discrete approval by the City, and (2) the City can condition physical or operation aspects of a proposal, including on issues particular to the case at hand and above and beyond what Woodburn Development Ordinance (WDO) provisions directly address. Consistent with the CU purpose statement in WDO 5.03.01A, the Commission approved with conditions that offset the effects of development and make a gas station as compatible as practical with existing residential uses in the vicinity.

Incidentally, commercial office and retail are permitted uses in the CG zoning district, in other words, are allowed by right.

There are associated development applications submitted as part of the consolidated application package:

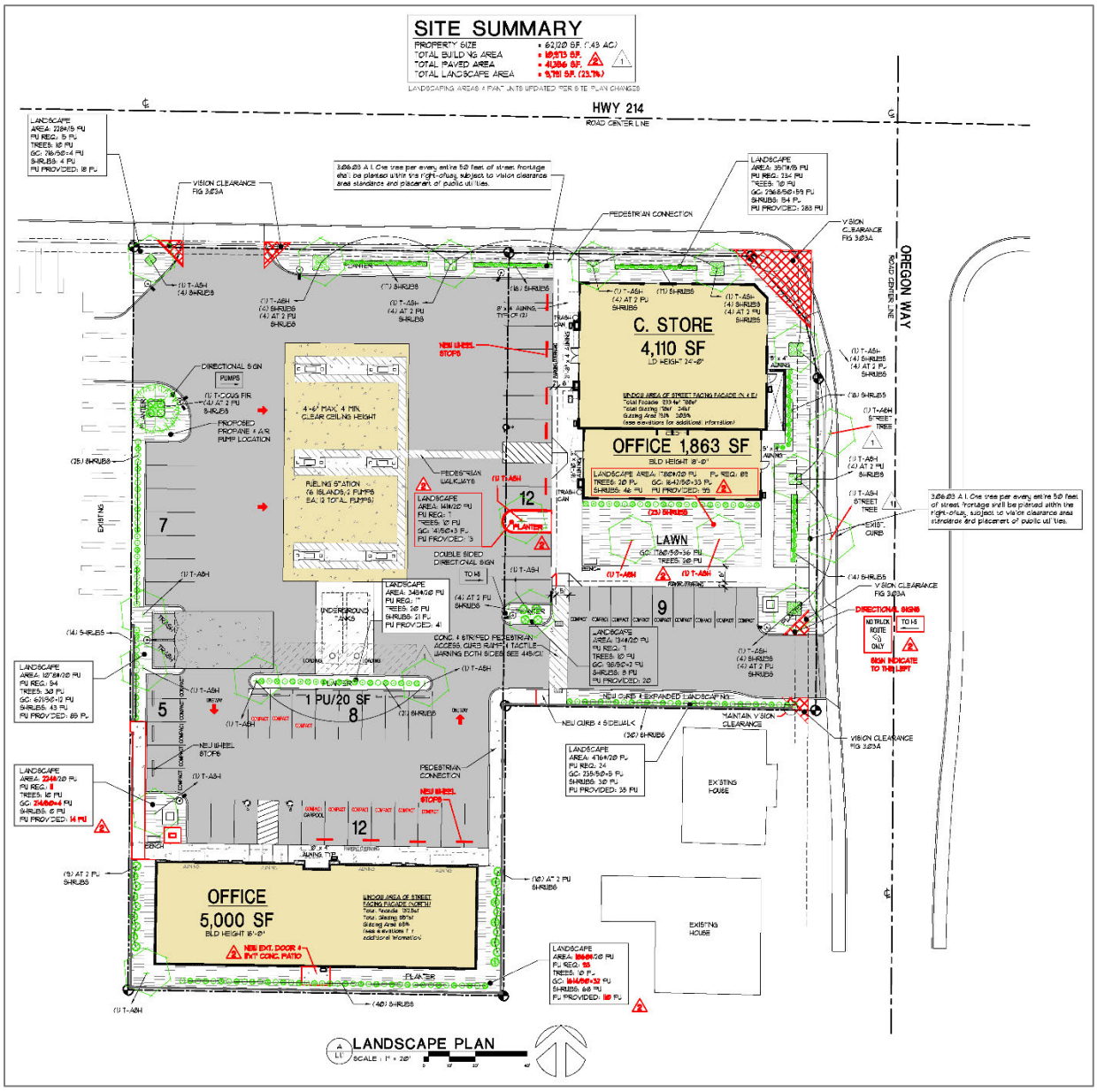
- Design Review DR 21-10: This relates to the site plans and the overall physical site development.
- Exception to Street Right of Way and Improvement Requirements ("Street Exception") EXCP 21-05: EXCP is a discretionary land use application type

allowing developers to lessen street improvement requirements and standards.

- Phasing Plan PP 21-01: A phasing plan is a discretionary land use application type allowing developers to divide development across space and time, the main purpose being that the City and a developer define increments of public improvement obligations for each phase so that the developer can better manage financial obligations through completion of the project. A phasing plan can also be a tool to accommodate different development options or scenarios.

See below and the next pages for an aerial photo and a site plan.

County assessor aerial with subject property outlined in green; the two vacant bank buildings are now demolished



Though the applicant proposed two site plan options, Option 1 above is the only option the Planning Commission approved.

Commission Decision

The Planning Commission held a public hearing on June 9, 2022, and by a vote of 4-1 approved the consolidated applications package with the conditions recommended by staff through the staff report published June 2, except for two revision items:

1. Raising the Architectural Wall minimum height along the Panor 360 condominiums boundary (950 Evergreen Rd; Tax Lot 052W12DB90000) from 8 to 9 feet, which is the maximum that Woodburn Development Ordinance (WDO) 2.06.02C.1 allows, and striking allowance for that wall to have upper segments of cedar wood between columns/piers.
2. Striking allowance for the developer to refine and construct site plan Option 2, the one that the applicant had drafted because of Oregon Department of Transportation (ODOT) highway access restrictions.

Testimony

Commission: The list of testifiers is on final decision p. 23 (Attachment 3).
Testimony topics raised generally included concerns about:

- Crime
- Gas fumes smell
- The homeless
- Noise
- Theft
- Traffic
- Trespass
- Unsavory convenience store customers; and
- Vandalism.

Council: Besides the applicant's attorney, "citizens of Woodburn Estates" submitted a three-page petition (Attachment 6).

DISCUSSION:

On June 21, 2022, the appellant submitted a Notice of Intent to Appeal the Commission decision on consolidated application CU 21-02 pursuant to WDO

4.02.01. Staff thereafter schedule this public hearing of the City Council in accordance with WDO 4.01.15.

The appellant's notice of appeal letter sets out seven bases or grounds for its appeal (Attachment 2). In response to appellant's appeal letter, the applicant's attorney, Wallace W. Lien, also submitted a Memorandum in Support of the Application (CU 21-02; Attachment 1) as well as a copy of an ODOT July 19, 2022 e-mail to the applicant's traffic engineers (Attachment 5).

While the City Council appeal hearing on the consolidated applications may consider or include discussion on any number of issues regarding the consolidated applications, including those raised in the appellant's appeal letter or by other parties that testified during the Planning Commission hearing, staff includes below a brief summary on two primary matters of interest:

1. *Appellant's Argument related to the Applicant's TIA*

   One of the appellant's issues is whether the transportation impact analysis (TIA) should have factored in vehicle trips generated by a different development codenamed Project Basie that later became public as the Amazon distribution center. (See appellant's Attachment 2, p. 3). The applicant addresses the appellant's argument in Attachment 1 on p. 9.

   Staff also contacted the City's transportation consultant on July 19 for his comment on the issue as the two documents describe, and he e-mailed the same day that:

   > "[I]n my June 1 memo I made the following comment: 'The TIA analysis should be revised to include Project Basie trips.' This would be added to the pre-development background plus in-process analysis scenario.
   >
   > [E]ven if the applicant were to submit a revised TIA to include Project Basie as noted, it is my conclusion that this would not change any of the mitigation conditions of approval. To wit, these are conditions for mitigation for impacts to intersections with elevated crash rates or mobility threshold exceedances, which would not change even including Project Basie trips in the pre-development analysis … ."

2. *Applicant's Request for Approval of Site Plan Option 2*

As noted previously, the applicant submitted a Phasing Plan application for consideration of developing two slightly different site plan options. As part of the final decision, the Planning Commission added a condition striking the allowance for the developer to refine and construct site plan Option 2.

In addition to responding to the appellant's grounds for appeal, the applicant's attorney also sets out in the Memorandum (Attachment 1, pages 10-12), a request urging the City Council to approve its Site Plan Option 2 over the approval of the current Option 1. The applicant's primary argument supporting Option#2 is related to the ODOT grant-of-access approval process:

> "Option #2 eliminates the cross access issue, and is a site plan that ODOT Access Management can support. . . Having a site plan that ODOT prefers makes the most sense and provides the best and fastest path to construction of the project."

Next Steps

If the Council were to act upon the recommendation, staff would return with a final decision document for consideration on August 8, 2022.

FINANCIAL IMPACT:

None.

ATTACHMENTS:

1. Applicant's response to appeal issues (July 19, 2022; 12 pages)
2. Appellant's letter of appeal (June 21, 2022; 3 pages)
3. Planning Commission June 9, 2022 final decision and attachments:
   - 101. Marked Tax Map
   - 102A. Public Works comments (May 5, 2022; 2 pages)
   - 102B. Agency commentary ODOT e-mail with two exhibits (May 4, 2021; 15 pages)
   - 103A. Application materials / site plans Option 1 (Feb. 9, 2022; 3 sheets)
   - 104. Transportation System Plan (TSP) Fig. 2 "Functional Roadway Classification"
   - 201.* CU 21-02 US Market Gas Station: Dictionary & Glossary

202. CU 21-02 US Market Gas Station: Civil Engineering Plan (CEP) Review Provisions
203. CU 21-02 US Market Gas Station: Conditioned Fees
*The 200 series of attachments are details for the conditions of approval.

4. Planning Commission June 9, 2022 Staff Report and attachments not attached to the final decision:
102. Analyses & Findings
103B. Application materials / site plans Option 2 (May 2, 2020; 5 sheets)
5. Applicant's copy of ODOT July 19, 2022 e-mail (received July 20, 2022; 1 page)
6. Petition from "citizens of Woodburn Estates" (July 20, 2022; 3 pages)

BEFORE THE CITY COUNCIL

FOR THE CITY OF WOODBURN

In the Matter of the Application of: WOODBURN PETROLEUM, LLC and Ronald James Ped, Architect For property located at 2540 and 2600 Newberg Highway	Case No. CU 21-02 Corollary Cases: DR 21-10, EXCP 21-05 and PP 21-01 **MEMORANDUM IN SUPPORT OF THE APPLICATION**

COMES NOW the Applicant, by and through their attorney, Wallace W. Lien, and does hereby submit the following evidence and testimony in support of the above referenced application and in answer to the appeal of the Planning Commission approval of said application.

1. RESPONSE TO APPEAL ISSUE NO. 1

The first issue raised in this appeal is the alleged lack of findings in the Planning Commission decision, and in the alternative that what findings that were adopted are inadequate, not supported by substantial evidence or improperly defer compliance with approval criteria.

Once the Planning Commission decision was appealed, jurisdiction moved to the City Council. It is the City Council that will make a final decision, which decision will include adequate findings that are supported by substantial evidence and will not improperly defer any approval criteria compliance. As such this first issue is essentially moot.

The Applicant offers to assist the City in the preparation of such findings, if such assistance is requested.

2. RESPONSE TO APPEAL ISSUE NO. 2

The second appeal issue involves an allegation that Conditions D3 and CU9.d.2(c) are too vague or improperly defer compliance to staff in violation of state law and WDO 4.01.06.A and 4.02.07. The allegation goes on to allege other unidentified conditions are similarly compromised.

The appeal does not cite to any specific provision in state law to support its claim, therefore it is impossible to respond to. Such an allegation is not raised with sufficient specificity to warrant the need for a response by the City. Similarly, citing to unidentified conditions is not sufficient to

City Council July 25, 2022
CU 21-02 Appeal Attachment 1

RECEIVED
JUL 19 2022
COMMUNITY DEVELOPMENT DEPARTMENT

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properly raise any issue as to any conditions but the two that are specifically stated. Because of this, only Conditions D3 and CU9.d.2(c) are properly raised and which will be addressed here.

A. Condition D3 relates to parking and vehicular circulation directional markings/signage. This condition states:

> *To conform to WDO 3.05.02J, during building permit review the Director may administratively establish details, specifications, and revisions to administer the WDO section. Further site plan revisions necessary to conform, if any, shall be due by building permit issuance.*

In order to understand this condition, it is necessary to review WDO 3.05.02.J which states that all uses required to provide 20 or more off-street parking spaces shall have directional markings or signs to control vehicle movement, and any dead-end drive aisle 50 feet or longer shall have an MUTCD-compliant "no outlet" sign.

Compliance with WDO 3.05.2J is not an approval standard, but instead is a developmental regulation that applies to how a site is constructed once all of the actual land use approval criteria are complied with. It is only appeal of issues that actually relate to approval criteria that are subject to a legitimate appeal.

The appeal does not state in what manner it is alleged this condition is vague, just that they say it is so. What WDO 3.05.02J provides is the need for directional signs and markings. This condition requires compliance with that code provision, and simply advises staff to establish the details and specifications of the directional signs and markings. Such a task is best carried out by staff, as it is not the responsibility of the City Council to decide what size and color and location such signs are to be made.

Further, there is no delegation of compliance. The condition clearly states the intention that WDO 3.05.02J is to be complied with, therefore the directional signs and marking have to be in place. The details of how and where that happens certainly can be left up to staff to decide during the building permit process.

To the extent the City Council believes that clarification in the language of Condition D3 is

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necessary such can be made as part of the City Council's final decision.

B. Condition CU9.d.2(c) relates to the issue of cross access between parcels. That condition states:

> *If after City land use decision ODOT objects specifically to how the City administers or the developer conforms to other parts of the condition or to other conditions concerning vehicular access, then the developer may request and the Director may administratively approve in writing changes to administration or conformance to accommodate the ODOT factor while still having the development meet the WDO and conditions of approval to the max extent remaining. The Director may require developer application for any of Extension of a Development Decision per WDO 4.02.05 or Modification of Conditions per WDO 4.02.07.*

As before, the appeal does not state in what manner it is alleged this condition is vague, just that they say it is so, which simply isn't good enough. This condition of approval is advisory, as it only comes into play if ODOT objects to the method of implementation utilized by the City in the final decision. If ODOT does not object, this condition never has to be addressed. Conditions that relate to post-approval administration of the decision do not rise to the level of compliance with approval criteria, and therefore are not the appropriate subject of an appeal here. The language used in this condition clearly states the intent of the City in how to deal with post-approval issues.[1]

Further, there is no delegation of compliance. The condition clearly states the intention that the City will accommodate the ODOT factor. Further, if there is to be an Extension or Modification of the site plan, the condition specifies that such an application will be required and it will be processed according to the provisions of the WDO, which would include notice and opportunity to be heard which is all that is necessary.

To the extent the City Council believes that clarification in the language of Condition CU9.d.2(c) is necessary, such can be made as part of the City Council's final decision.

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[1] The Applicant believes the most appropriate response to the issue of cross access is to adopt Option #2 which ODOT has stated its Access Committee could support. See Section 7 hereof for other reasons why Option #2 should be adopted over Option #1.

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C. The appeal cites to violations of WDO 4.01.06.A which grants the City the right to impose conditions of approval that are reasonably related to impacts caused by the development or designed to ensure that all applicable approval standards are, or can be, met. All conditions must be clear and objective, or if the condition requires discretion, opportunity for a public hearing is made. As noted above, there is nothing in these conditions that are not clear and objective, or for which provision is made for future opportunity to be heard. There is no violation of WDO 4.01.06.A.

The appeal also alleges a violation of WDO 4.02.07, which provides that any request to modify a condition of approval is to be considered pursuant to the procedure and the standards and criteria applicable to a new application of the type of permit or zone change that is proposed to be amended, except that the modification of a condition limiting the use of property may only be considered as a Type IV Official Zoning Map Change application. This provision applies only to post-approval applications to modify conditions that were adopted in a previous decision. That is certainly not the situation involved here, therefore this code provision is not even applicable.

3. RESPONSE TO APPEAL ISSUE NO. 3

The appeal alleges that Option #1 which was approved by the Planning Commission was adopted in error, contending that there is no evidence of feasibility of eventual ODOT approval of that Option. The key allegation here is the legal standard of feasibility. It is true that conditions imposed for compliance with approval criteria must have evidence to show that compliance is feasible, however the appeal overstates what it takes to meet the feasibility requirement.

Feasibility simply means that an applicant is not prohibited as a matter of law from obtaining the ODOT approval. *Citizens for Responsible Development v. City of The Dalles*, 59 Or LUBA 369 (2009). So long as there is a process to follow, and the potential for ultimate approval from ODOT, the condition requiring eventual ODOT approval is lawful. There is evidence in this Record from ODOT that indicates ODOT approval is not prohibited, and that there is a process for obtaining ODOT approval. See ODOT Memo of May 4, 2022, Attachment 102B to the Planning Commission decision.

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That being said, the Applicant here is urging the City to adopt Option #2 which also needs ODOT's blessing, but for which ODOT appears much more amenable to approve. For a more detailed discussion of why Option #2 is the better site plan see Section 7 below.

4. RESPONSE TO APPEAL ISSUE NO. 4

This appeal issue alleges that a condition of approval is needed to mitigate an alleged elevated crash rate at the intersection of Highway 214 and Oregon Way.

The appellant's premise for this appeal issue is that the proposed project will elevate the crash rates at the intersection of Highway 214 and Oregon Way, citing to the May 10, 2022 OTAK Memo. However, OTAK directly addressed the issue of crash rates in a subsequent Memo dated May 18, 2022, where at page 4, it was said:

> The TIA identified the intersection of OR 214 and Oregon Way/ Country Club Road as having an existing elevated crash rate that exceeds ODOT's 90th percentile crash rate for these types of intersections. Potentially adding trips could exacerbate this condition. However, within the past month ODOT has converted the east-west left turn signal from flashing yellow arrow to protected left turns, which should alleviate the elevated crash rate condition. **Thus, with this signal modification in place, no mitigation requirement would be placed on US Market to contribute toward mitigating the elevated crash rate condition.** (Emphasis Supplied)

Therefore, based on the most recent OTAK Memo, no mitigation condition of approval is necessary in this case.

It should also be noted that, as conceded by the appellant, this issue arises only if it is Option #1 that is adopted. In the event of adoption of Option #2, the safer traffic maneuvers provided there will further mitigate the crash rate. This issue is addressed in detail by the attached Memo from the Applicant's Transight Consulting as follows:

> *The ideal access option within this area is to serve the combined site from Oregon Way. This is the lowest-volume abutting street, and it provides a signalized connection to access or cross OR 214. Increased access onto Oregon Way reduces the number of cars weaving or making U-turns on the highway, and since these movements contain elevated crash rates, by reducing these maneuvers it improves safety.*
>
> *The first access option ("Option 2") presented is the most intuitive. It allows vehicles exiting the convenience market and fuel center access onto Oregon Way to use the traffic signal. This option supports exiting truck turning movements and makes the site*

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more functional. It also reduces the amount of traffic accessing directly onto OR 214, thereby reducing the weaving and U-turn maneuvers that were raised as concerns by the City. The limitation with this access configuration is that it makes access from westbound OR 214 difficult, forcing these motorists to make a U-turn at the Evergreen Road traffic signal (which has the highest crash rate within this area).

While the appellant seeks an unnecessary condition of approval to provide safe turning movements at this intersection, the better approach is the adoption of Option #2 instead of Option #1.

5. RESPONSE TO APPEAL ISSUE NO. 5

The next appeal issue challenges the staff report regarding the exception to street right of way and improvement requirements. The appeal argues that the staff report contains the findings to support the exception grant, and that those findings are illogical, unresponsive and not supported by substantial evidence. The appeal does not explain what portions of the staff report are bad, nor is it set forth how the decision is bad, or what parts are not supported by evidence. As such this appeal issue is not stated with sufficient specificity for the City to respond to. It is not for the Applicant or the City to guess what it is that the appellant thinks is wrong. Reference to an entire staff report without more specificity is simply not good enough to warrant a response.

The exception referred to is EXCP 21-05 (See page 18 of the Planning Commission Decision). The findings here require the following dedication of right of way and construction of improvements:

a. Dedication, if necessary, to bring the Major Arterial into conformance with WDO Figure 3.01B; and

b. Dedication, if necessary, to bring the Access Street into conformance with WDO Figure 3.01E; and

c. Dedication, if necessary, to provide for Public Utility Easements in conformance with WDO Figure 3.01B and 3.02.01F.2; and

d. Fees are required to be paid in lieu of highway and parking improvements, which is a standard procedure authorized by the WDO; and

e. Landscaping and sidewalk requirements are all pursuant to WDO 3.01.04B

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These requirements are stated in clear and objective language, and are very logical in light of the site design for the project. Conditions of approval do not have to be supported by evidence, that requirement only applies to findings. The applicant has to comply with the conditions imposed or no building permit will be issued.

Staff's findings are clear, unambiguous and are supported by evidence in the Record in the form of the site design drawings. Explanation of compliance with WDO 5.03.03 is set forth in Attachment 102, relevant excerpts of which follow:

> *The existing frontages on Hwy 214 and Oregon Way meet the WDO standards with the exception of the landscape strip and sidewalk being reversed. On Hwy 214 conforming strictly to the WDO standards would actually narrow the road by 6' to add a landscape strip adjacent to the roadway, see A1.1. Changing this would not affect the extent to which the right of way and improvements will be used by persons served by the building or development.*
>
> *Staff concurs about no effect on the extent to which the right of way and improvements will be used by persons served by the development in the sense that there are at present and will remain the same number of vehicular lanes along both frontages, highway bicycle lane, and sidewalks. The proposed land uses of gas station and convenience store are for convenience and not safety.*
>
> *Relative to Figure 3.01B, highway non-conformance is limited to lack of planter strip and street trees. Conventional traffic engineering does not address effects of development on walking and cycling as it does for vehicular trips, there is no widely recognized norm for how to address such, and the WDO provides no guidance on the topic. Second, the north frontage context is strip commercial along a heavily trafficked state highway, the kind of dangerous and noisy environment that repels pedestrian and cyclists. Those who do walk and cycle are likely those who are living nearby, the homeless, those without access to car, and those few who wish to brave existing conditions. The presence of a sidewalk is sufficient for sheer practicality for those who wish to walk along a highway or cycle outside of the bicycle lane because they don't feel safe in a highway bicycle lane. In this context, the number of pedestrians and off-street cyclists is moot. Pedestrians and cautious cyclists can and do use the wide sidewalk today, and the pedestrians and cautious cyclists the development might attract would use the same wide sidewalk.*
>
> *Relative to Figure 3.01E, Oregon Way non-conformance is limited to lack of parking lane, planter strip, and street trees. Staff applies conditions that excepts only the parking lane but also requires fee in lieu of such parking. Additionally, the conditions require wider planter strip and wider sidewalk exceeding the minimums of Figure 3.01E. Like conventional development and zoning codes, the WDO requires off-street parking for almost all developments, including the subject development, so the absence of on-street parking is not of concern from this perspective. Second, pedestrians and cautious cyclists can and do use the narrow curb-tight sidewalk today, and the pedestrians and cautious cyclists the development might attract would*

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use the new wider sidewalk. Third, Figure 3.01E does not account for the presence of a left turn lane at intersections, and such exists because of ODOT, and given that ODOT and the Public Works Department assume its continued existence, Public Works assumes that the developer would adapt required Oregon Way half-street improvements to fit along the turn lane, and that ODOT typically asks that there be no on-street parking within a certain distance of state highway intersections, usually 50 ft, it is reasonable in this case to allow for fee in lieu of what little on-street parking a civil engineer could fit.

As stated above there is no change to the extent of use from existing conditions to WDO standards, thus no improvements are needed to meet the estimated use, beyond those shown on the submitted plans.

About Street Exceptions in general, Planning staff adds that the Public Works Department is content with frontages along the corridor, and defers to ODOT for developments where ODOT has jurisdiction. By 2015, ODOT improved the I-5 interchange and as part of that project widened OR 214 east of the interchange to a little east of Oregon Way. As expected, the agency constructed to its own economized standards, which resulted in curb-tight sidewalk, though wide at about 8 ft, no street trees, and no burial of the south side overhead electric power lines. Also, until late 2017 and early 2018, staff approved any Street Exception that a developer requested, and Planning staff experience in these years was that the Public Works Department prefers curb-tight sidewalk and existing conditions anyway generally beyond curbs as long as there were minimum improvements to driving area between curbs and subsurface/underground potable water, sanitary sewer, and stormwater utilities. In more recent years, Planning staff took the lead in at least imposing conditions on Street Exception approvals to get a degree of improvements and/or fees in-lieu. Regarding OR 214, Planning staff years ago recognized the de facto policy decision by other departments to leave the ODOT-improved segment as is and not have individual redevelopments upgrade their frontages to have landscape strips, new sidewalk that conforms, and buried power lines redevelopment by redevelopment.

Through both conditional use and Street Exception, Planning staff applies conditions that grant EXCP approval for both frontages, but also to give the City some public benefit for leaving the highway as is or mostly as is and for Oregon way not having required on-street parking; require the developer to make the Oregon Way frontage the best for pedestrians through wide landscape strip with street trees, wide sidewalk, and setting maximums for Oregon Way driveway width; and securing fees in-lieu.

The staff report goes on to list out with engineering calculations the actual fees to be paid for the in-lieu conditions.

The current findings and conditions are sufficient for compliance with the approval criteria for Exceptions.

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6. RESPONSE TO APPEAL ISSUE #6

The last issue raised in this appeal is a categorical refuting of Option #1, as not being able to meet the unnamed "traffic-related criteria". The Applicant does not agree with the allegations in the appeal, but does agree that Option #1 should not be adopted, in favor of adoption of Option #2.

As with most of the appeal, this issue is not raised with sufficient specificity to warrant a response from the City or the Applicant. Appellant does not set forth any specific provisions of the WDO that are alleged to be violated in the Planning Commission decision. Simply saying "traffic-related criteria" is not good enough.

The issue of cross access was raised in a previous allegation, and responded to above, which response does not need to be repeated here.

The issue of inclusion of the amount of trip generation from this project is discussed in detail by the engineers at Transight Consulting in the Memo dated July 18, 2022 that is submitted contemporaneously herewith. In particular, the issue of inclusion of Project Basie traffic is addressed as follows:

> *A comment raised by the opposing gas station's engineer was that our project did not account for Project Basie, which is the new Amazon distribution facility that is now under construction. When the traffic report was prepared this facility was not under construction, was not listed on the City's website as an approved "In Process" development, and our discussion with Dago did not identify this as a project to include because it was not approved (it appears that this was intended to remain confidential during the entitlements period). Our June 2021 confirmation of in-process developments with staff followed discussion with Dago, our review of the enclosed map of locations to include and was followed by validation in our email correspondence. OTAK's review comment that this was "a memo with no apparent response" is an incorrect reflection of our discussion and diligence, yet still clearly pre-dates the submitted TIA for Project Basie that occurred in September 2021.*
>
> *As previously discussed and agreed to within the City consultant comments, the proposed redevelopment of the banks to a fuel center, convenience market, and office generates fewer peak hour trips. Accordingly, no updates to the analysis presented within Project Basie are needed, as conditions will operate better than those reported within this previously approved report. As noted in Comment #2, our trip generation estimates for the US Market site are very conservative, and reflect the upper-end estimates for this type of use.*
>
> *Finally, Project Basie was a rezone project that has a higher burden of proof. The analysis for Project Basie is required to modify the City's adopted Transportation*

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System Plan by showing that all developable lands plus its impact are accounted for. The Project Basie analysis (prepared by the Opposition Traffic Engineer's firm) did not appear to account for the entitlements of the former bank sites in its near-term analysis, or the allowable site uses in the long-term analysis.

While the US Market site reduces peak hour trips on the system, Project Basie adds between 176 peak hour trips on the system (as assessed in the Kittelson Transportation Impact Analysis based on their own estimated trip generation methodology) and 3,959 peak hour trips (increased to 4,787 in the more current ITE manual), or a factor of 22 times the number of peak hour trips assessed based on national ITE trip generation estimates assessed at numerous other sites of similar scale, see Figures 3 and 4. If the actual trip rates at the Amazon facility mirror those at other high cube fulfillment centers this level of trips would require its own dedicated four-lane facility. For this reason, the burden of proof on a zone change is much higher and it must account for other developable lands as it seeks to amend both the Transportation System Plan amendment and the supporting Interchange Area Management Plan.

The US Market site is in no way opposed to Project Basie and fully intends to serve its patrons with competitive products and lower-cost fuel options. With the US Market showing less trips during the critical evening commute period than the banks operations will be better than those shown in the Project Basie report, regardless of whether or not Project Basie's actual trip rates reflect those presented by the Opposition Engineer's report or the much higher trip rates within national surveys of similar locations.

The technical issues related to transportation planning are clearly set out and are supported by the engineering evidence. Any allegations of error in this issue is incorrect and should be rejected.

7. ADOPTION OF OPTION 2

The only real substantive issue left in this case is whether to adopt the site plan Option #1, or to adopt Option #2. The Applicant urges the City to adopt Option #2 for the following reasons:

a. The motivation for this appeal lies not in the good administration of land use laws and sound planning, but an attempt to thwart competition. This motivation shows in the lack of foresight put in to the appeal allegations. Competition is the foundation of our free market economic system. It is good for the public in stablizing pricing and ensuring adequate supply of reasonably priced goods. The conglomeration of the four gas station owners who comprise the appellants here have banned together to stop a competitor from entering the market. The City has an obligation to foster competition and to ignore the monopolistic intentions of the other gas station owners.

b. Option #2 eliminates the cross access issue, and is a site plan that ODOT Access

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Management can support. While both Options have the requirement of submitting to the ODOT Grant of Access modification process, Option #1 is not preferred by ODOT because it would require Dairy Queen and/or Dutch Brothers to close their driveways, which they would rightly never agree to do. As noted above, Option #2 is the preferred alternative as it does not require closure of the neighbors access driveways. Having a site plan that ODOT prefers makes the most sense and provides the best and fasted path to construction of the project.

c. Option #2 allows safer and more efficient turning movements onto Oregon Way and through its intersection with Highway 214. As noted above, this eliminates the U-Turn movements through that intersection that may be experienced with Option #1.

d. Option #2 is the most intuitive site plan. It allows vehicles exiting the convenience market and fuel center access onto Oregon Way to use the traffic signal at Highway 214. This option further supports exiting truck turning movements and makes the site more functional. It also reduces the amount of traffic accessing directly onto OR 214.

e. Option #2 allows the now vacant site to be developed much sooner because of the preference for this option. Converting this now vacant site to a fully operational commercial facility will greatly benefit the City in the aesthetics of the area, but also the public in providing additional competition in the fuel market.

f. The Mass of the C store between the gas stations in Option #2 will do a better job of screening light, noise that filters to the senior apartments (on the south) than Option #1. Parking on south side of the C-Store will be a lower number of movements than the high turnover space on the North side of the C store. The parking at the south property line would be employees.

g. The low impact parking behind C store in Option #2 will provide more visual relief from the residential properties to the south. Option #1 is 10' from the 8' Masonry wall where Option #2 is 58'. The Senior apartments are 120' south of the development, which makes the blank side of the building over half a football field away.

h. The Option #2 office on the corner (as opposed to Office at the south side of Option #1 and

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the office adjacent C-store) is smaller. Option #2 is 3,649 sf , where Option #1 is much bigger at 6,836 sf. This is a 53% reduction in building area. There is a linear reduction between traffic count and area. The TIA did not account for this reduction, which means less traffic generation in Option #2. This reduction in traffic generation would support traffic safety by reducing the number of cars.

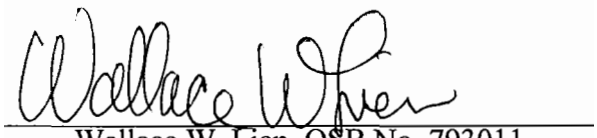
I. The gas pumps in Option #2 will be 170' from the south property line, where in Option #1, the pumps are only 158' feet from that property line. This means reduced vapors to the south.

8. CONCLUSION

With the exception of the adoption of Option #1 instead of the preferable Option #2, the Applicant concurs with the decision, findings and conditions imposed by the Planning Commission.

The Applicant urges the City Council to approve these applications with the adoption of Option #2 instead of Option #1 as the better site plan for the City, the neighbors and the Applicant.

DATED this 18th day of July, 2022.



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503.802.2054 direct
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June 21, 2022

VIA HAND DELIVERY

Woodburn City Council
c/o Chris Kerr, Community Development Director
270 Montgomery Street
Woodburn, OR 97071

Re: Woodburn Fast Serv Inc. and LB Group, LLC
2540-2600 Newberg Highway, Woodburn, OR
City File No. CU 21-02
Planning Commission Final Order dated June 9, 2022

Dear City Council:

This firm's clients Woodburn Fast Serv Inc. and LB Group, LLC appeal the above-referenced decision of the Woodburn Planning Commission. This letter is attached to the appellants' appeal notice pursuant to WDO 4.02.01.

As an initial matter, it is not clear when notice of the Planning Commission's final decision was given, which means it is not clear when the appeal period expires. The order itself is dated June 9, which seems inaccurate since the Planning Commission hearing did not end until 9:30 that evening. The order is signed by the Commission Chair on June 14. There is no affidavit of mailing attesting to service of the final order on parties entitled to notice, but the postmark on the envelope mailing the notice to me is dated June 15. Mr. Cortes confirmed to me in an e-mail earlier today that the date of mailing is June 15. Nonetheless, without an affidavit of notice the appellants reserve the right to dispute any calculation of the appeal deadline.

The underlying land use matter is a Type III decision. The appellants have standing to appeal under WDO 4.02.01.A.3 because they participated orally and in writing in the Planning Commission proceedings below.

The grounds for appeal are as follows:

- The Planning Commission's order does not make any findings with respect to the applicable approval criteria, and is therefore inadequate. Findings were recommended to the Planning Commission in the staff report dated June 2,

City Council July 25, 2022
CU 21-02 Appeal Attachment 2

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2022, but nowhere does the final order adopt, modify or incorporate those findings, nor does the Planning Commission make its own findings.

- Even if staff's recommended findings from the June 2 staff report are considered to have been incorporated into the final decision, those findings are inadequate with respect to numerous approval criteria by either failing to find that the criteria are satisfied, making findings not supported by substantial evidence in the record or improperly deferring a determination of compliance to administrative staff.
- Several conditions of approval are too vague, or improperly defer a determination of compliance to administrative staff, in violation of state law and WDO 4.01.06.A and 4.02.07. These conditions include, but are not limited to, conditions D3 and CU9.D.2(c).
- The applicant's Option 1, which is the only site plan approved by the Planning Commission, is not feasible because the applicant has provided no evidence that ODOT will lift the deed restriction that must be removed to allow the internal site circulation of Option 1 to work. As the City's own transportation consultant stated in a letter to the Community Development Director dated June 1, 2022:

> *The Transight statement in the new TIA does not address how their cross-circulation proposal avoids this violation, as the shifting of access to a shared access just to the west of the current RIRO [right in right out] driveway would still need ODOT approval and approach permit, and [the] Applicant would need to be successful arguing to ODOT that the existing RIRO driveway would be closed and replaced with this new, shared access and thus, they would need to argue that this new shared access driveway does not have the same deed restriction as the current driveway. Additionally, they have not presented any evidence that the properties to the west, not subject to the site development proposal, have agreed to this [change] of access and granting of shared access easements.*

- The applicant's traffic consultant acknowledges that Option 1 exacerbates an existing elevated crash rate at the OR 214/Oregon Way intersection, yet no condition is imposed to mitigate this adverse impact on the transportation system. As the City's transportation consultant stated in a letter to the Community Development Director dated May 10, 2022:

> *The TIA indicated that the OR 214/Oregon Way intersection has an elevated crash rate under existing conditions, primarily due to left turns at this flashing yellow arrow left turn signal. Not only would the additional trips likely exacerbate this condition, but would require a quick multi-lane weave maneuver across eastbound OR 214, which increases the risk of collisions due to such a maneuver ... [S]hould the applicant be successful in achieving ODOT approval of a shared, public access easement between the two tax lots and thus provide for on-site circulation that provides access for both lots to the right-in/right-out driveway on OR 214 as well as the full access onto*

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> *Oregon Way, the driveway onto OR 214 should be [designed] and signed so as to prohibit vehicles turning right onto OR 214 and then crossing over traffic lanes to turn left onto northbound Country Club Road (a multi-lane weaving maneuver over a short distance).*

- Assuming it was adopted by the Planning Commission as its own findings, the analysis in the June 2 staff report in support of the grant of an exception to street right of way and improvement requirements is illogical, unresponsive to the applicable criteria and not supported by substantial evidence in the record.
- The approval does not meet the applicable traffic-related criteria as described in the May 10, 2022 and June 1, 2022 memoranda from the City's transportation consultant. As noted above, Option 1 does not provide adequate access between the two lots that is consistent with ODOT's deed restrictions on the site. Also, the applicant's traffic impact analysis is inadequate for failure to include the significant number of additional vehicle trips and turning movements associated with the approved Project Basie. As the City's transportation consultant stated in a letter to the Community Development Director dated June 1, 2022:

> *Project Basie has been approved, US Market has not. The reference to a memo submitted to city staff in July 2021, with no apparent response,, does not change the fact that there was never a scoping approved for a TIA for this site, and such a scoping request would have yielded Project Basie as a pending in-process development.* ***The TIA analysis should be revised to include Project Basie trips.***

Best regards,

David J. Petersen
DJP/rkb

cc (via e-mail): Robert J. Barman
Garry L. LaPoint
Wayne K. Kittelson
Danny Draper

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Final Decision

Planning Commission

File number(s):	CU 21-02, DR 21-10, EXCP 21-05, & PP 21-01
Project name:	US Market gas station
Date of decision:	June 9, 2022
Applicant:	Ronald "Ron" James Ped, Ronald James Ped Architect, PC, 145 21st St SE, Salem, OR 97301-8846
Landowner:	Lal Din Sidhu ("Don" Sidhu), Woodburn Petroleum LLC, 1038 Broadway St NE, Salem, OR 97301-1276
Site location:	2540 & 2600 Newberg Hwy (OR Hwy 214); Tax Lots 052W12DB03700 [primary] & 3600

Summary: The Planning Commission held a public hearing on June 9, 2022 and by a vote of 4-1 approved the consolidated applications package (Type III) with the conditions recommended by staff through the staff report published June 2, except for two revision items:

1. Raising the Architectural Wall minimum height along the Panor 360 condominiums boundary (950 Evergreen Rd; Tax Lot 052W12DB90000) from 8 to 9 feet, which is the maximum that Woodburn Development Ordinance (WDO) 2.06.02C.1 allows, and striking allowance for that wall to have upper segments of cedar wood between columns/piers.
2. Striking allowance for the developer to refine and construct site plan Option 2, the one that the applicant had drafted because of Oregon Department of Transportation (ODOT) highway access restrictions.

They are shown below in strikethrough-and-underline text.

The request is for conditional use (for a gas station), design review, Exception to Street Right of Way and Improvement Requirements ("Street Exception"), and phasing plan application types to develop a corner site of two lots totaling approximately 1.42 acres into a gas station with convenience store as well as speculative commercial office area. (There is no lot consolidation.)

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

Several parties testified (besides the applicant). The table below in the "Testifiers" section lists them.

Section references are to the Woodburn Development Ordinance (WDO).

City Council July 25, 2022
CU 21-02 Appeal Attachment 3

Conditions of Approval:

General

G1. By and 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 by the Building Division.

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: Attachment 201 serves as a dictionary or glossary defining certain abbreviations, acronyms, phrases, terms, and words in the context of the conditions of approval. The 200 series of attachments are as binding as the conditions of approval in the main body of the final decision.

G4. Due dates / public improvements:

a. When public street improvements, and any fees in lieu of public improvements, are due shall be per WDO 3.01.02 and 4.02.12 through Ordinance No. 2602 (LA 21-01) unless if and where a condition of approval has more restrictive timing.
b. Where phasing is relevant, building permit issuance means issuance for the phase in which the conditioned improvement is located.
c. Where changes to street addresses are necessary, the developer shall apply through the Planning Division for and obtain approval of an Address Assignment Request. This is due prior to building permit application, and if property line adjustment or lot consolidation were to become relevant, then also after recordation with County.

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.

G6. Fees: The developer shall pay fees per Attachment 203.

Phasing Plan 21-01

PP. Phasing Plan:

1. Options 1 & 2: The developer may develop a site plan revised to conform to conditions of approval and based on ~~either~~:
   a. Option 1: The site plan concept last revised and re-submitted for land use review on February 9, 2022 and premised on there being no ODOT factor (see the ODOT factor condition)~~; or~~
   ~~**b. Option 2: The different site plan revised and submitted May 2, 2022 premised on the developer's understanding of the ODOT factor**~~.

   This due by building permit application.
2. Basic Descriptions:
   a. Option 1: See Exhibit PP1 below for plan details.
      (1) On Tax Lot 3600 (east, corner lot), a single northeast building of with convenience store of 4,110 sq ft and a commercial office of 1,863 sq ft.
      (2) On Tax Lot 3700 (west, interior lot), a north fuel pump canopy and a south commercial office building of 5,000 sq ft.
   b. Option 2: See Exhibit PP2 below for plan details.
      (1) On Tax Lot 3600 (east, corner lot), a single northeast commercial office building of 3,649 sq ft.
      (2) On Tax Lot 3700 (west, interior lot), a north fuel pump canopy and a south convenience store of 4,314 sq ft.
3. Phasing: The developer may phase ~~an option~~:
   a. Option 1: To develop the south office building and necessary corollary improvements later than the gas station complex of convenience store, attached commercial office, and fuel pump canopy and necessary corollary improvements.
   ~~**b. Option 2: To develop at different times (1) the gas station complex of convenience store and fuel pump canopy and necessary corollary improvements, and (2) the northeast office building and necessary corollary improvements.**~~
4. All conditions apply to any option, any phasing, unless worded or under a header such that a condition applies more specifically. Where something is due by building permit application or issuance, it means the first of any phase, any building, unless a condition is more specific.
5. By and as part of building permit application, the applicant shall submit revised site plans meeting the conditions of approval.
6. **The Planning Commission prohibits Option 2 because of its decision at the June 9, 2022 hearing. Developer pursuit of Option 2 would require a Modification of Conditions (MOC) application and approval per WDO 4.02.07.**

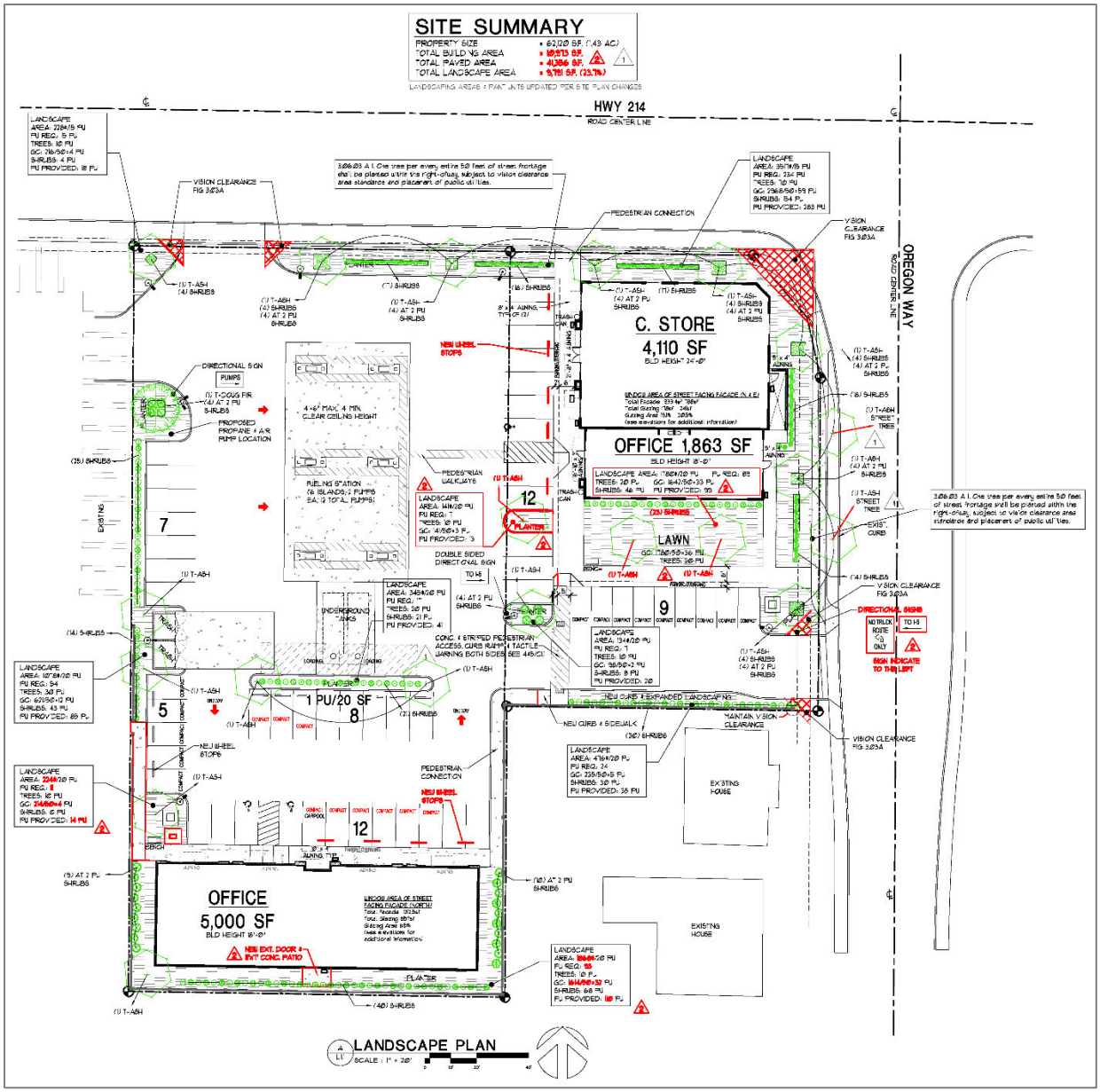


Exhibit PP1: Option 1 Site Plan Excerpt Prior to Revision per Conditions of Approval

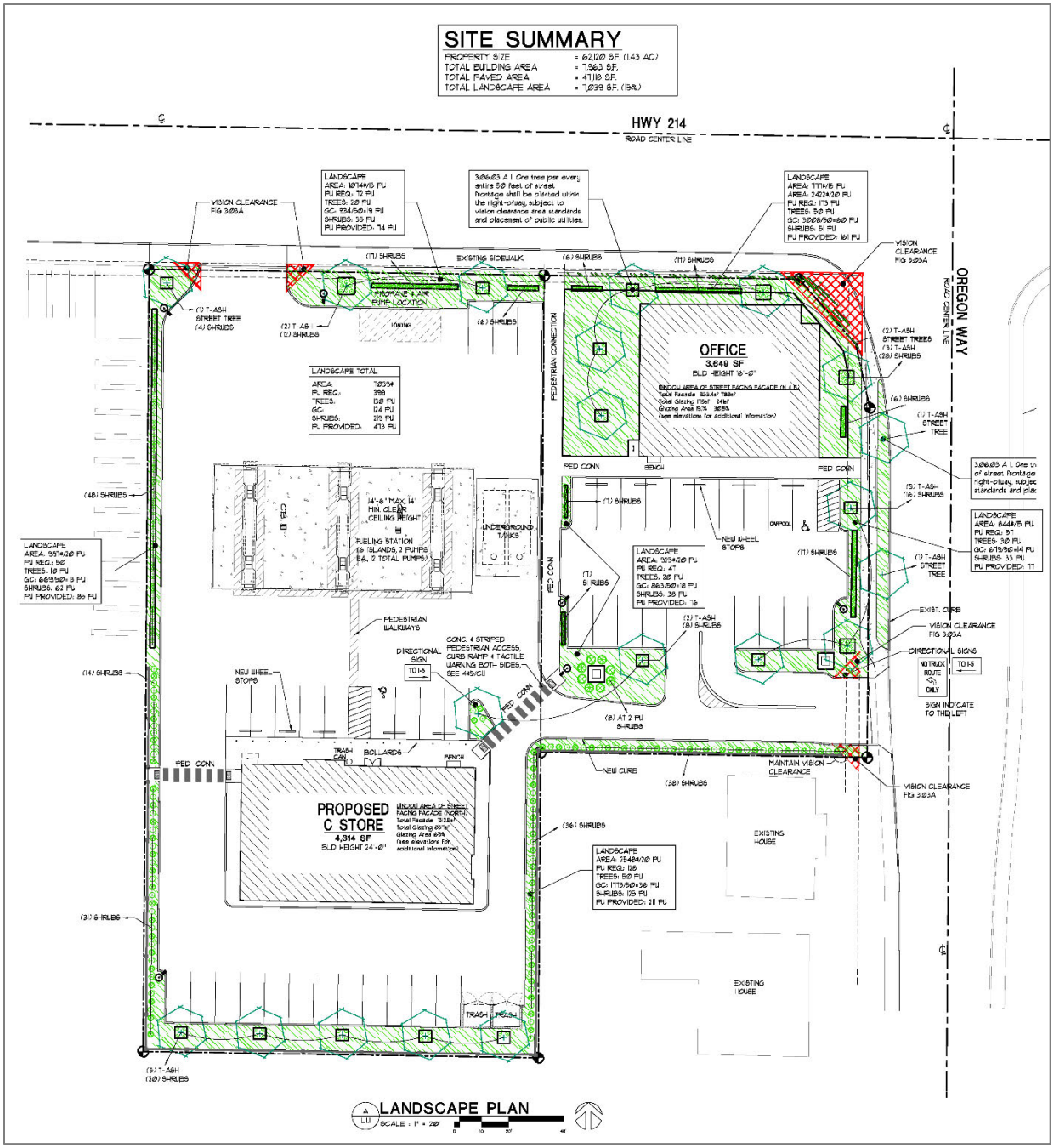


Exhibit PP2: Option 2 Site Plan Excerpt Prior to Revision per Conditions of Approval

Design Review 21-10

D1. PUEs: If minimum width streetside PUEs do not yet exist as 10 ft along the highway per WDO Figure 3.01B or 5 ft along Oregon way per 3.02.01B, the developer shall grant such. Max widths shall be per Conditions EX1 & EX2. This is due by building permit application.

D2. Parking / vehicular circulation setback: Option 2: To conform to WDO 3.05.02E, the developer shall do one of the following: (a) revise the site plan to set back parking and vehicular circulation area min 5 ft from the northerly east lot line of 2600 Newberg Hwy (Tax Lot 3700) and to landscape the setback per 3.06 and plant min 4 trees within it; (b) have a shared use agreement per 3.05.02E; or (c) doing (a) in part and in combination with (b). This is due by building permit issuance.

D3. Parking / vehicular circulation directional markings/signage: To conform to WDO 3.05.02J, during building permit review the Director may administratively establish details, specifications, and revisions to administer the WDO section. Further site plan revisions necessary to conform, if any, shall be due by building permit issuance.

Conditional Use 21-02

CU1. Architecture:

a. Canopies / fixed awnings:
   1. General: Min height clearance 9 ft.
   2. Fuel pump canopy: Max ceiling height 14.5 ft to either (a) ceiling or (b) ceiling-mounted lighting fixtures, whichever is lower.
   3. Option 1:
      (a) Convenience store / NE office building: Each west entrance shall have a fixed awning, canopy, building wall projection, or secondary roof that shelters from the weather, min area 48 sq ft, min depth 4 ft. Each east mandoor shall have the same, except min area 18 sq ft, min depth 3 ft.
      (b) South commercial office: Each north entrance shall have a fixed awning, canopy, building wall projection, or secondary roof that shelters from the weather, min area 48 sq ft, min depth 4 ft. It may be smaller if combined with a building recess and together they meet the min area. The south patio door elsewhere conditioned shall have the same, except min area 18 sq ft, min depth 3 ft.
   4. Option 2:
      (c) Convenience store: North entrance shall have a fixed awning or a canopy that shelters from the weather, min area 48 sq ft, min depth 4 ft. Each side or rear mandoor shall have the same, except min area 12 sq ft, min depth 2 ft.
      (d) NE commercial office: The main entrance shall have any of the following that that shelters from the weather: (1) a fixed awning or a canopy, (2) a building recess, or (3) combination. Min area 64 sq ft, narrowest dimension 6 ft. Min one of the other entrances shall have the same, except min area 24 sq ft, narrowest dimension 4 ft. Every south and west façade storefront window shall have any of a fixed awning, canopy, building wall projection, secondary roof, or sun louver min width same as the window and min depth 2 ft. Building color shall be other than black or charcoal.

b. Cladding/materials:
   (1) Option 1: Convenience store / NE commercial office: Base cladding min height 2 ft of brick, CMU finished to resemble cut stone, or adhered stone. The proposed east CMU mandoor screen wall, if not precluded by streetside PUE, shall be max height 4 ft, 2 inches, have the bottom 2 courses be split face and the upper 4 courses ground face and be capped with smooth concrete. The NE corner angled wall shall have a window min area 15 sq ft, min 2.5 ft wide, and wholly within 8.5 ft of grade.
   (2) Option 2: NE commercial office: Base cladding min height 2 ft of brick, CMU finished to resemble cut stone, or adhered stone.

c. Entrance: Option 2: NE commercial office: The main entrance door or doors of the office building shall be at any of the NE corner, within the east façade, or at the SE corner of the building. A corner entrance may be angled or both at one side of a corner and within 12 ft of the corner where main wall planes intersect or would intersect.
d. Scuppers: Any building rainwater scuppers shall not to dump onto the pavement of a wide walkway.
e. Setbacks:
   (1) General: Site NE corner min setback shall equal streetside PUE.
   (2) Option 1:
      (a) Convenience store / NE commercial office: max 15 ft from highway and max 20 ft from Oregon Way ROW (measured from straight line ROW, not variable ROW at intersection).
      (b) South commercial office: min 5 ft from Tax Lot 3700 east, south, and west lot lines.
   (3) Option 2: NE commercial office: max 15 ft from each of highway and Oregon Way ROW (measured from straight line ROW, not variable ROW at intersection). NE corner min setback shall equal streetside PUE. West and south setbacks each shall be min 10 ft.
f. Windows:
   (1) General: All windows shall be square, round, or vertically proportioned. Operable windows shall have insect screens.
   (2) Min area:
      (a) Option 1:
         (1) Convenience store: West façade 30%; north 30%; east 36 sq ft.
         (2) NE commercial office: West and south façades 30%; east 144 sq ft.
         (3) South commercial office: North façade 30%; east 15%; south 20%; and west 20%.
      (b) Option 2:
         (i) Convenience store: North façade 30%. Each of east, south, and west facades min 1 window min 7.5 sq ft, min 1.5 ft wide, and wholly within 8.5 ft of grade.
         (ii) NE commercial office: North façade 30%; east 40%; south 30%; and west 20%.

CU2: Architectural Wall (AW) / Fences / Fencing:

a. Exemption: Where chain-link fence with slats already exists along the north and west lot lines of Tax Lot 3500 (953 Oregon Way), the developer may exempt these two lines from AW if the homeowner in writing consents to exemption and the developer submits documentation by and as part of building permit application.
b. Min height shall be along the:
   (1) North and west lot lines of Tax Lot 3500 6 ft, 2 inches (if CMU, equal to 9 courses of blocks plus 2-inch smooth concrete cap).
   (2) North and east lot lines of Tax Lot 90000 (950 Evergreen Road) **~~8 ft, 2 inches (if CMU, equal to 12 courses of blocks plus 2-inch smooth concrete cap)~~9 ft, including a 2-inch smooth concrete cap**.
   (3) Where fencing may substitute per other conditions, for part 1. above it shall be 6 ft, and for part 2. above, 8 ft.

c. Height at AW ends: Min height shall drop where subject to stair-stepped height limits in yards abutting streets per WDO 2.06.02, within VCA or sight triangles per 3.03.06, and AW shall remain outside streetside PUEs. AW may cross an off-street PUE, if any exist, with written authorization by the Public Works Director, and the Public Works Director may instead direct that instead of a segment of wall that there be coated chain-link fencing with slats across an off-street PUE. For crossing of private easements, the developer similarly may instead fence.

d. Gaps or rectangular openings:

(1) There shall be one along the east lot line of Tax Lot 90000, min 4 ft wide and 6 ft, 8 inches high above grade, and with the south end of the gap aligned with the Tax Lot 90000 north east-west drive aisle, south curb, north face.

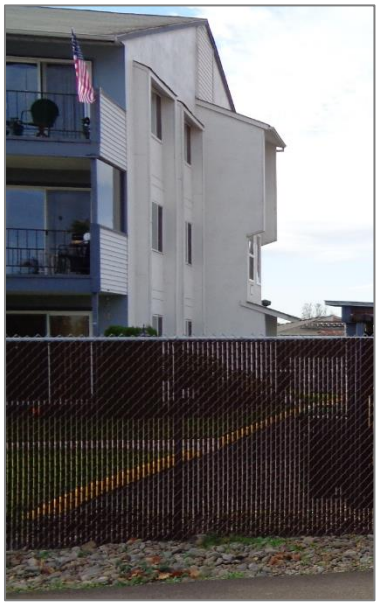


Exhibit CU2d(1)

Exhibit CU2d(2)

(2) If AW exemption per part a. above is not applicable, then there may be a gap along the west lot line of Tax Lot 3500, aligned with where there exist west backyard chain-link gates, minimum width equal to the width of the gates.

e. Color: Masonry and any paint shall be a color or colors other than black, charcoal, or gray. For any other fence / fencing or free-standing wall, including gates if any, the coating and slats that WDO 2.06.02D requires and any wall shall be a color or colors other than black or charcoal. On free-standing walls with two or more colors, darker colors shall be towards the bottom and lighter ones towards the top.

f. Material: AW segments ~~at 40 ft north or farther from the south lot line of Tax Lot 3700~~**, other than those along the north and east lot lines of Tax Lot 90000 (950 Evergreen Road),** may be partly made of opaque cedar wood fencing if the wall remains mostly masonry. Specifically, masonry must constitute the bottom extent of wall segment from grade up to min 2 ft, 8 inches above grade, and there shall be piers or pilasters per "Details" below. Exhibit CU2f below illustrates a similar, conforming example:

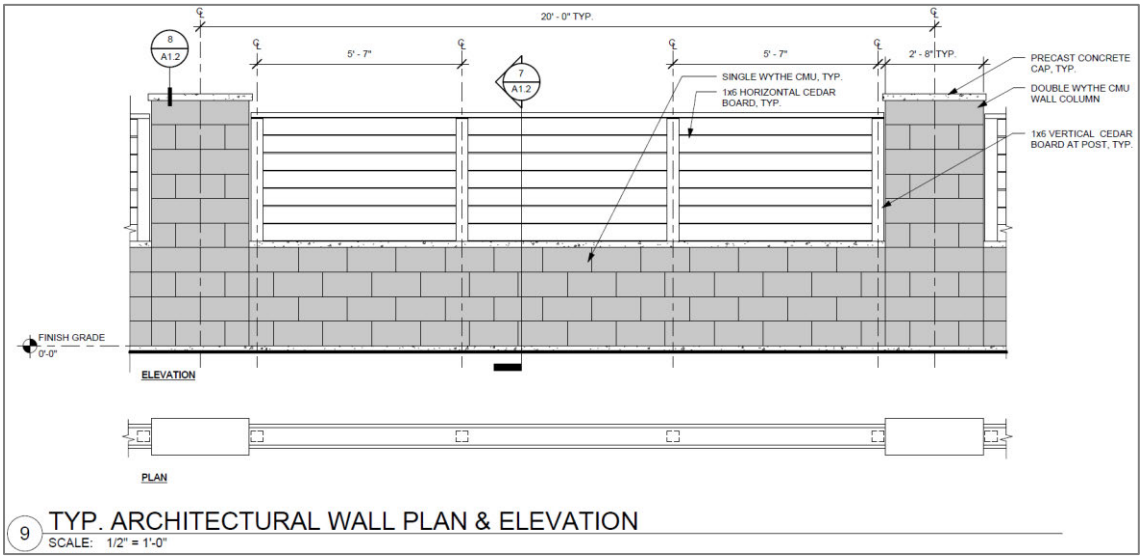


Exhibit CU2f (DR 2017-08)

g. Details: Each AW segment end shall have a pier or pilaster min 16 inches wide relative to wall face and projecting min 4 inches. Each segment shall have a min number of piers or pilasters equal to a ratio of 1 per 40 ft of wall. Each pier or pilaster shall be capped with ornamental concrete in the form of any of a shallow-sloped pyramid or sphere or other finial atop such pyramid. If the AW is CMU, the 8th and 9th CMU courses above grade shall be ground face (5 ft, 4 inches through 6 ft above grade).

CU3. Bicycle parking: Amount and general location: The developer shall provide bicycle parking as follows:

a. Option 1 min stalls:
   (1) Convenience store: 2
   (2) NE commercial office: 2
   (3) South commercial office: 4
b. Option 2 min stalls:
   (1) Convenience store: 2
   (2) NE commercial office: 4
c. General: Standards other than amount and general location shall conform to WDO 3.05.06 through Ordinance No. 2602 (LA 21-01).

CU4. Electric power lines: The development shall conform to WDO 3.02.04 through Ordinance No. 2602 (LA 21-01).

CU5. Landscaping:

a. Bench: In the landscaped open space at or near the NE commercial office space, along a wide walkway or in a plaza, install either a 6-ft wide bench with back or a picnic bench. Set back from walkway and pave the setback, min either 2 ft for a bench or 3 ft for a picnic bench.
b. Buffering/Screening: Evergreen hedge or shrubbery shall:
   (1) Line AW segments.
   (2) Screen transformers and other at-grade electrical and mechanical equipment along their sides, excepting the side intended for technician access.
   (3) Serve as means of conformance with WDO 3.06.05B (parking screening).
c. Coniferous/evergreen trees: 1 min of trees new to the site. The 1 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

d. Front yard
   (1) Trees:
      (a) Plant min 7 trees in the yard along the highway and min 10 ft and max 20 ft from ROW.
      (b) Plant min 4 trees in the yard along Oregon Way, min 5 ft and max 20 ft from ROW, in a loose row with min 3 of them spaced offset from and complementing street trees.
   (2) Hedge/shrubbery: In all areas not occupied by buildings and pavement, landscape per WDO 3.06.
      (a) On Tax Lot 3700 in the yard along the highway, plant a hedge or row of continuous small or medium shrubbery extending between the driveway and east lot line. Plant and maintain min 5 ft from sidewalk and max 12 ft from ROW.
      (b) Option 1: On Tax Lot 3600 in the yard along the Oregon Way, line the convenience store rear east free-standing wall with a hedge or row of continuous small or medium shrubbery.
      (c) Option 2: On Tax Lot 3600 in the yard along the Oregon Way, plant a hedge or row of continuous small or medium shrubbery extending along the east dead-end of the drive aisle. Plant and maintain min 1 ft from sidewalk.
e. Site interior:
   (1) AW: Line each Architectural Wall segment with a hedge or row of continuous medium or large shrubbery.
   (2) Bark dust: Of landscaped area, max 3% may be bark dust, mulch, wood chip, pebbles, or sand. Walkway and plaza paving do not count against landscaping minimums.
   (3) Lawn large tree: Within open space within 30 ft of the NE commercial office, plant min 2 trees, either both large or min 1 medium and 1 large.
   (4) Plaza: At or within 30 ft of the NE commercial office space and adjacent to a wide walkway shall be a plaza min 81 sq ft, exc. walkway area, at 9 ft narrowest dimension, paved with bricks, concrete pavers, field or flagstone, or poured cement.
   (5) South yard: Within 100 ft of the Tax Lot 3700 south lot line, plant either for Option 1 min 2 trees or for Option 2 min 5 trees. Of these for Option 2, min 2 large with the westernmost tree being one of the large ones.

f. Parking area:
   (1) Option 1:
      (a) Convenience store: A landscape island shall be roughly in the middle the parking aisle fronting the convenience store that conform to WDO 3.06.03C through Ordinance No. 2602 (LA 21-01).
      (b) NE office: Plant a large tree in the southwesterly area of the south yard lawn.
      (c) South office: For common use by tenants, have a south rear door and a patio of brick, pavers, or poured concrete min 7 ft north-south by 11 ft east-west. Align patio flush with door outer swing. Plant a small tree near patio west side.
   (2) Option 2:
      (a) Convenience store: A landscape island shall cap each end of the parking aisle fronting the convenience store per WDO 3.06.03C through Ordinance No. 2602 (LA 21-01), and the east island may be on the west side of the wide walkway that another condition requires.
      (b) NE office: The office parking area drive aisle east end shall have the inside of curb min 3 ft from edge of streetside PUE, and the 3-ft width shall have a tree.

CU6. Lighting:

a. General: Shall conform to WDO 3.11 through Ordinance No. 2602 (LA 21-01).
b. Buffer: Parking area or other pole-mounted fixtures are prohibited between the north lot line of 953 Oregon Way (Tax Lot 3500) and the east-west drive aisle.
c. Fuel pump canopy: Max 16 ceiling fixtures. Any ceiling fixture shall be no closer to ceiling outer edge than 4 ft. Neon lighting, or a lighting technology that mimics the appearance of neon lighting, is prohibited on the fuel pump canopy and on the southernmost primary building on Tax Lot 3700. The developer shall make so either of the following: (1) ceiling light fixtures shall not drop below the ceiling plane, or (2) for ceiling-mounted fixtures, the canopy roof edge perimeter shall as a shield drop or extend down to the same plane as the underside of the lowest fixture. In either case, fixtures that drop or extend down from the ceiling shall each have opaque housing on all sides.
d. Option 1: Max of:
   (1) Convenience store: 1 wall fixture on the east rear and none on the north side.
   (2) NE commercial office: 1 wall fixture each on the west front and east rear.
   (3) South commercial office: 1 wall fixture at the south rear and none at the east and west sides.
e. Option 2: Max of:
   (1) Convenience store: 2 wall fixtures on the south rear, 1 each on the east and west sides. Parking area or other pole fixtures prohibited in the east side, south rear, and west side yards.
   (2) NE commercial office: 1 wall fixture on the south, 1 each on the east and west sides, and the south yard limited to 2 parking area poles. No other pole types in the north, east, or west yards.

CU7: Parking:

1. Standard stall length: The developer may set standard size 90° angle stall length at 18 ft instead of 19 per WDO Table 3.05B through Ordinance No. 2602 (LA 21-01).
2. EV: Electric vehicle (EV) parking shall be min 1 stall with a charging station and placed near commercial office area. Remaining EV parking standards shall be per WDO 3.05 through Ordinance No. 2602 (LA 21-01).
3. Wheelstops / wheel stops: Every angled or 90° parking stall along a wide walkway shall have a wheel stop max 4 inches high. A wheel stop shall not straddle adjacent stalls. If and where the developer opts to install wheel stops where not required, they also shall conform to the height limit.

CU8. Walkways:

a. General: Shall conform with WDO 3.04.06 through Ordinance No. 2602 (LA 21-01).
b. Gap: A walkway, min 3.5 ft wide as an exception to part a., shall connect a building perimeter walkway system west to the AW conditioned gap or opening along the west lot line of Tax Lot 3700.
c. Convenience store & fuel pump canopy: The three pump islands together shall have one or more walkway crossings to the convenience store main entrance walkway, and as an exception to part (a) above, each min 3 ft wide. For Option 1, minimum 1 crossing; for Option 2, min 2. A walkway crossing may incorporate an ADA parking space accessible aisle. Walkways should be straight, and where needing to jog, should jog at 45° max and at the point where vehicles pass in opposite directions or between vehicle lanes.
d. Option 2: At the NE of the convenience store, the wide walkway crossing of drive aisle shall be at or near a right angle to drive aisle.

CU9. Access management: These are due by building permit application:

a. General: Access management shall conform with WDO 3.02.01E, 3.04.01A.2, and 3.04.03C & D through Ordinance No. 2602 (LA 21-01). Regarding recordation of one or more types of legal instruments and how, the developer shall conform to the conditions in ways that satisfy the County.
b. Bicycle/pedestrian: The develop shall grant the public access to walk, cycle, and roll along each wide walkway across Tax Lot 3600 to the benefit of 3700, relating to Oregon Way sidewalk access, and across Tax Lot 3700 to the benefit of 3600, relating to highway sidewalk access.
c. Shared parking: If and where one or both of the subject lots lack minimum off-street parking ratio for all land uses on the lot, the developer shall revise site plans to conform to WDO 3.05.02 & Table 3.05A or shall create a shared parking agreement per WDO 3.05.05. This is due by building permit issuance.

d. Cross access:
   (1) Local: To conform to WDO 3.04.03A.3, B.1, B.3 & C.2 and, through Ordinance No. 2602 (LA 21-01), WDO 3.04.03B.3, C.1, C.3, C.4, & D.2, for what is termed any of cross access, ingress/egress, public access, or shared access, the developer shall grant the public access (a) across Tax Lot 3600 to the benefit of 3700, (b) across Tax Lot 3700 to the benefit of 3600, and (c) across Tax Lot 3700 to the benefit of 3800. The cross access shall follow a drive aisle or aisles and align at the common lot line. Regarding (c), the north east-west drive aisle shall stub to somewhere along the northerly 75 ft of the west lot line and at min 20 ft wide, and though the stub shall not be curbed it may be fenced.
   (2) ODOT factor:
      (a) The developer shall apply to and obtain from ODOT the proper access rights for both tax lots prior to any construction, so as to not violate the deeds.
      (b) For context, see Attachment 102B. The ODOT Region 2 contact is Casey Knecht, P.E., Development Review Coordinator, (503) 986-5170, casey.knecht@odot.state.or.us. The City interprets "prior to any construction" to mean by issuance of the first structural building permit. Otherwise, City staff are inclined to defer to ODOT interpretation of part (a) above, including whether it is applicable to either Option 1 only or both site plan options.
      (c) If after City land use decision ODOT objects specifically to how the City administers or the developer conforms to other parts of the condition or to other conditions concerning vehicular access, then the developer may request and the Director may administratively approve in writing changes to administration or conformance to accommodate the ODOT factor while still having the development meet the WDO and conditions of approval to the max extent remaining. The Director may require developer application for any of Extension of a Development Decision per WDO 4.02.05 or Modification of Conditions per WDO 4.02.07.
      (d) If after City land use decision ODOT directs access management in conflict with other parts of the condition or to other conditions concerning vehicular access, then the developer shall forward the written direction from ODOT to the attention of the Director; describe the conflict(s); describe the minimum deviation from conformance necessary to comply with ODOT direction while also conforming to the remainder of the condition to the maximum, including plan view illustrations where helpful; and request Director approval through a dated document that cites the land use case file and condition numbers. The Director may approve what the developer first requests or a modified request. The City intends that if the developer were to make use of this part (d) of the condition, he would do so once.

CU10. Gas station operations:

1. Noise:
   a. Fuel pumps: Audible audiovisual advertising, if any, is prohibited from sounding from fuel pump electronic display speakers. Such advertising shall be limited to sight only.
   b. Tire/vacuum: Addition of any vehicle interior vacuum facility outdoors, tire pump facility outdoors, or other similar mechanical facility outdoors for gas station customers that makes noise shall be located min 100 ft north of the south lot line of Tax Lot 3700. Based on Ordinance No. 2312, any vacuum shall be closed to customer use min from 9:00 p.m. to 7:00 a.m.
2. Trash: There shall be at least one trash receptacle along each of the walkways, at min 1 ft from walkway edge, to and from the highway and Oregon Way sidewalks, within 25 ft of ROW, for intended use by convenience store customers, and remaining privately maintained and serviced.
3. Vehicular circulation:
   a. Driveways:
      (1) Highway: Max 1 driveway. The driveway shall remain right-in, right-out and be max width equal to the existing 30 ft unless ODOT approves wider up to 36 ft; however, if the developer widens the driveway from the existing 30 ft, then min 12 ft of the width and min depth equal to either the throat or 13.5 ft, whichever is longer, shall be poured concrete. The area of poured concrete that is outside the ROW shall be patterned, stamped, or treated to resemble paving stones and shall be felt by motorists driving over it. (The objective is to calm traffic by preventing fast, swooping maneuvers and to direct vehicles to 24 ft width of asphalt within the driveway throat, while allowing semi-trailer truck turning movement across 36 ft of width.) If the driveway widens, the developer also shall reconstruct the entire driveway to conform to City Public Works standard drawing Detail No. 4150-4 “Property Line Sidewalk at Driveway”, except that if and where a specific conflict arises between City and ODOT public works construction standards, that of ODOT engineering guidance would supersede.
      (2) Oregon Way: Max 1 driveway, max width 24 ft if two-way or 12 ft if one-way. Option 2: Throat, if two-way, then the inbound lane max 24 ft deep where lane is parallel with the outbound lane.
   b. I-5 directional signage: There shall be on Tax Lot 3700 outside of ROW and streetside PUEs directional signage that accomplishes directing on-site motorists bound for I-5, min 2 signs for Option 1 and 3 signs for Option 2, each min area 18 by 24 inches, mounted min 2 ft and max 7 ft above grade, text min 6 inches high, and including the standard Interstate 5 logo. The Director may administratively establish locations, details, specifications, and revisions to administer this condition part during building permit review. Further site plan revisions necessary to conform, if any, shall be due by building permit issuance.
   c. Option 2: fuel pump queueing:
      (1) General: Fuel pump queues shall be one-way either eastbound in Option 1 or southbound in Option 2. The developer shall stripe directional arrows and lines to direct motorists into fuel pump queues and distinguish the queues from driving routes around the fuel pump canopy.

(2) Stacking:
    (i) Option 1: Of six queues, min 3 shall each fit stacking of min one car west of the fuel pump island.
    (ii) Option 2: Of six queues, min 2 shall each fit stacking of min two cars north of the fuel pump island, and the remaining 4 shall each fit stacking of min one car.

d. Trucks: Until July 1, 2030, the Public Works Department may administratively regulate time, place, and manner of freight and truck access (ingress/egress) to and from the development and adjacent public streets. This condition shall not be construed to preclude the City past the date from regulating development freight and truck access via ordinances that are applicable generally to properties that happen to include the subject property.

CU11. Modification: Because the WDO, including 5.03.01, does not specify how changes to an approved conditional use (CU) and related site improvements might trigger another CU or modification of a CU approval, for Director determination the following serve as criteria and – where noted – as factors:

a. Significant expansion of the use(s), factors being an increase in any of: total GFA by 25.0% or more or by an absolute value of 1,825 sq ft or more, and, the number of buildings by 1 or more;
b. Increase in off-street parking by 6 or more stalls, even if the existing supply were in excess of the minimum required ratio(s);
c. Net increase in impervious surface totaling at least 1,000 sq ft;
d. Adding the land uses of automotive maintenance and repair, whether or not including through service bay structures.
e. Development as defined in WDO 1.02 within twenty (20) feet of a property boundary and not already conditioned through the subject approval;
f. Any proposal necessitating a request for Exception to Street Right-of-Way and Improvement Requirements ("Street Exception");
g. Any proposal necessitating a request to vary from the WDO, that is, a variance;
h. Any proposal necessitating a Type III or IV land use application type; and
i. City adoption of a unified development ordinance replacing the WDO were to have intervened.

Modification of a specific condition of approval remains pursuant to WDO 4.02.07. Were the City to have amended the WDO to establish modification provisions for conditional uses, the Director may decide that the provisions supersede this condition of approval.

Conditional Use 21-02: Transportation

T-A:

1. OR 214 & Oregon Way: The developer shall pay a fee per Attachment 203 to fund a transportation study, specifically to investigate in coordination with ODOT (1) corridor signal timing and coordination adjustments and (2) improving safety by reducing vehicle turning or angle crashes. This is due by building permit issuance. [TSP R11 & TIA p. 12]
2. Consultant review: The developer shall pay a fee for the City to recoup the cost of its transportation consultant reviewing and advising upon the TIA.
3. I-5 interchange with OR 214: To reduce vehicle crashes, the developer shall pay a fee per Attachment 203.
4. OR 214 & Evergreen Rd: To mitigate effect on the intersection and reduce vehicle crashes, the developer shall pay a fee per Attachment 203.
5. OR 99E & OR 211/214: To mitigate effect on the intersection and reduce vehicle crashes, the developer shall pay a fee per Attachment 203.

T-T. Bus transit: Bus stop improvements: To further TDM through bus transit, regarding the WTS Oregon Way northbound stop that is adjacent to 966 & 980 Oregon Way, where because ROW and streetside PUE are too narrow relative to the street to accommodate installation, the developer shall pay a fee in-lieu as well as a fee in lieu of a bus stop bicycle rack per Attachment 203.

Street Exception 21-05

EX1. Frontage/street improvements: Highway: These shall be as follows:

a. ROW: If and where there is a deficit, the developer shall dedicate ROW that meets or exceeds the min width necessary to conform to WDO Figure 3.01B "Major Arterial".
b. PUE: If minimum width streetside PUE does not yet exist per WDO Figure 3.01B, then the developer shall grant it. Max width shall be 10 ft, unless if and where existing utilities that the developer does not relocate necessitate wider as documented by franchise utilities and the developer.
c. Improvements: No min surface improvements other than either elsewhere conditioned or necessary to comply with ODOT engineering guidance or conform to PW direction. The developer shall pay fees in lieu of highway improvements per Attachment 203.

EX2. Frontage/street improvements: Oregon Way: These shall be as follows:

a. ROW: The developer shall dedicate ROW that meets or exceeds the min width necessary to conform to WDO Figure 3.01E "Access Street" and exceeds that width where necessary to accommodate both the existing northbound left turn lane and required half-street improvements.
b. PUE: If minimum width streetside PUE does not yet exist per WDO 3.02.01B, then the developer shall grant it. Max width shall be per WDO 3.02.01F.2 through Ordinance No. 2602 (LA 21-01).
c. Improvements:
   (1) Parking: No 8-ft wide on-street parallel parking lane is required, this being an exception from what Figure 3.01E would have required. The developer shall pay a fee in-lieu per Attachment 203.
   (2) Landscape strip: Min 6½ ft wide inc. curb width and with min 3 street trees with allowance of fee in lieu of 1 tree max. Planting of area remaining after tree planting and irrigation shall be per WDO 3.01.04B through Ordinance No. 2602 (LA 21-01).
   (3) Sidewalk: Min 8 ft wide.

Overlap: Wider sidewalk shall not narrow the landscape strip. The extra width of planter strip and sidewalk shall either (a) be within additional ROW that accommodates them, or (b) overlap outside ROW into streetside PUE, there being a recorded legal instrument granting public access to the overlap. If (b), then the developer shall submit a draft of the legal instrument for Planning and PW review by either civil engineering plan (CEP) review application to PW or building permit application, whichever is earlier. The developer shall submit copies of correctly recorded documents to the Planning Division by building permit issuance.

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:

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.

Appeals: Per WDO 4.01.11E., the decision is final unless appealed pursuant to Oregon Revised Statutes (ORS), state administrative rules, and WDO 4.02.01. The appeal to City Council due date is twelve (12) days from the mailing date of this notice per 4.02.01B.1. A valid appeal must meet the requirements of 4.02.01.

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. For questions or additional information, contact Cassandra Martinez, Administrative Specialist, at (503) 982-5246 or cassandra.martinez@ci.woodburn.or.us.

Testifiers:

Name	*Address*	*Planning Commission*		*City Council*	
		Written	*Verbal*	*Written*	*Verbal*
Michael Mills (applicant's attorney)	P.O. Box 1307, Silverton, OR 97381	x	x		
Wayne Kittelson (competing gas stations' traffic consultant)	Kittelson & Associates, Inc., 851 SW 6th Ave, Ste 600, Portland, OR 97204	x	x		
David Petersen (competing stations' attorney)	Tonkon Torp, LLC, 888 SW 5th Ave, Ste 1600, Portland, OR 97204	x	x		
Joseph Bessman (applicant's traffic consultant)	Transight Consulting, LCC, 61271 Splendor Ln, Bend, OR 97702		x		
Del Huntington (applicant's traffic consultant)	Huntington Traffic Solutions, 1665 A St NE, Salem, OR 97301		x		
Largo Abshere	855 N. Cascade Dr Woodburn, OR 97071		x		
Janice Aiken	1331 Princeton Rd Woodburn, OR 97071		x		
Carol Bettandorff	717 N. Cascade Dr Woodburn, OR 97071		x		
Nancy Ferguson	950 Evergreen Rd, Unit 323 Woodburn, OR 97071		x		
Karen Halter	938 Oregon Way Woodburn, OR 97071		x		
Mickey Harrison	924 Oregon Way Woodburn, OR 97071		x		
Rebecca Hayes	950 Evergreen Rd, Unit 205 Woodburn, OR 97071		x		
Doris Ehlen Kruse	950 Evergreen Rd, Unit 312 Woodburn, OR 97071		x		
Dorothy Monnier	1200 Quinn Rd Woodburn, OR 97071		x		
Bobbi Reisner	950 Evergreen Rd, Unit 221 Woodburn, OR 97071		x		
Carolyn Schindlebower	950 Evergreen Rd, Unit 206 Woodburn, OR 97071		x		
Betty Torabi	925 Oregon Way Woodburn, OR 97071		x		
Don Zehrung	966 Oregon Way Woodburn, OR 97071		x		

Attachments:

- Planning Commission June 9, 2022 Staff Report Attachment 101. Marked Tax Map
- 102A. Public Works comments (May 5, 2022; 2 pages)
- 102B. Agency commentary ODOT e-mail with two exhibits (May 4, 2021; 15 pages)
- 103A. Application materials / site plans Option 1 (Feb. 9, 2022; 3 sheets)
- 104. Transportation System Plan (TSP) Fig. 2 "Functional Roadway Classification"
- 201.* CU 21-02 US Market Gas Station: Dictionary & Glossary
- 202. CU 21-02 US Market Gas Station: Civil Engineering Plan (CEP) Review Provisions
- 203. CU 21-02 US Market Gas Station: Conditioned Fees

*The 200 series of attachments are details for the conditions of approval.

Sincerely,

Colin Cortes

Colin Cortes, AICP, CNU-A

Senior Planner

Affirmed,

Charles Piper, Planning Commission Chair

June 14, 2022

Date

cc: Chris Kerr, Community Development Director [e-mail]
Dago Garcia, P.E., City Engineer [e-mail]
Melissa Gitt, Building Official [e-mail]
Jason Space, GIS Technician [e-mail]
Ronald "Ron" James Ped, Ronald James Ped Architect, PC, 145 21st St SE, Salem, OR 97301-8846 [applicant] [mail & e-mail]
Lal Din Sidhu ("Don" Sidhu), Woodburn Petroleum LLC, 1038 Broadway St NE, Salem, OR 97301-1276 [landowner] [mail & e-mail]
Testifiers: Per the table above. [mail]
Casey Knecht, P.E., Development Review Coordinator, Oregon Dept. of Transportation (ODOT) Region 2 [mail & e-mail]
Marion County Assessor's Office [e-mail]
Marion County Geographic Information System (GIS) [e-mail]
Marion County Planning Division [e-mail]
Marion County Public Works Dept. [e-mail]

05 2W 12DB

SEE MAP 052W12B

CTR SEC

SEE MAP 052W12AC

DRIVEWAY EASEMENT

SEE MAP 1/16 COR 052W12AD

60

03 93 0

STATE HIGHWAY 214

52.6

58.6

57.5

66.6

100

3900 0.41 AC

3800 0.46 AC

3700 0.95 AC

3600

EAST 120

188.2

137.5

145.00

160

180

4000

90000 REFERENCE DEED VOL 762 PAGE 403 FOR DETAILS

CS 22327

290.00

92

ROAD

3500

3400

3300

3200

3100

3000

2900

2800

2700

2600

2500

2400

2300

2200

2100

PANOR. 360

CONDO

WOODBURN SENIOR ESTATES NO. 7A

WOODBURN ESTATES NO. 7

WAY

OREGON

75

67

68

100

200

300

400

500

600

700

800

900

1000

1100

1200

1300

1400

1500

1600

1700

1800

1900

2000

4100

4300 1.85 AC

4200 1.16 AC

03 03 0

4500

4400

4600

4700

4800

4900

5000

5100

5200

OREGON COURT

EVERGREEN

SEE MAP 052W12DA

GOLF COURSE

CU 21-02
Attachment 101

1/16 COR

SEE MAP 052W12DC

SEE MAP 052W12DD

GOLF COURSE

60

LAWSON

STREET

ALLISON WAY

SEE MAP 052W12C

70

DRIVE

WEST HAYES ST

57.5

59.80

WEST HAYES ST.

74

50

216

05 2W 12DB

05 2W 12DB
WOODBURN

MARION COUNTY, OREGON

NW1/4 SE1/4 SEC12 T5S R2W W.M.

SCALE 1" = 100'

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
- Section Corner (16 15 / 21 22)

NUMBERS

Tax Code Number

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

200.00
175.00

CANCELLED NUMBERS

3900A1

DISCLAIMER: THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY

Marion County OREGON — Assessors Office Cartography Dept

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

PLOT DATE: 10/16/2020

WOODBURN
05 2W 12DB

CU 21-02 "US Market" Gas Station / Convenience Store / Office Building
2540 – 2600 Newberg Highway
Public Works

May 5, 2022

LAND USE CONDITIONS:

1. The Applicant/owner, not the City, is responsible for obtaining permits from City, State, County and/or Federal agencies that may require such permit or approval. All work within the Oregon Department of Transportation (ODOT) jurisdiction shall comply with ODOT's permit and requirements. Use ODOT details for work within ODOT's jurisdiction.

2. Construct private storm sewer system, including detention facilities, in accordance with the City of Woodburn storm master plan and approved plans and drainage report. The on-site detention area for the runoff from this site shall be provided in accordance with the hydraulic analysis. The property owner shall maintain all on-site detention areas in perpetuity. Applicant is require to obtain approval from the Oregon Department of Transportation (ODOT) for connections to ODOT's storm system along Hwy 214 and Oregon Way.

3. Provide and record required right-of-way and public utility easements dedications prior to building permit issuance if required.

4. The Applicant shall obtain the required 1200C Erosion Control Permit from the Department of Environmental Quality prior to City issuance of permit(s), if applicable.

5. 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 other agencies that may require the applicant to obtain permits.

6. All sanitary sewer laterals serving the proposed developments are private up to the main line. All existing sewer laterals shall be abandoned at the main if they are not going to be utilized.

7. Fire hydrants locations and fire protection requirements shall be as per the Woodburn Fire District and City of Woodburn requirements.

Engineering & Project Delivery
190 Garfield Street • Woodburn, Oregon 97071
Ph. 5030-982-5240 • Fax 503-982-5242

CU 21-02
Attachment 102A

8. System Development Charges shall be paid prior to building permit issuance.

9. Pending ODOT's review and approval and oil/water and sand separator shall be use on the private storm system. Storm system shall comply with ODOT, City and Marion County requirements.

10. All onsite private storm system and sewer lateral lines shall comply with Marion County plumbing permit and requirements.

11. Provide private utility easements for the private storm system that benefit both tax lots (3700 and 3600) if necessary.

12. Storm systems for both gasoline/petroleum product spill and parking areas are not allowed to connect/discharge into the public sanitary sewer system. Applicant to redesign their storm system on the proposed pumps area and to comply with Federal, State, and City's regulations for containment of spills and storm discharges.

Colin Cortes

From: KNECHT Casey <Casey.KNECHT@odot.oregon.gov>
Sent: Wednesday, May 4, 2022 11:10 AM
To: Colin Cortes
Cc: Dan Handel
Subject: ODOT Comments for City of Woodburn CU 21-02 - Ped
Attachments: R3431-0137.pdf; R3986-0148.pdf

**** This email is from an EXTERNAL sender. Exercise caution when opening attachments or click links from unknown senders or unexpected email. ****

Colin,

Thank you for notifying the Oregon Department of Transportation (ODOT) of the proposal at 2540 & 2600 Newberg Hwy in Woodburn. Please include these comments as part of the Planning Commission hearing and notify ODOT of the decision by sending a copy to odotr2planmgr@odot.state.or.us when available.

The site has frontage on Hillsboro-Silverton Highway, No. 140 (OR-214), and is subject to state laws administered by ODOT. The site comprises two different tax lots, each with access restrictions recorded in the property deeds. Tax lot 3700 (2600 Newberg Hwy) has one access reservation at MP 37.09 that can serve tax lot 3700 only. This corresponds with the existing driveway on the highway. Tax lot 3600 (2540 Newberg Hwy) has no access rights to the highway and no access rights to a portion of Oregon Way between the highway intersection and a point 191 feet south of the highway intersection center. This leaves a 36-foot window along Oregon Way adjacent to the southern property line where all vehicular access must occur for tax lot 3600. This corresponds with the existing driveway on Oregon Way. I have attached the relevant property deeds from the Marion County clerk.

Both site plans allow for vehicles to enter tax lot 3600 (2540 Newberg Hwy) via tax lot 3700 (2600 Newberg Hwy) which is in violation of the access rights listed in the deeds. The additional driveway on Oregon Way falls in the area of access control (outside the 36-foot window), and would also be in violation of the access rights listed in the deeds. There is a process for modifying or lifting access rights, called a Grant of Access. The applicant would need to apply to the state for a Grant of Access, and demonstrate that the changes to the access rights would benefit the highway. If the application is approved, the deeds would be modified and re-recorded with the county clerk to reflect the change.

If the city approves this land use proposal with either of the site plan options, there must be a condition of approval that the applicant shall obtain the proper access rights for both tax lots prior to any construction, so as to not violate their own deeds. Please contact me with any questions.

Casey Knecht, P.E.
Development Review Coordinator | ODOT Region 2
503-986-5170 | casey.knecht@odot.oregon.gov

CU 21-02
Attachment 102B

File 7139 036
Map 11B-4-30

REEL 3431 PAGE 137
MARION COUNTY
BILL BURGESS, COUNTY CLERK
10-04-2012 03:47 pm.
Control Number 325141 $ 71.00
Instrument 2012 34034618

WARRANTY DEED with EASEMENT

WELLS FARGO BANK, NA, successor by merger to First Federal Savings and Loan Association of Salem, a federal corporation, Grantor, whose address is 1300 SW Fifth Avenue, 5th Floor, Portland, Oregon 97201, for the true and actual consideration of **$21,100.00**, does convey unto the **STATE OF OREGON, by and through its DEPARTMENT OF TRANSPORTATION**, Grantee, fee title to the property described as **Parcel 1 on Exhibit "A" dated 12/10/2010**, attached hereto and by this reference made a part hereof.

TOGETHER WITH ALL abutter's rights of access, if any, between the above-described parcel and Grantor's remaining real property, EXCEPT, however,

Reserving access rights for the service of Grantor's remaining property, to and from said remaining property to the abutting highway at the following place(s), in the following width(s):

Hwy. Engr's Sta.	Side of Hwy.	Width
522+80	South	30 Feet

The access rights reserved herein are subject to, and may only be exercised in accordance with, the statutes and administrative rules applicable to access control and road approaches. Such access is contingent upon issuance of an approach road permit, and no access rights may be exercised or construction of an approach road begun unless, and until, a standard Approach Road Permit application is submitted and a permit issued by the Oregon Department of Transportation. The approach road may only be constructed or maintained upon issuance of such permit and in accordance with such permit. If the State constructs the approach road during a highway project, Grantor is required to sign a standard Approach Road Permit to ensure proper operation and maintenance of the approach road.

RETURN TO AND TAX STATEMENTS TO:
OREGON DEPARTMENT OF TRANSPORTATION
RIGHT OF WAY SECTION
4040 FAIRVIEW INDUSTRIAL DRIVE SE, MS#2
SALEM OR 97302-1142

Map and Tax Lot #: 5-2W-12DB-3700

Property Address: 2600 Newberg Highway
Woodburn, OR 97071

Grantor also grants to Grantee, its successors and assigns, a permanent easement to construct and maintain slopes, to construct, operate and maintain drainage facilities, and to relocate, construct and maintain water, gas, electric and communication service lines, fixtures and facilities, and appurtenances therefore, upon, over, under, and across the property described as **Parcel 2 on Exhibit "A" dated 12/10/2010**, attached hereto and by this reference made a part hereof.

IT IS UNDERSTOOD that the easement herein granted does not convey any right, or interest in the above-described Parcel 2, except for the purposes stated herein, nor prevent Grantor from the use of said property; provided, however, that such use shall not be permitted to interfere with the rights herein granted or endanger the lateral support of the public way, or to interfere in any way with the relocation, construction, and maintenance of said utilities, and their appurtenances, as granted herein above.

IT IS ALSO UNDERSTOOD that Grantee shall never be required to remove the necessary slope materials placed by it on said property nor shall Grantor, Grantor's heirs successors and assigns have any claim to Grantee for compensation for damages to Parcel 2, by reason thereof or by reason of any change of grade of the public way abutting on said property.

IT IS ALSO UNDERSTOOD that this easement shall be subject to the same conditions, terms and restrictions contained in the easements, licenses and/or permits granted to the owner of any facilities being relocated.

IT IS ALSO UNDERSTOOD that Grantor shall not place or erect any buildings or structures upon the easement area without the written consent of Grantee.

IT IS FURTHER UNDERSTOOD that nothing herein contained is intended to create any obligation on the part of Grantee for the maintenance of said utilities unless installed by Grantee.

Grantor covenants to and with Grantee, its successors and assigns, that grantor is the owner of said property which is free from encumbrances, except for easements, conditions, and restrictions of record, and will warrant the same from all lawful claims whatsoever, except as stated herein.

Grantor agrees that the consideration recited herein is just compensation for the property or property rights conveyed, including any and all reduction in value to Grantor's remaining property, if any, which may result from the acquisition or use of said property or property rights. However, the consideration does not include damages resulting from any use or activity by Grantee beyond or outside of those uses expressed herein, if any, or damages arising from any negligence.

In construing this document, where the context so requires, the singular includes the plural and all grammatical changes shall be made so that this document shall apply equally to corporations and to individuals.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

The statement above is required by law to be included in this instrument. PLEASE NOTE: the property described in this instrument is not a "lot" or "parcel" as defined in ORS 92.010 or 215.010. Nevertheless, the property is a legally created unit of land as described in ORS 92.010 (9) (d) or (e).

It is understood and agreed that the delivery of this document is hereby tendered and that terms and obligations hereof shall not become binding upon the State of Oregon Department of Transportation, unless and until accepted and approved by the recording of this document.

Dated this 24th day of August, 2012.

WELLS FARGO BANK, NA, successor by merger to First Federal Savings and Loan Association of Salem, a federal corporation

By _____
Joshua S. Gutzwiler, Vice-President

STATE OF OREGON, County of Multnomah

Dated August 24th, 2012. Personally appeared the above named Joshua S. Gutzwiler, known by me to be the Vice-President, of Wells Fargo Bank, NA, who acknowledged that he executed the same for the purposes therein expressed and in the capacity therein stated, as the act and deed of said Bank. Before me:

OFFICIAL SEAL
STEPHANIE LYNN MC GUIRE
NOTARY PUBLIC-OREGON
COMMISSION NO. 442217
MY COMMISSION EXPIRES SEPTEMBER 12, 2013

_____
Notary Public for Oregon
My Commission expires September 12, 2013

*SEE ATTACHED SEPARATE SIGNATURE AND ACKNOWLEDGMENT ON PAGE 5 of 5

File 7139 036
Map 11B-4-30

*THIS SIGNATURE AND ACKNOWLEDGMENT IS ATTACHED TO A WARRANTY DEED with EASEMENT DOCUMENT DATED August 24, 2012

WELLS FARGO BANK, NA, successor by merger to First Federal Savings and Loan Association of Salem, a federal corporation

By _____
David C. Danis, Vice-President

STATE OF CALIFORNIA, County of _____

Dated _____,20_____.Personally appeared the above named David C. Danis, known by me to be the Vice-President, of Wells Fargo Bank, NA, who acknowledged that he executed the same for the purposes therein expressed and in the capacity therein stated, as the act and deed of said Bank. Before me:

see attached California Acknowledgment

_____
Notary Public for California
My Commission expires _____

Accepted on behalf of the Oregon Department of Transportation

_____

*SIGNATURE AND ACKNOWLEDGMENT PAGE 5 OF 5

ACKNOWLEDGMENT

State of California
County of San Francisco)

On Sept 4, 2012 before me, Judy Gonzales, Notary Public
(insert name and title of the officer)

personally appeared Davice Davis,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

JUDY GONZALES
Commission # 1893659
Notary Public - California
San Francisco County
My Comm. Expires Jun 25, 2014

Signature Judy Gonzales (Seal)

EXHIBIT A - Page 1 of 1

File 7139036
Drawing 11B-4-30
12/10/2010

PARCEL 1 - Fee

A parcel of land lying in the Andrew Dubois D.L.C. No. 98, Township 5 South, Range 2 West, W.M., Marion County, Oregon and being a portion of that property described in that Warranty Deed to First Federal Savings & Loan Association of Salem, recorded March 24, 1969 in Book 661, Page 638 of Marion County Record of Deeds; the said parcel being that portion of said property included in a strip of land 52.60 feet in width, lying on the Southerly side of the center line of the relocated Hillsboro - Silverton Highway, which center line is described as follows:

Beginning at Engineer's center line Station 514+00.00, said station being 59.48 feet South and 1,652.55 feet East of the Northwest corner of the Andrew Dubois D.L.C. No. 98, Township 5 South, Range 2 West, W.M.; thence South 87° 17′ 33″ East 1,124.18 feet to Engineer's center line Station 525+24.18.

Bearings are based on County Survey No. 37627, filed August 27, 2009, Marion County, Oregon.

This parcel of land contains 492 square feet, more or less.

PARCEL 2 – Permanent Easement For Slopes, Drainage, Water, Gas, Electric and Communication Service Lines, Fixtures and Facilities

A parcel of land lying in the Andrew Dubois D.L.C. No. 98, Township 5 South, Range 2 West, W.M., Marion County, Oregon and being a portion of that property described in that Warranty Deed to First Federal Savings & Loan Association of Salem, recorded March 24, 1969 in Book 661, Page 638 of Marion County Record of Deeds; the said parcel being that portion of said property included in a strip of land 62.60 feet in width, lying on the Southerly side of the center line of the relocated Hillsboro - Silverton Highway, which center line is described in Parcel 1.

EXCEPT therefrom Parcel 1.

This parcel of land contains 1,447 square feet, more or less.

REEL: 3431 **PAGE: 137**

October 04, 2012, 03:47 pm.

CONTROL #: 325141

State of Oregon
County of Marion

I hereby certify that the attached instrument was received and duly recorded by me in Marion County records:

FEE: $ 71.00

BILL BURGESS
COUNTY CLERK

THIS IS NOT AN INVOICE.

File 7139037A
PM224A-005
Drawing 11B-4-30

REEL 3986 PAGE 148
MARION COUNTY
BILL BURGESS, COUNTY CLERK
08-28-2017 02:10 pm.
Control Number 473317 $
66.00
Instrument 2017 00044715

FATCO NCS-858022-OR1

DEED

The **STATE OF OREGON, by and through its DEPARTMENT OF TRANSPORTATION,** Grantor, for the true and actual consideration of $500,000.00 does convey unto, **ZOYA PROPERTIES, Inc.**, Grantee, the property described **as Parcel 1 on Exhibit "A" dated 8/13/2015**, attached hereto and by this reference made a part hereof.

AND RESERVING unto Grantor an permanent easement for slopes, drainage facilities, water, gas, electric and communication service lines, fixtures and facilities upon the property described as **Parcel 2 on Exhibit "A" dated 8/13/2015,** attached hereto and by this reference made a part hereof.

This conveyance is made and delivered upon the following express conditions, reservations, and restrictions:

1. Subject to special assessments, existing restrictions, reservations and easements of record, if any.

2. That there is reserved by Grantor, and waived by Grantee, all access rights between the above described real property and the Hillsboro-Silverton Highway and to Oregon Way (City Street) Northerly of Engineer's Station "OW" 11+91 abutting on said parcel.

This reservation shall run with the land and shall not be subject to modification, cancellation, or destruction by adverse user or estoppel, no matter how long continued. Nothing in this conveyance shall be construed as conveying any estate, right, title, or interest in and to said abutting public highway right of way or any rights of reversion therein or thereto.

3. That the above described land shall never be used for the placing or maintenance of any advertising sign, display, or device, except such sign, display, or device used to advertise the activities on said land, or the lease or sale of said land or any portion thereof. In the event of violation of this condition, Grantor shall have the right, through its authorized officers, agents, or employees to enter upon said land and remove, destroy, or obliterate any unauthorized sign, display, or device, without liability for damage or injury thereto, and to recover the cost of such removal, destruction or obliteration from the owner of said land.

TAX STATEMENTS TO:
Zoya Properties, Inc.
1600 NW 167th Place
Suite 300
Beaverton, OR 97003

AFTER RECORDING RETURN TO:
OREGON DEPARTMENT OF TRANSPORTATION
PROPERTY MANAGEMENT / ACCESS RESEARCH
4040 FAIRVIEW INDUSTRIAL DRIVE SE, MS#2
SALEM OR 97302-1142

4. That no junk, scrap, junked motor vehicles, or parts thereof, debris, trash, waste, or other such materials shall be placed on said land for whatever purpose in any manner so as to be visible from a state highway, provided that such items as listed above can otherwise be placed on said land without violating any applicable law, ordinance, or regulation. In the event of violation of this condition, Grantor shall have the right, through its authorized officers, agents, or employees, to enter upon said land and remove or destroy any unauthorized junk, scrap, or other material mentioned above and recover the cost of such removal or destruction from the owner of said land.

5. That this property shall not be used for the operation of any garbage dump or sanitary land fill. If such use is made of the property, Grantor may, at its election, enter upon said land and restore it to the condition that existed prior to said use for garbage dump or sanitary land fill purposes and recover the cost thereof from the owner of said land.

6. That this conveyance is made upon the further condition, which shall constitute a covenant running with the land, that Grantor shall not at any time become liable to Grantee and grantee's heirs, successors and assigns in interest, for damages to the land herein described or any buildings, structures, improvements, or property of any kind or character now or hereafter located upon said land or for any injuries to any owner, occupant, or any person in or upon said land or for any interference with the use and enjoyment of said land or for damages which except for this covenant might constitute a nuisance caused directly or indirectly by noise or air pollutant emissions from transportation vehicles using the highway or transportation facility adjacent to said land. Any reference in this covenant to the highway or transportation facility adjacent to said land refers to the highway or transportation facility as it now exists and also as it will exist with future improvements. Grantee and grantee's heirs, successors and assigns covenant not to sue Grantor for any said injuries or damages.

7. That Grantee acknowledges that it has examined the above described Property to its own satisfaction and has formed its own opinion as to the condition (including environmental condition) and value thereof. Grantee has not relied on any statements or representations from Grantors or any person acting on behalf of Grantors concerning any of the following: the size or area of the Property or any of the parcels of the Property; the location of corners or boundaries of any parcel of the Property; the conditions of the Property, including but not limited to, environmental condition above or below the surface of the Property or compliance with environmental laws and other governmental requirements; the availability of services to the Property; the ability of Purchaser to use the Property or any portion thereof for any intended purpose; or any other matter affecting or relating to the Property or any portion thereof. Grantee is acquiring the Property, both above surface and below surface, in the condition existing at the time of closing, AS IS, with all defects, if any. Grantee waives, releases and forever discharges Grantors of and from all claims, actions, causes of action, fines, penalties, damages (including consequential, incidental and special damages), costs (including the cost of complying with any judicial or governmental order), and expenses (including attorney fees), direct or indirect, known or unknown, foreseen or unforeseen, which may arise on account of or in any way growing out of or in connection with any physical characteristic or condition of the Property, including any surface or subsurface condition, or any law, rule or regulation applicable to the Property.

8. Subject to the rights of any utilities located within said property and further subject to the rights of said existing facilities, if any there be, to operate, reconstruct, and maintain their utility facilities presently located within said property.

It is understood that the conditions, reservations, restrictions, and covenants herein set out have been considered in determining the amount of consideration of this conveyance.

The rights and remedies herein reserved or provided shall not be exclusive and shall not be in derogation of any other right or remedy which Grantor may have. The conditions and restrictions herein contained shall run with said land and shall forever bind Grantee and grantee's heirs, successors and assigns. Where any action is taken to enforce the above mentioned conditions and restrictions, Grantor shall not be liable for any trespass or conversion as to any real or personal property. Where legal proceedings are commenced by Grantor to enforce the foregoing conditions and restrictions or for the recovery of the aforementioned removal or destruction costs, the successful party shall be entitled to reasonable attorney fees and court costs.

File 7139037A
PM224A-005
Drawing 11B-4-30

In construing this deed, where the context so requires, the singular includes the plural and all grammatical changes shall be made so that this deed shall apply equally to corporations and to individuals.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Dated this 25TH day of August, 2017.

STATE OF OREGON, by and through its DEPARTMENT OF TRANSPORTATION

By Scott C. Claus
Scott C. Claus, Interim State Right of Way Manager

STATE OF OREGON, County of Marion

Dated August 25, 2017. Personally appeared Scott C. Claus, who being sworn, stated that he is the Interim State Right of Way Manager for the State of Oregon, Department of Transportation, and that this document was voluntarily signed on behalf of the State of Oregon by authority delegated to him. Before me:

OFFICIAL STAMP
DALE REX SHAFER
NOTARY PUBLIC-OREGON
COMMISSION NO. 943628
MY COMMISSION EXPIRES OCTOBER 12, 2019

Dale R Shafer
Notary Public for Oregon
My Commission expires 10/12/2019

File 7139037A
Drawing 11B-4-30
8/13/2015

Parcel 1 – To Be Sold

A parcel of land lying in Lot 1, Block 75, WOODBURN SENIOR ESTATES NO. 7A, Marion County, Oregon; the said parcel being that property designated as Parcel 2 and described in that Bargain and Sale Deed to the State of Oregon, by and through its Department of Transportation, recorded April 18, 2013 on Reel 3494, Page 26 of Marion County Records.

This parcel of land contains 20,602 square feet, more or less.

Parcel 2 – Permanent Easement For Slopes, Drainage Facilities, Water, Gas, Electric And Communication Service Lines, Fixtures And Facilities (To Be Retained By The Oregon Department Of Transportation)

A parcel of land lying in Lot 1, Block 75, WOODBURN SENIOR ESTATES NO. 7A, Marion County, Oregon and being a portion of that property designated as Parcel 2 and described in that Bargain and Sale Deed to the State of Oregon, by and through its Department of Transportation, recorded April 18, 2013 on Reel 3494, Page 26 of Marion County Records, the said parcel being that portion of said property lying Northerly and Easterly of the following described line:

Beginning at a point opposite and 62.60 feet Southerly of the center line of the relocated Hillsboro – Silverton Highway at Engineer's center line Station 523+00.00; thence Easterly parallel with said center line to Engineer's Station 524+89.00; thence Southeasterly in a straight line to a point opposite and 35.00 feet Westerly of the center line of Oregon Way (City Street) at Engineer's Station "OW" 10+99.00; thence Southerly in a straight line to a point opposite and 33.60 feet Westerly of said Oregon Way center line at Engineer's Station "OW" 11+19.00; thence Southerly parallel with said Oregon Way center line to Engineer's Station "OW" 12+06.00; thence Southerly in a straight line to the Westerly right of way of said Oregon Way a point opposite and 30.00 feet Westerly of said Oregon Way center line at Engineer's Station "OW" 12+60.00 and the terminus of said described line.

The center line of the relocate Hillsboro – Silverton Highway is described as follows:

Beginning at Engineer's center line Station 514+00.00, said station being 59.48 feet South and 1,652.55 feet East of the Northwest corner of the Andrew Dubois D.L.C. No. 98, Township 5 South, Range 2 West, W.M.; thence South 87° 17' 33" East 1,124.18 feet to Engineer's center line Station 525+24.18.

File 7139037A
Drawing 11B-4-30
8/13/2015

The center line of Oregon Way is described as follows:

Beginning at Engineer's center line Station "OW" 10+00.00, said station being 113.39 feet South and 2,792.00 feet East of the Northwest corner of the Andrew Dubois D.L.C. No. 98, Township 5 South, Range 2 Wes, W.M., thence South 2° 14' 09" West 817.80 feet to Engineer's center line Station "OW" 18+17.80.

Bearings are based on County Survey No. 37627, filed August 27, 2009, Marion County, Oregon.

This parcel contains 1,729 square feet, more or less.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

DIGITAL SIGNATURE

OREGON
JULY 19, 1994
SCOTT RICHARD MORRISON
2674

RENEWS: 12/31/2016

REEL: 3986 PAGE: 148

August 28, 2017, 02:10 pm.

CONTROL #: 473317

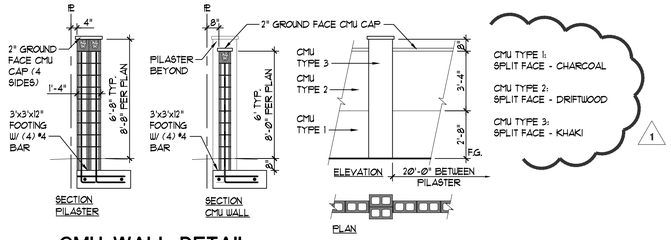
State of Oregon
County of Marion

I hereby certify that the attached instrument was received and duly recorded by me in Marion County records:

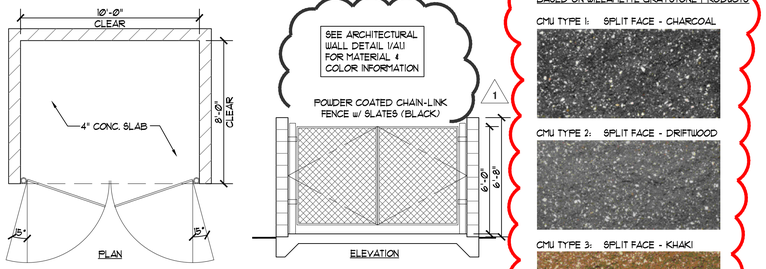
FEE: $ 66.00

BILL BURGESS
COUNTY CLERK

THIS IS NOT AN INVOICE.



1 CMU WALL DETAIL
ARCHITECTURAL SCREEN WALL
SCALE: 1/4" = 1'-0"



2 TRASH ENCLOSURE
SCALE: 1/4" = 1'-0"
M:\2021\ELK\BTTRASH\021BTT TRASH CMU

NOTES

1) BIKE RACKS SHALL HAVE A GLOSS BLACK POLYESTER POWDER COAT FINISH.

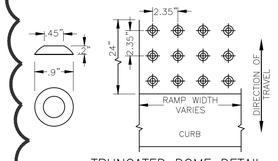
2) MOUNTING RAILS SHALL BE FURNISHED WITH MOUNTING HOLES AND VANDAL RESISTENT CONCRETE ANCHOR MOUNTING HARDWARE.

3) EACH "U" SHALL BE WELDED OR MOUNTED TO RAILS OR PLATES WITH VANDAL RESISTANT OR HIDDEN FASTENERS.

4) FOR SINGLE "U" INSTALLATION, EACH MOUNTING PLATE WILL BE EQUIPPED WITH TWO ANCHOR BOLT HOLES EACH.

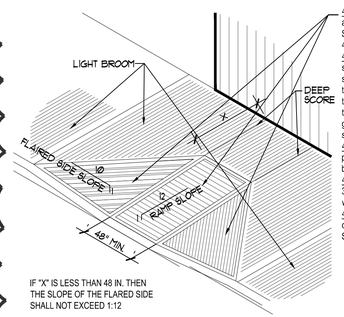
3 BICYCLE PARKING RACK DETAIL
SCALE: 1"=1'-0"
M:\2021\ELK\DEVPRMTG\021DD BIKE RACK

DETECTABLE WARNING SURFACE.
- 2'x4' MIN. DETECTABLE WARNING SURFACE.
- LOCATE IN THE LOWER 24" OF RAMP THROAT.
- ARRANGE DOMES USING IN-LINE PATTERN ONLY, AS SHOWN IN TRUNCATED DOME DETAIL.
- USE 2' x 2' TACTILE PANELS CENTERED IN RAMP.
- COLOR OF DETECTABLE SURFACE AREA TO BE RED. STANDARD BROOM FINISH ALL OTHER SIDEWALK AREAS.



TRUNCATED DOME DETAIL

4 TACTILE WARNING
ADA
SCALE: 1"=1'-0"
M:\021\TACTILE



406.1 General. Curb ramps on accessible routes shall comply with Sections 406, 405.2, 405.3, and 405.10.

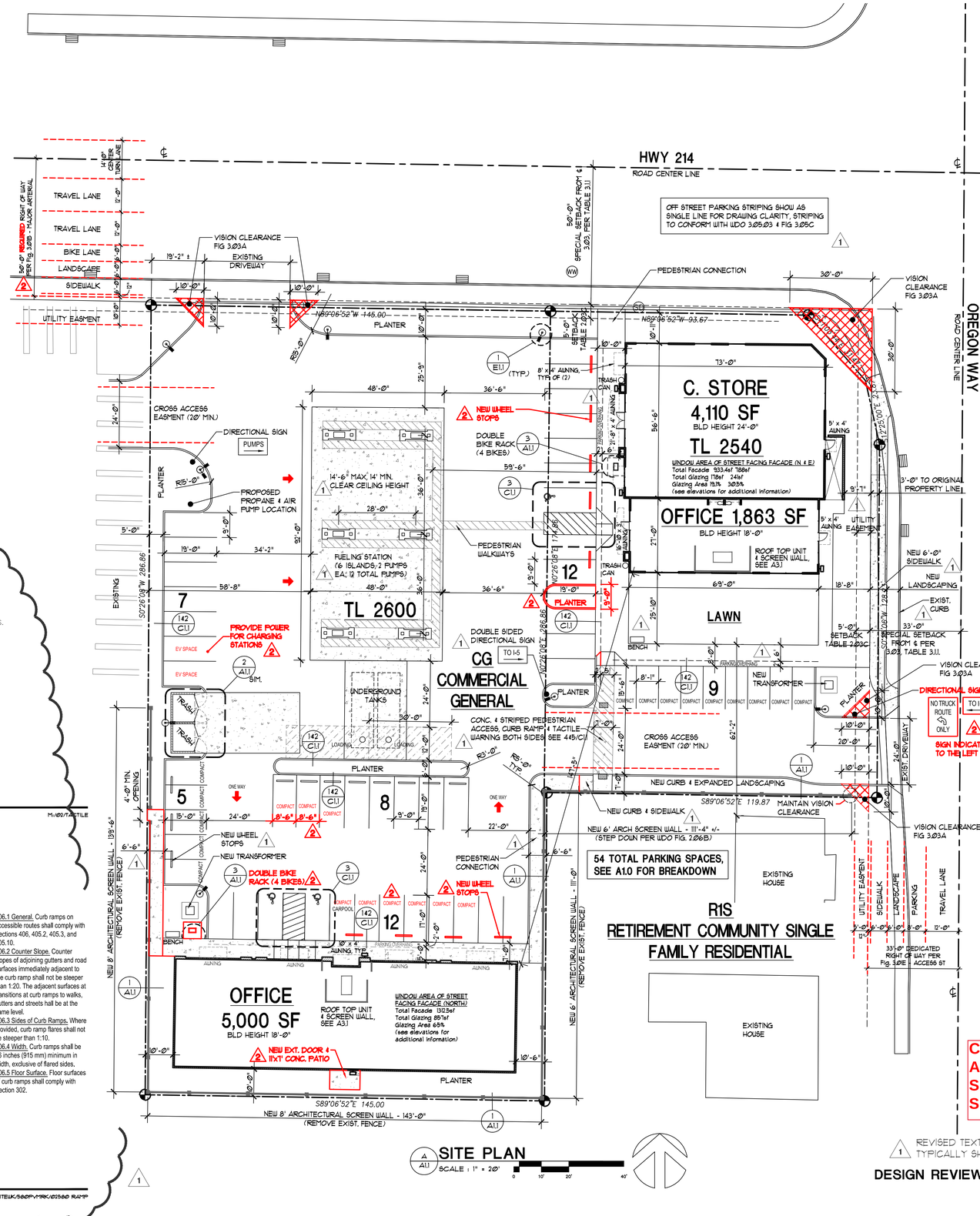
406.2 Counter Slope. Counter slopes of adjoining gutters and road surfaces immediately adjacent to the curb ramp shall not be steeper than 1:20. The adjacent surfaces at transitions at curb ramps to walks, gutters and streets hall be at the same level.

406.3 Sides of Curb Ramps. Where provided, curb ramp flares shall not be steeper than 1:10.

406.4 Width. Curb ramps shall be 36 inches (915 mm) minimum in width, exclusive of flared sides.

406.5 Floor Surface. Floor surfaces of curb ramps shall comply with Section 302.

5 ACCESSIBLE RAMP
SCALE: 1/4" = 1'-0"
M:\021\ELK\DEVPRMTG\021DD RAMP



SITE PLAN
SCALE : 1" = 20'

RONALD JAMES PED ARCHITECT P.C.
1500 388-1458
142 HIGH STREET SE SALEM, OREGON 97301

REGISTERED ARCHITECT RONALD JAMES PED SALEM OREGON STATE OF OREGON

1 PLAN REVIEW COMMENTS 12.22.1 REVISION 1

2 PLAN REVIEW COMMENTS 1.12.22 REVISION 2

CU 21-02
Attachment 103A
Site Plans Option 1
Sheet 1 of 3

NEW OFFICE, RETAIL AND GAS STATION
US MARKET
2540 AND 2600 NEWBERG HIGHWAY WOODBURN OREGON

DATE: DEC. 1, 2020
DRAWN: AK / KDG
JOB NO.: 1964

A1.1

1 REVISED TEXT & DIMENSIONS TYPICALLY SHOWN RED

DESIGN REVIEW SET 10/4/21

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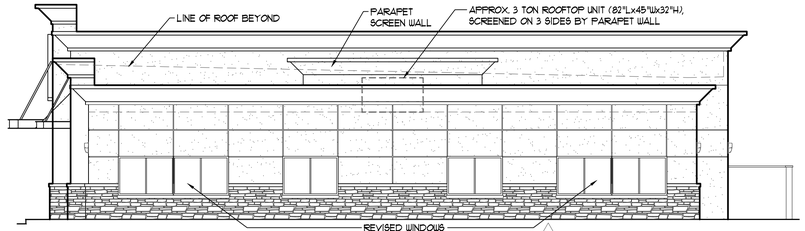
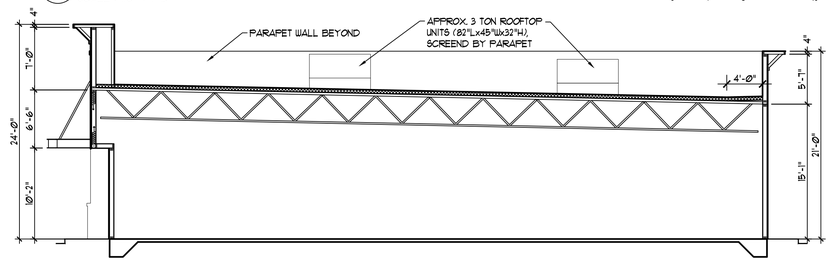
CONVENIENCE STORE

1 REVISED RENDERING



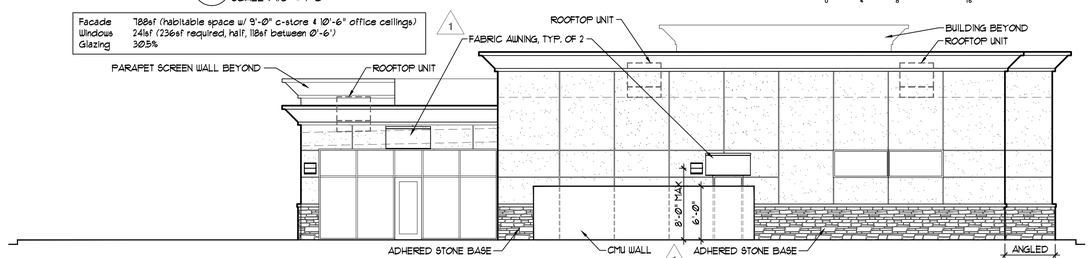
A A3.2 CONVENIENCE STORE - SOUTH ELEVATION
SCALE : 1/8" = 1'-Ø"



B A3.2 CONVENIENCE STORE - CROSS SECTION
SCALE : 1/8" = 1'-Ø"

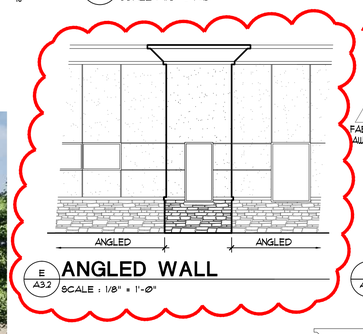
C A3.2 CONVENIENCE STORE - WEST ELEVATION
SCALE : 1/8" = 1'-Ø"

Facade	788sf (habitable space w/ 9'-Ø" c-store & 10'-6" office ceilings)
Windows	241sf (236sf required, half, 118sf between Ø'-6')
Glazing	30.5%



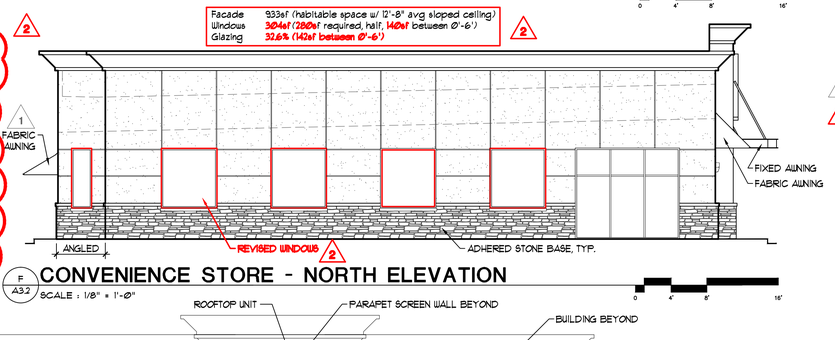
D A3.2 CONVENIENCE STORE - EAST ELEVATION
SCALE : 1/8" = 1'-Ø"

OFFICE BUILDING

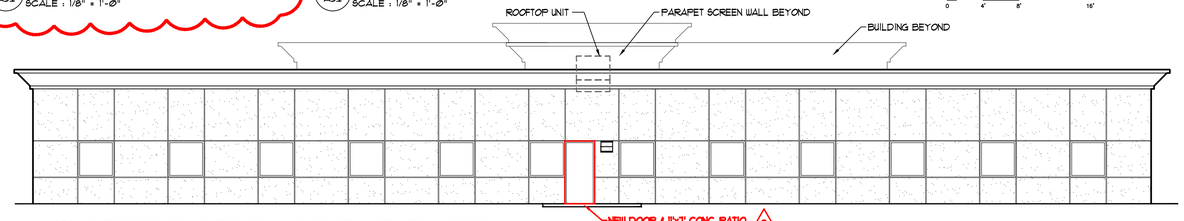


E A3.2 ANGLED WALL
SCALE : 1/8" = 1'-Ø"

Facade	933sf (habitable space w/ 12'-8" avg sloped ceiling)
Windows	304sf (280sf required, half, 140sf between Ø'-6')
Glazing	32.6% (142sf between Ø'-6')

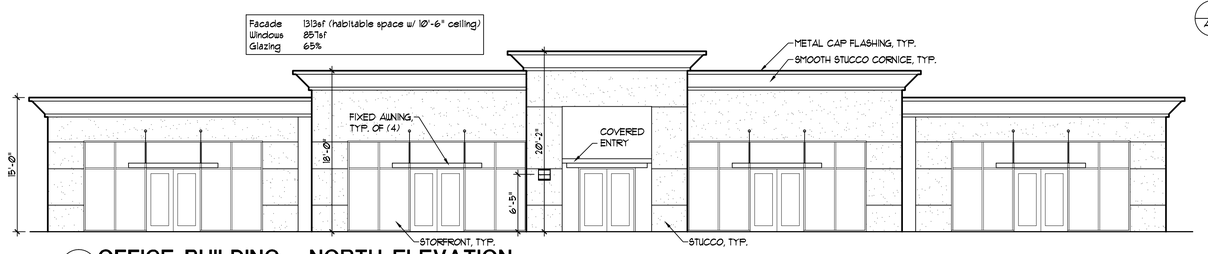


F A3.2 CONVENIENCE STORE - NORTH ELEVATION
SCALE : 1/8" = 1'-Ø"

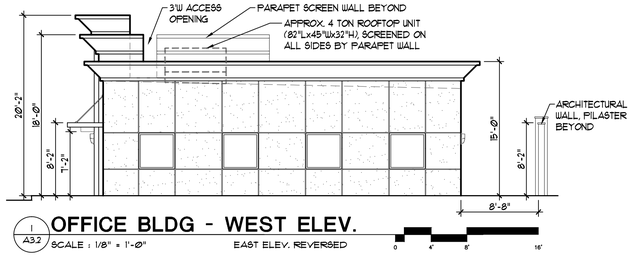


G A3.2 OFFICE BUILDING - SOUTH ELEVATION
SCALE : 1/8" = 1'-Ø"

Facade	1313sf (habitable space w/ 10'-6" ceiling)
Windows	857sf
Glazing	65%



H A3.2 OFFICE BUILDING - NORTH ELEVATION
SCALE : 1/8" = 1'-Ø"



I A3.2 OFFICE BLDG - WEST ELEV.
SCALE : 1/8" = 1'-Ø"
EAST ELEV. REVERSED

RONALD JAMES PED ARCHITECT P.C.
(503) 362-1458
[illegible]

REGISTERED ARCHITECT
RONALD JAMES PED
SALEM, OREGON
STATE OF OREGON

1 PLAN REVIEW COMMENTS 12.22 REVISION 1
2 PLAN REVIEW COMMENTS 1/1/22 REVISION 2

NEW OFFICE, RETAIL AND GAS STATION
US MARKET
2540 AND 2600 NEWBERG HIGHWAY WOODBURN OREGON

DATE: DEC. 1, 2020
DRAWN: AK / KDG
JOB NO.: 1964

A3.1

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A3.1

PLANT LIST

STREET TREES	COMMON NAME/BOTANICAL NAME	SIZE	COMMENTS	COUNT
T-ASH	ASH, RAYWOOD FRAXINUS OXYCARPA 'RAYWOOD'	1-8' LARGE	2" CALIPER 10 PU	
T-LIN	LINDEN TILIA CORDATA 'HALA'	1-8' LARGE	2" CALIPER 10 PU	
T-MAP ARM	ARMSTRONG MAPLE, ACER RUBRUM 'ARMSTRONG'	1-8' MEDIUM	2" CALIPER 10 PU	
T-MAP RED	ACER rubrum/RED MAPLE October Glory	1-8' MEDIUM	2" CALIPER 10 PU	
T-DOUG FIR	DOUGLAS FIR / Pseudotsuga menziesii	LARGE (1)	2" CALIPER 10 PU	

ORNAMENTAL TREES	COMMON NAME/BOTANICAL NAME	SIZE	COMMENTS
T-JAPO	CRYPTOMERIA JAPONICA "ELEGANS"	1-8'	2" MIN CALIPER 5 PU
T-TAMA	CRYPTOMERIA JAPONICA /TAISHO TAMA (TAISHO TAMA JAPANESE CEDAR)	4-6'	2" MIN CALIPER 5 PU
T-BLA	CRYPTOMERIA JAPONICA /BLACK DRAGON	4-6'	2" MIN CALIPER 5 PU
T-MAP VINE	VINE MAPLE/ACER circinatum	1-8'	2" MIN CALIPER 2 PU
T-CRAB	CRABAPPLE/MALUS 'AMERICAN BEAUTY'	1-8'	2 MIN CALIPER 2 PU
T-CRY	CRYPTOMERIA JAPONICA /SEKKEN-SUGI	6'	2" MIN CALIPER 5 PU
T-CUP	CUPRESSUS SEMPERVIRENS ITALIAN CYPRESS 'STRICTA'	6'	2" MIN CALIPER 5 PU
T-CHA	CHAMAECYPARIS OBTUSA HINOKI FALSE CYPRESS 'GRACILIS'	6'	2" MIN CALIPER 5 PU

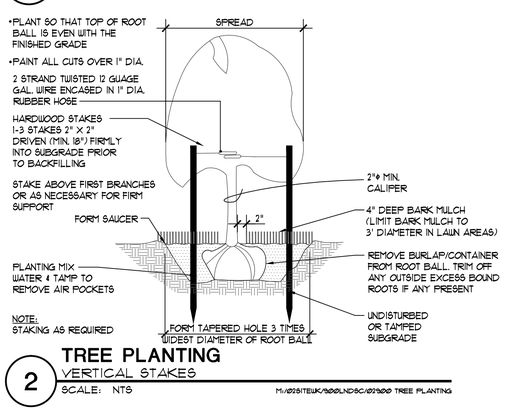
SIZE: 1 gal. / 3 gal.	SHRUBS	COMMON NAME/BOTANICAL NAME	COMMENTS
	S-HYB.	HYBISCUS/Hybiscus Syriacus ROSE OF SHARON 'MINERVA' 'AZURRI SATIN'	1 PU 1 gal / 2 PU 3 gal
	S-STRA.	DEUTZIA x hybridia 'STRAWBERRY FIELDS'	1 PU 1 gal / 2 PU 3 gal
	S-ABE	ABELIA grandiflora 'EDWARD GOUCHER' (EVERGREEN)	1 PU 1 gal / 2 PU 3 gal
	S-VIB.D	VIBURNUM Japonicum (EVERGREEN)	1 PU 1 gal / 2 PU 3 gal
	S-PIE.	PIERIS Japonicum LILLY-OF-THE-VALLEY (EVERGREEN/SHADE)	1 PU 1 gal / 2 PU 3 gal
	S-AUC	AUCUBA JAPONICA JAPANESE AUCUBA (EVERGREEN/SHADE)	1 PU 1 gal / 2 PU 3 gal
	S-VIB.	VIBURNUM ELLIPTICUM. COMMON VIBURNUM	1 PU 1 gal / 2 PU 3 gal
	S-CURR	RED-FLOWERING CURRANT/Ribes sanguinem	1 PU 1 gal / 2 PU 3 gal

GROUND COVER	BOTANICAL NAME/COMMON NAME	SIZE	COMMENTS
G-PHL	PHLOX SUBLATA CREEPING PHLOX	1 gal.	24" SPACING 1 PU
G-VIN	VINCA MAJOR PERIWINKLE	1 gal.	24" SPACING 1 PU

1 PLANT LIST

SCALE: N/A

M:/2021ITEM/SDP/PLNTS/021350 PLANTLIST



2 TREE PLANTING
VERTICAL STAKES

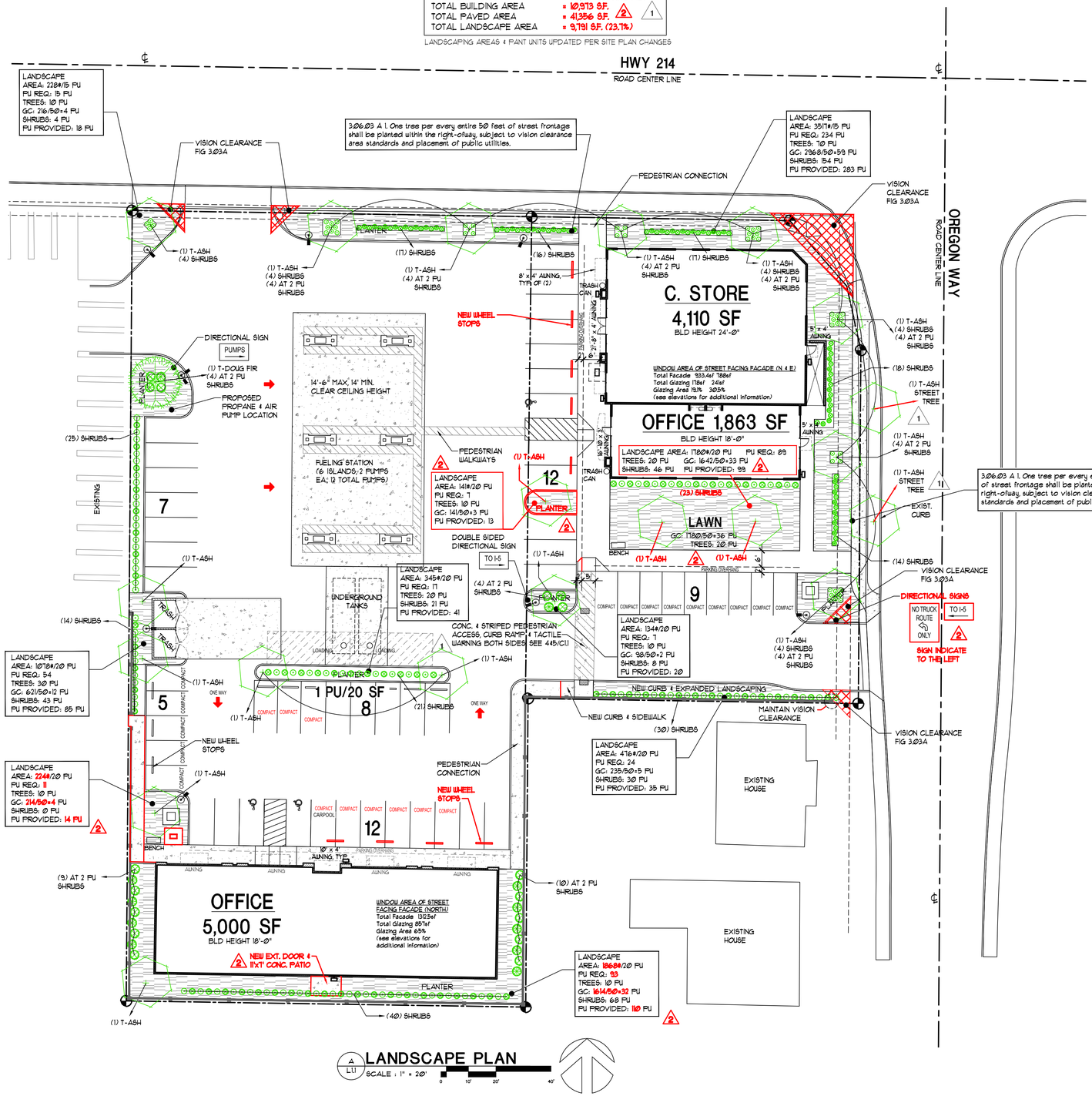
SCALE: NTS

M:/2021ITEM/SDP/LNDSC/021300 TREE PLANTING

SITE SUMMARY

PROPERTY SIZE	= 62,120 SF. (1.43 AC)
TOTAL BUILDING AREA	= 10,973 SF. (2) (1)
TOTAL PAVED AREA	= 41,356 SF. (2)
TOTAL LANDSCAPE AREA	= 9,791 SF. (23.1%)

LANDSCAPING AREAS & PLANT UNITS UPDATED PER SITE PLAN CHANGES



A L1.1 LANDSCAPE PLAN

SCALE : 1" = 20'

0 10' 20' 40'

1 REVISED TEXT & DIMENSIONS TYPICALLY SHOWN RED

DESIGN REVIEW SET 10/4/21

RONALD JAMES PED ARCHITECT P.C.
6503 365-1458
NE 5TH STREET SE SILVER CREEK, OREGON 97374

REGISTERED ARCHITECT RONALD JAMES PED SALEM OREGON STATE OF OREGON

1 PLAN REVIEW COMMENTS 12.2.21 REVISION 1
2 PLAN REVIEW COMMENTS 12.12.22 REVISION 2

NEW OFFICE, RETAIL AND GAS STATION
US MARKET
2540 AND 2600 NEWBERG HIGHWAY WOODBURN OREGON

DATE: DEC. 1, 2020
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WOODBURN
Transportation System Plan Update

Existing Roadway

- Freeway
- Major Arterial
- Minor Arterial
- Service Collector
- Access Street

Future Roadway

- Future Major Arterial
- Future Minor Arterial
- Future Service Collector
- Future Access Street
- Future Local Industrial
- City Boundary
- Urban Growth Boundary

Note: Future roadway alignments are approximate and subject to further refinement.

0 1,000 2,000 3,000 Feet

Functional Roadway Classification
Attachment 104
Woodburn, Oregon

Figure 2

Coordinate System: NAD 1983 HARN StatePlane Oregon North FIPS 3601 Feet Intl
Data Source: City of Woodburn, Oregon Department of Transportation

H:\2121071 - Woodburn TSP Update\gis\TSP\02 Functional Roadway Classification.mxd - mmccormick - 5:25 PM 9/16/2019

CU 21-02 US Market Gas Station:

Attachment 201: Dictionary & Glossary

This document defines and explains abbreviations, acronyms, phrases, and words particularly in the context of conditions of approval.

- "ADA" refers to the federal Americans with Disabilities Act of 1990.
- "AW" refers to Architectural Wall.
- "BFR" refers to Boones Ferry Road.
- "CAE" refers to cross access easement.
- "CDD" refers to the Community Development Department.
- "CEP" refers to civil engineering plan review, which is a review process independent of land use review led by the Community Development Department Planning Division and that is led by the Public Works Department Engineering Division through any application forms, fees, and review criteria as the Division might establish. A staff expectation is that CEP follows land use review and approval, that is, a final decision, and precedes either building permit application or issuance as PW determines.
- "County" refers to Marion County.
- "Director" refers to the Community Development Director.
- "exc." means excluding.
- "GFA" refers to gross floor area.
- "ft" refers to feet.
- "highway" refers to Oregon Highway 214 / Newberg Highway.
- "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, which is Molalla Road.
- "OR 214" refers to Oregon Highway 214, which is Newberg Highway.
- "OR 99E" refers to Oregon Highway 99E, which is Pacific Highway.

- “ORS” refers to Oregon Revised Statutes.
- “PBPE” refers to a public bicycle/pedestrian easement that grants pedestrian and cyclist access along sidewalk that overlaps private property or along an off-street bicycle/pedestrian path on private property. It substitutes for a PUBPE. “PLA” refers to property line adjustment.
- “PU” refers to plant unit as WDO Table 3.06B describes.
- “PUBPE” refers to a PUE adapted to grant pedestrian and cyclist access along sidewalk that overlaps private property (“roadside” or “streetside” PUBPE) or along an off-street bicycle/pedestrian path on private property (“off-street” PUBPE). A PBPE may substitute.
- “PUE” refers to public utility easement, whether along and abutting public ROW (“streetside” PUE) or extending into or across the interior of private property (“off-street” PUE). In the context of property line adjustment, partition, or subdivision, the developer records through or with the plat. Absent this context, recordation is separate from land use review pursuant to a document template or templates established by PW. PW is the project manager for receiving, reviewing, accepting, obtaining City Council approval for, and recording legal instrument materials that a developer submits.
- “PW” refers to Public Works (the department) or on rare occasion 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.
- “RPZ” refers to root protection zone in the context of tree preservation.
- “SE” means southeast.
- “SDA” refers to site development area, the entire territory that is the subject of the land use application package.
- “Shared rear lane” refers to what resembles and functions like an alley, but isn’t public ROW.
- “sq ft” refers to square feet.
- “SS&Ds” refers to PW standard specifications and drawings.
- “Street trees” refer to trees that conform to the WDO, including 3.06.03A and Tables 3.06B & C, and that have root barriers where applicable per PW Drawing No. 1 “Street Tree Planting New Construction”.
- “Substantial construction” means that per WDO 1.02 through Ordinance No. 2602 (LA 21-01).
- “SW” means southwest.
- "Tax Lot 3400" means 052W12DB03400, which is 943 Oregon Way.
- “Tax Lot 3600” means 052W12DB03600, which is 2600 Newberg Hwy.
- “Tax Lot 3700” means 052W12DB03700, which is 2540 Newberg Hwy.
- “Tax Lot 3700” means 052W12DB03700, which is 2540 Newberg Hwy.
- “Tax Lot 3500” means 052W12DB03500, which is 953 Oregon Way.

- "Tax Lot 90000" means 052W12DB90000, which is 950 Evergreen Rd.
- "TCE" refers to temporary construction easement.
- "Tot." means total.
- "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.
- "WDO" refers to the Woodburn Development Ordinance.
- "WFD" refers to the Woodburn Fire District.
- "WTS" refers to the Woodburn Transit System.
- "w/i" means within.
- "w/o" means without.
- "VCA" refers to vision clearance area as WDO 1.02 and 3.03.06 establish or as a specific condition establishes.

CU 21-02 US Market Gas Station:

Attachment 202: Civil Engineering Plan (CEP) Review Provisions

Refer to Condition G3 / Attachment 201 for a dictionary/glossary, including acronyms and shorthand text.

A. Purpose: For other departments and divisions, to facilitate review of plans that following a land use final decision a developer submits to the PW Engineering Division for civil engineering plan (CEP) review. To be a means of implementing land use final decision conditions of approval affecting street improvements, both surface and underground, and extending into PUEs. To specify public improvement standards where there is no detailed specification in the WDO or the public works construction code.

B. Administration: The process by which to receive, review, and approve drawings and other documents related to public improvements required by land use conditions of approval may be through CEP that is paired with or incorporated into building permit review, if the City Engineer in writing allows the latter.

C. Application: For CEP, per what PW requires, and original / 1st submittal shall be due no later than final plat application to the Director.

D. Cover letter: Upon submitting CEP application to PW, a developer shall simultaneously alert the Director through a cover letter to the attention of the Community Development Department Planning Division referencing the intended or, if known, actual submittal date as well as the project name, tax lot number(s), street address(es), and the land use final decision conditions of approval that require the public improvements that are the subject of the civil engineering plans. Referencing conditions may be by quotation or citing the identification numbers. The developer shall identify the specific sheet (by number) or document page number that illustrates or notes how each part of a condition is met.

E. Contact information: The developer shall state the applicant's name, company, phone number, e-mail address, and desired date for City staff to respond with review comments. The cover letter to the Director may include these. The developer may submit to the attention of the Director a copy of the stamped CEP application form submitted to PW if the form includes this required information.

F. Fees: The developer shall pay review fees per Attachment 203 and submit to the attention of the Director a copy of proof of payment, which should be bundled with other materials for the Director.

G. Site plans and other drawings: For any of CEP review by the Director:

1. Sizes/copies: From among the minimum number of copies submitted to PW, submit to the attention of the Director at least 4 plan size copies of plan sets, 2 plotted at native scale (minimum 22 by 34 inches, maximum 24 by 36) and 2 at ledger (11 by 17). Within the cover sheet title block(s), include the date or anticipated date of submittal and the phrase "Civil Engineering Plans" or "Civil Plans for CEP".

2. Folding/electronic: Fold the plan size sets if thin enough to do so. Submit also Adobe PDF copies using a fileshare service.

H. Developer's role: The developer is the project manager. Because the Engineering Division may establish that CEP applicants have a single point of contact termed the "engineer of record", the developer manages the engineer of record who handles the CEP and also interacts with the Community Development Director regarding DDP review. For the Director, the developer is the point of contact, namely whoever on the developer's team the developer tasks with being the project manager. The developer shall be responsible for integrating Director directions into CEP review that the engineer of record leads with the Engineering Division. If, when, and where conflicts arise between Director directions and Engineering Division directions, the developer shall be responsible for communicating with formal cover or transmittal letters messages from the conflicting division to the other division, and shall communicate such.

I. [Letter "I" skipped].

J. Approved plan set: There shall result an official version of a civil engineering plan set marked approved and issued by PW that shows all common area improvements and public improvements, including off-street public improvements, resulting from CEP, and where applicable resulting from DDP, that conforms to land use final decision conditions of approval. It shall come to be prior to building permit application, and CEP approved plan set approval and issuance shall be prohibited until the developer pays any CEP review fees per Attachment 203. The developer shall submit to the Director print and electronic copies of the plan set marked approved and issued by PW.

CEP approval shall precede any of (1) completion of recordation with the County, specifically no later than a City official signing a plat or re-plat Mylar per WDO 5.01.06C.1 and (2) building permit application, whichever is earlier.

CU 21-02 US Market Gas Station:

Attachment 203: Conditioned Fees

All of the following conditioned fees are due as applicable, whether or not mentioned directly by a condition of approval.

Refer to Condition G3 for a dictionary/glossary, including acronyms and shorthand text.

Part A. Fee Provisions

1. Any and all conditioned fees are in addition to, and not in place or as discounts of, any existing charge or fee however termed ordinarily assessed based on any existing ordinance, resolution, or administrative policy, inc. adopted fee schedules. If and when the City amends any ordinance, resolution, or administrative policy, inc. a fee schedule, to increase a charge or fee that is both (1) the same kind of charge or fee that is conditioned, (2) the amended charge or fee amount would exceed the amount conditioned, and (3) the increase takes effect before the conditioned fee is due, then the developer shall pay the greater amount.
2. Payments of conditioned fees due outside the context of assessment and payment through building permit shall reference a final decision case file number and the condition of approval letter/number designation, be it in a check memo field or through a cover or transmittal letter.
3. For fees due by building permit issuance, a developer may request the Director to allocate payments the same as allowed for fees in-lieu by WDO 4.02.12A.2 through Ordinance No. 2602 (LA 21-01), specifically, to pay across issuance of two or more structural building permits for the subject development.

For all administrative and logistical questions about payment of land use conditioned fees outside the context of assessment and payment through building permit, the developer is to contact the Administrative Assistant at (503) 982-5246 and refer to this attachment within the CU 21-02 US Market gas station final decision.

For payment method citywide policy details, the developer is to contact the Finance Department at (503) 982-5222, option 1, for payment method policy details or view its webpage.

Part B. Fee Table

Table 203B. Conditioned Fees						
Condition Reference	*Fee Type*		*Amount*	*Context*	*Timing*	*Staff Tracking:*
T-A	1. Transportation signal timing and crash safety study fee in-lieu		By year of assessment: 2022: $16,890 2023: $17,489 2024: $18,014 or 2025 or later: $18,555	Fee in lieu of investigation in coordination with ODOT of corridor signal timing and coordination adjustments. (TSP R11 adjusted for inflation from Sept. 2019 to Apr. 2022 as 2022 amount.)	Building permit issuance	
	2. City transportation consultant recoupment fee		$4,760	To recoup the cost of its transportation consultant reviewing and advising upon the TIA	Building permit issuance	
	3. I-5 interchange with OR 214		$1,000	To mitigate and to reduce vehicle crashes	Building permit issuance	
	4. OR 214 & Evergreen Rd		$15,000	To reduce vehicle crashes	Building permit issuance	
	5. OR 99E & OR 211/214		$21,000	To mitigate and to reduce vehicle crashes	Building permit issuance	
T-T	Bus shelter fee in-lieu		By year of assessment: 2022: $13,214 2023: $13,610 2024: $14,018 or 2025 or later: $14,439	Oregon Way northbound stop	Building permit issuance	
	Bus stop bicycle parking fee in-lieu		$510.20			
EX1 & EX2	Street tree fee in-lieu:	For highway	$950 per tree. For EX1, assessed at minimum 5 trees.	Street Exception EXCP 21-05 from standard frontage improvements, which includes existing curb-tight sidewalk	Building permit issuance	

Table 203B. Conditioned Fees						
Condition Reference	*Fee Type*		*Amount*	*Context*	*Timing*	*Staff Tracking:*
		For Oregon Way street trees omitted through civil engineering plan (CEP) review, or, inspection missing tree fee	$950 per tree	Applies to omitted street trees, or, ones missing from required number upon inspection	If CEP context, then by building permit issuance; if in inspection context, then prior to passing final inspection / obtaining certificate of occupancy	
EX1	Fee in lieu of upgrading highway sidewalk to conform		$78,705	A fee for sidewalk that EXCP 21-05 excepts from conformance/upgrade	Building permit issuance	
EX2	Fee in lieu of upgrading street to have on-street parallel parking per Fig. 3.01E		$13,860	A fee for on-street parking that EXCP 21-05 excepts from conformance/upgrade	Building permit issuance	
G6 through this Attachment 203	City tree fund		$2,850	Existing City tree fund (for new trees in City ROWs and in parks and on other City properties)	Building permit issuance	
G6 through this Attachment 203	Public Works Dept. civil engineering plan (CEP) review: Review by Planning Division		$250; $346	Original/1st submittal; each subsequent inc. deferral/piecemeal	Upon CEP application to Public Works Dept. (PW)	
	Inspections by Planning Division		$75; $346	1st inspection or "walkthrough"; each subsequent	Inspection requests related to public (street) improvements and building permits	
G6 through this Attachment 203	Bond / bonding / performance guarantee: Specifically any that would allow or allows the developer to delay construction of street improvements beyond building permit issuance.		$4,474; $346	Original/1st submittal; each subsequent inc. deferral/piecemeal. Serves as bond application / review request fee and isn't a bond amount itself. Fees not applicable to warranty bonds or ordinary construction bonds if they do not authorize delay of	If CEP context, then payment (through Planning Division) upon CEP application to PW; if developer applies for building permit review and there has been no CEP application to PW, then building permit issuance	

Table 203B. Conditioned Fees					
Condition Reference	*Fee Type*	*Amount*	*Context*	*Timing*	*Staff Tracking:*
			construction of street improvements beyond building permit issuance		
G4a & CU4	Fees in lieu per Ordinance No. 2602 through WDO 4.02.12.	Per Part A Fee Provisions above, City ordinance, resolution, or policy. *	WDO 4.02.12 *If by the time necessary to assess in order to issue building permit, the City would have not yet established the fee in lieu of electric power line burial/ undergrounding, then the fee would default to $568 per lineal ft of line assessed at minimum 265 ft.	Per WDO 4.02.12A: Building permit issuance	

Staff Report

To: Planning Commission

Through: Chris Kerr, AICP, Community Development Director C.K.

From: Colin Cortes, AICP, CNU-A, Senior Planner

Meeting Date: June 9, 2022 (Prepared June 2, 2022)

Item: 2540 & 2600 Newberg Hwy, "US Market" gas station (CU 21-02)

Tax Lot(s): 052W12DB03700 (primary) & 3600

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Issue before the Planning Commission

Action on a consolidated land use application package (Type III), Conditional Use 21-02, Design Review 21-10, Exception to Street Right of Way and Improvement Requirements ("Street Exception") EXCP 21-05, & Phasing Plan PP 21-01 for a gas station with convenience store, known as US Market, and commercial office space, in the Commercial General (CG) zoning district.

City Council July 25, 2022
CU 21-02 Appeal Attachment 4

Executive Summary

Location
The proposal is to consolidate and redevelop five lots totaling 1.42 acres at 2540 & 2600 Newberg Highway (Oregon Highway 214). The subject property is located at the southwest corner of the intersection of the highway and Oregon Way.

Existing Context
The subject property is zoned Commercial General (CG) and was occupied by two vacant bank buildings, now demolished.

Subject property outlined in green

Conditional Use
The applicant/developer applied for a conditional use (CU) for the gas station because it is within 200 feet of residentially zoned property.

A "conditional" use is called such because (1) it's conditional upon discrete approval by the City, and (2) the City can condition physical or operation aspects of a proposal, including on issues particular to the case at hand and above and beyond what Woodburn Development Ordinance (WDO) provisions directly address.

The Proposal

Staff and the developer have worked to produce a good site development by focusing on:

a. The look and feel of street frontage for passers-by walking, cycling, and driving;
b. The look and feel of yard landscaping along streets for passers-by walking, cycling, and driving as well as on-site employees and customers;
c. Urban design: how close buildings are to sidewalk, how many and how large are windows, are their entrances visible from sidewalk and whether the public can see main entrances to buildings from sidewalk, and whether placements of entrances orient to those who walk or cycle no worse than to those who drive and park;
d. How safely and comfortably pedestrians and cyclist can access and circulation among on-site buildings through walkways and visibly distinct crossings of drive aisles;
e. Having enough on-site trash receptacles near sidewalk to lessen the likelihood of litter of yards along streets and street frontage by convenience store customers on foot;
f. Avoiding excessive exterior lighting;
g. Having reasonably decent architecture in the context of strip commercial development;
h. Having the Architectural Wall look reasonably decent;
i. Getting highway electric power poles and overhead electric power lines buried or fees in-lieu paid to fund such elsewhere in town;
j. Having a few evergreen trees among newly planted trees; and
k. Increase street trees and on-site trees, and provide for fee in-lieu to fund tree plantings elsewhere in town;
l. Administering Street Exception EXCP 21-05 to have the developer improve Oregon Way to be the best of the two frontages for pedestrians and cyclists in exchange for leaving the highway frontage as is or largely as is;
m. Mitigation of the unpleasant aspects of neighboring and patronizing a gas station and convenience store.

The staff analyses and findings (Attachment 102), especially the Conditional Use Provisions and Street Exception Provisions sections, provide much more detail, and the recommended conditions of approval secure the above things.

Site Plan

The development is phased and has two site plan Options 1 & 2.

Site plan excerpts follow on the next page(s), and a larger version is among the attached site plans (Attachment 103).

Staff finds that the proposal meets applicable Woodburn Development Ordinance (WDO) provisions per the analyses and findings (Attachment 102).

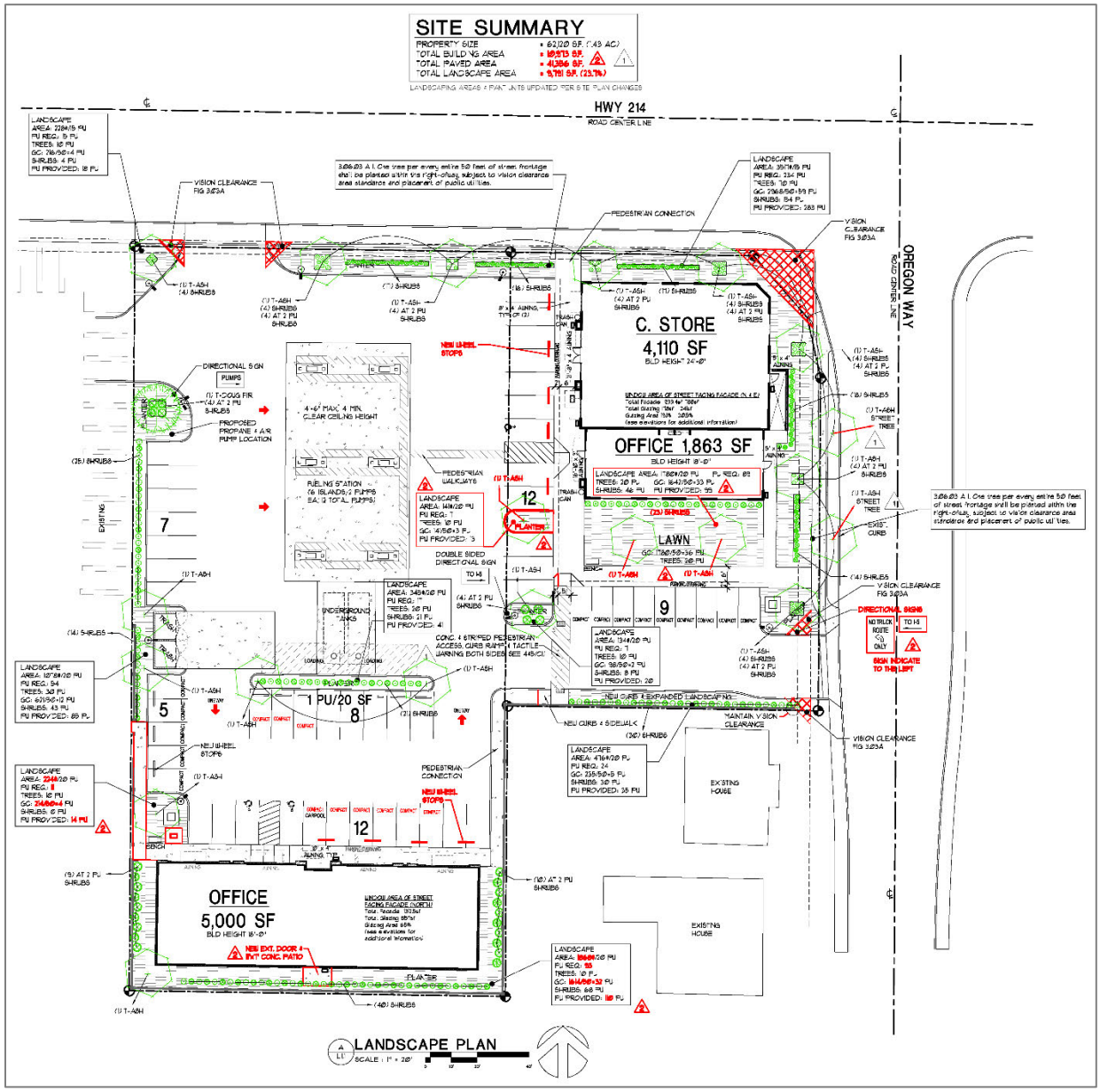

Exhibit PP1: Option 1 Site Plan Excerpt Prior to Revision per Conditions of Approval

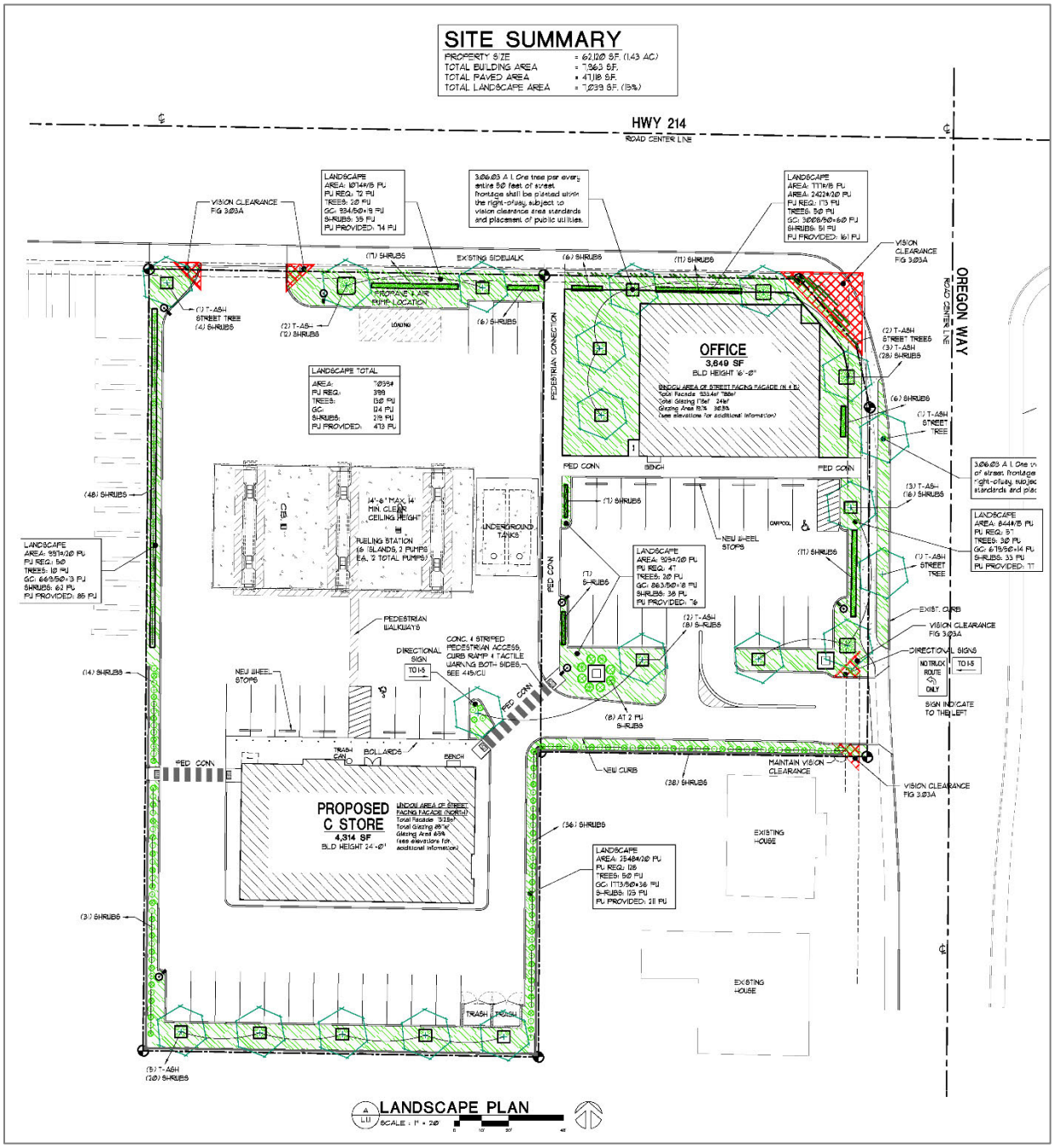

Exhibit PP2: Option 2 Site Plan Excerpt Prior to Revision per Conditions of Approval

Recommendation

Approval with conditions: Staff recommends that the Planning Commission consider the staff report and its attachments and approve the consolidated applications package with the conditions recommended by staff below.

Conditions of Approval

The conditions are copied from towards the end of the analyses and findings (Attachment 102):

General

G1. By and 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 by the Building Division.

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: Attachment 201 serves as a dictionary or glossary defining certain abbreviations, acronyms, phrases, terms, and words in the context of the conditions of approval. The 200 series of attachments are as binding as the conditions of approval in the main body of the final decision.

G4. Due dates / public improvements:

a. When public street improvements, and any fees in lieu of public improvements, are due shall be per WDO 3.01.02 and 4.02.12 through Ordinance No. 2602 (LA 21-01) unless if and where a condition of approval has more restrictive timing.
b. Where phasing is relevant, building permit issuance means issuance for the phase in which the conditioned improvement is located.
c. Where changes to street addresses are necessary, the developer shall apply through the Planning Division for and obtain approval of an Address Assignment Request. This is due prior to building permit application, and if property line adjustment or lot consolidation were to become relevant, then also after recordation with County.

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.

G6. Fees: The developer shall pay fees per Attachment 203.

Phasing Plan 21-01

PP. Phasing Plan:

1. Options 1 & 2: The developer may develop a site plan revised to conform to conditions of approval and based on either:
   a. Option 1: The site plan concept last revised and re-submitted for land use review on February 9, 2022 and premised on there being no ODOT factor (see the ODOT factor condition); or
   b. Option 2: The different site plan revised and submitted May 2, 2022 premised on the developer's understanding of the ODOT factor.

   This due by building permit application.
2. Basic Descriptions:
   a. Option 1: See Exhibit PP1 below for plan details.
      (1) On Tax Lot 3600 (east, corner lot), a single northeast building of with convenience store of 4,110 sq ft and a commercial office of 1,863 sq ft.
      (2) On Tax Lot 3700 (west, interior lot), a north fuel pump canopy and a south commercial office building of 5,000 sq ft.
   b. Option 2: See Exhibit PP2 below for plan details.
      (1) On Tax Lot 3600 (east, corner lot), a single northeast commercial office building of 3,649 sq ft.
      (2) On Tax Lot 3700 (west, interior lot), a north fuel pump canopy and a south convenience store of 4,314 sq ft.
3. Phasing: The developer may phase an option:
   a. Option 1: To develop the south office building and necessary corollary improvements later than the gas station complex of convenience store, attached commercial office, and fuel pump canopy and necessary corollary improvements.
   b. Option 2: To develop at different times (1) the gas station complex of convenience store and fuel pump canopy and necessary corollary improvements, and (2) the northeast office building and necessary corollary improvements.
4. All conditions apply to any option, any phasing, unless worded or under a header such that a condition applies more specifically. Where something is due by building permit application or issuance, it means the first of any phase, any building, unless a condition is more specific.
5. By and as part of building permit application, the applicant shall submit revised site plans meeting the conditions of approval.

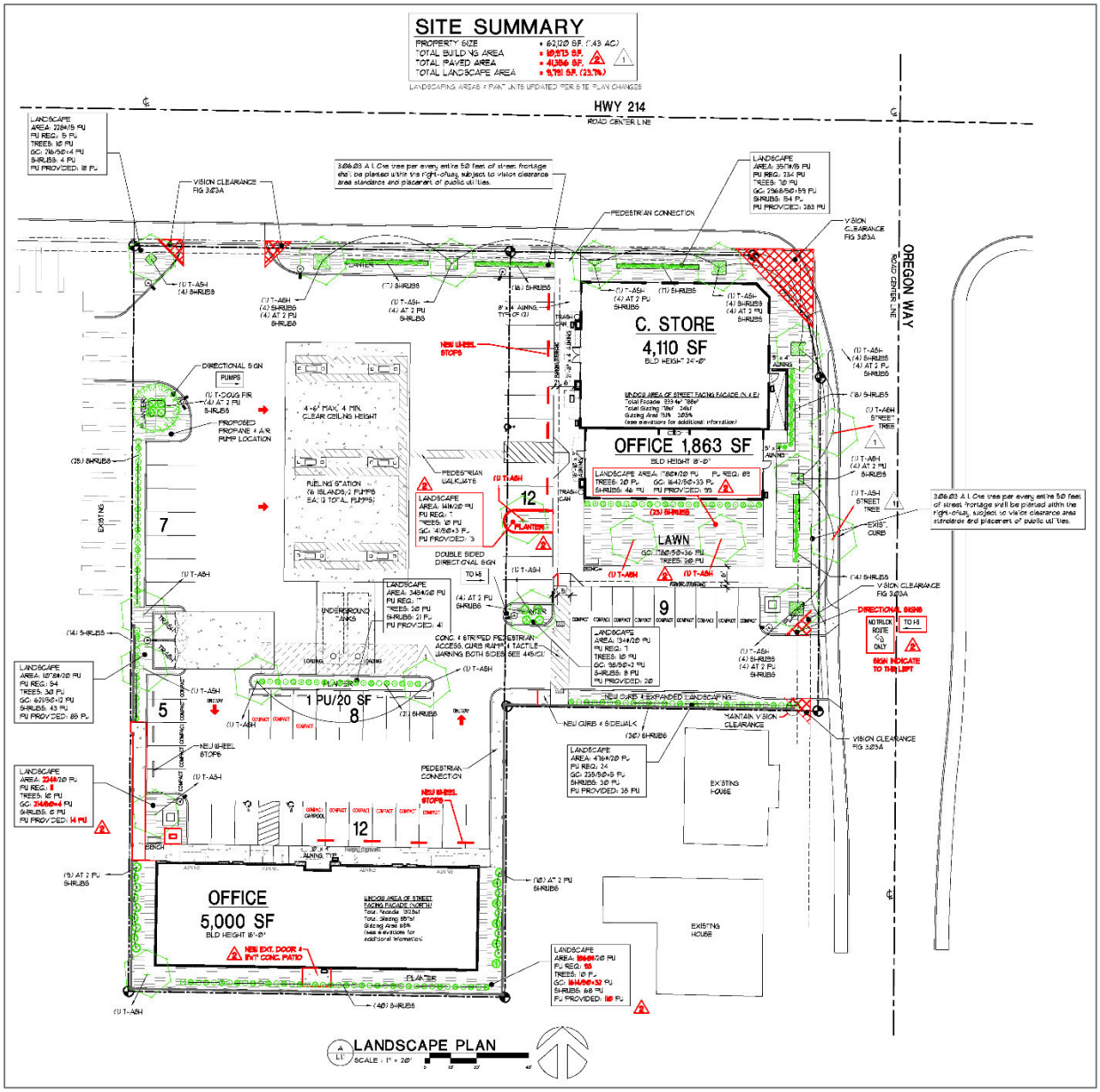

Exhibit PP1: Option 1 Site Plan Excerpt Prior to Revision per Conditions of Approval

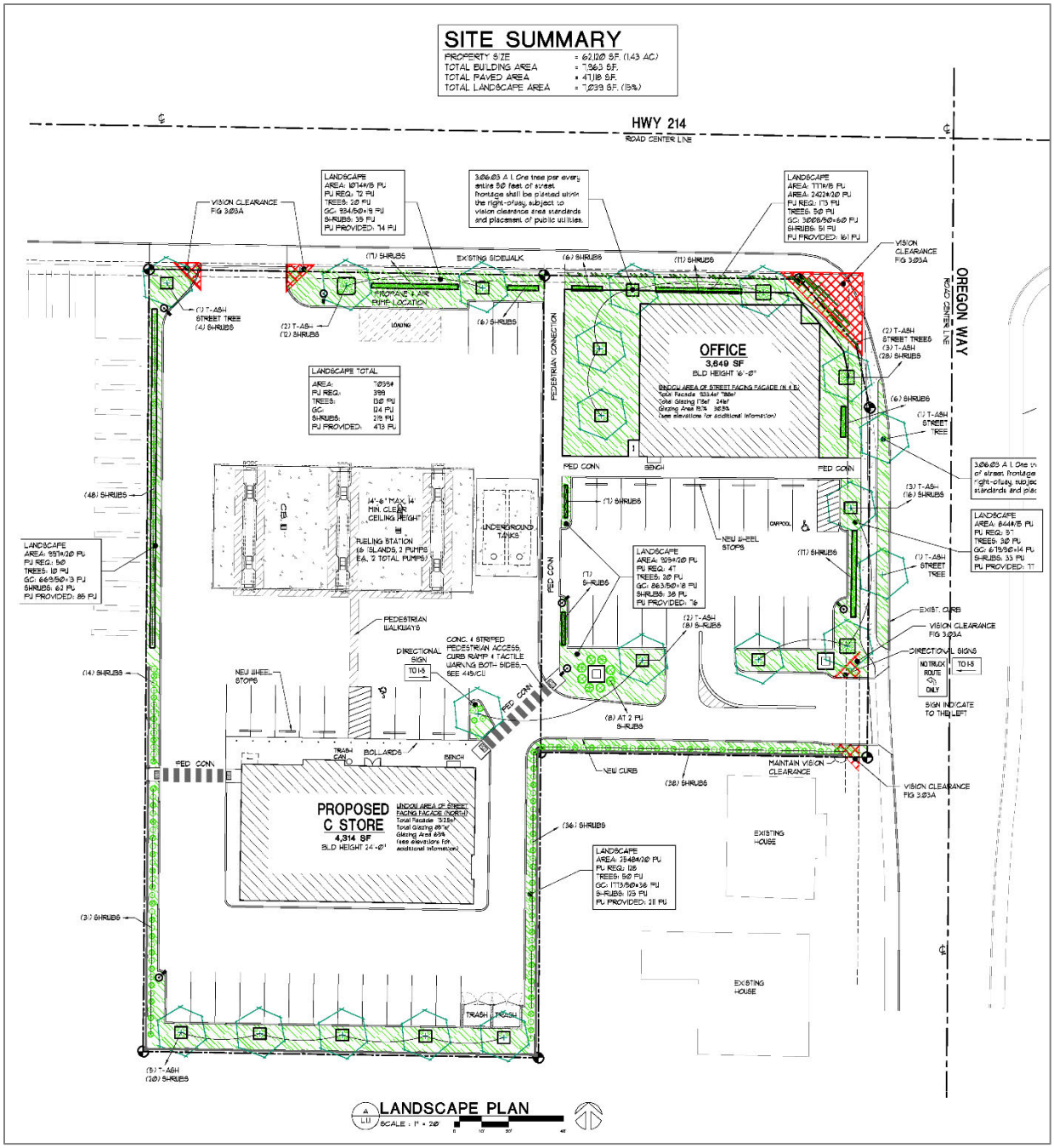

Exhibit PP2: Option 2 Site Plan Excerpt Prior to Revision per Conditions of Approval

Design Review 21-10

D1. PUEs: If minimum width streetside PUEs do not yet exist as 10 ft along the highway per WDO Figure 3.01B or 5 ft along Oregon way per 3.02.01B, the developer shall grant such. Max widths shall be per Conditions EX1 & EX2. This is due by building permit application.

D2. Parking / vehicular circulation setback: Option 2: To conform to WDO 3.05.02E, the developer shall do one of the following: (a) revise the site plan to set back parking and vehicular circulation area min 5 ft from the northerly east lot line of 2600 Newberg Hwy (Tax Lot 3700) and to landscape the setback per 3.06 and plant min 4 trees within it; (b) have a shared use agreement per 3.05.02E; or (c) doing (a) in part and in combination with (b). This is due by building permit issuance.

D3. Parking / vehicular circulation directional markings/signage: To conform to WDO 3.05.02J, during building permit review the Director may administratively establish details, specifications, and revisions to administer the WDO section. Further site plan revisions necessary to conform, if any, shall be due by building permit issuance.

Conditional Use 21-02

CU1. Architecture:

a. Canopies / fixed awnings:
   1. General: Min height clearance 9 ft.
   2. Fuel pump canopy: Max ceiling height 14.5 ft to either (a) ceiling or (b) ceiling-mounted lighting fixtures, whichever is lower.
   3. Option 1:
      (a) Convenience store / NE office building: Each west entrance shall have a fixed awning, canopy, building wall projection, or secondary roof that shelters from the weather, min area 48 sq ft, min depth 4 ft. Each east mandoor shall have the same, except min area 18 sq ft, min depth 3 ft.
      (b) South commercial office: Each north entrance shall have a fixed awning, canopy, building wall projection, or secondary roof that shelters from the weather, min area 48 sq ft, min depth 4 ft. It may be smaller if combined with a building recess and together they meet the min area. The south patio door elsewhere conditioned shall have the same, except min area 18 sq ft, min depth 3 ft.
   4. Option 2:
      (c) Convenience store: North entrance shall have a fixed awning or a canopy that shelters from the weather, min area 48 sq ft, min depth 4 ft. Each side or rear mandoor shall have the same, except min area 12 sq ft, min depth 2 ft.
      (d) NE commercial office: The main entrance shall have any of the following that that shelters from the weather: (1) a fixed awning or a canopy, (2) a building recess, or (3) combination. Min area 64 sq ft, narrowest dimension 6 ft. Min one of the other entrances shall have the same, except min area 24 sq ft, narrowest dimension 4 ft. Every south and west façade storefront window shall have any of a fixed awning, canopy, building wall projection, secondary roof, or sun louver min width same as the window and min depth 2 ft. Building color shall be other than black or charcoal.

b. Cladding/materials:
   (1) Option 1: Convenience store / NE commercial office: Base cladding min height 2 ft of brick, CMU finished to resemble cut stone, or adhered stone. The proposed east CMU mandoor screen wall, if not precluded by streetside PUE, shall be max height 4 ft, 2 inches, have the bottom 2 courses be split face and the upper 4 courses ground face and be capped with smooth concrete. The NE corner angled wall shall have a window min area 15 sq ft, min 2.5 ft wide, and wholly within 8.5 ft of grade.
   (2) Option 2: NE commercial office: Base cladding min height 2 ft of brick, CMU finished to resemble cut stone, or adhered stone.

c. Entrance: Option 2: NE commercial office: The main entrance door or doors of the office building shall be at any of the NE corner, within the east façade, or at the SE corner of the building. A corner entrance may be angled or both at one side of a corner and within 12 ft of the corner where main wall planes intersect or would intersect.
d. Scuppers: Any building rainwater scuppers shall not to dump onto the pavement of a wide walkway.
e. Setbacks:
   (1) General: Site NE corner min setback shall equal streetside PUE.
   (2) Option 1:
      (a) Convenience store / NE commercial office: max 15 ft from highway and max 20 ft from Oregon Way ROW (measured from straight line ROW, not variable ROW at intersection).
      (b) South commercial office: min 5 ft from Tax Lot 3700 east, south, and west lot lines.
   (3) Option 2: NE commercial office: max 15 ft from each of highway and Oregon Way ROW (measured from straight line ROW, not variable ROW at intersection). NE corner min setback shall equal streetside PUE. West and south setbacks each shall be min 10 ft.
f. Windows:
   (1) General: All windows shall be square, round, or vertically proportioned. Operable windows shall have insect screens.
   (2) Min area:
      (a) Option 1:
         (1) Convenience store: West façade 30%; north 30%; east 36 sq ft.
         (2) NE commercial office: West and south façades 30%; east 144 sq ft.
         (3) South commercial office: North façade 30%; east 15%; south 20%; and west 20%.
      (b) Option 2:
         (i) Convenience store: North façade 30%. Each of east, south, and west facades min 1 window min 7.5 sq ft, min 1.5 ft wide, and wholly within 8.5 ft of grade.
         (ii) NE commercial office: North façade 30%; east 40%; south 30%; and west 20%.

CU2: Architectural Wall (AW) / Fences / Fencing:

a. Exemption: Where chain-link fence with slats already exists along the north and west lot lines of Tax Lot 3500 (953 Oregon Way), the developer may exempt these two lines from AW if the homeowner in writing consents to exemption and the developer submits documentation by and as part of building permit application.

b. Min height shall be along the:
   (1) North and west lot lines of Tax Lot 3500 6 ft, 2 inches (if CMU, equal to 9 courses of blocks plus 2-inch smooth concrete cap).
   (2) North and east lot lines of Tax Lot 90000 (950 Evergreen Road) 8 ft, 2 inches (if CMU, equal to 12 courses of blocks plus 2-inch smooth concrete cap).
   (3) Where fencing may substitute per other conditions, for part 1. above it shall be 6 ft, and for part 2. above, 8 ft.

c. Height at AW ends: Min height shall drop where subject to stair-stepped height limits in yards abutting streets per WDO 2.06.02, within VCA or sight triangles per 3.03.06, and AW shall remain outside streetside PUEs. AW may cross an off-street PUE, if any exist, with written authorization by the Public Works Director, and the Public Works Director may instead direct that instead of a segment of wall that there be coated chain-link fencing with slats across an off-street PUE. For crossing of private easements, the developer similarly may instead fence.

d. Gaps or rectangular openings:
   (1) There shall be one along the east lot line of Tax Lot 90000, min 4 ft wide and 6 ft, 8 inches high above grade, and with the south end of the gap aligned with the Tax Lot 90000 north east-west drive aisle, south curb, north face.

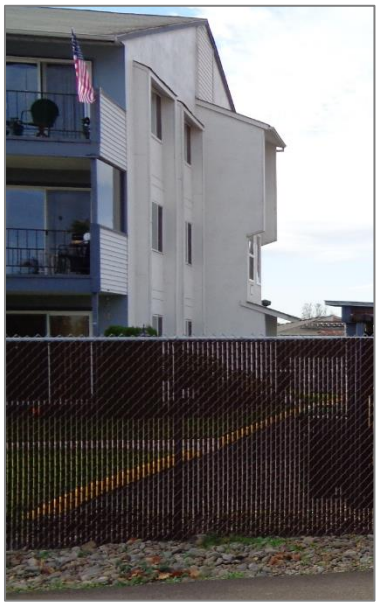

Exhibit CU2d(1)

Exhibit CU2d(2)

(2) If AW exemption per part a. above is not applicable, then there may be a gap along the west lot line of Tax Lot 3500, aligned with where there exist west backyard chain-link gates, minimum width equal to the width of the gates.

e. Color: Masonry and any paint shall be a color or colors other than black, charcoal, or gray. For any other fence / fencing or free-standing wall, including gates if any, the coating and slats that WDO 2.06.02D requires and any wall shall be a color or colors other than black or charcoal. On free-standing walls with two or more colors, darker colors shall be towards the bottom and lighter ones towards the top.

f. Material: AW segments at 40 ft north or farther from the south lot line of Tax Lot 3700 may be partly made of opaque cedar wood fencing if the wall remains mostly masonry. Specifically, masonry must constitute the bottom extent of wall segment from grade up to min 2 ft, 8 inches above grade, and there shall be piers or pilasters per "Details" below. Exhibit CU2f below illustrates a similar, conforming example:

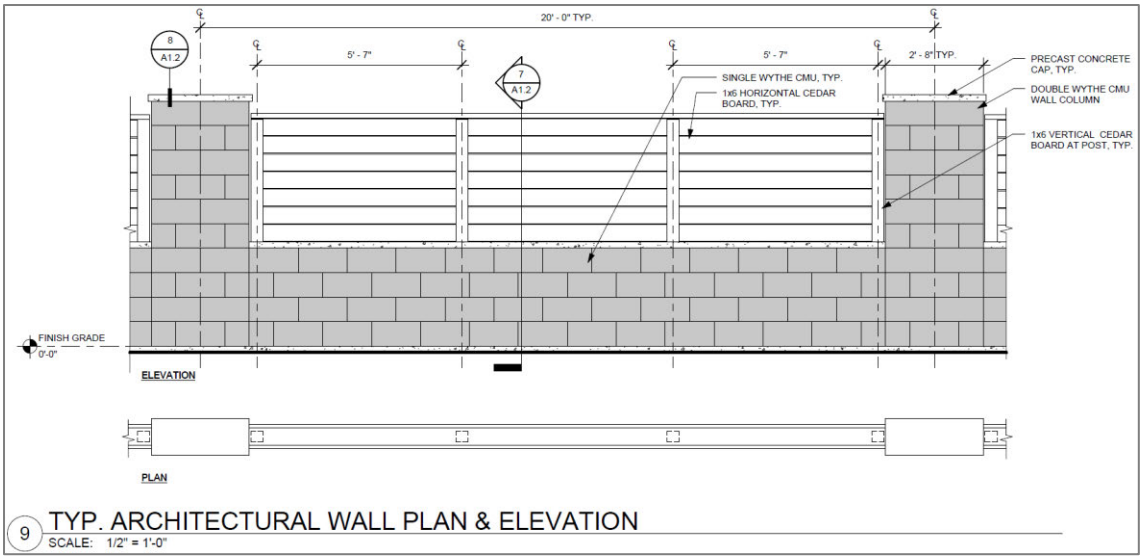

Exhibit CU2f (DR 2017-08)

g. Details: Each AW segment end shall have a pier or pilaster min 16 inches wide relative to wall face and projecting min 4 inches. Each segment shall have a min number of piers or pilasters equal to a ratio of 1 per 40 ft of wall. Each pier or pilaster shall be capped with ornamental concrete in the form of any of a shallow-sloped pyramid or sphere or other finial atop such pyramid. If the AW is CMU, the 8th and 9th CMU courses above grade shall be ground face (5 ft, 4 inches through 6 ft above grade).

CU3. Bicycle parking: Amount and general location: The developer shall provide bicycle parking as follows:

a. Option 1 min stalls:
   (1) Convenience store: 2
   (2) NE commercial office: 2
   (3) South commercial office: 4

b. Option 2 min stalls:
   (1) Convenience store: 2
   (2) NE commercial office: 4
c. General: Standards other than amount and general location shall conform to WDO 3.05.06 through Ordinance No. 2602 (LA 21-01).

CU4. Electric power lines: The development shall conform to WDO 3.02.04 through Ordinance No. 2602 (LA 21-01).

CU5. Landscaping:
a. Bench: In the landscaped open space at or near the NE commercial office space, along a wide walkway or in a plaza, install either a 6-ft wide bench with back or a picnic bench. Set back from walkway and pave the setback, min either 2 ft for a bench or 3 ft for a picnic bench.
b. Buffering/Screening: Evergreen hedge or shrubbery shall:
   (1) Line AW segments.
   (2) Screen transformers and other at-grade electrical and mechanical equipment along their sides, excepting the side intended for technician access.
   (3) Serve as means of conformance with WDO 3.06.05B (parking screening).
c. Coniferous/evergreen trees: 1 min of trees new to the site. The 1 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

d. Front yard
   (1) Trees:
      (a) Plant min 7 trees in the yard along the highway and min 10 ft and max 20 ft from ROW.
      (b) Plant min 4 trees in the yard along Oregon Way, min 5 ft and max 20 ft from ROW, in a loose row with min 3 of them spaced offset from and complementing street trees.
   (2) Hedge/shrubbery: In all areas not occupied by buildings and pavement, landscape per WDO 3.06.
      (a) On Tax Lot 3700 in the yard along the highway, plant a hedge or row of continuous small or medium shrubbery extending between the driveway and east lot line. Plant and maintain min 5 ft from sidewalk and max 12 ft from ROW.
      (b) Option 1: On Tax Lot 3600 in the yard along the Oregon Way, line the convenience store rear east free-standing wall with a hedge or row of continuous small or medium shrubbery.

(c) Option 2: On Tax Lot 3600 in the yard along the Oregon Way, plant a hedge or row of continuous small or medium shrubbery extending along the east dead-end of the drive aisle. Plant and maintain min 1 ft from sidewalk.

e. Site interior:
   (1) AW: Line each Architectural Wall segment with a hedge or row of continuous medium or large shrubbery.
   (2) Bark dust: Of landscaped area, max 3% may be bark dust, mulch, wood chip, pebbles, or sand. Walkway and plaza paving do not count against landscaping minimums.
   (3) Lawn large tree: Within open space within 30 ft of the NE commercial office, plant min 2 trees, either both large or min 1 medium and 1 large.
   (4) Plaza: At or within 30 ft of the NE commercial office space and adjacent to a wide walkway shall be a plaza min 81 sq ft, exc. walkway area, at 9 ft narrowest dimension, paved with bricks, concrete pavers, field or flagstone, or poured cement.
   (5) South yard: Within 100 ft of the Tax Lot 3700 south lot line, plant either for Option 1 min 2 trees or for Option 2 min 5 trees. Of these for Option 2, min 2 large with the westernmost tree being one of the large ones.
f. Parking area:
   (1) Option 1:
      (a) Convenience store: A landscape island shall be roughly in the middle the parking aisle fronting the convenience store that conform to WDO 3.06.03C through Ordinance No. 2602 (LA 21-01).
      (b) NE office: Plant a large tree in the southwesterly area of the south yard lawn.
      (c) South office: For common use by tenants, have a south rear door and a patio of brick, pavers, or poured concrete min 7 ft north-south by 11 ft east-west. Align patio flush with door outer swing. Plant a small tree near patio west side.
   (2) Option 2:
      (a) Convenience store: A landscape island shall cap each end of the parking aisle fronting the convenience store per WDO 3.06.03C through Ordinance No. 2602 (LA 21-01), and the east island may be on the west side of the wide walkway that another condition requires.
      (b) NE office: The office parking area drive aisle east end shall have the inside of curb min 3 ft from edge of streetside PUE, and the 3-ft width shall have a tree.

CU6. Lighting:
a. General: Shall conform to WDO 3.11 through Ordinance No. 2602 (LA 21-01).
b. Buffer: Parking area or other pole-mounted fixtures are prohibited between the north lot line of 953 Oregon Way (Tax Lot 3500) and the east-west drive aisle.
c. Fuel pump canopy: Max 16 ceiling fixtures. Any ceiling fixture shall be no closer to ceiling outer edge than 4 ft. Neon lighting, or a lighting technology that mimics the appearance of neon lighting, is prohibited on the fuel pump canopy and on the

southernmost primary building on Tax Lot 3700. The developer shall make so either of the following: (1) ceiling light fixtures shall not drop below the ceiling plane, or (2) for ceiling-mounted fixtures, the canopy roof edge perimeter shall as a shield drop or extend down to the same plane as the underside of the lowest fixture. In either case, fixtures that drop or extend down from the ceiling shall each have opaque housing on all sides.

d. Option 1: Max of:
   (1) Convenience store: 1 wall fixture on the east rear and none on the north side.
   (2) NE commercial office: 1 wall fixture each on the west front and east rear.
   (3) South commercial office: 1 wall fixture at the south rear and none at the east and west sides.
e. Option 2: Max of:
   (1) Convenience store: 2 wall fixtures on the south rear, 1 each on the east and west sides. Parking area or other pole fixtures prohibited in the east side, south rear, and west side yards.
   (2) NE commercial office: 1 wall fixture on the south, 1 each on the east and west sides, and the south yard limited to 2 parking area poles. No other pole types in the north, east, or west yards.

CU7: Parking:

1. Standard stall length: The developer may set standard size 90° angle stall length at 18 ft instead of 19 per WDO Table 3.05B through Ordinance No. 2602 (LA 21-01).
2. EV: Electric vehicle (EV) parking shall be min 1 stall with a charging station and placed near commercial office area. Remaining EV parking standards shall be per WDO 3.05 through Ordinance No. 2602 (LA 21-01).
3. Wheelstops / wheel stops: Every angled or 90° parking stall along a wide walkway shall have a wheel stop max 4 inches high. A wheel stop shall not straddle adjacent stalls. If and where the developer opts to install wheel stops where not required, they also shall conform to the height limit.

CU8. Walkways:

a. General: Shall conform with WDO 3.04.06 through Ordinance No. 2602 (LA 21-01).
b. Gap: A walkway, min 3.5 ft wide as an exception to part a., shall connect a building perimeter walkway system west to the AW conditioned gap or opening along the west lot line of Tax Lot 3700.
c. Convenience store & fuel pump canopy: The three pump islands together shall have one or more walkway crossings to the convenience store main entrance walkway, and as an exception to part (a) above, each min 3 ft wide. For Option 1, minimum 1 crossing; for Option 2, min 2. A walkway crossing may incorporate an ADA parking space accessible aisle. Walkways should be straight, and where needing to jog, should

jog at 45° max and at the point where vehicles pass in opposite directions or between vehicle lanes.

d. Option 2: At the NE of the convenience store, the wide walkway crossing of drive aisle shall be at or near a right angle to drive aisle.

CU9. Access management: These are due by building permit application:

a. General: Access management shall conform with WDO 3.02.01E, 3.04.01A.2, and 3.04.03C & D through Ordinance No. 2602 (LA 21-01). Regarding recordation of one or more types of legal instruments and how, the developer shall conform to the conditions in ways that satisfy the County.
b. Bicycle/pedestrian: The develop shall grant the public access to walk, cycle, and roll along each wide walkway across Tax Lot 3600 to the benefit of 3700, relating to Oregon Way sidewalk access, and across Tax Lot 3700 to the benefit of 3600, relating to highway sidewalk access.
c. Shared parking: If and where one or both of the subject lots lack minimum off-street parking ratio for all land uses on the lot, the developer shall revise site plans to conform to WDO 3.05.02 & Table 3.05A or shall create a shared parking agreement per WDO 3.05.05. This is due by building permit issuance.
d. Cross access:
   (1) Local: To conform to WDO 3.04.03A.3, B.1, B.3 & C.2 and, through Ordinance No. 2602 (LA 21-01), WDO 3.04.03B.3, C.1, C.3, C.4, & D.2, for what is termed any of cross access, ingress/egress, public access, or shared access, the developer shall grant the public access (a) across Tax Lot 3600 to the benefit of 3700, (b) across Tax Lot 3700 to the benefit of 3600, and (c) across Tax Lot 3700 to the benefit of 3800. The cross access shall follow a drive aisle or aisles and align at the common lot line. Regarding (c), the north east-west drive aisle shall stub to somewhere along the northerly 75 ft of the west lot line and at min 20 ft wide, and though the stub shall not be curbed it may be fenced.
   (2) ODOT factor:
      (a) The developer shall apply to and obtain from ODOT the proper access rights for both tax lots prior to any construction, so as to not violate the deeds.
      (b) For context, see Attachment 102B. The ODOT Region 2 contact is Casey Knecht, P.E., Development Review Coordinator, (503) 986-5170, casey.knecht@odot.state.or.us. The City interprets “prior to any construction” to mean by issuance of the first structural building permit. Otherwise, City staff are inclined to defer to ODOT interpretation of part (a) above, including whether it is applicable to either Option 1 only or both site plan options.
      (c) If after City land use decision ODOT objects specifically to how the City administers or the developer conforms to other parts of the condition or to other conditions concerning vehicular access, then the developer may request

and the Director may administratively approve in writing changes to administration or conformance to accommodate the ODOT factor while still having the development meet the WDO and conditions of approval to the max extent remaining. The Director may require developer application for any of Extension of a Development Decision per WDO 4.02.05 or Modification of Conditions per WDO 4.02.07.

(d) If after City land use decision ODOT directs access management in conflict with other parts of the condition or to other conditions concerning vehicular access, then the developer shall forward the written direction from ODOT to the attention of the Director; describe the conflict(s); describe the minimum deviation from conformance necessary to comply with ODOT direction while also conforming to the remainder of the condition to the maximum, including plan view illustrations where helpful; and request Director approval through a dated document that cites the land use case file and condition numbers. The Director may approve what the developer first requests or a modified request. The City intends that if the developer were to make use of this part (d) of the condition, he would do so once.

CU10. Gas station operations:

1. Noise:
   a. Fuel pumps: Audible audiovisual advertising, if any, is prohibited from sounding from fuel pump electronic display speakers. Such advertising shall be limited to sight only.
   b. Tire/vacuum: Addition of any vehicle interior vacuum facility outdoors, tire pump facility outdoors, or other similar mechanical facility outdoors for gas station customers that makes noise shall be located min 100 ft north of the south lot line of Tax Lot 3700. Based on Ordinance No. 2312, any vacuum shall be closed to customer use min from 9:00 p.m. to 7:00 a.m.
2. Trash: There shall be at least one trash receptacle along each of the walkways, at min 1 ft from walkway edge, to and from the highway and Oregon Way sidewalks, within 25 ft of ROW, for intended use by convenience store customers, and remaining privately maintained and serviced.
3. Vehicular circulation:
   a. Driveways:
      (1) Highway: Max 1 driveway. The driveway shall remain right-in, right-out and be max width equal to the existing 30 ft unless ODOT approves wider up to 36 ft; however, if the developer widens the driveway from the existing 30 ft, then min 12 ft of the width and min depth equal to either the throat or 13.5 ft, whichever is longer, shall be poured concrete. The area of poured concrete that is outside the ROW shall be patterned, stamped, or treated to resemble paving stones and shall be felt by motorists driving over it. (The objective is to calm traffic by

preventing fast, swooping maneuvers and to direct vehicles to 24 ft width of asphalt within the driveway throat, while allowing semi-trailer truck turning movement across 36 ft of width.) If the driveway widens, the developer also shall reconstruct the entire driveway to conform to City Public Works standard drawing Detail No. 4150-4 "Property Line Sidewalk at Driveway", except that if and where a specific conflict arises between City and ODOT public works construction standards, that of ODOT engineering guidance would supersede.

(2) Oregon Way: Max 1 driveway, max width 24 ft if two-way or 12 ft if one-way. Option 2: Throat, if two-way, then the inbound lane max 24 ft deep where lane is parallel with the outbound lane.

b. I-5 directional signage: There shall be on Tax Lot 3700 outside of ROW and streetside PUEs directional signage that accomplishes directing on-site motorists bound for I-5, min 2 signs for Option 1 and 3 signs for Option 2, each min area 18 by 24 inches, mounted min 2 ft and max 7 ft above grade, text min 6 inches high, and including the standard Interstate 5 logo. The Director may administratively establish locations, details, specifications, and revisions to administer this condition part during building permit review. Further site plan revisions necessary to conform, if any, shall be due by building permit issuance.

c. Option 2: fuel pump queueing:

(1) General: Fuel pump queues shall be one-way either eastbound in Option 1 or southbound in Option 2. The developer shall stripe directional arrows and lines to direct motorists into fuel pump queues and distinguish the queues from driving routes around the fuel pump canopy.

(2) Stacking:

(i) Option 1: Of six queues, min 3 shall each fit stacking of min one car west of the fuel pump island.

(ii) Option 2: Of six queues, min 2 shall each fit stacking of min two cars north of the fuel pump island, and the remaining 4 shall each fit stacking of min one car.

d. Trucks: Until July 1, 2030, the Public Works Department may administratively regulate time, place, and manner of freight and truck access (ingress/egress) to and from the development and adjacent public streets. This condition shall not be construed to preclude the City past the date from regulating development freight and truck access via ordinances that are applicable generally to properties that happen to include the subject property.

CU11. Modification: Because the WDO, including 5.03.01, does not specify how changes to an approved conditional use (CU) and related site improvements might trigger another CU or modification of a CU approval, for Director determination the following serve as criteria and – where noted – as factors:

a. Significant expansion of the use(s), factors being an increase in any of: total GFA by 25.0% or more or by an absolute value of 1,825 sq ft or more, and, the number of buildings by 1 or more;
b. Increase in off-street parking by 6 or more stalls, even if the existing supply were in excess of the minimum required ratio(s);
c. Net increase in impervious surface totaling at least 1,000 sq ft;
d. Adding the land uses of automotive maintenance and repair, whether or not including through service bay structures.
e. Development as defined in WDO 1.02 within twenty (20) feet of a property boundary and not already conditioned through the subject approval;
f. Any proposal necessitating a request for Exception to Street Right-of-Way and Improvement Requirements ("Street Exception");
g. Any proposal necessitating a request to vary from the WDO, that is, a variance;
h. Any proposal necessitating a Type III or IV land use application type; and
i. City adoption of a unified development ordinance replacing the WDO were to have intervened.

Modification of a specific condition of approval remains pursuant to WDO 4.02.07. Were the City to have amended the WDO to establish modification provisions for conditional uses, the Director may decide that the provisions supersede this condition of approval.

Conditional Use 21-02: Transportation

T-A:

1. OR 214 & Oregon Way: The developer shall pay a fee per Attachment 203 to fund a transportation study, specifically to investigate in coordination with ODOT (1) corridor signal timing and coordination adjustments and (2) improving safety by reducing vehicle turning or angle crashes. This is due by building permit issuance. [TSP R11 & TIA p. 12]
2. Consultant review: The developer shall pay a fee for the City to recoup the cost of its transportation consultant reviewing and advising upon the TIA.
3. I-5 interchange with OR 214: To reduce vehicle crashes, the developer shall pay a fee per Attachment 203.
4. OR 214 & Evergreen Rd: To mitigate effect on the intersection and reduce vehicle crashes, the developer shall pay a fee per Attachment 203.
5. OR 99E & OR 211/214: To mitigate effect on the intersection and reduce vehicle crashes, the developer shall pay a fee per Attachment 203.

T-T. Bus transit: Bus stop improvements: To further TDM through bus transit, regarding the WTS Oregon Way northbound stop that is adjacent to 966 & 980 Oregon Way, where because ROW and streetside PUE are too narrow relative to the street to accommodate installation, the developer shall pay a fee in-lieu as well as a fee in lieu of a bus stop bicycle rack per Attachment 203.

Street Exception 21-05

EX1. Frontage/street improvements: Highway: These shall be as follows:

a. ROW: If and where there is a deficit, the developer shall dedicate ROW that meets or exceeds the min width necessary to conform to WDO Figure 3.01B "Major Arterial".
b. PUE: If minimum width streetside PUE does not yet exist per WDO Figure 3.01B, then the developer shall grant it. Max width shall be 10 ft, unless if and where existing utilities that the developer does not relocate necessitate wider as documented by franchise utilities and the developer.
c. Improvements: No min surface improvements other than either elsewhere conditioned or necessary to comply with ODOT engineering guidance or conform to PW direction. The developer shall pay fees in lieu of highway improvements per Attachment 203.

EX2. Frontage/street improvements: Oregon Way: These shall be as follows:

a. ROW: The developer shall dedicate ROW that meets or exceeds the min width necessary to conform to WDO Figure 3.01E "Access Street" and exceeds that width where necessary to accommodate both the existing northbound left turn lane and required half-street improvements.
b. PUE: If minimum width streetside PUE does not yet exist per WDO 3.02.01B, then the developer shall grant it. Max width shall be per WDO 3.02.01F.2 through Ordinance No. 2602 (LA 21-01).
c. Improvements:
   (1) Parking: No 8-ft wide on-street parallel parking lane is required, this being an exception from what Figure 3.01E would have required. The developer shall pay a fee in-lieu per Attachment 203.
   (2) Landscape strip: Min 6½ ft wide inc. curb width and with min 3 street trees with allowance of fee in lieu of 1 tree max. Planting of area remaining after tree planting and irrigation shall be per WDO 3.01.04B through Ordinance No. 2602 (LA 21-01).
   (3) Sidewalk: Min 8 ft wide.

Overlap: Wider sidewalk shall not narrow the landscape strip. The extra width of planter strip and sidewalk shall either (a) be within additional ROW that accommodates them, or (b) overlap outside ROW into streetside PUE, there being a recorded legal instrument granting public access to the overlap. If (b), then the developer shall submit a draft of the legal instrument for Planning and PW review by either civil engineering plan (CEP) review application to PW or building permit application, whichever is earlier. The developer shall submit copies of correctly recorded documents to the Planning Division by building permit issuance.

Actions

The Planning Commission may instead act on the land use application to:

1. Approve with modified conditions, or
2. Deny, based on WDO criteria or other City provisions.

If the Planning Commission were to act upon the recommendation, staff would prepare a "final decision" document for signature by the Commission chair in the days following the hearing.

Attachment List

101. Marked Tax Map
102. Analyses & Findings
102A. Public Works comments (May 5, 2022; 2 pages)
102B. Agency commentary ODOT e-mail with two exhibits (May 4, 2021; 15 pages)
103A. Application materials / site plans Option 1 (Feb. 9, 2022; 3 sheets)
103B. Application materials / site plans Option 2 (May 2, 2020; 5 sheets)
104. Transportation System Plan (TSP) Fig. 2 "Functional Roadway Classification"
201.* CU 21-02 US Market Gas Station: Dictionary & Glossary
202. CU 21-02 US Market Gas Station: Civil Engineering Plan (CEP) Review Provisions
203. CU 21-02 US Market Gas Station: Conditioned Fees

*The 200 series of attachments are details for the Attachment 102 conditions of approval.

CU 21-02: 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:

Symbol	*Category*	*Indication*
✔	Requirement (or guideline) met	No action needed
✖	Requirement (or guideline) not met	Correction needed
⊖	Requirement (or guideline) not applicable	No action needed
▲	• 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
■	Deviation: Planned Unit Development, Zoning Adjustment, and/or Variance	Request to modify, adjust, or vary from a requirement

Section references are to the Woodburn Development Ordinance (WDO).

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Project Name & Case File Numbers

The applicant submitted the project name US Market. The land use application master/parent case file number is Conditional Use CU 21-02, and the children/corollary case file numbers are Design Review 21-10, Exception to Street Right of Way and Improvement Requirements ("Street Exception") EXCP 21-05, & Phasing Plan PP 21-01.

The subject property is composed of two lots, and the developer of the proposed strip commercial development proposes no Property Line Adjustment (PLA) or lot consolidation.

Options 1 & 2: The developer may develop a site plan revised to conform to conditions of approval and based on either:

1. Option 1: The site plan concept last revised and re-submitted for land use review on February 9, 2022 and premised on there being no ODOT factor (see an "ODOT factor" condition of approval); or
2. Option 2: The different site plan revised and submitted May 2, 2022 premised on the developer's understanding of the ODOT factor.

Basic Descriptions:

3. Option 1: See a condition exhibit for plan details.
    - On Tax Lot 3600 (east, corner lot), a single northeast building of with convenience store of 4,110 square feet (sq ft) and a commercial office of 1,863 sq ft.
    - On Tax Lot 3700 (west, interior lot), a north fuel pump canopy and a south commercial office building of 5,000 sq ft.
4. Option 2: See a condition exhibit for plan details.
    - On Tax Lot 3600 (east, corner lot), a single northeast commercial office building of 3,649 sq ft.
    - On Tax Lot 3700 (west, interior lot), a north fuel pump canopy and a south convenience store of 4,314 sq ft.

Location

Address(es)	2540 & 2600 Newberg Hwy (SW corner of Oregon Hwy 214 / Newberg Hwy & Oregon Way)
Tax Lot(s)	052W12DB03700 (primary) & 3600; respectively 0.95 & 0.47 acres, totaling 1.42 acres
Nearest intersection	Oregon Hwy 214 / Newberg Hwy & Oregon Way

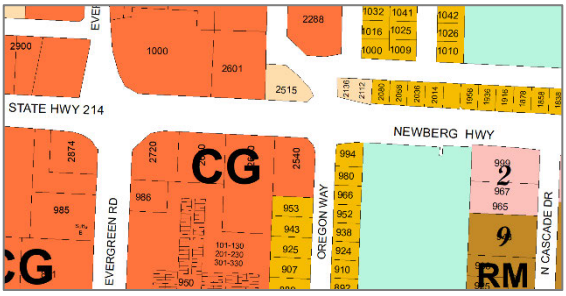
Subject property outlined in green

Land Use & Zoning

Comprehensive Plan Land Use Designation	Commercial
Zoning District	Commercial General (CG)
Overlay District(s)	none
Existing Use(s)	None following demolition of two vacant bank buildings

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

Cardinal Direction	*Adjacent Zoning*
North	Across OR Hwy 214: Commercial General (CG)
East	Across Oregon Way: Retirement Community Single Family Residential (R1S)
South	East to west: R1S (943 & 953 Oregon Way; houses) and CG (950 Evergreen Rd; Panor 360 condominiums)
West	CG (950 Evergreen Rd; Panor 360 condominiums; and 2620 Newberg Hwy; Dairy Queen)

Statutory Dates

Application Completeness	March 8, 2022
120-Day Final Decision Deadline	July 6, 2022 per Oregon Revised Statutes (ORS) 227.178. (The nearest and prior regularly scheduled City Council date would be June 27, 2022.

Design Review Provisions

DR Provisions

Volume 1 Organization and Structure
1.04 Nonconforming Uses and Development

The developer already obtained demolition permits from the Building Division, and the site is cleared. Because the proposal is full redevelopment, nonconformance of private, on-site improvements is not an applicable concept and the development will conform to the WDO and conditions of approval. Regarding nonconforming public street improvements, staff further addresses this nonconformance under the Exception to Street Right of Way and Improvement Requirements ("Street Exception") section of this document.

⛔ Not applicable.

Volume 2 Land Use Zoning and Specified Use Standards
2.03 Commercial Zones
2.05 Overlay Districts
2.06 Accessory Structures
2.07 Special Uses
2.08 Specific Conditional Uses

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**
B	**Commercial Retail and Services**	
2	**Automotive maintenance and gasoline stations, including repair services**	**CU[3]**
6	**Business services**	**P**
16	**Office and office services and supplies**	**P**
19	**Printing, publishing, copying, bonding, finance, insurance, medical, data processing, social assistance, legal services, management, and corporate offices**	**P**
20	**Professional services**	**P**
3. Allowed outright if not within 200 feet of residentially zoned properties		

A proposed use is a gasoline station, hereafter referred to as gas station. Because it is within 200 ft of residentially zoned property – 943 & 953 Oregon Way to the southeast that is zoned R1S, for the subject property the use remains a conditional use.

The remaining commercial office use is permitted.

2.05 Overlay Districts

2.05.02 Interchange Management Area Overlay District

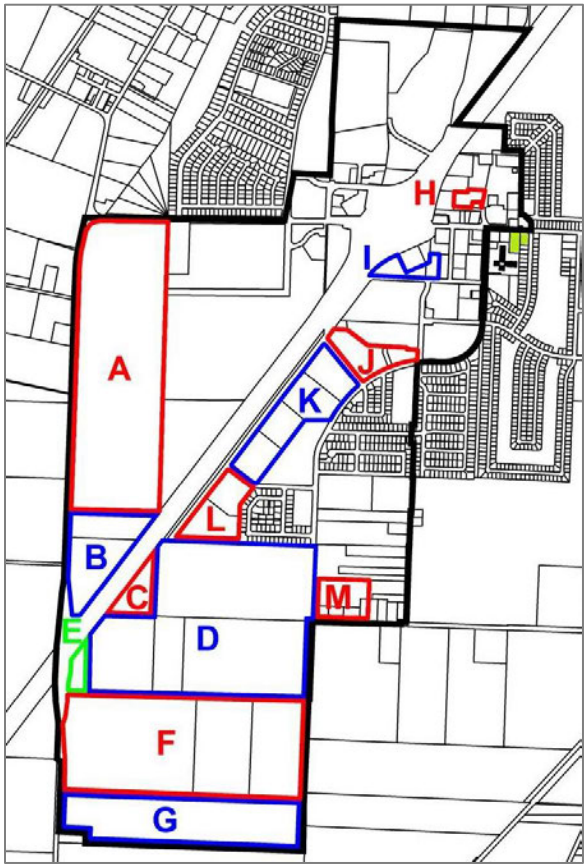


Figure 2.05B – Interchange Management Area Boundary and Subareas (with subject property at NE marked in green)

For those aware of the Interchange Management Area Overlay District (IMA), the above WDO figure marked to show the subject property confirms that the property lies just outside the IMA, that is, the property is *not* in the IMA. (Also, none of the other overlay districts are applicable.)

⛔ Not applicable.

2.06 Accessory Structures
2.06.02 Fences and Walls
Regarding the "Architectural Wall" as a buffer or screen wall per 3.06.05 to the standards of 3.06.06 and any fence or fencing the developer would build and install, a condition or conditions of approval would secure conformance, as well as a fence permit application type per 5.01.03 "Fence and Free Standing Wall".

⚠ In order to secure conformance to 2.06.02, staff applies a condition or conditions.

2.06.03 Structures
Within the proposal, which is phased development, neither the Option 1 nor Option 2 site plan include accessory structures such as sheds, making this WDO section not applicable.

⛔ Not applicable.

2.07 Special Uses
2.07.08 Facilities During Construction
This is not directly relevant to land use review. Contractor behavior is to conform during construction. No condition of approval is necessary to reiterate the requirement.

⛔ Not applicable.

2.08 Specific Conditional Uses
None relate to a gas station.

⛔ Not applicable.

Volume 3 Development Guideline and Standards
3.01 Streets
Regarding public street improvements, staff further addresses this under the Exception to Street Right of Way and Improvement Requirements ("Street Exception") section of this document.

■ *EXCP:* Staff further addresses public street improvements under the Planned Unit Development Provisions section.

3.02 Utilities and Easements
3.02.01 Public Utility Easements
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.

Regarding A, the Public Works Department handles this through its own conditions and processes. Additionally, one of the two frontages is a state highway, which involves the standards and permitting processes of the Oregon Department of Transportation (ODOT).

Regarding B, because the application materials fail to demonstrate conformance along Oregon Way, staff applies a condition or conditions. The highway is subject to a superseding standard requiring a 10-ft wide easement: Figure 3.01B "Major Arterial". Staff further addresses this under the Exception to Street Right of Way and Improvement Requirements ("Street Exception") section of this document.

Regarding C, the Public Works Department implements this through its own permit processes, standards, and specifications, and Planning Division also staff apply a condition or conditions for WDO conformance and to deal with existing context of public utilities. Additionally, one of the two frontages is a state highway, which involves ODOT standards and permitting processes.

3.02.02 Creeks and Watercourse Maintenance Easements

There are no creeks or watercourses.

⛔ Not applicable.

3.02.03 Street Lighting

The Public Works Department handles this through its own permit processes, standards, and specifications. Additionally, one of the two frontages is a state highway, which involves the standards and permitting processes of the Oregon Department of Transportation (ODOT).

⚠ In order to secure conformance to 3.02.03, the Public Works Department might apply public works standards and specifications.

3.02.04 Underground Utilities

Because the application materials fail to show that the development would conform along the highway where electric power poles and overhead electric power lines existing, staff applies a condition or conditions.

⚠ In order to secure conformance to 3.02.04, staff applies a condition or conditions.

3.02.04 Underground Utilities

Because the application materials fail to show that the development would conform along the highway where electric power poles and overhead electric power lines existing, staff applies a condition or conditions.

3.03 Setbacks and Open Space

3.03.02 Special Setbacks

This is a street widening setback. Because the development proposes and/or is conditioned to conform regarding ROW widths, the Special Setback is not applicable.

⛔ Not applicable.

3.03.03 Projections into the Setback Abutting a Street

3.03.04 Projections into the Side Setback

3.03.05 Projections into the Rear Setback

Because the development is strip commercial with conventional setbacks that meet or exceed zoning minimums, there are no projections. Were that to change later, the developer would still have to demonstrate conformance and the development conform.

⛔ Not applicable.

3.03.06 Vision Clearance Area

The application materials indicate that the applicant is aware of and intending to conform regarding driveways and the building closest to the site NE corner, which is the SW corner of the highway and Oregon Way, because in site plan Option 1, the NE building is notched at the NE to keep out of the vision clearance area (VCA) or sight triangle, and in Option 2 the NE building is set back far enough to be outside the sight triangle. In both site plans, no buildings are near any driveway. (Were a site plan to fall out of conformance upon building permit application, staff would prompt the developer to correct during permit reviews.)

⚠ In order to secure conformance to 3.03.06 during building permit were a site plan to fall out of conformance upon building permit application and to lessen potential resistance by the applicant, staff might apply a condition or conditions to reinforce the WDO VCA provisions.

3.04 Vehicular Access

3.04.01 Applicability and Permit

A. Street Access

Every lot shall have:

1. Direct access to an abutting public street, or

2. Access to a public street by means of an access easement and maintenance agreement to the satisfaction of the Director, and revocable only with the concurrence of the Director

This standard plus the highway being a state highway affects access management. A main reason the developer proposes site plan Options 1 & 2 is because the Oregon Department of Transportation (ODOT) regulates highway access such that it affects access for both lots composing the subject property and affects site planning.

ODOT agency commentary of May 4, 2022 found as staff report Attachment 102B provides more context. The developer intends through ODOT permitting and standards to obtain an outcome that allows Option 1, but might remain stuck with Option 2. The developer's Phasing Plan application is a basis for having options. In either scenario, each lot would have access to a public street.

3.04.02 Drive-Throughs
The strip commercial development includes none.

⛔ Not applicable.

3.04.03 Driveway Guidelines and Standards
One of the two frontages is a state highway, which involves the standards and permitting processes of the Oregon Department of Transportation (ODOT). The developer wants to widen the highway driveway from 30 to 36 ft, which involves ODOT permitting and standards. That width is within WDO maximum. The Oregon Way driveway width differs between site plan Options 1 & 2. Section 3.04.03 encourages and in part requires joint or shared driveways. Through the conditional use process staff applies conditions limiting driveway widths for both frontages.

⚠ In order to secure conformance to conditional use criteria, staff applies a condition or conditions.

3.04.05 Traffic Impact Analysis
B. A TIA shall evaluate the traffic impacts projected of a development proposal and the estimated effectiveness of potential traffic impact mitigation measures.
The applicant submitted a traffic impact analysis (TIA) dated August 13, 2021. Page 31, "Findings and Recommendations" proposed no mitigation measures. Staff addresses the TIA further under the Conditional Use Provisions section of this document.

3.05 Off-Street Parking and Loading
3.05.02 General Provisions
A. All required parking and loading spaces shall be retained and maintained in accordance with the standards of the WDO.
B. The land for off-street parking and loading areas shall either be:
1. Owned in fee title by the owner of the structure or site being served by the parking area, or
2. Subject to legal documentation to the satisfaction of the Director, establishing permanent use of off-street parking that is under separate ownership. The parking, subject to such a parking agreement, shall be in compliance with all requirements and development standards of the WDO. The agreement shall be recorded with the County Recorder and filed with the Director.
D. Location

1. Off-street parking and loading spaces shall be provided on the same lot as the primary building or use except that:
a. In RS, R1S or RM zones, parking spaces for non-residential uses permitted in the zone may be located on another site, if such site is within 250 feet of the lot containing the primary building, structure or use.
b. In any zone other than RS, R1S or RM, the parking spaces may be located on another site, if such site is within 500 feet of the site containing the primary building, structure or use.
Because the application materials fail to show that the development would conform to the requirements, staff applies a condition or conditions.

⚠ In order to secure conformance with the above subsections of 3.05.02, staff applies a condition or conditions.

E. Setback
2. Parking, loading, and circulation areas shall be set back from a property line a minimum of five feet, unless there is a shared use agreement to the satisfaction of the Director, verifying shared use between the separate properties.
In site plan Option 2, there is no parking setback along northerly east lot line of 2600 Newberg Hwy (Tax Lot 3700), and there is no and might not be a shared use agreement. Because staff can apply a reasonable condition or conditions to secure conformance, staff does so. (The idea of doing such in preference to denying either a development or one or more of its land use applications is explained further under the Phasing Plan Provisions section regarding Phasing Plan criterion B.3 in the paragraph about statute legislative intent.)

Also, the WDO provisions do not specify that a shared use agreement be in place prior to land use approval, and the Community Development Director has not interpreted the provisions to require that a shared use agreement be in place prior to land use approval.

Lastly, because the parking setback issue in question is relevant only to site plan Option 2, reviewing a draft agreement might or might not become moot were the applicant to deal with the ODOT factor such that the applicant could developer Option 2, making it a potential waste of time to review a shared use agreement as part of land use review. The applicant can manifest a shared use agreement, if it remains relevant, following land use approval with conditions.

⚠ In order to secure conformance with 3.05.02E.2, staff applies a condition or conditions.

J. All uses required to provide 20 or more off-street parking spaces shall have directional markings or signs to control vehicle movement.
The phrase, “directional markings or signs to control vehicle movement” leaves room for interpretation about what kinds of markings or signs, number, size, placements, and symbols and text. A gas station involves a lot of queuing and conflicts among vehicles moving across the site. Site plan Option 1 shows

little detail, and Option 2 shows more, but in staff opinion not enough to direct gas station motorists to pump queues and distinguish queuing areas from drive aisles.

Also, because of how access management would work, motorists returning to I-5 would either exit to Oregon Way to turn left/north to then turn left/west at OR 214, or, turn right onto OR 214 and change across the left through lane to the left turn lane to make a U-turn. (Oregon being a state that prohibits U-turns on public roads and allows them only where signed, this intersection is signed to allow U-turns.)

Anticipating the preferences of ODOT and those who believe in conventional traffic engineering, Planning Division staff intends that markings and signage direct motorists seeking I-5 to go to Oregon Way. Because of the room for interpretation, and that the applicant will later choose and refine site plan option 1 or 2, it is during building permit review that administratively establishing details, specifications, and revisions to administer the WDO section would be timely and fruitful.

3.05.03 Off-Street Parking

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

The developer proposes none.

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, with a maximum of 20 rack spaces.

Staff addresses this further under the Conditional Use Provisions section of this document.

Table 3.05A

Off-Street Parking Ratio Standards Table 3.05A	
Use [1]	**Parking Ratio - spaces per activity unit or square feet of gross floor area**
COMMERCIAL / PUBLIC	
6. Motor vehicle service	**1/ 200 retail area + 3/ service bay + 1/ pump island**
12. Offices (such as professional, scientific and technical services, finance and insurance, real estate, administrative and support services, social assistance, and public administration – but not including ambulatory health services)	**1/ 350 square feet**
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.	

Because the application materials fail to show that the development would conform to the requirements, including as applies to the 3 pump islands of the gas station in both site plan Options 1 & 2, staff applies a condition or conditions.

⚠ In order to secure conformance with Table 3.05A, staff applies a condition or conditions.

Remaining provisions of 3.05 either conform or the developer will revise any nonconformance during building permit review.

3.05.05 Shared Parking

As described elsewhere in this document regarding the access management ODOT factor and site plan Options 1 & 2, the developer by the time of building permit application likely will propose a site plan that necessitates shared parking, which would make applicable 3.05.05.

⚠ In order to secure conformance with 3.05.02, Table 3.05A, and 3.05.05, staff applies a condition or conditions.

3.06 Landscaping

3.06.03 Landscaping Standards

A. Street Trees

Staff addresses this further under the Conditional Use Provisions and/or Exception to Street Right of Way and Improvement Requirements ("Street Exception") sections of this document.

3.06.05 Screening

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

The row "Property being Developed – must provide screening if no comparable screening exists on abutting protected property" and "CG or MUV zone" that intersects with the columns "Adjacent properties – zone or use that receives the benefit of screening" and both "RS, R1S, or RSN zone" and "Multiple-family dwelling" necessitates an "Architectural Wall" (AW) along the lot lines abutting the lots with the two houses at 943 & 953 Oregon Way and the Panor 360 condominiums at 950 Evergreen Road.

⚠ In order to secure conformance with Table 3.06D, staff applies a condition or conditions.

B. 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 the application materials fail to show that the development would conform to the requirement, staff applies a condition or conditions.

⚠ In order to secure conformance with the screening requirement, staff applies a condition or conditions.

3.06.06 Architectural Walls

Because the application materials fail to show that the development would conform to the requirement, staff applies a condition or conditions.

⚠ In order to secure conformance with AW standards, staff applies a condition or conditions.

3.06.07 Significant Trees on Private Property

See the Conditional Use Provisions section under criterion 3, factor c5) "aesthetics", for analysis.

Through conditional use process, staff applies a fee to mitigate the loss of Significant Trees and to increase the City tree fund that 3.06.07F mentions.

⚠ In order to secure Significant Tree removal mitigation, staff applies a condition or conditions.

3.07 Architectural Design

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

Per 3.07.01A, the architectural provisions are standards for land use review Type I and guidelines for higher types. The application types composing the consolidated package result in Type III.

The site plans and building elevations show largely what the guidelines describe. However, as described elsewhere there are two site plan Options 1 & 2. Also, it is unclear from the application materials if each guideline is followed. Also, without conditions applied through the conditional use process, guidelines would remain just that – optional for the developer.

⚠ In order to secure reasonably decent architecture in the context of strip commercial development, staff applies a condition or conditions.

3.08 Partitions and Subdivisions
None proposed.

⛔ Not applicable.

3.08 Partitions and Subdivisions
None proposed.

⛔ Not applicable.

3.10 Signs
Land use application types generally are not the means for the City to review or approve signage. Signage, including wall and monument signs, remain subject to review and approval through a Type I sign permit through 5.01.10 “Sign Permit”.

⛔ Not applicable.

Conditional Use Provisions

CU Provisions

5.03.01 Conditional Use

A. Purpose: A conditional use is an activity which is permitted in a zone but which, because of some characteristics, is not entirely compatible with other uses allowed in the zone, and cannot be permitted outright. A public hearing is held by the Planning Commission and conditions may be imposed to offset impacts and make the use as compatible as practical with surrounding uses. Conditions can also be imposed to make the use conform to the requirements of this Ordinance and with other applicable criteria and standards. Conditions that decrease the minimum standards of a development standard require variance approval.

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.

Looking at each criterion and factor:

1 " The proposed use shall be permitted as a conditional use within the zoning district."
The use of gas station is permitted as a conditional use as examined under the Design Review Provisions section of this document.

✔ The criterion is met.

2 "The proposed use shall comply with the development standards of the zoning district."
It complies with some but not others as examined under other sections in this document, particularly the Design Review Provisions section.

⚠ In order to secure full compliance, staff applies a condition or conditions.

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;"
The site is composed of two lots totaling 1.42 acres, is L-shaped, located at a street corner and zoned Commercial General (CG), and flat. Nothing about these are compelling factors against a gas station.

"b. The capacity of public water, sewerage, drainage, street and pedestrian facilities serving the proposed use;"
Regarding the capacity of public water, sewerage, and drainage facilities, the Public Works Department handles this through its own conditions and processes. The proposed use for any given facility is either sufficient or will be after the developer upgrades per Public Works Department.

Regarding street and pedestrian facilities, the Planning Division is taking the lead. The developer applied for Exception to Street Right of Way and Improvement Requirements ("Street Exception") EXCP 21-05 for both the highway and Oregon Way. Both frontages are nonconforming relative to Figures 3.01B "Major Arterial" and 3.01E "Access Street". They lack both landscape strips with street trees and sidewalk that is not curb-tight.

Allowing the existing context to remain with strip commercial development would make the walking and cycling environment along highly-trafficked streets (for those cyclists who feel and are safer riding on sidewalk) no less hostile. Additionally, an EXCP is a discretionary application type. Second, staff applies conditions that secure improvements less than WDO standards, that are reasonably proportional to the development, and serve to secure additional landscape strip and street trees and fees in-lieu of some of them as well as to limit driveway widths because driveways interrupt landscape strips and pedestrian experience. Such trees, funds, and driveway maximum width will help physical and psychologically buffer pedestrians and cyclists from traffic along Oregon way, and along the highway will help shade the remaining curb-tight sidewalk.

Along highway curb-tight sidewalk to remain is reasonable in terms of being compatible with surrounding properties, particularly those along the highway. However, it is not compatible with those along Oregon Way, where most the street south of the highway intersection lacks any sidewalk. Sidewalk is needed to partly relieve the tedium of those walking between those houses to the south and commercial area at the highway to the north, as well as going to and from the proposed development.

"c. The impact of the proposed use on the quality of the living environment:
1) Noise;"
Based on experience at other gas stations, staff fears gas station fuel pumps audible audiovisual advertising, in other words, those loud obnoxious video ads that play while refueling. Staff considers that noise and applies a condition to spare both persons neighboring the development as well as customers, and in case the state of Oregon allows local self-serve and pump attendants disappear. Similarly, gas stations come with tire pumps and vacuums, that is, noisy mechanical equipment. Though the application materials don't show such, that doesn't mean the gas station company doesn't intend them and wouldn't put them in. No particular Planning Division permit is required for such equipment, so a condition of approval is the only regulatory way to address their noise outside of the Ordinance No. 2312. No car wash is proposed. Staff doesn't conceive of other development sources of unusual and continual noise.

"2) Illumination;"
Whatever one's feelings and perceptions of safety from crime, gas stations and convenience store fronts are brightly lit. Lighting by itself doesn't prevent assault or theft.

Second, there are two houses and a three-story condo building next door. The required "Architectural Wall" buffer/screen wall by itself wouldn't and couldn't handle by itself all mitigation of conventional gas station and convenience store annoyances to neighbors.

Third, fuel pumps come with fixed canopies with high ceilings and many ceiling lights, sometimes with neon-like exterior trim.

Fourth, as is conventional in any new development with extensive parking and vehicular circulation area, there are on-site light poles, and both site plan Options 1 & 2 illustrate such.

Fifth, the City Council approved Legislative Amendment LA 21-01 of the WDO on April 25, 2022 and directed staff to prepare an ordinance for adoption, which staff did for the May 9, 2022 Council meeting. As of the May 5, 2022 publication date of the CU 21-02 Planning Commission May 12, 2022 staff report, Administration had published the City Council May

9, 2022 agenda packet. It includes LA 21-01 as Ordinance No. 2602, and its Exhibit A is the amended version of the WDO. Through the conditional use process regarding illumination specifically, because Ordinance No. 2602 includes a new WDO Chapter 3.11 about lighting, staff conditions conformance with it. Conformance with the lighting chapter will have the development avoid lighting annoyances to neighbors as well as to passers-by on sidewalk.

"3) Hours of operation;"
The City could condition this, but staff sees no need to. Through WDO conformance and conditions of approval, the annoyances that could come with neighboring a gas station and convenience store would be avoided or at least much ameliorated. Additionally, if there was conditioned hours of operation, the City would in theory inspect and enforce, and there is no sign that conditioning and enforcing hours of operation would be City Council or Planning Commission direction.

That said, staff applies a condition that, if a vacuum does appear, based on Ordinance No. 2312, it will be closed to customer use minimum from 9:00 p.m. to 7:00 a.m. Staff goes easy on any tire pump that might appear because motorists expect a gas station any time of day or night to have a pump available and working when their car tires need air.

"4) Air quality;"
Staff addresses climate change simply to say, it's a gas station with all the greenhouse gas and volatile organic compound (VOC) emissions that it would enable.

Putting aside climate change, what else is "air quality?" A gas station comes with fumes, particularly easy to get a whiff of near the pumps. However, once a gas station is in place, a city government can do little to change that fact. If this factor is important to someone, the question would be a simple yes or no to a gas station.

Otherwise regarding air quality, staff applies a condition for electric vehicle (EV) parking associated with the commercial office space. Also, regarding on-site trees, see factor 5) below.

5) Aesthetics; and
Staff interprets this to include:

a. The look and feel of street frontage for passers-by walking, cycling, and driving;
b. The look and feel of yard landscaping along streets for passers-by walking, cycling, and driving as well as on-site employees and customers;
c. Urban design: how close buildings are to sidewalk, how many and how large are windows, are their entrances visible from sidewalk and whether the public can see

main entrances to buildings from sidewalk, and whether placements of entrances orient to those who walk or cycle no worse than to those who drive and park;

d. How safely and comfortably pedestrians and cyclist can access and circulation among on-site buildings through walkways and visibly distinct crossings of drive aisles;
e. Having enough on-site trash receptacles near sidewalk to lessen the likelihood of litter of yards along streets and street frontage by convenience store customers on foot;
f. Avoiding excessive exterior lighting;
g. Having reasonably decent architecture in the context of strip commercial development;
h. Having the Architectural Wall look reasonably decent;
i. Getting highway electric power poles and overhead electric power lines buried or fees in-lieu paid to fund such elsewhere in town;
j. Having a few evergreen trees among newly planted trees; and
k. Increase street trees and on-site trees, and provide for fee in-lieu to fund tree plantings elsewhere in town;
l. Administering Street Exception EXCP 21-05 to have the developer improve Oregon Way to be the best of the two frontages for pedestrians and cyclists to give the City some public benefit for leaving the highway frontage as is or largely as is.

Also, regarding on-site trees, for a condition and Attachment 203 (fee table) regarding contribution to the City tree fund, having a fee is based on conditional use compatibility with surrounding properties (criterion 3) and impact of the proposed use on the quality of the living environment (factor 3c) including air quality and aesthetics (factors 3c4 & 3c5). The reason is a demolition contractor, while demolishing the two vacant banks, removed from the subject property at least two but likely three Significant Trees (as 1.02 defines) in May 2021 without City authorization, particularly a Significant Tree Removal Permit per 5.01.11. Staff had seen and photographed on-site trees during at least two site visits, one each on November 9, 2018 and April 26, 2019. The removal prompted neighbor complaints to the City Council at the May 24, 2021 meeting, and there was code enforcement. The Council on August 9, 2021 adopted Ordinance No. 2592 "establishing an enhanced penalty" for violations of WDO tree preservation and removal provisions.

Through conditional use process, staff applies a fee to mitigate the loss and to increase the City tree fund that 3.06.07F mentions.

Staff applies conditions towards these objectives.

6) Vehicular traffic.

The proposal is strip commercial development of a gas station with convenience store and one or two commercial office spaces. The applicant submitted a traffic impact analysis (TIA) dated August 13, 2021 premised on site plan Option 1. Page 31, "Findings and

Recommendations" proposed no mitigation measures. The applicant revised the TIA May 26, 2022 and submitted it May 31, 2022.

P. 12 of the original TIA identifies high vehicle turning and angle crash rate at the intersection of the highway and Oregon Way, and p. 9 of the revised TIA references crash history. It states:

> "As noted within the City review comments, reliance on right-in, right-out only access to the fuel station and convenience market would increase the number of vehicles turning right and then weaving into the left-turn lane to make a U-turn and return to I-5."

Staff notes that vehicles make U-turns would still be turning across traffic similar to left-turning vehicles, and there remains risk of crashes with vehicles turning right/west onto the highway from the Oregon Way north leg and with highway eastbound vehicles coming up from behind (towards the right or rear of U-turning vehicles).

The revised TIA goes on to say:

> "With either Access Option 2 (egress only) or Access Option 3 (Oregon Way ingress and egress) the impact to left-turns on Oregon Way will be reduced."

This overlooks that with either site plan option, development generates more daily vehicle trips than the two banks, now demolished, did – 422 per revised TIA Table 1 on p. 6, of which 44 of the additional trips are in the AM peak. This would include greater numbers of both left turns (from Oregon Way) and U-turns (from the highway eastbound), suggesting that crash risk remains or rises.

For the above two reasons, staff finds the revised TIA unconvincing about crash safety and applies Condition T-A1 as a mitigation measure to fund the Transportation System Plan (TSP) Project R11, a signal timing study, and to supplement with addition funding both to examine improving safety and to account for inflation after the City Council adopted the TSP in September 2019, using the U.S. Bureau of Labor Consumer Price Index (CPI) Inflation Calculator to adjust from then to April 2022.

Staff had the transportation consultant to the City review the TIA and draft a memo (May 10, 2022), which he then revised (May 18, 2022). Staff applies Condition T-A2 to recoup most if not all of the consultant fees for review of the TIA based on the May 12 invoice for service through April 29 of $1,020 and a phone call May 31 to the project accountant with Otak for an estimate of the next invoice for service through May: $3,740.

The consultant's memo included:

"**OR-214 and I-5 northbound ramps – elevated crash rate**

The TIA indicated this intersection has an existing elevated crash rate, which has been confirmed by other recent TIAs in the vicinity. Project Basie was conditioned to provide a proportionate share contribution of $10,000 toward a future safety improvement project at this location. Based on a comparison of trip impacts, the US Market share of a signal study and signal timing improvements to alleviate the crash rate issue at the interchange is a reasonable minimum share of $1,000." (p. 5)

Staff applies Condition T-A3.

The consultant's memo included:

"**OR-214 and Evergreen Road – elevated crash rate**

Allison Way Apts. was conditioned to provide a proportionate share contribution (fee-in-lieu) of $15,000 toward a signal/intersection study and improvement to alleviate the crash condition for the 67 additional PM peak hour trips added to that intersection. Project Basie should be conditioned similarly, based on the following calculations:
US Market would add 229 trips to that intersection, a factor of 3.4 compared to Allison Way. The proportionate share calculation then is $15,000 * 3.4 = $50,000." (p. 5)

"**OR-214 and OR 99E – mobility threshold exceeded in 2040; elevated crash rate today**

The with-site trips incorporated into 2040 background traffic based on previous traffic impact analyses will result in this intersection exceeding ODOT's volume-to-capacity and the City's level-of-service ODOT thresholds.

There is a current TSP project and a different mitigation project contained in the Woodburn Eastside Apartments development traffic impact analysis, each of which are estimated to cost approximately $1,100,000.

Woodburn Eastside Apartments was conditioned to contribute an approximate 10.1% share of the cost of the mitigation project as a condition of approval, or approximately $111,000. This was based on the site generating an additional 84 PM peak hour trips through the intersection.

This intersection was not analyzed in the US Market TIA. I estimate this site would contribute an additional 15 PM trips to this intersection. Based on proportionate share calculations for other projects, US Market's mitigation share is approximately $21,000." (p. 5)

Staff adds that on June 1, the consultant revised the recommendation regarding OR 214 & Evergreen Road resulting in a dollar amount in the applicant's favor:

"**OR-214 and Evergreen Road – elevated crash rate**

Allison Way Apts. was conditioned to provide a proportionate share contribution (fee-in-lieu) of $15,000 toward a signal/intersection study and improvement to alleviate the crash condition for the 67 additional PM peak hour trips added to that intersection. US Market should be conditioned similarly, based on their net new trip contribution to weekday traffic volumes."

Following the consultant's memo, staff requested that the applicant revise the TIA including to address the above two intersections. P. 9 of the revised TIA does so, but did not study the intersections to calculate specific trip numbers. Staff goes by the consultant's estimates and applies Conditions T-A4 & T-A5.

To further transportation demand management (TDM) through bus transit, regarding the Woodburn Transportation System (WTS) Oregon Way northbound stop that is adjacent to 966 & 980 Oregon Way, where because ROW and streetside PUE are too narrow relative to the street to accommodate installation staff applies Condition T-T for fees in lieu of a bus shelter and bus stop bicycle parking. The cost is based on the City Transit Plan Update (TPU; 2010), Chapter 10 "Potential Service Strategies", p. 10-11, item 9 "Install New Bus Shelters" that estimated the price of a bus shelter at $10,000. Because the plan dates from November 2010, staff adjusted that figure for inflation.

"d. The conformance of the proposed use with applicable Comprehensive Plan policies; and"
Staff applies conditions in support of Comprehensive Plan Policies:

Policy	*Page*	*Policy & Analysis*
Commercial Land Development and Employment:		
F-1.3	24	"Strip zoning should be discourage as a most unproductive form of commercial land development. Strip zoning is characterized by the use of small parcels of less than one acre, with lot depths of less than 150 feet and parcels containing multiple driveway access points. Whenever possible, the City should encourage or require commercial developments which are designed to allow pedestrians to shop without relying on the private automobile to go from shop to shop. Therefore, acreage site lots should be encouraged to develop "mall type" developments that allow a one stop and shop opportunity. Commercial developments or commercial development patterns that require the use of the private automobile shall be discouraged."

Policy	*Page*	*Policy & Analysis*
		The two lots total 1.42 acres with highway and Oregon Way frontages of 265 and 178 ft respectively. Conditions implement access management to reduce the number of driveways within the development and across successive developments along the major thoroughfares that are the spines of the CG zoning district. Conditions induce walking and cycling, which could make a dent in some vehicular traffic at least for the convenience store and commercial office area, by requiring rain canopies at building entrances, minimum window area on street-facing walls, bicycle parking and some covering/sheltering of it, wide walkways connecting sidewalks with all building main entrances on the site, trees in yards along streets, and landscape strip with street trees and wide sidewalk along Oregon Way, the less trafficked and noisy street.
F-1.4	24	"Architectural design of commercial areas should be attractive with a spacious feeling and enough landscaping to reduce the visual impact of large expanses of asphalt parking areas. Nodal and mixed use village commercial areas should be neighborhood and pedestrian oriented, with parking to the rear or side of commercial buildings, and with pedestrian connections to neighboring residential areas." Conditions make a dent in large expanses of asphalt parking areas through a few more parking area landscaped islands/peninsulas with a tree each, more trees in yards along streets, and hedge or shrubbery screening parking areas from streets. From the first pre-application meeting up through CU 21-01, staff also got the applicant for both site plan Options 1 & 2 to locate parking to the rear or side of buildings relative to streets, and with pedestrian connections to neighboring residential areas. Conditions require minimum window area on street-facing walls for attractiveness, and wide walkways connecting sidewalks with all building main entrances on the site. An objective is to make a gas station development less ugly than it might otherwise be.
F-1.6	25	"Commercial office and other low traffic generating commercial retail uses can be located on collectors or in close proximity to residential areas if care in architecture and site planning is exercised. The City should ensure by proper regulations that any commercial uses located close to residential areas have the proper architectural and landscaping buffer zones."

Policy	*Page*	*Policy & Analysis*
		The WDO and conditions secure care in architecture and site planning for the commercial development close to residential area to the south and southwest through a combination of wall, slatted fencing, vegetation, and height limits on light poles and wall-mounted lights.
Transportation:		
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." Conditions induce walking and cycling, which could make a dent in some vehicular traffic at least for the convenience store and commercial office area, by requiring rain canopies at building entrances, minimum window area on street-facing walls, bicycle parking and some covering/sheltering of it, wide walkways connecting sidewalks with all building main entrances on the site, trees in yards along streets, and landscape strip with street trees and wide sidewalk along Oregon Way, the less trafficked and noisy street. The easier walking and cycling are, the more likely they become the means of "last mile" travel for those who ride the bus. Conditions also secure a bus shelter and bus stop bicycle parking or fees in-lieu, relating to the Oregon Way northbound stop.
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." Conditions induce cycling by requiring rain canopies at building entrances, bicycle parking and some covering/sheltering of it, wide walkways connecting sidewalks with all building main entrances on the site, and wide sidewalk along Oregon Way, the less trafficked and noisy street. The wide sidewalk and wide walkways are minimum 8 ft, enough to serve as a bicycle/pedestrian path (or "multi-use path").
H-1.4	34	"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."

Policy	*Page*	*Policy & Analysis*
		Conditions induce walking and cycling by requiring rain canopies at building entrances, bicycle parking and some covering/sheltering of it, wide walkways connecting sidewalks with all building main entrances on the site, and wide sidewalk along Oregon Way, the less trafficked and noisy street. The wide sidewalk and wide walkways are minimum 8 ft, enough to serve as a bicycle/pedestrian path (or "multi-use path").
H-2.3	34	"Encourage multi-model transportation options, including park-and-ride facilities, carpooling, and use of transit services." Conditions induce walking and cycling, which could make a dent in some vehicular traffic at least for the convenience store and commercial office area, by requiring rain canopies at building entrances, minimum window area on street-facing walls, bicycle parking and some covering/sheltering of it, wide walkways connecting sidewalks with all building main entrances on the site, trees in yards along streets, and landscape strip with street trees and wide sidewalk along Oregon Way, the less trafficked and noisy street. The easier walking and cycling are, the more likely they become the means of "last mile" travel for those who ride the bus. Conditions secure carpool/vanpool (C/V) parking for commercial office area. They also secure a bus shelter and bus stop bicycle parking or fees in-lieu, relating to the Oregon Way northbound stop. The development site NE corner is approximately 1,000 ft walking distance southeast from the Woodburn Memorial Transit Center / Woodburn Park and Ride at 2900 Tom Tennant Drive.
H-2.5	34	"Provide inter-parcel circulation through crossover easements, frontage or backage roads, or shared parking lots where feasible." A CU condition secures access management based on WDO 3.04.03 and Table 3.04A through Ordinance No. 2602 (LA 21-01), accounting for the ODOT factor. (Attachment 102B agency commentary provides ODOT factor context.)
H-3.1	35	"Continue coordination with ODOT to improve safety on state facilities within the City and citywide access management strategies." A CU condition secures access management based on WDO 3.04.03 and Table 3.04A through Ordinance No. 2602 (LA 21-01), accounting for the ODOT factor. (Attachment 102B agency commentary provides ODOT factor context.)

Policy	*Page*	*Policy & Analysis*
		CU transportation conditions secure transportation mitigation fees relating to study of highway signal timing and intersection crash reduction. They also secure a bus shelter and bus stop bicycle parking or fees in-lieu, relating to the Oregon Way northbound stop, which could make a dent in some vehicular traffic at least for the convenience store and commercial office area.
H-3.2	35	"Implement strategies to address pedestrian and bicycle safety issues, specifically for travel to and from local schools, commercial areas, and major activity centers." Conditions induce walking and cycling by requiring rain canopies at building entrances, minimum window area on street-facing walls, bicycle parking and some covering/sheltering of it, wide walkways connecting sidewalks with all building main entrances on the site, trees in yards along streets, and landscape strip with street trees and wide sidewalk along Oregon Way, the less trafficked and noisy street. CU transportation conditions secure transportation mitigation fees relating to study of highway signal timing and intersection crash reduction. They also secure a bus shelter and bus stop bicycle parking or fees in-lieu, relating to the Oregon Way northbound stop. The development site NE corner is approximately 1,000 ft walking distance southeast from the Woodburn Memorial Transit Center / Woodburn Park and Ride at 2900 Tom Tennant Drive.
H-4.1	35	"Evaluate the feasibility of various funding mechanisms, including new and innovative sources." CU transportation conditions secure transportation mitigation fees relating to study of highway signal timing and intersection crash reduction. They also secure a bus shelter and bus stop bicycle parking or fees in-lieu, relating to the Oregon Way northbound stop.
H-5.1	35	"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 [*sic*] and reducing automobile reliance at times of peak traffic volumes." Conditions induce walking and cycling, which could make a dent in some vehicular traffic at least for the convenience store and commercial office area, by requiring rain canopies at building

Policy	*Page*	*Policy & Analysis*
		entrances, minimum window area on street-facing walls, bicycle parking and some covering/sheltering of it, wide walkways connecting sidewalks with all building main entrances on the site, trees in yards along streets, and landscape strip with street trees and wide sidewalk along Oregon Way, the less trafficked and noisy street. The easier walking and cycling are, the more likely they become the means of "last mile" travel for those who ride the bus. Conditions secure carpool/vanpool (C/V) parking for commercial office area. They also secure a bus shelter and bus stop bicycle parking or fees in-lieu, relating to the Oregon Way northbound stop. The development site NE corner is approximately 1,000 ft walking distance southeast from the Woodburn Memorial Transit Center / Woodburn Park and Ride at 2900 Tom Tennant Drive.
Natural … Resources:		
J-1.1	40	"… Outside of designated floodplains and riparian corridors, developers should be required to leave standing trees in developments where feasible." See the Conditional Use Provisions section under criterion 3, factor c5) "aesthetics", for analysis relating to Significant Tree removal mitigation. A condition secures contribution to the City tree fund.
Energy Conservation:		
M-1.2	49	"The City shall increase its commitment to energy conservation, including alternative energy vehicles, increased recycling, and reduction in out-of-direction travel. … ." Conditions secure both carpool/vanpool (C/V) and electric vehicle (EV) parking for commercial office area.

"e. The suitability of proposed conditions of approval to ensure compatibility of the proposed use with other uses in the vicinity."

Staff applies conditions regarding chiefly a few main topics:

a. WDO conformance;
b. Mitigation of the unpleasant aspects of neighboring and patronizing a gas station and convenience store; and
c. Aesthetics as examined above for 3c5), both (1) on-site and (2) through Street Exception EXCP 21-05 the Oregon Way frontage in particular.

Particularly topics b. & c.(2) but also the three topics together ensure compatibility of the development.

- In order to secure the development meeting criteria 2 & 3, staff conditions.

Exception to Street Right of Way and Improvement Requirements ("Street Exception") Provisions

EXCP Provisions

5.03.03 Exception to Street Right of Way and Improvement Requirements

A. Purpose: The purpose of a Type III Exception is to allow a deviation from the development standard required for the functional classification of the street identified in the Transportation System Plan. Street exceptions are processed in conjunction with a development proposal that is a Type III application.

B. Criteria:

1. The estimated extent, on a quantitative basis, to which the rights of way and improvements will be used by persons served by the building or development, whether the use is for safety or convenience;

2. The estimated level, on a quantitative basis, of rights of way and improvements needed to meet the estimated extent of use by persons served by the building or development;

3. The estimated impact, on a quantitative basis, of the building or development on the public infrastructure system of which the rights of way and improvements will be a part; and

4. The estimated level, on a quantitative basis, of rights of way and improvements needed to mitigate the estimated impact on the public infrastructure system.

C. Proportionate Reduction in Standards: An exception to reduce a street right of way or cross- section requirement below the functional classification standard may be approved when a lesser standard is justified based on the nature and extent of the impacts of the proposed development. No exception may be granted from applicable construction specifications.

D. Minimum Standards: To ensure a safe and functional street with capacity to meet current demands and to ensure safety for vehicles, bicyclists and pedestrians, as well as other forms of non-vehicular traffic, there are minimum standards for right of way and improvement that must be provided to meet the standards of this Ordinance (Section 3.01). Deviation from these minimum standards may only be considered by a variance procedure.

What would have been the standard cross sections are below:

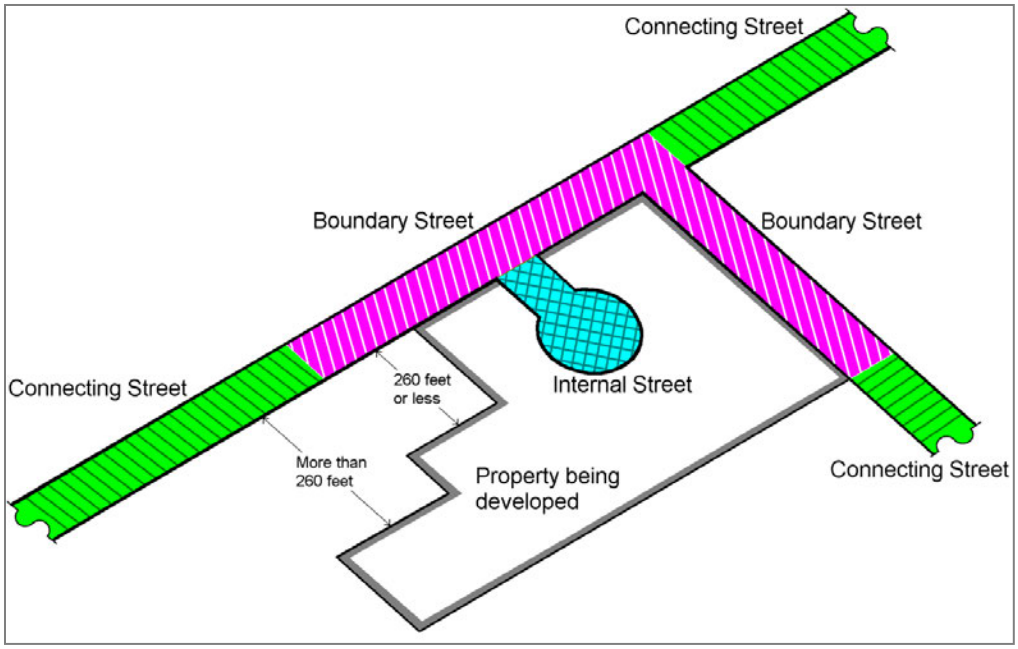
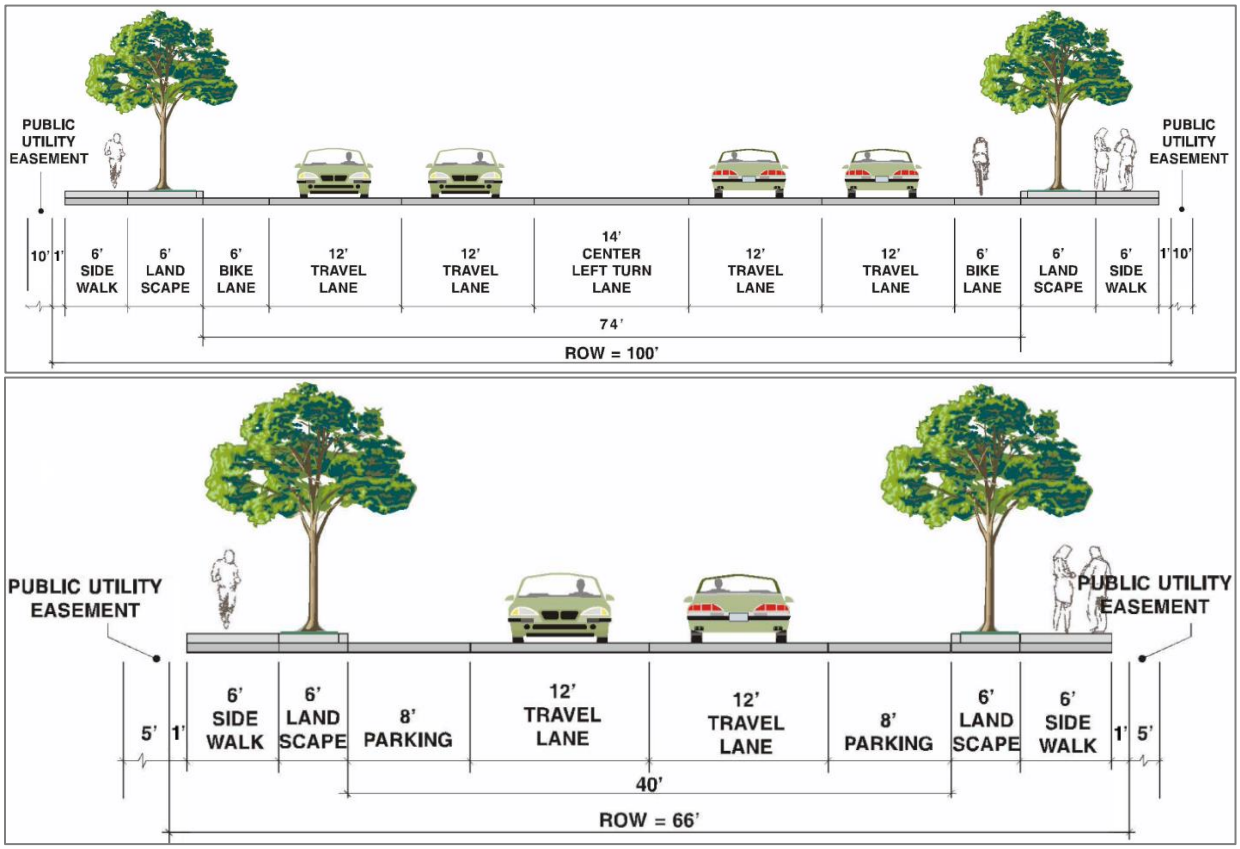


Figure 3.01A – Internal, Boundary, and Connecting Streets



Top: Figure 3.01B – Major Arterial (Oregon Hwy 214 / Newberg Hwy)
Bottom: Figure 3.01E – Access Street (Oregon Way)

The application materials include a Street Exception narrative dated October 11, 2021 and submitted October 18, 2022.

Regarding criterion 1, the applicant's narrative (p. 2) states:

> "The existing frontages on Hwy 214 and Oregon Way meet the WDO standards with the exception of the landscape strip and sidewalk being reversed. On Hwy 214 conforming strictly to the WDO standards would actually narrow the road by 6' to add a landscape strip adjacent to the roadway, see A1.1. Changing this would not affect '*the extent to which the right of way and improvements will be used by persons served by the building or development*.'"

Staff concurs about no effect on the extent to which the right of way and improvements will be used by persons served by the development in the sense that there are at present and will remain the same number of vehicular lanes along both frontages, highway bicycle lane, and sidewalks. The proposed land uses of gas station and convenience store are for convenience and not safety.

Paragraph 1
Relative to Figure 3.01B, highway non-conformance is limited to lack of planter strip and street trees. Conventional traffic engineering does not address effects of development on walking and cycling as it does for vehicular trips, there is no widely recognized norm for how to address such, and the WDO provides no guidance on the topic. Second, the north frontage context is strip commercial along a heavily trafficked state highway, the kind of dangerous and noisy environment that repels pedestrian and cyclists. Those who do walk and cycle are likely those who are living nearby, the homeless, those without access to car, and those few who wish to brave existing conditions. The presence of a sidewalk is sufficient for sheer practicality for those who wish to walk along a highway or cycle outside of the bicycle lane because they don't feel safe in a highway bicycle lane. In this context, the number of pedestrians and off-street cyclists is moot. Pedestrians and cautious cyclists can and do use the wide sidewalk today, and the pedestrians and cautious cyclists the development might attract would use the same wide sidewalk.

Staff conditions fees in lieu of highway street trees and new sidewalk along a landscape strip.

Paragraph 3
Relative to Figure 3.01E, Oregon Way non-conformance is limited to lack of parking lane, planter strip, and street trees. Staff applies conditions that excepts only the parking lane but also requires fee in lieu of such parking. Additionally, the conditions require wider planter strip and wider sidewalk exceeding the minimums of Figure 3.01E. Like conventional development

and zoning codes, the WDO requires off-street parking for almost all developments, including the subject development, so the absence of on-street parking is not of concern from this perspective. Second, pedestrians and cautious cyclists can and do use the narrow curb-tight sidewalk today, and the pedestrians and cautious cyclists the development might attract would use the new wider sidewalk. Third, Figure 3.01E does not account for the presence of a left turn lane at intersections, and such exists because of ODOT, and given that ODOT and the Public Works Department assume its continued existence, Public Works assumes that the developer would adapt required Oregon Way half-street improvements to fit along the turn lane, and that ODOT typically asks that there be no on-street parking within a certain distance of state highway intersections, usually 50 ft, it is reasonable in this case to allow for fee in lieu of what little on-street parking a civil engineer could fit.

Staff conditions fee in lieu of Oregon Way on-street parking.

With conditioning, the criterion is met.

Regarding criterion 2, the applicant's narrative (p. 2) states:

> "As stated above there is no change to the extent of use from existing conditions to WDO standards, thus no improvements are needed to meet the estimated use, beyond those shown on the submitted plans. According to our engineer of record:
>
> > 'I would estimate that the quantitative impact to remove and replaced existing infrastructure to the current standard would be on the order of $150/lf over the approximately 425 feet of frontage is around $65,000 not including engineering, permitting and survey work which may add another $25,000 when dealing with ODOT. The addition of a parking lane on Oregon Way would require ROW dedication, additional paving, adjustment of utilities, etc... to potentially gain 1 or 2 parking spaces since we have a driveway on the south end and you can't park too close to the intersection. The additional cost for that might be $50,000 or more.'"

Staff has no interest in the developer's estimated civil engineering improvements cost.

Here, the same as criterion 1 analysis "Paragraph 1" and "Paragraph 3".

Staff conditions fees in lieu of highway street trees and new sidewalk along a landscape strip.
Staff conditions fee in lieu of Oregon Way on-street parking.

With conditioning, the criterion is met.

Regarding criterion 3, the applicant's narrative (p. 3) states:

"The extent to which the building or development will impact the public infrastructure would be unaffected by maintaining the existing conditions vs an increased impact the change to strict conformance to the WDO requirements would create."

Staff has no interest in the developer's estimated civil engineering improvements cost.

Here, the same as criterion 1 analysis "Paragraph 1" and "Paragraph 3".

Staff conditions fees in lieu of highway street trees and new sidewalk along a landscape strip. Staff conditions fee in lieu of Oregon Way on-street parking.

With conditioning, the criterion is met.

Regarding criterion 4, the applicant's narrative (p. 3) states:

"Changing to conform strictly to the WDO requirements, rather than letting the existing conditions that meet the intent of the code remain, is what would create an impact on the public infrastructure system that is unnecessary. According to our engineer of record:

'I would estimate that the quantitative impact to remove and replaced existing infrastructure to the current standard would be on the order of $150/lf over the approximately 425 feet of frontage is around $65,000 not including engineering, permitting and survey work which may add another $25,000 when dealing with ODOT. The addition of a parking lane on Oregon Way would require ROW dedication, additional paving, adjustment of utilities, etc... to potentially gain 1 or 2 parking spaces since we have a driveway on the south end and you can't park too close to the intersection. The additional cost for that might be $50,000 or more.'"

Staff has no interest in the developer's estimated civil engineering improvements cost.

Here, the same as criterion 1 analysis "Paragraph 1" and "Paragraph 3".

Staff conditions fees in lieu of highway street trees and new sidewalk along a landscape strip. Staff conditions fee in lieu of Oregon Way on-street parking.

With conditioning, the criterion is met.

About Street Exceptions in general, Planning staff adds that the Public Works Department is content with frontages along the corridor, and defers to ODOT for developments where ODOT has jurisdiction. By 2015, ODOT improved the I-5 interchange and as part of that project widened OR 214 east of the interchange to a little east of Oregon Way. As expected, the agency constructed to its own economized standards, which resulted in curb-tight sidewalk, though wide at about 8 ft, no street trees, and no burial of the south side overhead electric

power lines. Also, until late 2017 and early 2018, staff approved any Street Exception that a developer requested, and Planning staff experience in these years was that the Public Works Department prefers curb-tight sidewalk and existing conditions anyway generally beyond curbs as long as there were minimum improvements to driving area between curbs and subsurface/underground potable water, sanitary sewer, and stormwater utilities. In more recent years, Planning staff took the lead in at least imposing conditions on Street Exception approvals to get a degree of improvements and/or fees in-lieu. Regarding OR 214, Planning staff years ago recognized the *de facto* policy decision by other departments to leave the ODOT-improved segment as is and not have individual redevelopments upgrade their frontages to have landscape strips, new sidewalk that conforms, and buried power lines redevelopment by redevelopment.

The developer's chief justification for the EXCP, which originally proposed no upgrades of nonconforming street frontages, was convenience, saving money, and be of no profit to the gas station or commercial office enterprises. For any development, if and where the City grants Street Exceptions, it implicitly assumes the taxpayer cost of upgrading frontages itself through capital improvement projects. This guided Planning staff applying the EXCP criteria and conditioning.

Through both conditional use and Street Exception, Planning staff applies conditions that grant EXCP approval for both frontages, but also to give the City some public benefit for leaving the highway as is or mostly as is and for Oregon way not having required on-street parking; require the developer to make the Oregon Way frontage the best for pedestrians through wide landscape strip with street trees, wide sidewalk, and setting maximums for Oregon Way driveway width; and securing fees in-lieu.

Fees in-Lieu

For Condition EX1 and Attachment 203 (fee table) regarding fees in lieu of upgrading highway sidewalk to conform to Fig. 3.01B, staff derived as follows:

- Poured concrete at $33.00 per sq ft;
- Sidewalk 6 ft wide per Fig. 3.01B;
- Frontage width of 265 ft per Tax Map 052W12DB as sidewalk extent; and
- 150% of the subtotal to account for construction public labor instead of private labor, based on the percentage in WDO 4.02.08 as Ordinance No. 2602 amended.

This calculates as ($33 x 6 x 265) x 1.5 = $78,705.

For Condition EX1 and Attachment 203 (fee table) regarding fee in lieu of electric powerline burial/undergrounding to conform with 3.02.04 and 4.02.12 as amended by Ordinance No. 2602, because as of June 2, 2022 the City has not yet adopted a fees in-lieu schedule, staff

establishes a default fee the would be applicable if by the time necessary to assess the fee in order to issue building permit, the City would have not yet established this among other fees in lieu. The default fee is based on a Pacific Gas and Electric Company, a subsidiary of PG&E Corp., estimate that in general burial costs $3 million per mile (PG&E "Currents" newsletter, article "Facts About Undergrounding Electric Lines", October 31, 2017 <https://www.pgecurrents.com/2017/10/31/facts-about-undergrounding-electric-lines/>. This equates to $3,000,000 / 5,280 ft = $568.18 per foot.

For Condition EX2 and Attachment 203 (fee table) regarding fee in lieu of on-street parallel parking, staff derived as follows:

- Asphalt at $15.00 per sq ft;
- Parking stall dimensions of 8 ft wide by 22 ft long;
- 3.5 parking stalls after taking the distance from in line with the south property line at Oregon Way north to the stop bar at the intersection with the highway (172 ft), then subtracting 50 ft (minimum parking distance from intersection), 30 ft (driveway and its curb flares), and 16 ft (two 8-ft long transition areas of curb at each end of parking aisle) resulting in (172 - [50+30+16]) / 22 = 3.5; and
- 150% of the subtotal to account for construction public labor instead of private labor, based on the percentage in WDO 4.02.08 as Ordinance No. 2602 amended.

This calculates as ($15 x [8 x 22] x 3.5) x 1.5 = $13,860.

⚠ In order to secure the development meeting the conditional use criteria and justify Street Exception, staff applies conditions.

Phasing Plan Provisions

5.03.05 Phasing Plan for a Subdivision, PUD, Manufactured Dwelling Park or any other Land Use Permit

A. Purpose: The purpose of a Type III Phasing Permit is to allow phased construction of development while meeting the standards of this ordinance (Sections 2 and 3), while providing fully functional phases that develop in compliance with the tentative approval for the development.

B. Criteria: The proposed phasing of development shall:

1. **Ensure that individual phases will be properly coordinated with each other and can be designed to meet City development standards; and**
2. **Ensure that the phases do not unreasonably impede future development of adjacent undeveloped properties;**
3. **Ensure that access, circulation, and public utilities are sized for future development of the remainder of the site and adjacent undeveloped sites.**

Regarding B.1, the same as for B.3 below, and the applicant's Phasing Plan narrative dated October 11, 2021 and submitted October 18 states, "The project was designed as a whole to meet the requirements of the WDO and each phase of the project shall be coordinated and the appropriate steps shall be taken to ensure compatibility of the phases and conformance to the project as a whole." Staff concurs. A few site plan details of both Options 1 & 2 need revision, and reasonable conditions of approval can and would secure such following a land use decision. The criterion is met.

Regarding B.2, the applicant's Phasing Plan narrative dated October 11, 2021 and submitted October 18 states, "[T]he properties in question are not adjacent to any undeveloped sites." This is correct, and staff concurs. Additionally, in both of site plan Options 1 & 2, there are corollary improvements for the proposed buildings across both lots, and so either option would not impede development of either of the two lots composing the subject property. The criterion is met.

Regarding B.3, first, the same as for B.2 above. Also, the applicant's Phasing Plan narrative dated October 11, 2021 and submitted October 18 states, "All access, circulation, utilities, and other items have been designed as one project and will be constructed so that additional phases will fit seamlessly into the project as a whole." The applicant applied for a Phasing Plan to allow not having to construct all improvements with the first of several buildings, such as to stage development of the commercial office and its related improvements at a different time than development of the gas station, convenience store, and fuel pump canopy and related improvements.

The Oregon Department of Transportation (ODOT) through Casey Knecht, P.E., Development Review Coordinator, ODOT Region 2, later informed the applicant and City staff by phone and e-mail of what staff terms the "ODOT factor", a phrase also found in a condition of approval, and put in an e-mail May 4, 2022 as agency commentary what City staff labels Attachment 102B. The following quotes Attachment 102B:

> "Please include these comments as part of the Planning Commission hearing and notify ODOT of the decision by sending a copy to odotr2planmgr@odot.state.or.us when available.
>
> The site has frontage on Hillsboro-Silverton Highway, No. 140 (OR-214), and is subject to state laws administered by ODOT. The site comprises two different tax lots, each with access restrictions recorded in the property deeds. Tax lot 3700 (2600 Newberg Hwy) has one access reservation at MP 37.09 that can serve tax lot 3700 only. This corresponds with the existing driveway on the highway. Tax lot 3600 (2540 Newberg Hwy) has no access rights to the highway and no access rights to a portion of Oregon Way between the highway intersection and a point 191 feet south of the highway intersection center. This leaves a 36-foot window along Oregon Way adjacent to the southern property line where all vehicular access must occur for tax lot 3600. This corresponds with the existing driveway on Oregon Way. I have attached the relevant property deeds from the Marion County clerk.
>
> Both site plans allow for vehicles to enter tax lot 3600 (2540 Newberg Hwy) via tax lot 3700 (2600 Newberg Hwy) which is in violation of the access rights listed in the deeds. The additional driveway on Oregon Way falls in the area of access control (outside the 36-foot window), and would also be in violation of the access rights listed in the deeds. There is a process for modifying or lifting access rights, called a Grant of Access. The applicant would need to apply to the state for a Grant of Access, and demonstrate that the changes to the access rights would benefit the highway. If the application is approved, the deeds would be modified and re-recorded with the county clerk to reflect the change.
>
> If the city approves this land use proposal with either of the site plan options, <u>there must be a condition of approval that the applicant shall obtain the proper access rights for both tax lots prior to any construction, so as to not violate their own deeds</u>."

Staff had no reason to decline the access management desire of ODOT or challenge its authority over state highways and access to and from them.

Second, the ODOT factor became a reason, if not the compelling reason, for City staff to support with conditions a Phasing Plan for which the applicant had already applied.

Third, either site plan Option 1 or 2 would meet City requirements for access and circulation and meet whatever ODOT access permit decision the agency later makes apart from the City land use process and decision-making. Staff believe it would appear and be punitive for the City to deny the subject development because of the authority and stated position of a state agency regarding its own permit process, particularly a large, byzantine, and slow agency, and because the outcome of that ODOT permit process could be either approval or denial of what

the developer wants: widening the highway driveway and having no restrictions on vehicular access to, from, and within the development as a whole.

Fourth, as is routine for its land use review of developments, the Public Works Department through Attachment 102A has the usual kind of infrastructure text for the development in question and that is premised on the department approach to *de facto* approve any development, in turn premised on the idea that during its own department processes and reviews following the land use review stage, such as for civil engineering plan (CEP) plan review and right-of-way (ROW) permits, it will coordinate with ODOT to apply specific agency and City public works requirements and have the developer make so whatever is necessary to get ODOT and Public Works Department approvals that both respect conditions of approval that the Department sees as led and administered by the Planning Division while also meeting public works requirements for public infrastructure both on-site and in ROW and public utility easements (PUEs), the "public utilities" that criterion B.3 mentions. Essentially, the Public Works Department indicates that criterion B.3 is met or can be met through Attachment 102A and its later department processes and reviews following the land use review stage, such as for civil engineering plan (CEP) plan review and right-of-way (ROW) permits, so Planning Division staff defer and concur.

Lastly, City staff act on the premise that while a local government can and should deny an application that is inconsistent with applicable land use regulations, it can and should avoid denial if staff can impose reasonable conditions of approval. For virtually every land use review, staff can impose reasonable conditions of approval to avoid denial, and the review of the subject development is such a case.

The legislature gives implicit support for the concept in at least two statutes. The statutes are not applicable as regulations but are relevant regarding legislative intent. ORS 197.522 "Local government to approve subdivision, partition or construction; conditions" is about partition, subdivision, and needed housing, none of which are relevant to the subject development; however, its subsection (4) states, "A local government shall deny an application that is inconsistent with the comprehensive plan and applicable land use regulations and that cannot be made consistent through amendments to the application or the imposition of reasonable conditions of approval." The second, OS 227.185 "Transmission tower; location; conditions" – no transmission tower being relevant to the subject development – states, "The governing body of a city or its designee may allow the establishment of a transmission tower over 200 feet in height in any zone subject to reasonable conditions imposed by the governing body or its designee". These statutes indicate that the legislature expects local governments to apply land use conditions of approval in preference to denying. Also, neither statute defines the term "reasonable", and the term is elastic. Staff drafted the conditions to be reasonable and based on the characteristics of the subject development. Staff emphasizes that besides the Phasing Plan, the master or parent application type is Conditional Use, a term that says it all about the premise of conditioning. Criterion B.3 is met.

Remaining Provisions

These are applicable provisions not already addressed in the application type provisions sections above.

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.

The proposal is consolidated.

In conclusion to the above analyses and findings, staff would recommend that the Planning Commission consider the staff report and its attachments and approve the consolidated applications package with conditions. Approval would include the site plan Options 1 & 2.

Recommendation

Approval with conditions: Staff recommends that the Planning Commission consider the staff report and its attachments and approve the consolidated applications package with the conditions recommended by staff below:

General

G1. By and 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 by the Building Division.

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: Attachment 201 serves as a dictionary or glossary defining certain abbreviations, acronyms, phrases, terms, and words in the context of the conditions of approval. The 200 series of attachments are as binding as the conditions of approval in the main body of the final decision.

G4. Due dates / public improvements:

a. When public street improvements, and any fees in lieu of public improvements, are due shall be per WDO 3.01.02 and 4.02.12 through Ordinance No. 2602 (LA 21-01) unless if and where a condition of approval has more restrictive timing.
b. Where phasing is relevant, building permit issuance means issuance for the phase in which the conditioned improvement is located.
c. Where changes to street addresses are necessary, the developer shall apply through the Planning Division for and obtain approval of an Address Assignment Request. This is due prior to building permit application, and if property line adjustment or lot consolidation were to become relevant, then also after recordation with County.

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.

G6. Fees: The developer shall pay fees per Attachment 203.

Phasing Plan 21-01

PP. Phasing Plan:

1. Options 1 & 2: The developer may develop a site plan revised to conform to conditions of approval and based on either:
   a. Option 1: The site plan concept last revised and re-submitted for land use review on February 9, 2022 and premised on there being no ODOT factor (see the ODOT factor condition); or
   b. Option 2: The different site plan revised and submitted May 2, 2022 premised on the developer's understanding of the ODOT factor.

   This due by building permit application.
2. Basic Descriptions:
   a. Option 1: See Exhibit PP1 below for plan details.
      (1) On Tax Lot 3600 (east, corner lot), a single northeast building of with convenience store of 4,110 sq ft and a commercial office of 1,863 sq ft.
      (2) On Tax Lot 3700 (west, interior lot), a north fuel pump canopy and a south commercial office building of 5,000 sq ft.
   b. Option 2: See Exhibit PP2 below for plan details.
      (1) On Tax Lot 3600 (east, corner lot), a single northeast commercial office building of 3,649 sq ft.
      (2) On Tax Lot 3700 (west, interior lot), a north fuel pump canopy and a south convenience store of 4,314 sq ft.
3. Phasing: The developer may phase an option:
   a. Option 1: To develop the south office building and necessary corollary improvements later than the gas station complex of convenience store, attached commercial office, and fuel pump canopy and necessary corollary improvements.
   b. Option 2: To develop at different times (1) the gas station complex of convenience store and fuel pump canopy and necessary corollary improvements, and (2) the northeast office building and necessary corollary improvements.
4. All conditions apply to any option, any phasing, unless worded or under a header such that a condition applies more specifically. Where something is due by building permit application or issuance, it means the first of any phase, any building, unless a condition is more specific.
5. By and as part of building permit application, the applicant shall submit revised site plans meeting the conditions of approval.

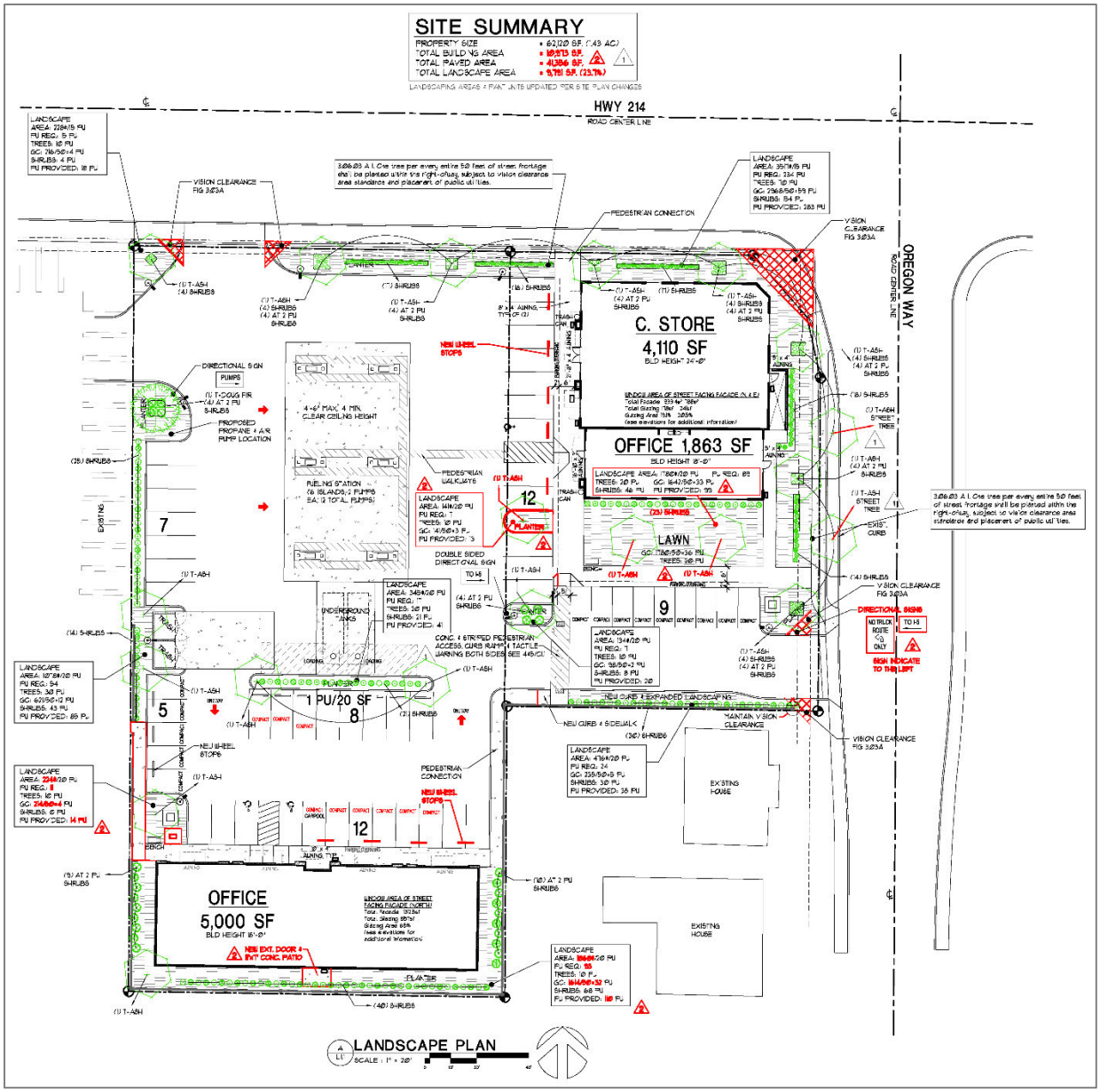


Exhibit PP1: Option 1 Site Plan Excerpt Prior to Revision per Conditions of Approval

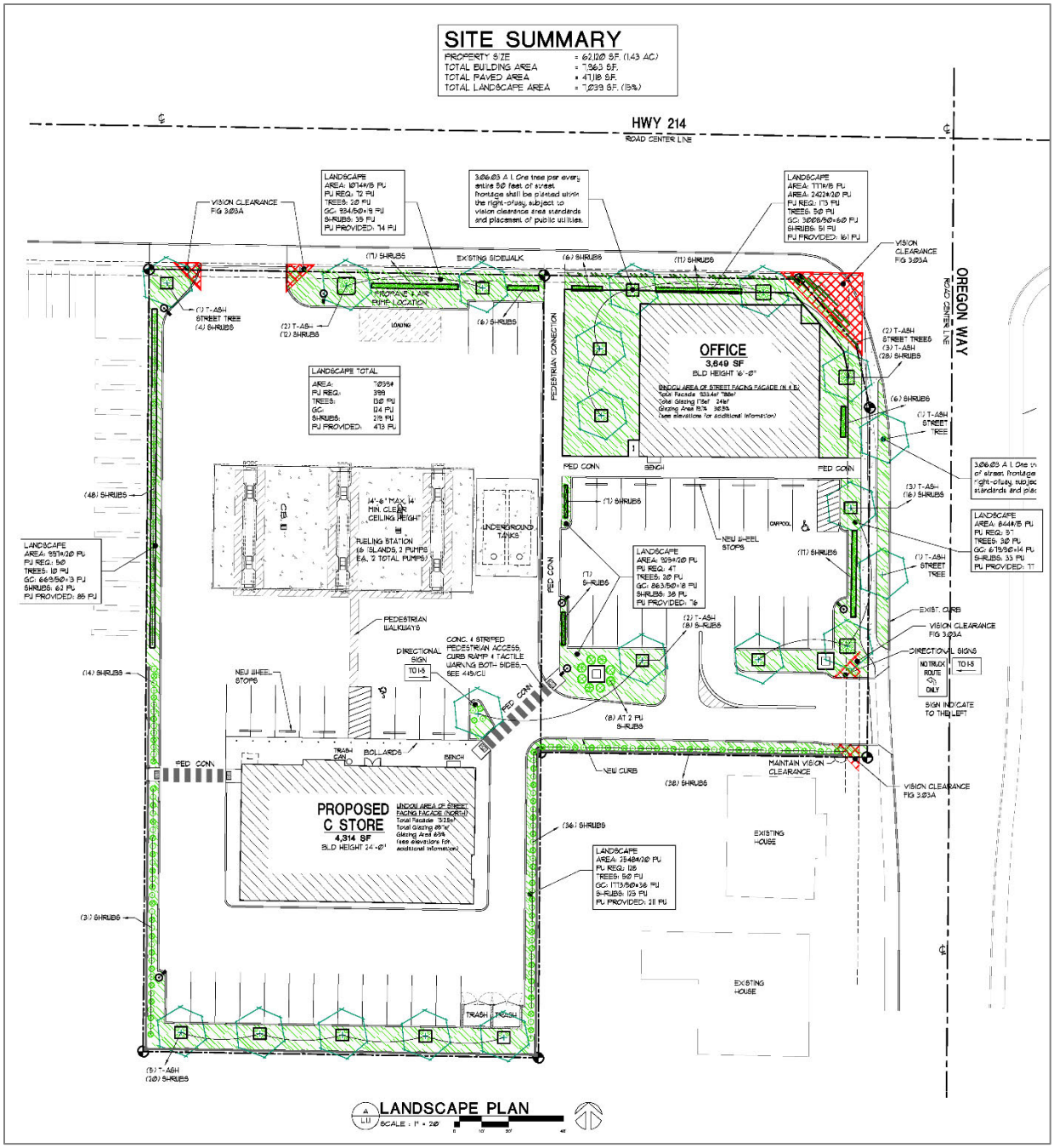


Exhibit PP2: Option 2 Site Plan Excerpt Prior to Revision per Conditions of Approval

Design Review 21-10

D1. PUEs: If minimum width streetside PUEs do not yet exist as 10 ft along the highway per WDO Figure 3.01B or 5 ft along Oregon way per 3.02.01B, the developer shall grant such. Max widths shall be per Conditions EX1 & EX2. This is due by building permit application.

D2. Parking / vehicular circulation setback: Option 2: To conform to WDO 3.05.02E, the developer shall do one of the following: (a) revise the site plan to set back parking and vehicular circulation area min 5 ft from the northerly east lot line of 2600 Newberg Hwy (Tax Lot 3700) and to landscape the setback per 3.06 and plant min 4 trees within it; (b) have a shared use agreement per 3.05.02E; or (c) doing (a) in part and in combination with (b). This is due by building permit issuance.

D3. Parking / vehicular circulation directional markings/signage: To conform to WDO 3.05.02J, during building permit review the Director may administratively establish details, specifications, and revisions to administer the WDO section. Further site plan revisions necessary to conform, if any, shall be due by building permit issuance.

Conditional Use 21-02

CU1. Architecture:

a. Canopies / fixed awnings:
   (1) General: Min height clearance 9 ft.
   (2) Fuel pump canopy: Max ceiling height 14.5 ft to either (a) ceiling or (b) ceiling-mounted lighting fixtures, whichever is lower.
   (3) Option 1:
      (a) Convenience store / NE office building: Each west entrance shall have a fixed awning, canopy, building wall projection, or secondary roof that shelters from the weather, min area 48 sq ft, min depth 4 ft. Each east mandoor shall have the same, except min area 18 sq ft, min depth 3 ft.
      (b) South commercial office: Each north entrance shall have a fixed awning, canopy, building wall projection, or secondary roof that shelters from the weather, min area 48 sq ft, min depth 4 ft. It may be smaller if combined with a building recess and together they meet the min area. The south patio door elsewhere conditioned shall have the same, except min area 18 sq ft, min depth 3 ft.
   (4) Option 2:
      (c) Convenience store: North entrance shall have a fixed awning or a canopy that shelters from the weather, min area 48 sq ft, min depth 4 ft. Each side or rear mandoor shall have the same, except min area 12 sq ft, min depth 2 ft.
      (d) NE commercial office: The main entrance shall have any of the following that that shelters from the weather: (1) a fixed awning or a canopy, (2) a building recess, or (3) combination. Min area 64 sq ft, narrowest dimension 6 ft. Min one of the other entrances shall have the same, except min area 24 sq ft, narrowest dimension 4 ft. Every south and west façade storefront window shall have any of a fixed awning, canopy, building wall projection, secondary roof, or sun louver min width same as the window and min depth 2 ft. Building color shall be other than black or charcoal.

b. Cladding/materials:
   (1) Option 1: Convenience store / NE commercial office: Base cladding min height 2 ft of brick, CMU finished to resemble cut stone, or adhered stone. The proposed east CMU mandoor screen wall, if not precluded by streetside PUE, shall be max height 4 ft, 2 inches, have the bottom 2 courses be split face and the upper 4 courses ground face and be capped with smooth concrete. The NE corner angled wall shall have a window min area 15 sq ft, min 2.5 ft wide, and wholly within 8.5 ft of grade.

(2) Option 2: NE commercial office: Base cladding min height 2 ft of brick, CMU finished to resemble cut stone, or adhered stone.

c. Entrance: Option 2: NE commercial office: The main entrance door or doors of the office building shall be at any of the NE corner, within the east façade, or at the SE corner of the building. A corner entrance may be angled or both at one side of a corner and within 12 ft of the corner where main wall planes intersect or would intersect.

d. Scuppers: Any building rainwater scuppers shall not to dump onto the pavement of a wide walkway.

e. Setbacks:
   (1) General: Site NE corner min setback shall equal streetside PUE.
   (2) Option 1:
      (a) Convenience store / NE commercial office: max 15 ft from highway and max 20 ft from Oregon Way ROW (measured from straight line ROW, not variable ROW at intersection).
      (b) South commercial office: min 5 ft from Tax Lot 3700 east, south, and west lot lines.
   (3) Option 2: NE commercial office: max 15 ft from each of highway and Oregon Way ROW (measured from straight line ROW, not variable ROW at intersection). NE corner min setback shall equal streetside PUE. West and south setbacks each shall be min 10 ft.

f. Windows:
   (1) General: All windows shall be square, round, or vertically proportioned. Operable windows shall have insect screens.
   (2) Min area:
      (a) Option 1:
         (i) Convenience store: West façade 30%; north 30%; east 36 sq ft.
         (ii) NE commercial office: West and south façades 30%; east 144 sq ft.
         (iii) South commercial office: North façade 30%; east 15%; south 20%; and west 20%.
      (b) Option 2:
         (i) Convenience store: North façade 30%. Each of east, south, and west facades min 1 window min 7.5 sq ft, min 1.5 ft wide, and wholly within 8.5 ft of grade.
         (ii) NE commercial office: North façade 30%; east 40%; south 30%; and west 20%.

CU2: Architectural Wall (AW) / Fences / Fencing:

a. Exemption: Where chain-link fence with slats already exists along the north and west lot lines of Tax Lot 3500 (953 Oregon Way), the developer may exempt these two lines

from AW if the homeowner in writing consents to exemption and the developer submits documentation by and as part of building permit application.

b. Min height shall be along the:
   (1) North and west lot lines of Tax Lot 3500 6 ft, 2 inches (if CMU, equal to 9 courses of blocks plus 2-inch smooth concrete cap).
   (2) North and east lot lines of Tax Lot 90000 (950 Evergreen Road) 8 ft, 2 inches (if CMU, equal to 12 courses of blocks plus 2-inch smooth concrete cap).
   (3) Where fencing may substitute per other conditions, for part 1. above it shall be 6 ft, and for part 2. above, 8 ft.

c. Height at AW ends: Min height shall drop where subject to stair-stepped height limits in yards abutting streets per WDO 2.06.02, within VCA or sight triangles per 3.03.06, and AW shall remain outside streetside PUEs. AW may cross an off-street PUE, if any exist, with written authorization by the Public Works Director, and the Public Works Director may instead direct that instead of a segment of wall that there be coated chain-link fencing with slats across an off-street PUE. For crossing of private easements, the developer similarly may instead fence.

d. Gaps or rectangular openings:
   (1) There shall be one along the east lot line of Tax Lot 90000, min 4 ft wide and 6 ft, 8 inches high above grade, and with the south end of the gap aligned with the Tax Lot 90000 north east-west drive aisle, south curb, north face.

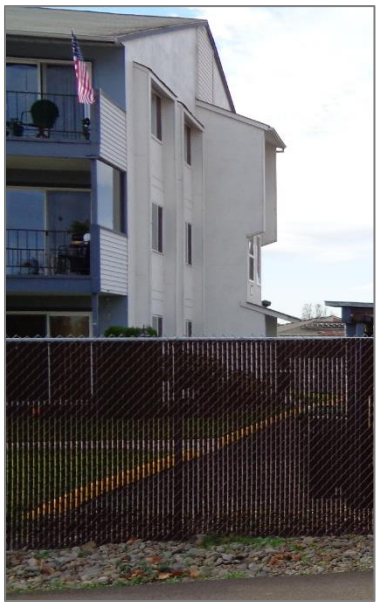


Exhibit CU2d(1)

Exhibit CU2d(2)

(2) If AW exemption per part a. above is not applicable, then there may be a gap along the west lot line of Tax Lot 3500, aligned with where there exist west backyard chain-link gates, minimum width equal to the width of the gates.

e. Color: Masonry and any paint shall be a color or colors other than black, charcoal, or gray. For any other fence / fencing or free-standing wall, including gates if any, the coating and slats that WDO 2.06.02D requires and any wall shall be a color or colors other than black or charcoal. On free-standing walls with two or more colors, darker colors shall be towards the bottom and lighter ones towards the top.

f. Material: AW segments at 40 ft north or farther from the south lot line of Tax Lot 3700 may be partly made of opaque cedar wood fencing if the wall remains mostly masonry. Specifically, masonry must constitute the bottom extent of wall segment from grade up to min 2 ft, 8 inches above grade, and there shall be piers or pilasters per "Details" below. Exhibit CU2f below illustrates a similar, conforming example:

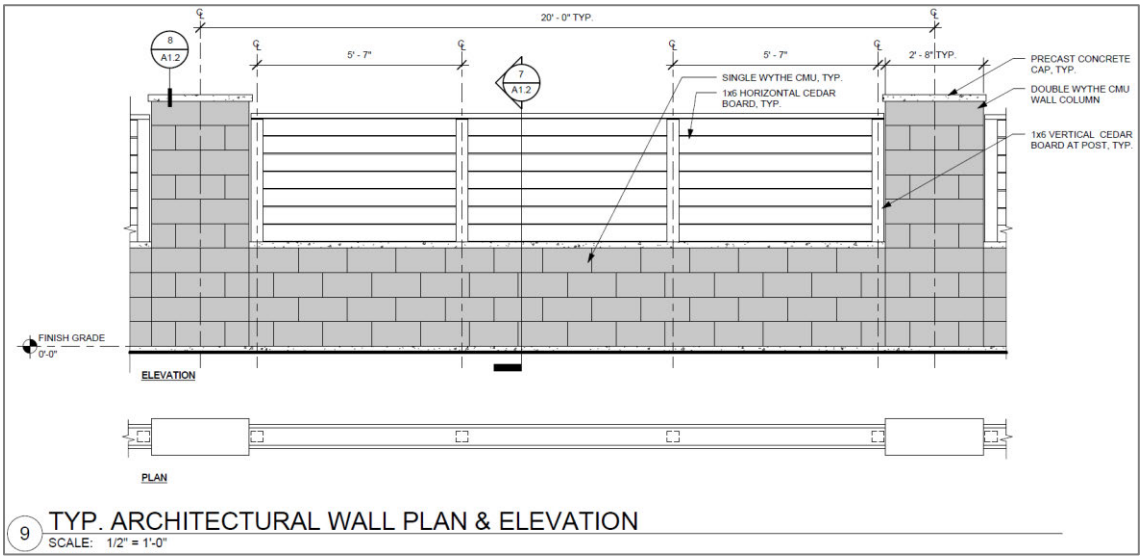


Exhibit CU2f (DR 2017-08)

g. Details: Each AW segment end shall have a pier or pilaster min 16 inches wide relative to wall face and projecting min 4 inches. Each segment shall have a min number of piers or pilasters equal to a ratio of 1 per 40 ft of wall. Each pier or pilaster shall be capped with ornamental concrete in the form of any of a shallow-sloped pyramid or sphere or other finial atop such pyramid. If the AW is CMU, the 8th and 9th CMU courses above grade shall be ground face (5 ft, 4 inches through 6 ft above grade).

CU3. Bicycle parking: Amount and general location: The developer shall provide bicycle parking as follows:

a. Option 1 min stalls:
   (1) Convenience store: 2
   (2) NE commercial office: 2
   (3) South commercial office: 4
b. Option 2 min stalls:
   (1) Convenience store: 2
   (2) NE commercial office: 4
c. General: Standards other than amount and general location shall conform to WDO 3.05.06 through Ordinance No. 2602 (LA 21-01).

CU4. Electric power lines: The development shall conform to WDO 3.02.04 through Ordinance No. 2602 (LA 21-01).

CU5. Landscaping:

a. Bench: In the landscaped open space at or near the NE commercial office space, along a wide walkway or in a plaza, install either a 6-ft wide bench with back or a picnic bench. Set back from walkway and pave the setback, min either 2 ft for a bench or 3 ft for a picnic bench.
b. Buffering/Screening: Evergreen hedge or shrubbery shall:
   (1) Line AW segments.
   (2) Screen transformers and other at-grade electrical and mechanical equipment along their sides, excepting the side intended for technician access.
   (3) Serve as means of conformance with WDO 3.06.05B (parking screening).
c. Coniferous/evergreen trees: 1 min of trees new to the site. The 1 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

d. Front yard
   (1) Trees:
      (a) Plant min 7 trees in the yard along the highway and min 10 ft and max 20 ft from ROW.
      (b) Plant min 4 trees in the yard along Oregon Way, min 5 ft and max 20 ft from ROW, in a loose row with min 3 of them spaced offset from and complementing street trees.
   (2) Hedge/shrubbery: In all areas not occupied by buildings and pavement, landscape per WDO 3.06.

(a) On Tax Lot 3700 in the yard along the highway, plant a hedge or row of continuous small or medium shrubbery extending between the driveway and east lot line. Plant and maintain min 5 ft from sidewalk and max 12 ft from ROW.
(b) Option 1: On Tax Lot 3600 in the yard along the Oregon Way, line the convenience store rear east free-standing wall with a hedge or row of continuous small or medium shrubbery.
(c) Option 2: On Tax Lot 3600 in the yard along the Oregon Way, plant a hedge or row of continuous small or medium shrubbery extending along the east dead-end of the drive aisle. Plant and maintain min 1 ft from sidewalk.

e. Site interior:
(1) AW: Line each Architectural Wall segment with a hedge or row of continuous medium or large shrubbery.
(2) Bark dust: Of landscaped area, max 3% may be bark dust, mulch, wood chip, pebbles, or sand. Walkway and plaza paving do not count against landscaping minimums.
(3) Lawn large tree: Within open space within 30 ft of the NE commercial office, plant min 2 trees, either both large or min 1 medium and 1 large.
(4) Plaza: At or within 30 ft of the NE commercial office space and adjacent to a wide walkway shall be a plaza min 81 sq ft, exc. walkway area, at 9 ft narrowest dimension, paved with bricks, concrete pavers, field or flagstone, or poured cement.
(5) South yard: Within 100 ft of the Tax Lot 3700 south lot line, plant either for Option 1 min 2 trees or for Option 2 min 5 trees. Of these for Option 2, min 2 large with the westernmost tree being one of the large ones.

f. Parking area:
(1) Option 1:
(a) Convenience store: A landscape island shall be roughly in the middle the parking aisle fronting the convenience store that conform to WDO 3.06.03C through Ordinance No. 2602 (LA 21-01).
(b) NE office: Plant a large tree in the southwesterly area of the south yard lawn.
(c) South office: For common use by tenants, have a south rear door and a patio of brick, pavers, or poured concrete min 7 ft north-south by 11 ft east-west. Align patio flush with door outer swing. Plant a small tree near patio west side.
(2) Option 2:
(a) Convenience store: A landscape island shall cap each end of the parking aisle fronting the convenience store per WDO 3.06.03C through Ordinance No. 2602 (LA 21-01), and the east island may be on the west side of the wide walkway that another condition requires.
(b) NE office: The office parking area drive aisle east end shall have the inside of curb min 3 ft from edge of streetside PUE, and the 3-ft width shall have a tree.

CU6. Lighting:

a. General: Shall conform to WDO 3.11 through Ordinance No. 2602 (LA 21-01).
b. Buffer: Parking area or other pole-mounted fixtures are prohibited between the north lot line of 953 Oregon Way (Tax Lot 3500) and the east-west drive aisle.
c. Fuel pump canopy: Max 16 ceiling fixtures. Any ceiling fixture shall be no closer to ceiling outer edge than 4 ft. Neon lighting, or a lighting technology that mimics the appearance of neon lighting, is prohibited on the fuel pump canopy and on the southernmost primary building on Tax Lot 3700. The developer shall make so either of the following: (1) ceiling light fixtures shall not drop below the ceiling plane, or (2) for ceiling-mounted fixtures, the canopy roof edge perimeter shall as a shield drop or extend down to the same plane as the underside of the lowest fixture. In either case, fixtures that drop or extend down from the ceiling shall each have opaque housing on all sides.
d. Option 1: Max of:
   (1) Convenience store: 1 wall fixture on the east rear and none on the north side.
   (2) NE commercial office: 1 wall fixture each on the west front and east rear.
   (3) South commercial office: 1 wall fixture at the south rear and none at the east and west sides.
e. Option 2: Max of:
   (1) Convenience store: 2 wall fixtures on the south rear, 1 each on the east and west sides. Parking area or other pole fixtures prohibited in the east side, south rear, and west side yards.
   (2) NE commercial office: 1 wall fixture on the south, 1 each on the east and west sides, and the south yard limited to 2 parking area poles. No other pole types in the north, east, or west yards.

CU7: Parking:

a. Standard stall length: The developer may set standard size 90° angle stall length at 18 ft instead of 19 per WDO Table 3.05B through Ordinance No. 2602 (LA 21-01).
b. EV: Electric vehicle (EV) parking shall be min 1 stall with a charging station and placed near commercial office area. Remaining EV parking standards shall be per WDO 3.05 through Ordinance No. 2602 (LA 21-01).
c. Wheelstops / wheel stops: Every angled or 90° parking stall along a wide walkway shall have a wheel stop max 4 inches high. A wheel stop shall not straddle adjacent stalls. If and where the developer opts to install wheel stops where not required, they also shall conform to the height limit.

CU8. Walkways:

a. General: Shall conform with WDO 3.04.06 through Ordinance No. 2602 (LA 21-01).
b. Gap: A walkway, min 3.5 ft wide as an exception to part a., shall connect a building perimeter walkway system west to the AW conditioned gap or opening along the west lot line of Tax Lot 3700.
c. Convenience store & fuel pump canopy: The three pump islands together shall have one or more walkway crossings to the convenience store main entrance walkway, and as an exception to part (a) above, each min 3 ft wide. For Option 1, minimum 1 crossing; for Option 2, min 2. A walkway crossing may incorporate an ADA parking space accessible aisle. Walkways should be straight, and where needing to jog, should jog at 45° max and at the point where vehicles pass in opposite directions or between vehicle lanes.
d. Option 2: At the NE of the convenience store, the wide walkway crossing of drive aisle shall be at or near a right angle to drive aisle.

CU9. Access management: These are due by building permit application:
a. General: Access management shall conform with WDO 3.02.01E, 3.04.01A.2, and 3.04.03C & D through Ordinance No. 2602 (LA 21-01). Regarding recordation of one or more types of legal instruments and how, the developer shall conform to the conditions in ways that satisfy the County.
b. Bicycle/pedestrian: The develop shall grant the public access to walk, cycle, and roll along each wide walkway across Tax Lot 3600 to the benefit of 3700, relating to Oregon Way sidewalk access, and across Tax Lot 3700 to the benefit of 3600, relating to highway sidewalk access.
c. Shared parking: If and where one or both of the subject lots lack minimum off-street parking ratio for all land uses on the lot, the developer shall revise site plans to conform to WDO 3.05.02 & Table 3.05A or shall create a shared parking agreement per WDO 3.05.05. This is due by building permit issuance.
d. Cross access:
   (1) Local: To conform to WDO 3.04.03A.3, B.1, B.3 & C.2 and, through Ordinance No. 2602 (LA 21-01), WDO 3.04.03B.3, C.1, C.3, C.4, & D.2, for what is termed any of cross access, ingress/egress, public access, or shared access, the developer shall grant the public access (a) across Tax Lot 3600 to the benefit of 3700, (b) across Tax Lot 3700 to the benefit of 3600, and (c) across Tax Lot 3700 to the benefit of 3800. The cross access shall follow a drive aisle or aisles and align at the common lot line. Regarding (c), the north east-west drive aisle shall stub to somewhere along the northerly 75 ft of the west lot line and at min 20 ft wide, and though the stub shall not be curbed it may be fenced.
   (2) ODOT factor:
      (a) The developer shall apply to and obtain from ODOT the proper access rights for both tax lots prior to any construction, so as to not violate the deeds.

(b) For context, see Attachment 102B. The ODOT Region 2 contact is Casey Knecht, P.E., Development Review Coordinator, (503) 986-5170, casey.knecht@odot.state.or.us. The City interprets "prior to any construction" to mean by issuance of the first structural building permit. Otherwise, City staff are inclined to defer to ODOT interpretation of part (a) above, including whether it is applicable to either Option 1 only or both site plan options.

(c) If after City land use decision ODOT objects specifically to how the City administers or the developer conforms to other parts of the condition or to other conditions concerning vehicular access, then the developer may request and the Director may administratively approve in writing changes to administration or conformance to accommodate the ODOT factor while still having the development meet the WDO and conditions of approval to the max extent remaining. The Director may require developer application for any of Extension of a Development Decision per WDO 4.02.05 or Modification of Conditions per WDO 4.02.07.

(d) If after City land use decision ODOT directs access management in conflict with other parts of the condition or to other conditions concerning vehicular access, then the developer shall forward the written direction from ODOT to the attention of the Director; describe the conflict(s); describe the minimum deviation from conformance necessary to comply with ODOT direction while also conforming to the remainder of the condition to the maximum, including plan view illustrations where helpful; and request Director approval through a dated document that cites the land use case file and condition numbers. The Director may approve what the developer first requests or a modified request. The City intends that if the developer were to make use of this part (d) of the condition, he would do so once.

CU10. Gas station operations:

a. Noise:

(1) Fuel pumps: Audible audiovisual advertising, if any, is prohibited from sounding from fuel pump electronic display speakers. Such advertising shall be limited to sight only.

(2) Tire/vacuum: Addition of any vehicle interior vacuum facility outdoors, tire pump facility outdoors, or other similar mechanical facility outdoors for gas station customers that makes noise shall be located min 100 ft north of the south lot line of Tax Lot 3700. Based on Ordinance No. 2312, any vacuum shall be closed to customer use min from 9:00 p.m. to 7:00 a.m.

b. Trash: There shall be at least one trash receptacle along each of the walkways, at min 1 ft from walkway edge, to and from the highway and Oregon Way sidewalks, within 25 ft

of ROW, for intended use by convenience store customers, and remaining privately maintained and serviced.

c. Vehicular circulation:
   (1) Driveways:
      (a) Highway: Max 1 driveway. The driveway shall remain right-in, right-out and be max width equal to the existing 30 ft unless ODOT approves wider up to 36 ft; however, if the developer widens the driveway from the existing 30 ft, then min 12 ft of the width and min depth equal to either the throat or 13.5 ft, whichever is longer, shall be poured concrete. The area of poured concrete that is outside the ROW shall be patterned, stamped, or treated to resemble paving stones and shall be felt by motorists driving over it. (The objective is to calm traffic by preventing fast, swooping maneuvers and to direct vehicles to 24 ft width of asphalt within the driveway throat, while allowing semi-trailer truck turning movement across 36 ft of width.) If the driveway widens, the developer also shall reconstruct the entire driveway to conform to City Public Works standard drawing Detail No. 4150-4 "Property Line Sidewalk at Driveway", except that if and where a specific conflict arises between City and ODOT public works construction standards, that of ODOT engineering guidance would supersede.
      (b) Oregon Way: Max 1 driveway, max width 24 ft if two-way or 12 ft if one-way. Option 2: Throat, if two-way, then the inbound lane max 24 ft deep where lane is parallel with the outbound lane.
   (2) I-5 directional signage: There shall be on Tax Lot 3700 outside of ROW and streetside PUEs directional signage that accomplishes directing on-site motorists bound for I-5, min 2 signs for Option 1 and 3 signs for Option 2, each min area 18 by 24 inches, mounted min 2 ft and max 7 ft above grade, text min 6 inches high, and including the standard Interstate 5 logo. The Director may administratively establish locations, details, specifications, and revisions to administer this condition part during building permit review. Further site plan revisions necessary to conform, if any, shall be due by building permit issuance.
   (3) Option 2: fuel pump queueing:
      (a) General: Fuel pump queues shall be one-way either eastbound in Option 1 or southbound in Option 2. The developer shall stripe directional arrows and lines to direct motorists into fuel pump queues and distinguish the queues from driving routes around the fuel pump canopy.
      (b) Stacking:
         (i) Option 1: Of six queues, min 3 shall each fit stacking of min one car west of the fuel pump island.
         (ii) Option 2: Of six queues, min 2 shall each fit stacking of min two cars north of the fuel pump island, and the remaining 4 shall each fit stacking of min one car.

(4) Trucks: Until July 1, 2030, the Public Works Department may administratively regulate time, place, and manner of freight and truck access (ingress/egress) to and from the development and adjacent public streets. This condition shall not be construed to preclude the City past the date from regulating development freight and truck access via ordinances that are applicable generally to properties that happen to include the subject property.

CU11. Modification: Because the WDO, including 5.03.01, does not specify how changes to an approved conditional use (CU) and related site improvements might trigger another CU or modification of a CU approval, for Director determination the following serve as criteria and – where noted – as factors:

a. Significant expansion of the use(s), factors being an increase in any of: total GFA by 25.0% or more or by an absolute value of 1,825 sq ft or more, and, the number of buildings by 1 or more;
b. Increase in off-street parking by 6 or more stalls, even if the existing supply were in excess of the minimum required ratio(s);
c. Net increase in impervious surface totaling at least 1,000 sq ft;
d. Adding the land uses of automotive maintenance and repair, whether or not including through service bay structures.
e. Development as defined in WDO 1.02 within twenty (20) feet of a property boundary and not already conditioned through the subject approval;
f. Any proposal necessitating a request for Exception to Street Right-of-Way and Improvement Requirements ("Street Exception");
g. Any proposal necessitating a request to vary from the WDO, that is, a variance;
h. Any proposal necessitating a Type III or IV land use application type; and
i. City adoption of a unified development ordinance replacing the WDO were to have intervened.

Modification of a specific condition of approval remains pursuant to WDO 4.02.07. Were the City to have amended the WDO to establish modification provisions for conditional uses, the Director may decide that the provisions supersede this condition of approval.

Conditional Use 21-02: Transportation

T-A:

1. OR 214 & Oregon Way: The developer shall pay a fee per Attachment 203 to fund a transportation study, specifically to investigate in coordination with ODOT (1) corridor signal timing and coordination adjustments and (2) improving safety by reducing vehicle turning or angle crashes. This is due by building permit issuance. [TSP R11 & TIA p. 12]
2. Consultant review: The developer shall pay a fee for the City to recoup the cost of its transportation consultant reviewing and advising upon the TIA.
3. I-5 interchange with OR 214: To reduce vehicle crashes, the developer shall pay a fee per Attachment 203.
4. OR 214 & Evergreen Rd: To mitigate effect on the intersection and reduce vehicle crashes, the developer shall pay a fee per Attachment 203.
5. OR 99E & OR 211/214: To mitigate effect on the intersection and reduce vehicle crashes, the developer shall pay a fee per Attachment 203.

T-T. Bus transit: Bus stop improvements: To further TDM through bus transit, regarding the WTS Oregon Way northbound stop that is adjacent to 966 & 980 Oregon Way, where because ROW and streetside PUE are too narrow relative to the street to accommodate installation, the developer shall pay a fee in-lieu as well as a fee in lieu of a bus stop bicycle rack per Attachment 203.

Street Exception 21-05

EX1. Frontage/street improvements: Highway: These shall be as follows:

a. ROW: If and where there is a deficit, the developer shall dedicate ROW that meets or exceeds the min width necessary to conform to WDO Figure 3.01B "Major Arterial".
b. PUE: If minimum width streetside PUE does not yet exist per WDO Figure 3.01B, then the developer shall grant it. Max width shall be 10 ft, unless if and where existing utilities that the developer does not relocate necessitate wider as documented by franchise utilities and the developer.
c. Improvements: No min surface improvements other than either elsewhere conditioned or necessary to comply with ODOT engineering guidance or conform to PW direction. The developer shall pay fees in lieu of highway improvements per Attachment 203.

EX2. Frontage/street improvements: Oregon Way: These shall be as follows:

a. ROW: The developer shall dedicate ROW that meets or exceeds the min width necessary to conform to WDO Figure 3.01E "Access Street" and exceeds that width where necessary to accommodate both the existing northbound left turn lane and required half-street improvements.
b. PUE: If minimum width streetside PUE does not yet exist per WDO 3.02.01B, then the developer shall grant it. Max width shall be per WDO 3.02.01F.2 through Ordinance No. 2602 (LA 21-01).
c. Improvements:
   (1) Parking: No 8-ft wide on-street parallel parking lane is required, this being an exception from what Figure 3.01E would have required. The developer shall pay a fee in-lieu per Attachment 203.
   (2) Landscape strip: Min 6½ ft wide inc. curb width and with min 3 street trees with allowance of fee in lieu of 1 tree max. Planting of area remaining after tree planting and irrigation shall be per WDO 3.01.04B through Ordinance No. 2602 (LA 21-01).
   (3) Sidewalk: Min 8 ft wide.
   (4) Overlap: Wider sidewalk shall not narrow the landscape strip. The extra width of planter strip and sidewalk shall either (a) be within additional ROW that accommodates them, or (b) overlap outside ROW into streetside PUE, there being a recorded legal instrument granting public access to the overlap. If (b), then the developer shall submit a draft of the legal instrument for Planning and PW review by either civil engineering plan (CEP) review application to PW or building permit application, whichever is earlier. The developer shall submit copies of correctly recorded documents to the Planning Division by building permit issuance.

Applicant Identity

Applicant	Ronald "Ron" James Ped, Ronald James Ped Architect, PC
Applicant's Representative	n/a
Landowner(s)	Lal Din Sidhu ("Don" Sidhu), Woodburn Petroleum LLC

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.

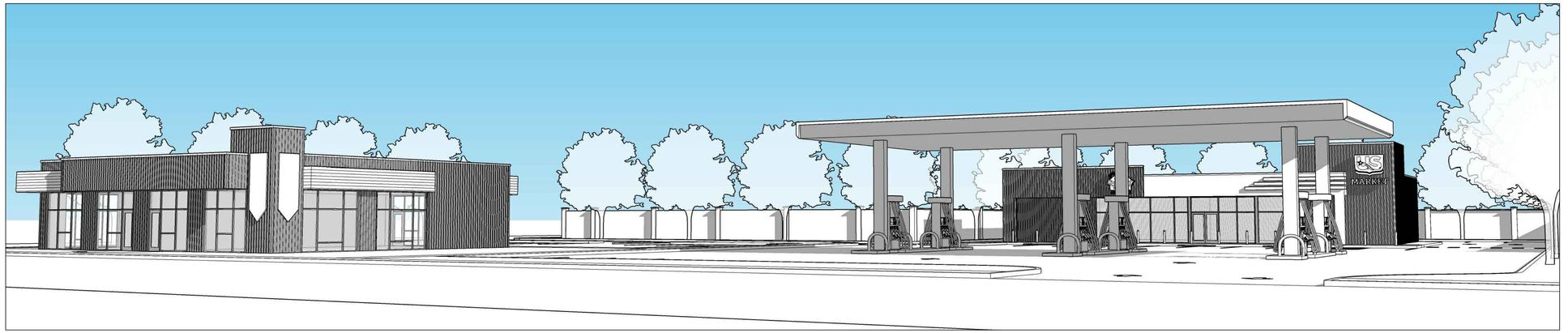
    b. Work: All work within the public ROWs or easements within City jurisdiction must require plan approval and permit issuance from the Public Works Department. All public

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.

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.

16. 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.



US MARKET
SITE REDESIGN

A1.1 VICINITY MAP
SCALE : NTS

SITE PLAN SUMMARY

ZONED: CG - GENERAL COMMERCIAL

PROPERTY SIZE	= 62,120.42 S.F. (1.43 AC)
REQ'D LANDSCAPE P.U.	= 399 P.U.
PROPOSED LANDSCAPE P.U.	= 473 P.U.

PARKING REQ.

TOTAL PARKING :
GEN. RETAIL: 4314 SQ.FT. / 250 = 17.3, 18 REQ. (item 7 table 3.05A)
OFFICE: 3,649 SQ.FT. / 350 = 10.4, 11 REQ. (item 12 table 3.05A)
TOTAL REQUIRED SPACES: 29 REQ.
PARKING SPACES: 42 PROVIDED (2 van accessible spaces)

STREET TREES REQ.'

ONE TREE EVERY 50'-0" REQ.
8 TREES PROPOSED

BIKE PARKING REQ.

3.05.03 Off-Street Parking
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, with a maximum of 20 rack spaces.

42/10 = 4 REQUIRED
1 BIKE RACKS (2 BIKE SPACES) PROVIDED AT CONVENIENCE STORE
1 BIKE RACK (2 BIKE SPACES) PROVIDED AT OFFICE BUILDING
(2 BIKE PER RACK)

DRAWING INDEX

A1.0 COVER PAGE
A1.1 SITE PLAN
A1.2 EXISTING SITE PLAN AND DEMO PLAN
A1.3 FIRE ACCESS PLAN
C1.1 GRADING PLAN
C1.2 UTILITY PLAN & DETAILS
E1.1 LIGHTING PLAN
L1.1 PLANTING AND IRRIGATION PLAN
A3.1 BUILDING ELEVATIONS & SECTIONS

RONALD JAMES PED ARCHITECT P.C.
(503) 885-1498

REGISTERED ARCHITECT
RONALD JAMES PED
SALEM, OREGON
STATE OF OREGON

SITE REDESIGN SET 4/28/22

NEW OFFICE, RETAIL AND GAS STATION
US MARKET
2540 AND 2600 NEWBERG HIGHWAY WOODBURN OREGON

DATE: DEC. 1, 2020
DRAWN: GLM / KDG
JOB NO.: 1984

A1.0

CU 21-02
Attachment 103B
Site Plans Option 2
Sheet 1 of 5

LAST SAVED: Mon, 02 May 2022 - 09:22 am LOCATION: C:\Users\kevin\appdata\local\temp\AcPublish_9432\SITE REDESIGN 4.25.22.dwg A1.0
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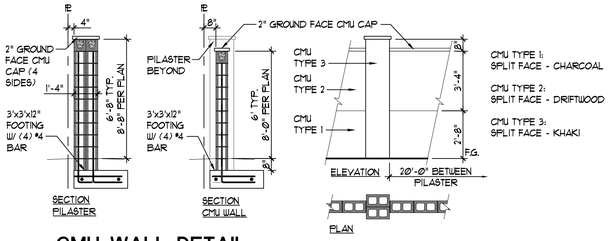
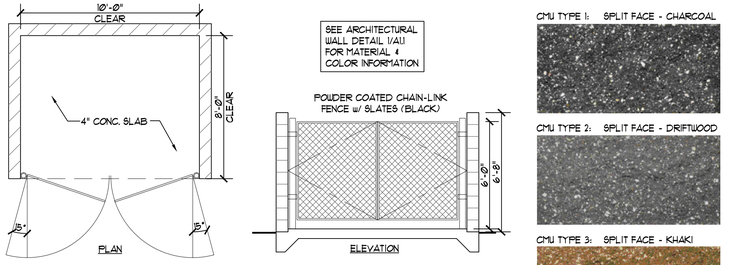


1 CMU WALL DETAIL
ARCHITECTURAL SCREEN WALL
SCALE: 1/4" = 1'-0"

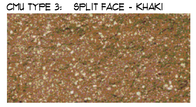


BASED ON WILLAMETTE GRAYSTONE PRODUCTS

CMU TYPE 1: SPLIT FACE - CHARCOAL

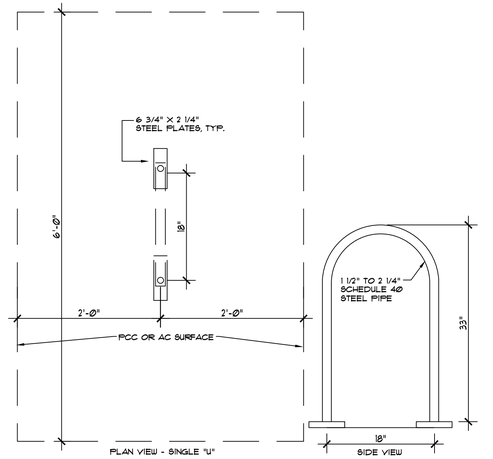
CMU TYPE 2: SPLIT FACE - DRIFTWOOD

CMU TYPE 3: SPLIT FACE - KHAKI



2 TRASH ENCLOSURE
SCALE: 1/4" = 1'-0"

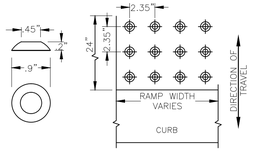
M:\02BITELK\BTTRASH\02BTT TRASH CMU



3 BICYCLE PARKING RACK DETAIL
SCALE: 1"=1'-0"

M:\02BITELK\BDDPIPING\02BDD BIKE RACK

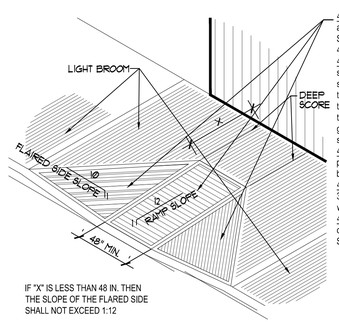
DETECTABLE WARNING SURFACE.
– 2'x4' MIN. DETECTABLE WARNING SURFACE. LOCATE IN THE LOWER 24" OF RAMP THROAT. ARRANGE DOMES USING IN-LINE PATTERN ONLY, AS SHOWN IN TRUNCATED DOME DETAIL. USE 2' x 2' TACTILE PANELS CENTERED IN RAMP. COLOR OF DETECTABLE SURFACE AREA TO BE RED. STANDARD BROOM FINISH ALL OTHER SIDEWALK AREAS.



TRUNCATED DOME DETAIL

4 TACTILE WARNING
ADA
SCALE: 1"=1'-0"

M:\02\TACTILE

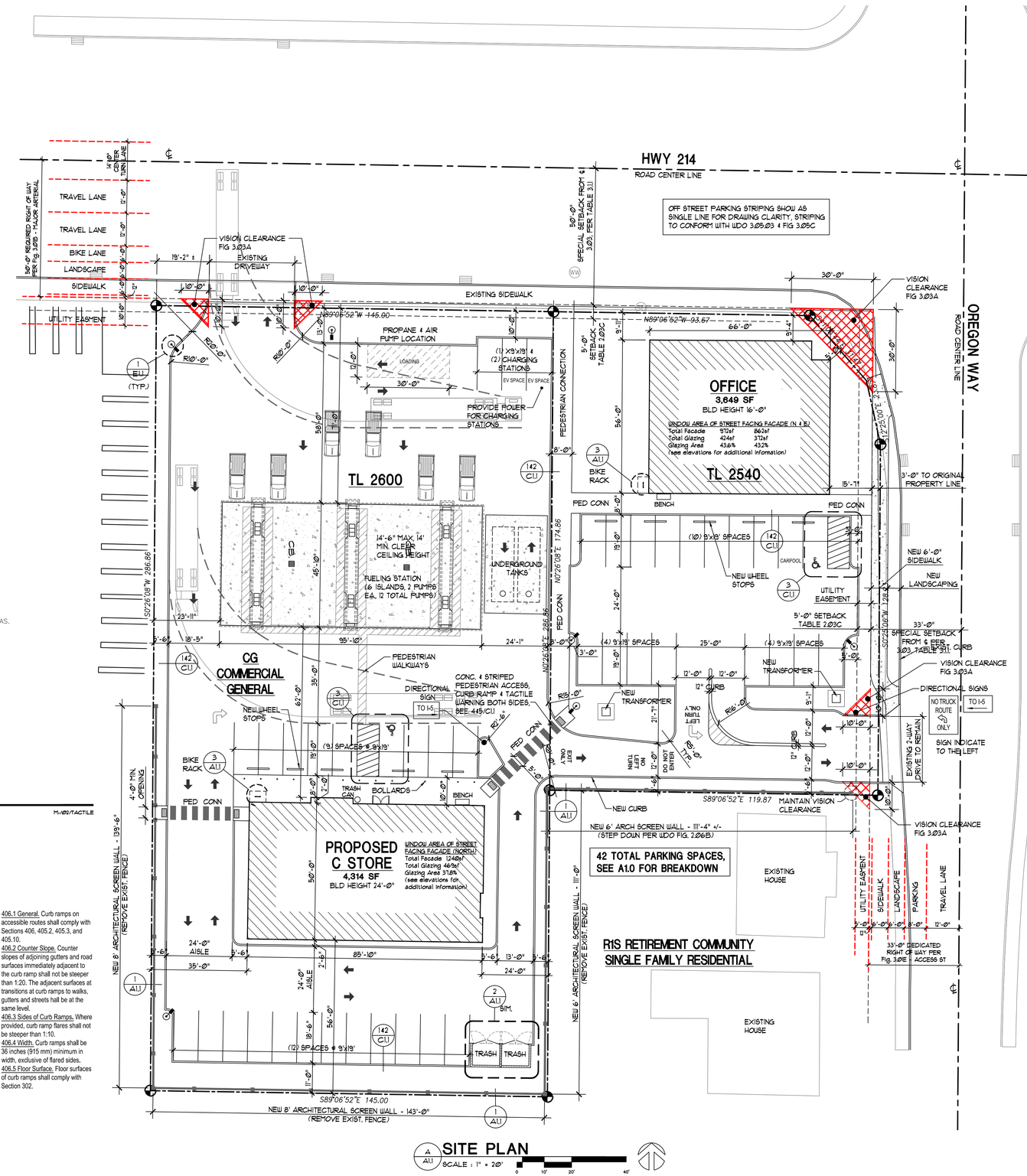


406.1 General. Curb ramps on accessible routes shall comply with Sections 406, 405.2, 405.3, and 405.10.
406.2 Counter Slope. Counter slopes of adjoining gutters and road surfaces immediately adjacent to the curb ramp shall not be steeper than 1:20. The adjacent surfaces at transitions at curb ramps to walks, gutters and streets hall be at the same level.
406.3 Sides of Curb Ramps. Where provided, curb ramp flares shall not be steeper than 1:10.
406.4 Width. Curb ramps shall be 36 inches (915 mm) minimum in width, exclusive of flared sides.
406.5 Floor Surface. Floor surfaces of curb ramps shall comply with Section 302.

IF "X" IS LESS THAN 48 IN. THEN THE SLOPE OF THE FLARED SIDE SHALL NOT EXCEED 1:12

5 ACCESSIBLE RAMP
SCALE: 1/4" = 1'-0"

M:\02\SITELK\SBDPYPRK\02SBD RAMP



SITE PLAN
SCALE : 1" = 20'

RONALD JAMES PED ARCHITECT P.C.
1500 360 1458
142 LEWIS STREET SE SALEM, OREGON 97301

REGISTERED ARCHITECT
RONALD JAMES PED
SALEM OREGON
STATE OF OREGON

SITE REDESIGN SET 4/28/22

US MARKET
NEW OFFICE, RETAIL AND GAS STATION
2540 AND 2600 NEWBERG HIGHWAY WOODBURN OREGON

DATE: DEC. 1, 2020
DRAWN: AK / KDG
JOB NO.: 1964

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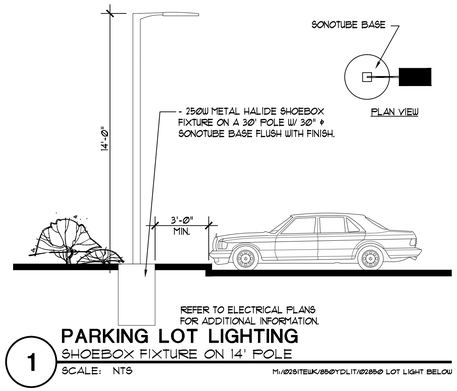
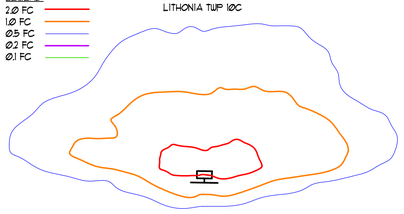


1 PARKING LOT LIGHTING
SHOEBOX FIXTURE ON 14' POLE
SCALE: NTS

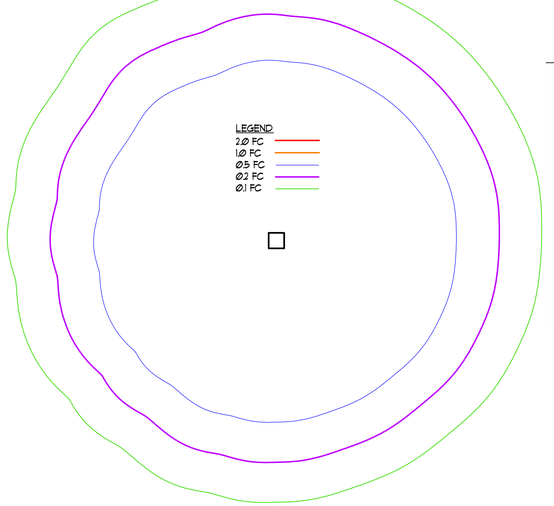
M:\2021\TEUK/BSDYDLIT/0258D LOT LIGHT BELOW

LEGEND
2.0 FC
1.0 FC
0.5 FC
0.2 FC
0.1 FC

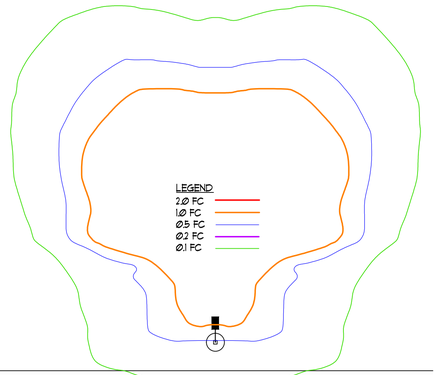
BUILDING WALL LIGHT
LITHONIA TWP 10C



CANOPY LIGHT
GE EVOLVE ECLS

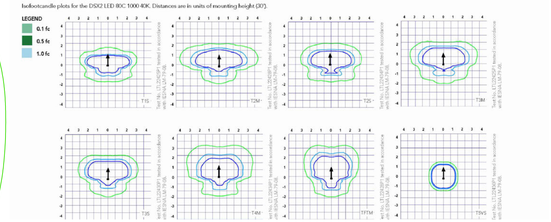


PARKING POLE LIGHT
LITHONIA DSX2 LED 80C TFTM



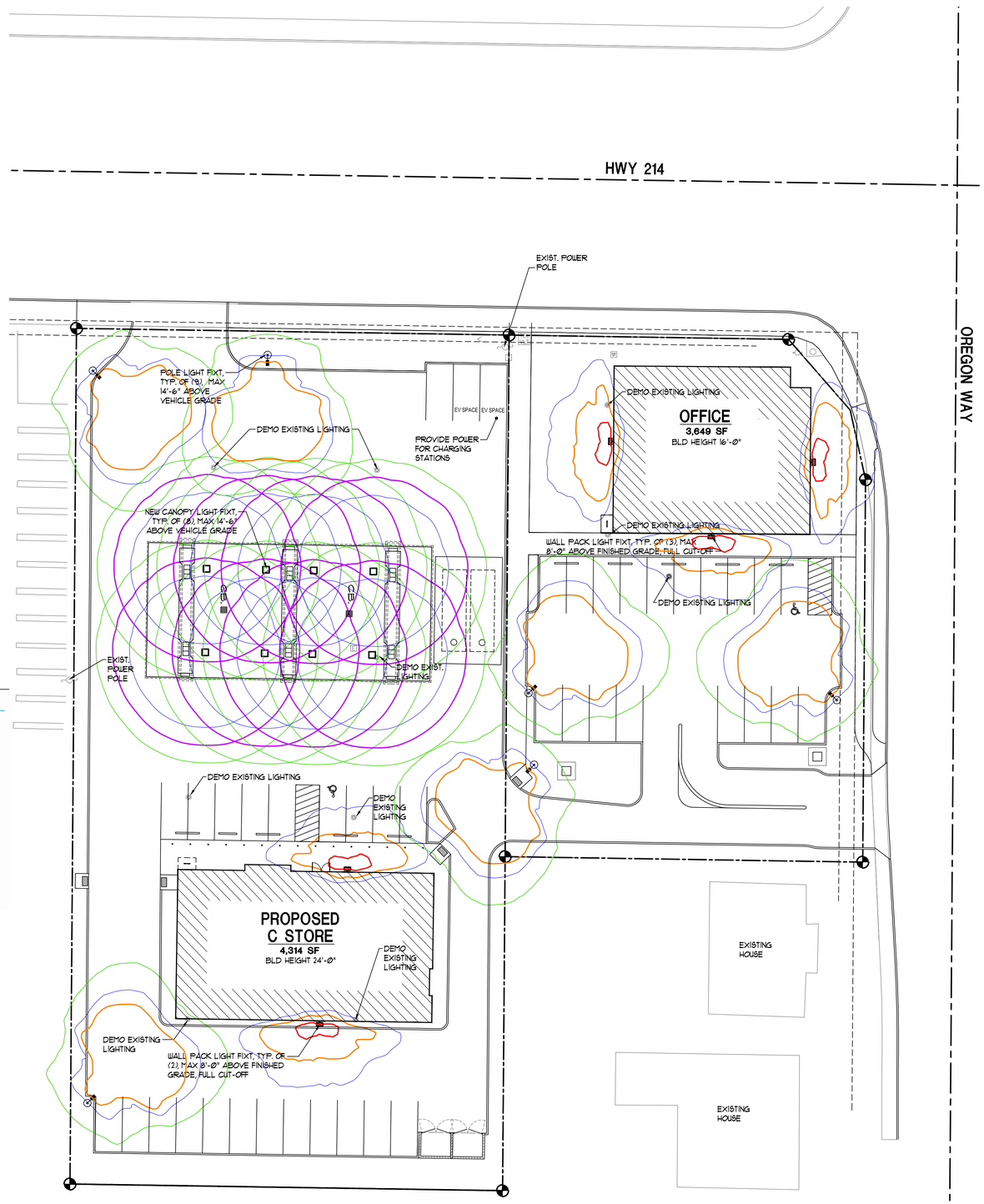
Photometric Diagrams To see complete photometric reports or download .ies files for this product, visit Lithonia Lighting's D-Series Area Size 2 homepage.

Isofootcandle plots for the DSX2 LED 80C 1000 40K. Distances are in units of mounting height (20').



LIGHTING SCHEDULE

- PARKING POLE LIGHT — LITHONIA DSX2 LED 80C TFTM
- CANOPY LIGHT — LITHONIA CNY LED P8
- BUILDING WALL LIGHT — EATON Lumark WP WAL-PACK w/ FULL CUTOFF
- EXISTING PARKING POLE LIGHT



LIGHTING PLAN
E1.1 SCALE : 1" = 20'
0 10' 20' 40'

RONALD JAMES PED ARCHITECT P.C.
(503) 365-1456
145 SW COLLEGE DR
SILVER CREEK, OREGON 97374

REGISTERED ARCHITECT
RONALD JAMES PED
SALEM, OREGON
STATE OF OREGON

SITE REDESIGN SET 4/28/22

NEW OFFICE, RETAIL AND GAS STATION
US MARKET
2540 AND 2600 NEWBERG HIGHWAY WOODBURN OREGON

DATE: DEC. 1, 2020
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E1.1

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PLANT LIST

STREET TREES	COMMON NAME/BOTANICAL NAME	SIZE	COMMENTS	COUNT
T-ASH	ASH, RAYWOOD FRAXINUS OXYCARPA 'RAYWOOD'	1-8" LARGE	2" CALIPER 10 PU	
T-LIN	LINDEN TILIA CORDATA 'HALA'	1-8" LARGE	2" CALIPER 10 PU	
T-MAP ARM	ARMSTRONG MAPLE, ACER RUBRUM 'ARMSTRONG'	1-8" MEDIUM	2" CALIPER 10 PU	
T-MAP RED	ACER rubrum/RED MAPLE October Glory	1-8" MEDIUM	2" CALIPER 10 PU	
T-DOUG FIR	DOUGLAS FIR / Pseudotsuga menziesii	LARGE	2" CALIPER 10 PU	

ORNAMENTAL TREES	COMMON NAME/BOTANICAL NAME	SIZE	COMMENTS
T-JAPO	CRYPTOMERIA JAPONICA "ELEGANS"	1-8'	2" MIN CALIPER 5 PU
T-TAMA	CRYPTOMERIA JAPONICA /TAISHO TAMA (TAISHO TAMA JAPANESE CEDAR)	4-6'	2" MIN CALIPER 5 PU
T-BLA	CRYPTOMERIA JAPONICA /BLACK DRAGON	4-6'	2" MIN CALIPER 5 PU
T-MAP VINE	VINE MAPLE/ACER circinatum	1-8'	2" MIN CALIPER 2 PU
T-CRAB	CRABAPPLE/MALUS 'AMERICAN BEAUTY'	1-8'	2 MIN CALIPER 2 PU
T-CRY	CRYPTOMERIA JAPONICA /SEKKEN-SUGI	6'	2" MIN CALIPER 5 PU
T-CUP	CUPRESSUS SEMPERVIRENS ITALIAN CYPRESS 'STRICTA'	6'	2" MIN CALIPER 5 PU
T-CHA	CHAMAECYPARIS OBTUSA HINOKI FALSE CYPRESS 'GRACILIS'	6'	2" MIN CALIPER 5 PU

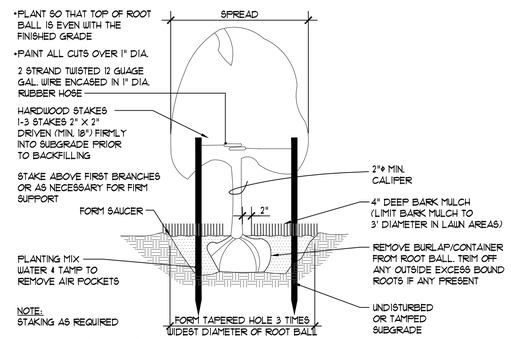
SIZE	SHRUBS	COMMON NAME/BOTANICAL NAME	COMMENTS
1 gal. 3 gal.	S-HYB.	HYBISCUS/Hybiscus Syriacus ROSE OF SHARON 'MINERVA' 'AZURRI SATIN'	1 PU 1 gal / 2 PU 3 gal
	S-STRA.	DEUTZIA x hybridia 'STRAWBERRY FIELDS'	1 PU 1 gal / 2 PU 3 gal
	S-ABE	ABELIA grandiflora 'EDWARD GOUCHER' (EVERGREEN)	1 PU 1 gal / 2 PU 3 gal
	S-VIB.D	VIBURNUM Japonicum (EVERGREEN)	1 PU 1 gal / 2 PU 3 gal
	S-PIE.	PIERIS japonicum LILLY-OF-THE-VALLEY (EVERGREEN/SHADE)	1 PU 1 gal / 2 PU 3 gal
	S-AUC	AUCUBA JAPONICA JAPANESE AUCUBA (EVERGREEN/SHADE)	1 PU 1 gal / 2 PU 3 gal
	S-VIB.	VIBURNUM ELLIPTICUM, COMMON VIBURNUM	1 PU 1 gal / 2 PU 3 gal
	S-CURR.	RED-FLOWERING CURRANT/Ribes sanguineum	1 PU 1 gal / 2 PU 3 gal

GROUND COVER	BOTANICAL NAME/COMMON NAME	SIZE	COMMENTS
G-PHL	PHLOX SUBLATA CREEPING PHLOX	1 gal.	24" SPACING 1 PU
G-VIN	VINCA MAJOR PERIWINKLE	1 gal.	24" SPACING 1 PU

1 PLANT LIST

SCALE: N/A

M:\2021\EUK\00\PLNTS\021500 PLANTLIST



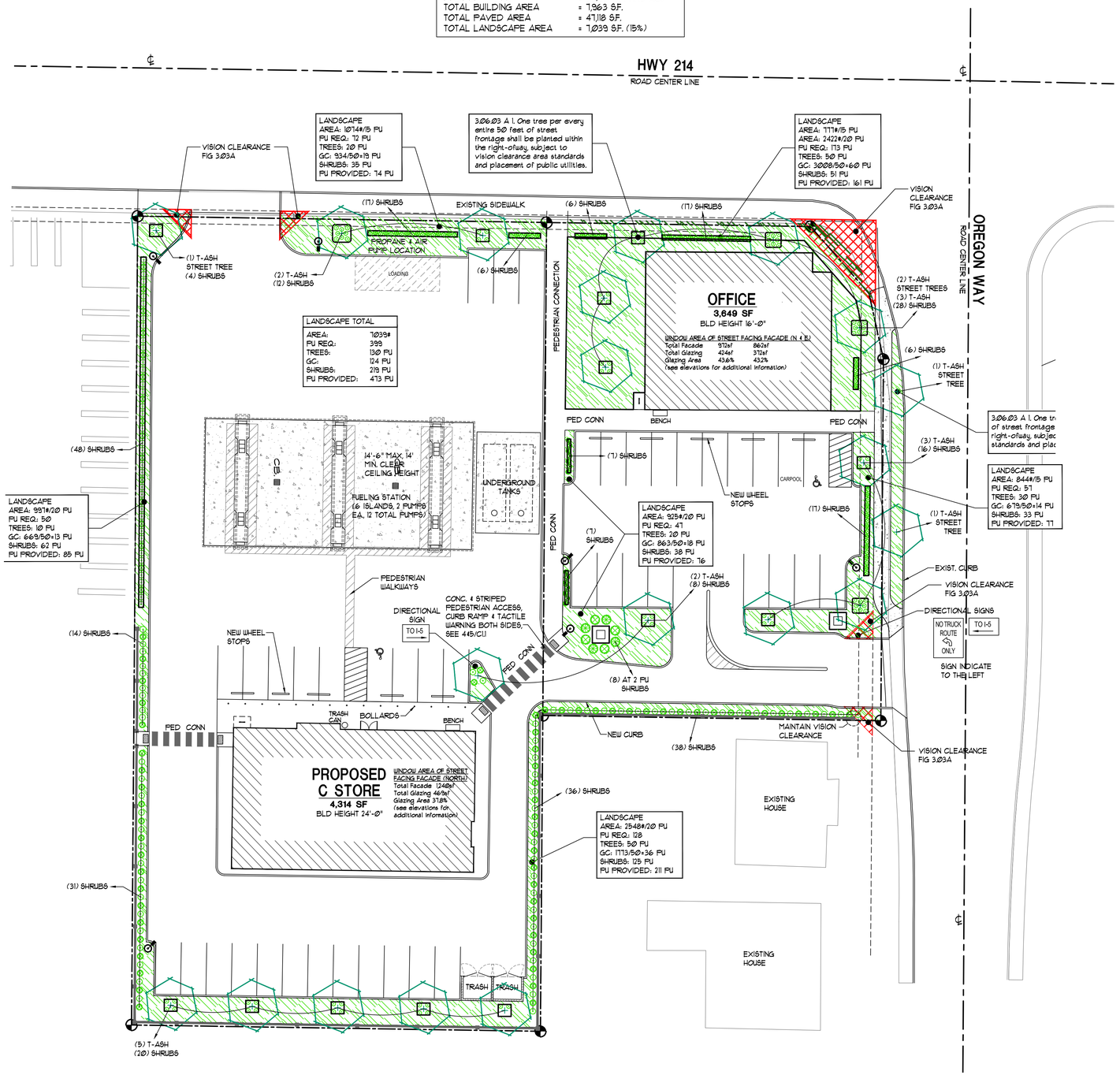
2 TREE PLANTING
VERTICAL STAKES

SCALE: NTS

M:\2021\EUK\00\LNDSC\021500 TREE PLANTING

SITE SUMMARY

PROPERTY SIZE	= 62,120 SF. (1.43 AC)
TOTAL BUILDING AREA	= 7,363 SF.
TOTAL PAVED AREA	= 47,118 SF.
TOTAL LANDSCAPE AREA	= 7,039 SF. (15%)



A L1.1 LANDSCAPE PLAN

SCALE : 1" = 20'

0 10' 20' 40'

RONALD JAMES PED ARCHITECT P.C.
(503) 365-1456
345 STATE ST. SALEM, OREGON 97301

REGISTERED ARCHITECT
RONALD JAMES PED
SALEM OREGON
STATE OF OREGON

SITE REDESIGN SET 4/28/22

NEW OFFICE, RETAIL AND GAS STATION
US MARKET
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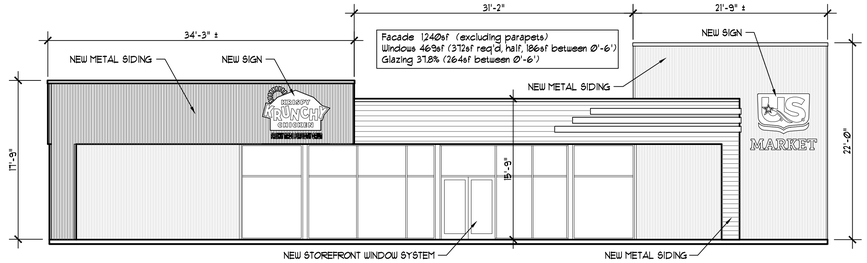
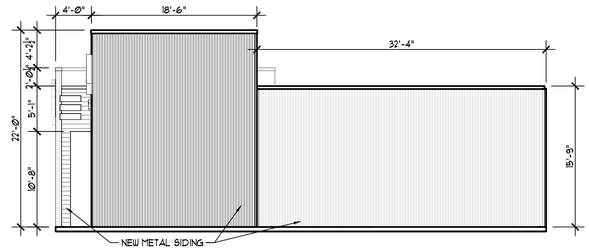
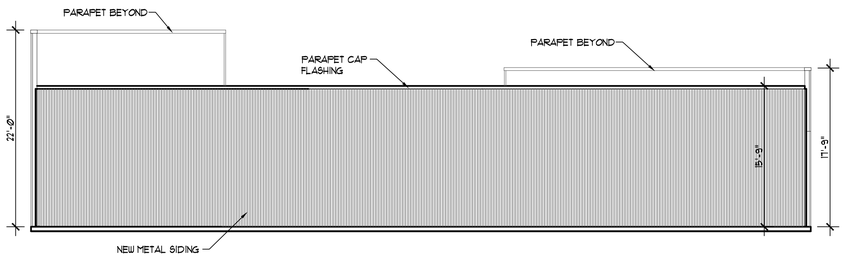
CONVENIENCE STORE



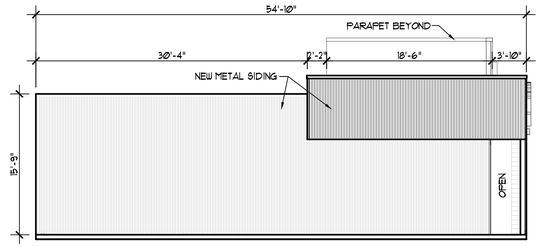
Model NORTH ELEVATION
SCALE : 1/8" = 1'-Ø"



Model WEST ELEVATION
SCALE : 1/8" = 1'-Ø"

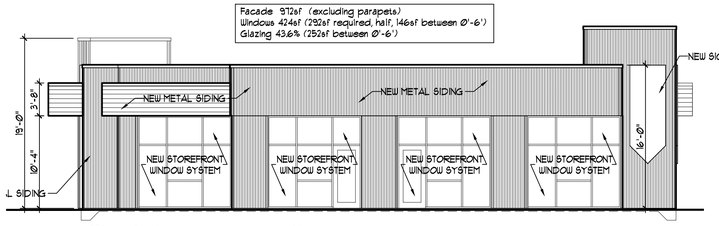


Model SOUTH ELEVATION
SCALE : 1/8" = 1'-Ø"

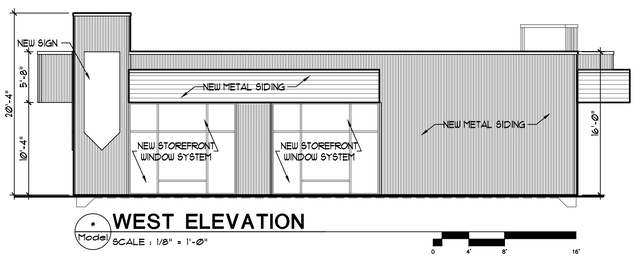


Model EAST ELEVATION
SCALE : 1/8" = 1'-Ø"

OFFICE BUILDING



Model NORTH ELEVATION
SCALE : 1/8" = 1'-Ø"



Model WEST ELEVATION
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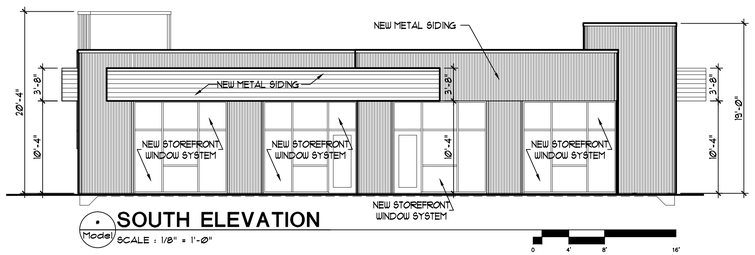
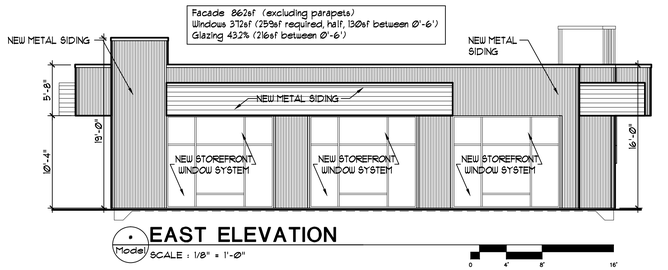


Model SOUTH ELEVATION
SCALE : 1/8" = 1'-Ø"



Model EAST ELEVATION
SCALE : 1/8" = 1'-Ø"

RONALD JAMES PED ARCHITECT P.C.
1660 360-1458
1465 LIBERTY STREET SE
SALEM, OREGON 97302

REGISTERED ARCHITECT
RONALD JAMES PED
SALEM, OREGON
STATE OF OREGON

SITE REDESIGN SET 4/28/22

NEW OFFICE, RETAIL AND GAS STATION
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A3.1

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From: KNECHT Casey <Casey.KNECHT@odot.oregon.gov>
Subject: RE: Woodburn US Market Request for Comments
Date: July 19, 2022 at 10:54:10 AM PDT
To: Del Huntington <del@huntingtontrafficsolutions.com>
Cc: Joe Bessman <Joe@transightconsulting.com>

Del,

I wanted to make sure we are on the same page with timelines. The Grant of Access process can take up to a year. Six to nine months is probably more realistic, but some can take a full year. Construction would not be able to start until the ODOT grant committee gives approval. We could issue a construction permit at grant approval prior to recording with the county.

In talking with the other Region 2 staff, our goal would be for the grant approval to allow both parcels to have unrestricted access to both the existing driveway on OR-214 and the existing driveway on Oregon Way. That would eliminate the need for the one-way configurations in Options 2 and 3. I am still trying to set up a meeting with the necessary staff in the statewide office to discuss options. After those discussions we will have a better grasp on what the grant committee will approve (and possibly condition) before having you apply.

For the city council discussion tonight, ODOT would support the city approving the proposal with a condition that the applicant obtain all ODOT approvals prior to occupancy (including deed modifications and approach permits).

Regarding the cross-access with the Dairy Queen and Dutch Bros, ODOT generally supports connectivity between parcels with the goal of reducing highway access points and taking short-distance trips off the highway. The Dairy Queen and Dutch Bros owners would need to be included in the grant and easement discussions. Expanding the access rights to include an additional parcel would likely be accompanied by a consolidation of highway access points. The overall plan in Option 1 will full connectivity between all of the highway frontage properties would be best accommodated by a single highway access point in the middle of the block. If the Dairy Queen and Dutch Bros owners are interested in the idea we can continue the conversation, but I don't imagine they would be willing to give up their driveway.

Thanks,

Casey Knecht, P.E.
ODOT Region 2
503-986-5170

City Council July 25, 2022
CU 21-02 Appeal Attachment 5

RECEIVED
JUL 20 2022
COMMUNITY DEVELOPMENT DEPARTMENT

Citizens of Woodburn Estates would like to express our concerns with the proposed Gas Station/Convenience Store on 214/Oregon Way. We are concerned about the amount of traffic and disruption this will create on Oregon Way. The increased cars and trucks speeding down the street, excessive noise and trash due to 24 hour operation, and the probability of questionable characters hanging around. It will be highly disturbing to our 55+ community. Oregon Way residents and others use this street for walking and golf carts to get to our clubhouse.

Please consider our concerns for our homes and community.

NAME	ADDRESS
Jeanette E Johnson	1706 E. Clackamas Circle
Neil A. Johnson	1706 E. Clackamas Circle East
Sandra White	892 Oregon Way
Charlie Nilson	892 Oregon Way
Susan Huggins	910 Oregon Way
Jill Davis	952 Oregon Way
[illegible]	966 Oregon Way
[illegible]	980 Oregon Way
LORENA SOTO ESTORGA	953 OREGON WAY
Adam Mendenhall	943 Oregon Way
Debra Mendenhall	943 Oregon Way
Betty Dorabi	925 Oregon Way
[illegible]	889 Oregon Way
[illegible]	876 Oregon Way.
[illegible]	790 Oregon Way

City Council July 25, 2022
CU 21-02 Appeal Attachment 6

RECEIVED
JUL 20 2022
COMMUNITY DEVELOPMENT
DEPARTMENT

Citizens of Woodburn Estates would like to express our concerns with the proposed Gas Station/Convenience Store on 214/Oregon Way. We are concerned about the amount of traffic and disruption this will create on Oregon Way. The increased cars and trucks speeding down the street, excessive noise and trash due to 24 hour operation, and the probability of questionable characters hanging around. It will be highly disturbing to our 55+ community. Oregon Way residents and others use this street for walking and golf carts to get to our clubhouse.

Please consider our concerns for our homes and community.

NAME	ADDRESS
Carol Bittandorff	717 N. Cascade Dr. Woodburn
Deana Methey	275 S. Cascade Dr. Woodburn
Betty Yates	784 S. Columbia Dr. Woodburn
Marilyn Dykes	2005 Santiam Dr. Woodburn
Karen Ewing	1910 Sallal Rd. Woodburn
Louise Davidson	643 S. Columbia Woodburn
Diane Mann	13616 ASTOR CT, Woodburn
Mickey Harrison	924 Oregon Way Woodburn,
Paula Kilgore	636 Oregon Way, Woodburn
Sandra Gaylock	2220 Oregon Court, Woodburn
Mary Edinger	2256 Oregon Ct, Woodburn
Jan Stein	2238 Oregon Court, Woodburn, Oregon
Connie Cobb	1760 Vandebeck Rane, Woodburn
Karen Halter	938 OREgon Way Woodburn
Ci Johnson	1363 Princeton Rd., Woodburn
Gaby Johnson	1363 Princeton Rd. Woodburn
Ronald Bartz	797 N CASCADE DR 97071
Donna Burnside	1580 Thompson Rd - Woodburn, or 97071
Margo Abshere	855 N. Cascade OR, Woodburn, OR 97071
Ruth Ozenbaugh	173 McLaughlin Woodburn
Betty Burrows	1099 Princeton Rd. Woodburn, OR

RECEIVED
JUL 20 2022
COMMUNITY DEVELOPMENT
DEPARTMENT

Citizens of Woodburn Estates would like to express our concerns with the proposed Gas Station/Convenience Store on 214/Oregon Way. We are concerned about the amount of traffic and disruption this will create on Oregon Way. The increased cars and trucks speeding down the street, excessive noise and trash due to 24 hour operation, and the probability of questionable characters hanging around. It will be highly disturbing to our 55+ community. Oregon Way residents and others use this street for walking and golf carts to get to our clubhouse.

Please consider our concerns for our homes and community.

NAME	ADDRESS
Sally Carter	740 S. Columbia Dr. Woodburn, OR 97071
Christina Morris	950 Evergreen Rd #106
Terri Smith	1975 Santiam Dr
Sherry Manier	760 Oregon Way
Maggie Dasse	345 S. Cascade
Mike Lambert	1260 Randolph Rd
Malcolm Dodd	1244 Randolph Rd.
Cindy Smith	813 S Columbia Dr

WOODBURN
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Agenda Item

July 25, 2022

TO: Honorable Mayor and City Council (acting in its capacity as the Local Contract Review Board) through City Administrator

FROM: Jesse Cuomo, Community Services Director

SUBJECT: **Legion Park Improvement Project Addition Expenditure Authorization**

RECOMMENDATION:

Authorize staff to expend up to an additional $200,000 on the Legion Park Improvement Project, which was awarded to Hellas Construction on October 25, 2021 in the amount of $4,004,694. With the $300,000 additional expenditure authority approved by the City Council on May 23, 2022, the new authorized expenditure amount totals $4,504,694, which is necessary to cover required change orders and unanticipated contingencies that might arise during the construction process.

BACKGROUND:

The construction contract that was awarded to Hellas Construction includes the following project elements:

Base Bid Items:
Removal of the existing grandstands and the design and construction of an artificial turf soccer field, 847 seat bleachers, concrete sidewalks and pads, electrical work, fencing, storage shed, and soccer goals $2,995,372

Alternates:

1.	2 EA basketball and pickleball courts	$498,147
2.	Lights for basketball and pickleball courts	$130,478
3.	Playground surfacing	$40,890
4.	Bleachers shade structure	$128,049
5.	Anodized finish – bleachers	$13,222
6.	Closed deck system – bleachers	$75,865
7.	Lighting – bleachers	$41,875
8.	Water, power, cat 6 networking cable	$48,692
9.	Lighting – storage shed	$3,440

Agenda Item Review: City Administrator ___x__ City Attorney __x___ Finance __x___

10. Scoreboard	$28,664
Original Total Contract Amount	$4,004,694

The requested $200,000 in additional expenditure authority and the additional $300,000 approved in May will be utilized to approve change orders on the project that bring the total contract amount to a maximum of $4,504,694.

Additionally, through separate contracts, staff will pursue the resurfacing of the existing parking lot, purchasing and installation of park amenities and concession stand rehabilitation. These additional improvements are estimated to cost $500,000, bringing the total project cost up to approximately $5,000,000.

DISCUSSION:

Construction on the Legion Park Improvement Project is well underway with the demolition of the former stadium, grading and stabilization of the site and the installation of field lighting poles, fencing and concrete flatwork.

Per the requirements of Ordinance NO. 2381, Public Contracting Rules, the Local Contract Review Board (City Council) must approve or disapprove contract awards in excess of $75,000 or change orders or amendments to contracts of more than $75,000. Given the significant size and scope of this project, even relatively modest change orders are likely to exceed the maximum amount that staff can authorize without City Council consent.

The City Council's authorization for staff to expend up to an additional $200,000 on project change orders will allow work on the project to proceed without undue delay.

FINANCIAL IMPACT:

The funding for the $200,000 in increased expenditure authorization will be provided by Parks System Development Charges (SDCs). Adopted proposed FY 22/23 budgets include sufficient Parks SDC funding for this increased contract expenditure authorization.

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Agenda Item

July 25, 2022

TO: Honorable Mayor and City Council

FROM: Scott Derickson, City Administrator
McKenzie Granum, Assistant City Attorney

SUBJECT: **Oregon Psilocybin Service Act (Measure 109)**

RECOMMENDATION:

Accept the Report and take no action; or

Alternatively, direct staff to:

(i) Prepare appropriate documentation to put the question of whether to ban Psilocybin service centers, the manufacturing of Psilocybin products, and related activities to the voters of the City of Woodburn;

(ii) Prepare appropriate documentation to establish a two-year temporary ban on Psilocybin service centers, the manufacturing of Psilocybin products, and related activities and place the temporary ban before the voters of the City of Woodburn; or

(iii) Prepare recommendations for Council consideration on reasonable time, place, and manner regulations of psilocybin licensees.

BACKGROUND:

In November 2020, Oregon voters passed Measure 109, which legalized the medical use of psychedelic mushrooms (psilocybin) in service facilities for purposes that include treatment for those 21 years of age and older suffering from certain ailments, including psychological trauma and addiction. The measure does not include or allow for the retail sale of psilocybin.

Statewide, Measure 109 passed by 55.75% (yes) to 44.25% (no). In Marion County, the Measure would have been narrowly rejected with 49.42% (yes) to 50.58% (no).

Since the passage of Measure 109, the Oregon Health Authority ("OHA") has been working to produce administrative rules for the regulation and safe use of psilocybin. The rule writing process is still ongoing, with final rules to be adopted

Agenda Item Review: City Administrator ___x___ City Attorney ___x___ Finance __x___

by the end of the year. OHA will then begin accepting applications for licenses on January 2, 2023.

Generally, OHA will issue and regulate four license types as part of the implementation of Measure 109:

(1) Manufacturer License: permitting the cultivation of fungi and manufacturing of psilocybin products (indoor cultivation/within premises that have defined boundaries);
(2) Laboratory License: Labs accredited by the Oregon Environmental Laboratory Accreditation Program for testing all psilocybin product prior to sale;
(3) Facilitator License: A license for individuals that will complete an OHA approved training program and then supervise sessions where clients consume psilocybin; and
(4) Service Center License: The location where psilocybin products will be given to clients for administration sessions (must have defined boundaries and cannot be located in residentially zoned areas or within 1,000 feet of a school).

OHA Resource Documents regarding Psilocybin Services are included as attachments to this Staff Report. Additional information may also be found on the State's website at: https://www.oregon.gov/oha/PH/PREVENTIONWELLNESS/Pages/Oregon-Psilocybin-Services.aspx

A copy of Measure 109 can be found on the Oregon Secretary of State's webpage: https://sos.oregon.gov/admin/Documents/irr/2020/034text.pdf

DISCUSSION:

As part of the implementation of Measure 109, local governments have some general options or considerations to deliberate upon. Generally, these include whether to seek a local prohibition or temporary moratorium on the establishment of psilocybin-related businesses through referral at a state-wide general election.

This means that should the City Council want to pursue a prohibition or temporary moratorium of psilocybin-related businesses in Woodburn, it would need to adopt an ordinance reflecting that decision and then refer the matter to the electors of Woodburn for the statewide election on November 8, 2022. If a referred measure to prohibit or temporarily restrict psilocybin-related businesses is not passed by the voters, then the City may not otherwise implement its ordinance.

As noted in the Recommendation included above, the Council generally has four choices it could make at this time:

(1) Take No Action. The Oregon Health Authority will continue to establish the rulemaking process and implement the program. Psilocybin Service Centers and other Psilocybin uses would be allowed in the City without any regulations except for state regulations.

(2) Pursue a Psilocybin Ban. Council may direct the City Attorney to prepare documentation to refer to the voters a ban on Psilocybin Service Centers and the manufacture of Psilocybin products in the City.

(3) Pursue a Temporary Moratorium on Psilocybin-Related Businesses. Direct the City Attorney to prepare documentation to refer to the voters a 2-year temporary ban on Psilocybin Service Centers and the manufacture of Psilocybin products in the City.

(4) Time, Place, and Manner Regulations. Direct City staff to prepare appropriate "time, place and manner" regulations for Council's consideration. The concern with this option is that we may not be aware of all final Oregon Health Authority's rules till the end of the year when we would need to adopt the local rules by.

If the Council wants to move ahead on one of the ballot referral options, it must make that decision through adoption of both a limiting Ordinance along with an appropriate Resolution referring the matter to the ballot no later than August 19, 2022.

FINANCIAL IMPACT:

Under ORS 475A.534 local governments cannot impose a tax or fee on the manufacturing and sale of psilocybin products, nor a tax or fee on the provision of psilocybin services. Generally applicable fees (e.g. development fees) that are charged to other types of business are not prohibited.

ATTACHMENTS:
OHA Oregon Psilocybin Services Information Flyer
OHA Local Government Partners Webinar Presentation
OHA Oregon Psilocybin Services Section, 2021 Public Listening Session Q&A

OHA Oregon Psilocybin Services Section, Local Government FAQs
League of Oregon Cities, Model Psilocybin Ordinance & Ballot Measure

Oregon Psilocybin Services

What is psilocybin?

Psilocybin is a naturally occurring psychedelic compound. It is found in over 200 species of fungi (mushrooms). For centuries Indigenous and Tribal communities around the world have used psilocybin for spiritual, ceremonial and other purposes.

Psilocybin services will soon be an option in Oregon. However, psilocybin is still a Schedule I substance under the Federal Controlled Substances Act.

What are the benefits of psilocybin?

Research suggests psilocybin may help address depression, anxiety, trauma and addiction. Studies have also found it can increase spiritual well-being.

To learn more about the research on psilocybin benefits and risks, see the 2021 Oregon Psilocybin Advisory Board Rapid Evidence Review. It is available in English and Spanish.

What are psilocybin services?

In Oregon, "psilocybin services" refers to preparation, administration and integration sessions provided by a licensed facilitator.

The psilocybin products consumed must be cultivated or produced by a licensed psilocybin manufacturer and may only be provided to a client at a licensed psilocybin service center during an administration session.

Psilocybin services will be available to people age 21 or older and will not require a prescription or medical referral. People accessing psilocybin services are called "clients".

The Oregon Psilocybin Services Act

Ballot Measure 109 (M109) is also known as the Oregon Psilocybin Services Act. It was voted into law by Oregonians in November 2020. It is codified in Oregon Revised Statutes in ORS 475A. M109 directs Oregon Health Authority (OHA) to license and regulate psilocybin products and the provision of psilocybin services.

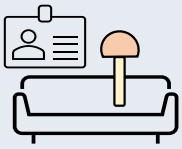
Oregon is the first state in the U.S. to create a regulatory framework for psilocybin services.

The Oregon Psilocybin Services Section

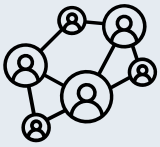
The two-year development period for psilocybin services is from January 1, 2021 to December 31, 2022. During this time Oregon Psilocybin Services (OPS) is working with the Oregon Psilocybin Advisory Board and rulemaking advisory committees (RACs) to make rules for psilocybin products and services. All rules must be in place by December 31, 2022. The section will begin taking license applications on Jan. 2, 2023.

How a client will access psilocybin services

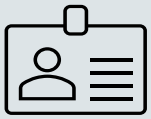
1. Preparation session: The client meets with a licensed facilitator for a preparation session.



2. Administration session: The client consumes the product at the service center and begins their session with a licensed facilitator.



3. Integration session: The client can take part in an optional session to follow up with a licensed facilitator and learn about additional peer support and other resources.

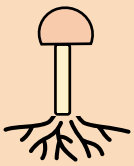


To provide these services, a licensed facilitator must complete:

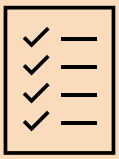
- A training program with curriculum approved by OPS
- An exam administered by OPS, and
- All other license requirements.

How psilocybin products will get to a service center

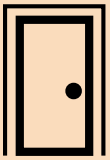
1. Psilocybin products are cultivated, produced and/or processed by a licensed manufacturer. They are tracked in a product tracking system.



2. The products are tested by a licensed testing laboratory. The lab must be accredited by the Oregon Environmental Laboratory Accreditation Program (ORELAP). The test results are entered into the product tracking system.



3. The products are sold or transferred from a licensed manufacturer to a licensed service center. This is tracked in the product tracking system.



Oregon Health Authority
PUBLIC HEALTH DIVISION

Oregon Psilocybin Services
www.oregon.gov/psilocybin
Sign up for updates

You can get this document in other languages, large print, braille or a format you prefer. Contact: Oregon Psilocybin Services at 971-341-1713 or email OHA.Psilocybin@odhsoha.oregon.gov. We accept all relay calls or you can dial 711.

OHA 4226 (06/2022)

Local Government Partners Webinar
Introduction to The Oregon Psilocybin Services Act

Angie Allbee, Section Manager
Jesse Sweet, Policy Analyst
Jennifer Violette, Licensing Program Manager
Gil Garrott, Compliance Program Manager
Oregon Psilocybin Services

June 17, 2022

Oregon Psilocybin Services Section

Oregon Psilocybin Services is a new section housed within the Oregon Health Authority Public Health Division's Center for Health Protection.

The OPS team has been designed around three program areas:

- **Policy and Engagement**
- **Licensing**
  - **Local Government and Law Enforcement Liaison position**
- **Compliance**

Each program will center on health equity, including outreach to partners and communities and working to ensure access to services.

Ballot Measure 109: The Oregon Psilocybin Services Act

In November of 2020, Ballot Measure 109, the Oregon Psilocybin Services Act was passed by voters in Oregon. The ballot measure is now codified as ORS 475A.

M109 created a license and regulatory framework for production of psilocybin and facilitation of psilocybin services for adults 21 years of age and older and created the Oregon Psilocybin Advisory Board that makes recommendations to OHA.

M109 does not:

- Create a consumer market for psilocybin
- Allow for export or import of psilocybin
- Allow licensees to interact with unregulated markets

License Types

Manufacturer License

- Cultivates fungi and manufactures psilocybin products
- Cannot cultivate outdoors
- Premise must have defined boundaries
- Cannot exceed production quantities established in rule
- Product tracking system required to track manufacturing, sale and transfer of psilocybin products to prevent diversion, ensure accurate accounting, ensure accurate reporting of lab testing results

Laboratory License

- All psilocybin products must be tested by a licensed lab prior to sale.
- Labs must be accredited by the Oregon Environmental Laboratory Accreditation Program
- Testing results must be entered in the product tracking system

License Types (cont'd)

Facilitator License

- Supervises sessions where clients consume psilocybin.
- Must complete **OHA approved training program** as a condition of licensure.
- Must pass exam approved or administered by OHA

Service Center License

- Cannot be located within 1000 feet of a school
- Must have defined boundaries
- Transfers psylocibin products to client for use during administration session

Psilocybin Services

Psilocybin will only be administered to persons 21 years or older in licensed service center settings under the supervision of trained and licensed facilitators.

Psilocybin Services may include:

- Preparation Session
- Administration Session
- Integration Session (optional)

Product tracking system required to track manufacturing, sale and transfer of psilocybin products to:

- Prevent diversion
- Ensure accurate accounting
- Ensure accurate reporting of lab testing results

Local Government Issues

Local Government Opt-Out:

- Local governments (cities and counties) may adopt ordinances that prohibit Manufacturers and Service Centers
- Ordinances must be referred to voters at the next general election

Local Government Time Place and Manner Regulations

- Local governments may adopt reasonable regulations on hours, location, and operation of licenses

Land Use Compatibility Statements (LUCS)

- Applicants for Service Center and Manufacturer licenses are required to request a LUCS from their local government before submitting a license application

Site Requirements

Service Centers:

- GIS mapping tool for school proximity
- Cannot be located on public land; must have defined boundaries
- Cannot be located within a residence
- Cannot be located in an area within city limits that is zoned exclusively for residential use

Manufacturers:

- Cannot be located on public land; must have defined boundaries
- Outdoor cultivation is prohibited
- Landlord must consent to use

TPM:

- OPS will not track local time place and manner regulations

License and Application Fees, Taxes

License and Application Fees

- License and application fees will be set in rule later this year
- Oregon Psilocybin Services will be a fee-based program and fees must cover the costs associated with the agency's work

Taxes

- Service Centers collect a 15% tax on the sale of psylocibin products payable to Oregon Department of Revenue
- Local taxes and fees are prohibited
- Psilocybin services are not taxed

OHA Key Dates

- **November 24, 2021:** Preliminary recommendations from OPAB
- **December 2021:** Public Listening Sessions
- **January 1, 2022:** Community Interest Survey
- **May 13, 2022:** Effective Date for Expedited Rules.
- **June 1, 2022:** OHA begins accepting applications for training programs
- **June 30, 2022:** Recommendations for Remaining Rules
- **July 2022:** Public Listening Sessions
- **September 2022:** RAC for Remaining Rules
- **November 1-21, 2022:** Public Comment for Remaining Rules
- **December 30, 2022:** Effective Date for Remaining Rules
- **January 2, 2023:** OHA begins accepting applications for licensure

Thank You!

Please visit our website:

https://www.oregon.gov/psilocybin

Oregon Psilocybin Services Section

2021 Public Listening Sessions

Summary of Questions and Answers

The Oregon Health Authority (OHA) held a series of three virtual public listening sessions in December of 2021. The listening sessions were two hours in length and open to the public. OHA staff compiled questions across the three listening sessions and summarized questions and answers in this document.

The listening sessions were recorded and can be found on our **Public Listening Sessions webpage**. Input from the public listening sessions will continue to inform program development, educational materials, and community engagement in 2022.

Definitions

"RAC" = Rule Advisory Committee, made up of members of the public who participate in discussions about draft rules during the rulemaking process

"May Rules" = The spring rulemaking process will result in the first set of rules being adopted by the end of May

"The Board" = The Oregon Psilocybin Advisory Board

"M109" = Ballot Measure 109, the Oregon Psilocybin Services Act

* For more definitions of terms used in this document, please refer to Section 5 of the Oregon Psilocybin Services Act (M109)

General Questions

Q: When will rules be adopted for Oregon Psilocybin Services?
A: OHA will complete two rulemaking sessions in 2022. The first round of rulemaking in February will focus on training programs and products/testing, with rules likely to be adopted by the end of May 2022. The second round of rulemaking in the fall will focus on the remainder of program rules. The final rules will be adopted by December 31, 2022 in time for OHA to begin receiving applications for licensure on January 2, 2023.

Q: Will one person be able to hold multiple license types?
A: Individuals may hold multiple licenses if they meet the eligibility requirements to apply for licensure and receive approval for licensure. An individual may not hold an interest in more than one manufacturer license or more than five service center licenses.

Q: Have there been conversations about creating equitable opportunities for minority business owners to ensure access within the market as the program is built?
A: Yes, equitable opportunities for minority business owners have been, and continue to be, discussed. OHA is working to better understand ways to address equity issues within the statutory authorities granted by M109 and within administrative rules. Although OHA is unable to prioritize licensees based on race, OHA is exploring social equity considerations for licensees.

Q: Are there any efforts to address conflicts of interest and moderate current committee members' ability to have advanced notice of details before they are made public?
A: All committee members are public officials and are responsible for complying with Oregon Government Ethics Law. All advisory board meetings and subcommittee meetings are accessible to the public. Meeting notes and recordings are also available online at: Oregon Psilocybin Advisory Board.

Q: Is the state planning to allocate any funding to support clinical research to improve the therapy and the use of psychedelic substances as a whole?
A: No. Under M109, the funds received from application and licensure fees must cover the costs of Oregon Psilocybin Services operations. There are no additional funding sources to support additional work at this time.

Q: If rules are counter-productive to a functioning system, how quickly can rule changes be made and what is the process for license holders to submit requests for rule changes?
A: The administrative rule making process requires approximately six months from start to finish for each set of rules being adopted. In the case of an emergency, the agency may choose to use a temporary rule making process that is much quicker. OHA will continually evaluate rules for efficacy.

Products & Testing

Q: What are the land use requirements for manufacturing/production?
A: M109 requires that the property owner give permission for psilocybin production. Other land use requirements may be established by local governments. Applicants will be required to produce a Land Use Compatibility Statement (LUCS) which demonstrates that the proposed use of the property is consistent with local zoning code.

Q: What are the final forms that psilocybin can take, in terms of products?
A: We will adopt administrative rules that specify which product forms will be permitted. These rules will be effective in May 2022.

Q: What will the laboratories be required to test for?
A: This will be addressed in May rules, although additional rulemaking may occur later in 2022.

Q: Will there be security requirements for manufacturers and service centers?
A: Yes. Exact requirements will be established in rule.

Q: Can people grow and use mushrooms for their own personal use?
A: M109 does not allow for personal use. M109 creates a regulatory framework for the production of psilocybin and the provision of psilocybin services.

Service Centers

Q: What are the land use requirements for a service center?
A: M109 requires that a service center be at least 1000 ft. from a school and have defined boundaries. Other land use requirements may be established by local governments. Applicants will be required to produce a Land Use Compatibility Statement (LUCS) which demonstrates that the proposed use of the property is consistent with local zoning code.

Q: What is considered the boundaries of the center?
A: Boundaries and other premises requirements for licensed service centers will be considered during rulemaking later in 2022.

Q: What will the criteria be for the Center? interior design, furniture, music system, lighting, bathrooms, etc.
A: Premises requirements for licensed service centers will be considered during rulemaking later in 2022. Generally, these rules will focus on requirements that affect public health and safety rather than items such as lighting and design.

Q: Can centers have access to the outdoors?
A: The board has recommended that service centers have access to the outdoors. Under M109, licensed service centers must have defined boundaries and cannot be located on public land. Specific requirements for service centers premises will be considered during rulemaking later in 2022.

Q: Will there be different categories of service centers?
A: No.

Q: Can the service centers operate ancillary or peripheral services that could offer additional revenue streams and help with financial viability?
A: These requirements will be considered during rulemaking in 2022.

Administration Session

Q: Will clients need a medical referral to receive psilocybin services in a service center?
A: No. M109 specifically states that a client will not be required to be diagnosed with a medical condition to receive psilocybin services. Clients must be 21 years of age or older to access psilocybin services.

Q: What is the process by which the client gets the medicine for treatment?
A: A client may purchase psilocybin products from a licensed service center for consumption during a facilitated administrative session at that service center. Licensed facilitators will not provide psilocybin products to clients.

Q: How will dosage be recommended? Will clients have a chance to voice their preference for dosage?
A: Rules specifying dosage requirements will be adopted later in 2022. Clients will have an opportunity to discuss all aspects of their administrative session, including dosage, during their preparation session with a licensed facilitator. Maximum doses may be established in rule. Clients and licensed facilitators will work together to determine dosage. These details will be established in rule.

Q: If someone is participating in multiple administration sessions within a small window of time is a separate prep session required for each administration session?
A: Yes. M109 requires a preparation session to precede each administration session.

Q: Could the client choose to participate in multiple prep sessions before the administration session? What about multiple integration sessions after the administration session?
A: Details on the preparation, administration, and integration sessions will be established in rule later this year.

Q: Is the board considering micro-dosing sessions?
A: The term “microdose” is not used in M109. M109 requires OHA to establish the maximum concentration of psilocybin that is permitted in a single serving of a psilocybin

product, and the number of servings that are permitted in a psilocybin product package. Details will be established in rule later this year.

Q: Will there be a standardized screening tool for harm reduction purposes?
A: M109 requires a preparation session for clients with a licensed facilitator. A client intake form is required for this process and will include documentation of risk factors and contraindications, as well as considerations for health and safety. Details will be considered during the rulemaking process.

Q: Will sessions be able to be subsidized for those who cannot afford a session?
A: M109 does not allow OHA to use funds in this manner. Funds from application and licensure fees must cover the costs for Oregon Psilocybin Services. OHA does not have statutory authority to regulate costs of psilocybin services. Private organizations or licensed service centers and facilitators may choose to offer subsidies for lower income clients.

Q: Will groups be allowed? How large?
A: The board has recommended that group sessions be permitted. The exact requirements for group sessions will be detailed in administrative rules to be adopted later in 2022.

Q: How much will services cost?
A: Under M109, OHA cannot control the costs for training or services. The program will set application and license fees in rule and there will be a 15% sales tax on sale of psilocybin products to clients for administration sessions. Licensees and training programs will determine the cost of their services.

Training Programs

Q: What are the general requirements of a facilitator training program?
A: Training program curriculum must be approved by OHA. Application requirements for training program approval will be established in May rules.

Q: What are the requirements of the trainers themselves?
A: The requirements will be specified in May rules.

Q: When can the facilitator training programs start?
A: OHA estimates that staffing and systems will be in place to approve training programs in June of 2022. OHA will not be able to offer retroactive approval for programs operating before that time.

Q: There are already a lot of training programs out there… what is transferrable?
A: The board has recommended that some transfer of credits be allowed. Rules on transfer of credits will be discussed in the May rulemaking.

Q: How does OHA plan to acknowledge traditional and indigenous healers within the training requirements?
A: Experience in traditional healing may be considered as transferrable credits depending on what is established in May Rules.

Q: Will the training for facilitators include significant material on how to deal with mental health issues or issues related to trauma that arise during session?
A: The board has made recommendations on training curriculum, including trauma-informed care, and OHA will be considering these recommendations during May rulemaking.

Q: How much will a training program cost?
A: Under M109, OHA cannot control the costs for training programs or psilocybin services. The program will set application and license fees in rule, and there will be a 15% sales tax on sale of psilocybin products to clients for administration sessions. Licensees and training programs will determine the cost of their services.

Facilitation

Q: Is there somewhere I can find information about qualifications (certification, degree, experience, etc.) for preparing to work as a Psilocybin Services Facilitator?
A: Every facilitator must complete a training program that is approved by OHA as a condition of being licensed. A high school diploma, or its equivalent, will be required without additional degrees or certifications. Additional qualifications will be discussed during May rulemaking.

Q: Does a facilitator have to have a medical license?
A: No.

Q: Will a facilitator be required to have participated themselves in a psilocybin administration session?
A: No.

Q: Will there be standardized safety protocols that facilitators will be required to follow?
A: Yes. Exact requirements will be established in rule.

Q: Are 2 licenses required for a facilitator delivering this service; one for providing psilocybin products and another for the service itself?
A: Psilocybin products are provided to clients by a licensed service center for administration sessions that take place at their location. M109 allows a person to hold both a service center and facilitator license, if that is what the licensee chooses to apply for.

Q: Will the same license apply to both solo and group sessions? Will there be different types of facilitator licenses?
A: The board has recommended that there only be one type of facilitator license. OHA will consider this recommendation before adopting May Rules.

Q: Can the psilocybin services be offered within a ceremonial or religious context?
A: Yes, if psilocybin services take place at a licensed service center and is otherwise compliant with statute and rule requirements.

Q: How will OHA ensure that those who hold traditional knowledge or have experience with natural healing practices are recognized and have equitable access to licensing?
A: The board has made recommendations on training curriculum, including history of Indigenous practices, and OHA will be considering these recommendations during May rule making. Experience with traditional healing may be eligible for credit in a training program.

For more information, please go to: www.oregon.gov/psilocybin

Oregon Psilocybin Services
Local Government - Frequently Asked Questions (FAQ)

When must local governments pass a resolution by to refer the matter to the voters in November?
Oregon Psilocybin Services is responsible for licensing and regulating the production and sale psilocybin products and services. We cannot offer any guidance on election requirements. This question is better suited for local counsel or Secretary of State.

Are you able to provide some insight now as to what future rules will look like? Is there any chance the rules due out by the end of the year might be completed earlier?
As directed by M109, the Oregon Psilocybin Advisory Board (OPAB) will provide their final recommendations on rules by June 30, 2022. OPS will then share the first set of draft rules in early September in time for the Rules Advisory Committee (RAC) meetings. Rules will be further revised based on RAC input, and an updated set of proposed rules will be posted by November 1st, 2022. The public comment period will run from November 1 – November 18, 2022. We are unable to expedite this timeframe.

Can local governments still charge generally applicable development application fees, for the LUCS or other development activities?
Under ORS 475A.534 local governments cannot impose a tax or fee on the manufacturing and sale of psilocybin products, nor a tax or fee on the provision of psilocybin services. Generally applicable fees that are charged to other types of business are not prohibited.

Will the rules address or seek to prevent a customer driving after they've left a facility?
The Oregon Psilocybin Advisory Board (OPAB) and it's five subcommittees have been meeting since spring of 2021, and this is a topic that has been discussed in numerous meetings over the past year. The board has made recommendations on client transportation and safety, and these recommendations will be considered during rule making.

Will the State be relying on local governments to verify the location requirements included under rules during the LUCS review process or will OHA staff review licenses for conformance with the State required siting requirements when they receive the completed LUCS from the applicant?
OPS will verify that applicants satisfy the location requirements contained in ORS 475A. For example, we will ensure that landlords have given consent for manufacturer licenses as required by statute. Local governments will be responsible for verifying that the proposed use is consistent with their zoning code via the LUCS process. Local governments will also be responsible for verifying compliance with local TPM's.

Section 27 permits centers to be within 1000 ft (but not less than 500) with OHA approval of a physical/geographic barrier. Can you give specific examples of such barriers? Can cities prevent centers from being established at such a proximity?
A barrier under this section is something that prevents access – such as a body of water or an interstate highway.

There is a provision for referring a prohibition to the voters. However, is there a specific requirement that local government allow siting of facilities under land use regulations? In other words, if the current land use code would not allow siting, is that not enforceable? Thanks.
Oregon Psilocybin Services is not able to offer guidance on this issue. This question is better suited for local counsel.

What does the preparation session assess? For example, does it look at other psychiatric medications the individual may be using?
We have reached out to Oregon's professional licensing boards to ensure that they are aware of M109 and aware that a number of their licensees are interested in pursuing licensure under M109. This includes the Oregon Medical Board, Oregon State Board of Nursing, Oregon Board of Naturopathic Medicine, Oregon Board of Licensed Professional Counselors and Therapists, Oregon Board of Psychology, Oregon Board of Licensed Social Workers, and others. Many board members and licensed professionals have provided feedback to OHA and have been involved in discussions with the Oregon Psilocybin Advisory Board (OPAB), OPAB subcommittees, Rules Advisory Committees (RACs), Rulemaking Public Hearings, Rulemaking Public Comment Period, and other partner meetings.

Under M109, a facilitator must complete a psilocybin facilitator training program that has been through OHA curriculum approval. Rules related to training program curriculum have already been adopted and include training on preparation sessions, intake process, and client safety. Facilitators will not be required to hold other professional licenses. There have been discussions among OPAB members regarding available research on potential drug interactions and other client and product safety issues. Those discussions will continue to inform the rulemaking process and will be addressed in some manner within the rules based on available research and recommendations by OPAB members.

Once rules are adopted and the program begins, will OHA have dedicated enforcement staff and resources allocated to pursuing violations regarding both production and the service centers?
Yes. We will have a compliance team that will inspect facilities and ensure compliance with statue and rule. The compliance program will investigate any complaints or violations.

Are you aware of any local jurisdictions in Oregon that have proposed or adopted development code amendments in response to Measure 109?
At this time, we do not have a comprehensive understanding of this issue.

Can you give an overview of preemption with this new law?
Oregon Psilocybin Services is not able to offer guidance on this issue. This question is better suited for local counsel.

What does the research/data gathering strategy (both within OHA and in partnership with other learning institutions) look like for the program once its active and how will we be able to access the research? Are you aware of any Oregon-specific research projects in the works in conjunction with this program?
OPAB reviewed available scientific and medical information, as directed by M109, and published a Scientific Literature Review in July 2021 – also translated in Spanish. Research suggests that psilocybin may help reduce depression, anxiety (including end of life anxiety), problematic alcohol and tobacco use, and trauma-related disorders (including PTSD).

Tracking the latest research is a collective effort, and we rely on partners to share new research as it becomes available. OPAB is directed to make recommendations to OHA regarding long-term planning and sustainability, to monitor federal laws, and to consider new research as it becomes available. OPAB is comprised of medical, clinical, academic, research professionals, those with expertise in harm reduction, psychedelic research, public health, mental and behavioral health, equity, and lived experience.

How long would a client be required to stay at the facility before leaving to ensure that they are not publicly intoxicated or driving intoxicated?
These issues have been discussed and will be addressed in rule. We have received recommendations from OPAB and expect rules to address minimum duration, requirements related to transportation, client, and product safety.

What impacts, if any, are you aware of that cultivation and processing might have on adjacent properties. Will there be the potential for odors and other impacts?
The OPAB consists of mycologists who bring expertise to the Oregon Psilocybin Advisory board (OPAB) and subcommittees. At this time, we are unaware of any odor or impacts to adjacent properties. Fungi is not a plant. It grows very differently. Psilocybin-producing mushrooms do not take the same amount of land, water, energy, and resources as plants such as cannabis.

Rules related to psilocybin products have already been adopted. They prohibit the use of manure as a growth medium. The use of solvents is also limited. For example, there will be no butane, and extraction under pressure is also prohibited, so many of the extraction issues present in other industries will likely not be issues here.

M109 specifically requires that we set production limits for manufacturing licenses. These limits will be included in rules adopted later this year. Manufacturing facilities will be sized to the market and as directed by M109.

Has there been discussion of rules limiting hours of operation?
The Oregon Psilocybin Advisory Board (OPAB) has not made any recommendation on this point, so it is still an open point of discussion. Draft rules will come out in early September. We invite people to apply to serve on the RACs – where this will be discussed. Local governments do have the ability to adopt reasonable time, place, and manner (TPM) restrictions.

Section 91(3) appears to give an affirmative right to a service center to lawful growers of the fungi. Service centers don't have much for sideboards in the ballot measure. If a grower asserts a right for, say, a service center consisting of a 3-day retreat with food-service and overnight stays, is that presumed to supersede state and/or local land use prohibitions on retreat centers?

This is a complex question. As we get further into the rulemaking process, we'd be happy to reconvene with local government partners to discuss more details once they are known.

MODEL

League of Oregon Cities

Model Psilocybin Ordinance & Ballot Measure

JUNE 2022

Cities and counties that desire to prohibit the establishment of psilocybin-related businesses may do so by referral at a statewide general election, meaning an election in November of an even-numbered year. Cities and counties should consult the secretary of state's referral manual and work with the city recorder, elections official, or similar official to determine the procedures necessary to refer an ordinance to the voters.

Once the governing body of a city or county adopts an ordinance, its city or county must submit the ordinance to the Oregon Health Authority (OHA). The OHA will then stop registering and licensing the prohibited businesses until the next statewide general election, when the voters will decide whether to approve or reject the ordinance. In other words, the governing body's adoption of an ordinance acts as a moratorium on new psilocybin-related businesses until the election.

In addition, it is important to note that once election officials file the referral with the county election office, the ballot measure is certified to the ballot. At that point, the restrictions on public employees engaging in political activity will apply. Consequently, cities should consult the secretary of state's manual *Restrictions on Political Campaigning by Public Employees* and their city attorney to ensure that public employees are complying with state elections law in their communications about the pending measure. The model ordinances and ballot measures below contain two versions. The first is a permanent ban of psilocybin-related businesses until the ordinance is repealed and the second acts as a two-year moratorium.

This document is not a substitute for legal advice. City and county councils considering prohibiting psilocybin-related activities should not rely solely on this sample. Any city or county council considering any form of regulation of psilocybin should consult with its city or county attorney regarding the advantages, disadvantages, risks and limitations of any given approach.

Legal counsel can also assist a city or county in preparing an ordinance that is consistent with local procedures, existing ordinances and charter, and advise on what process is needed to adopt the ordinance. The sample provided is intended to be a starting point, not an end point, for any jurisdiction considering prohibiting psilocybin-related activities.

PERMANENT BAN

ORDINANCE NO. _____

AN ORDINANCE DECLARING A BAN ON PSILOCYBIN SERVICE CENTERS AND THE MANUFACTURE OF PSILOCYBIN PRODUCTS

WHEREAS, in November 2020, Oregon voters approved Ballot Measure 109, known as the Oregon Psilocybin Service Act (codified at ORS 475A), which allows for the manufacture, delivery and administration of psilocybin at licensed facilities; and

WHEREAS, ORS 475A.235 provides that the Oregon Health Authority will regulate the manufacturing, transportation, delivery, sale and purchase of psilocybin products and the provision of psilocybin services in the state; and

WHEREAS, the Oregon Health Authority has initiated a rulemaking process to implement the state's psilocybin regulatory program and intends to begin accepting applications for psilocybin-related licenses on January 2, 2023; and

WHEREAS, as of June {date}, 2022, the Oregon Health Authority has not completed the rulemaking process for implementing the state's psilocybin regulatory program, and the City of {city} is uncertain how the manufacture, delivery and administration of psilocybin at licensed psilocybin facilities will operate within the city; and

WHEREAS, ORS 475A.718 provides that a city council may adopt an ordinance to be referred to the electors of the city prohibiting the establishment of state licensed psilocybin product manufacturers and/or psilocybin service centers in the area subject to the jurisdiction of the city; and

WHEREAS, the {city} City Council believes that prohibiting psilocybin product manufacturers and psilocybin service centers within the city's jurisdictional boundaries to enable the adoption of the state's psilocybin licensing and regulatory program and to allow the city to adopt reasonable time, place, and manner regulations on the operation of psilocybin facilities is in the best interest of the health, safety and welfare of the people of {city}; and

WHEREAS, the City Council seeks to refer to the voters of {city} the question of whether to establish a ban on state-licensed psilocybin product manufacturers and psilocybin service centers within the city's jurisdictional boundaries.

Now, therefore,

THE CITY OF {CITY} ORDAINS AS FOLLOWS:

Section 1. **Prohibition**.

The establishment of psilocybin product manufacturers licensed under ORS 275A.290 and psilocybin service centers licensed under ORS 475A.305 is prohibited in the City of {city}.

Section 2. Referral.

This ordinance is referred to the electors of the city of {city} for approval at the next statewide general election on November 8, 2022.

Section 3. Effective Date.

This ordinance takes effect and becomes operative 30 days after the day on which it is approved by a majority of voters.

First reading this ____ day of _____, 2022.

Second reading and passage by this Council this ____ day of _____, 2022.

Signed by the Mayor this ____ day of _____, 2022.

ATTEST:

_____
{NAME}, City Recorder

SIGNED:

_____
{NAME}, Mayor

BALLOT TITLE

A caption which reasonably identifies the subject of the measure.

10-word limit under ORS 250.035(1)(a)

Prohibits psilocybin-related businesses within {city}. [Prohibition sunsets after two years.]

QUESTION

A question which plainly phrases the chief purpose of the measure so that an affirmative response to the question corresponds to an affirmative vote on the measure.

20-word limit under ORS 250.035(1)(b)

Shall {city or county} prohibit {psilocybin-related businesses} in {city or county}?

SUMMARY

A concise and impartial statement summarizing the measure and its major effect.

175-word limit under ORS 250.035(1)(c)

State law allows operation manufacturer, distribution and possession of psilocybin and psilocin. State law provides that a {city or county} council may adopt an ordinance to be referred to the voters to prohibit the establishment of any of those registered or licensed activities.

Approval of this measure would prohibit the establishment of {psilocybin project manufacturers} and/or {psilocybin service center operators} within the area {subject to the jurisdiction of the city} or {in the unincorporated area subject to the jurisdiction of the county.}

****

EXPLANATORY STATEMENT

An impartial, simple and understandable statement explaining the measure and its effect for use in the county voters' pamphlet.

500-word limit under ORS 251.345 and OAR 165-022-0040(3)

Approval of this measure would prohibit the establishment {and operation} of psilocybin-related businesses within the {city or county}.

A {city or county} council may adopt an ordinance prohibiting the establishment of psilocybin related businesses within the {city or county}, but the council must refer the ordinance to the voters at a statewide general election. The {CITY or COUNTY} OF {NAME} {city or county} council has adopted an ordinance prohibiting the establishment of psilocybin-related businesses within the {city or county} and, as a result, has referred this measure to the voters.

If approved, this measure would prohibit psilocybin-related businesses within the {city or county}.

TWO-YEAR MORATORIAM

ORDINANCE NO. _____

AN ORDINANCE DECLARING A TEMPORARY BAN ON PSILOCYBIN SERVICE CENTERS AND THE MANUFACTURE OF PSILOCYBIN PRODUCTS

WHEREAS, in November 2020, Oregon voters approved Ballot Measure 109, known as the Oregon Psilocybin Service Act (codified at ORS 475A), which allows for the manufacture, delivery and administration of psilocybin at licensed facilities; and

WHEREAS, ORS 475A.235 provides that the Oregon Health Authority will regulate the manufacturing, transportation, delivery, sale and purchase of psilocybin products and the provision of psilocybin services in the state; and

WHEREAS, the Oregon Health Authority has initiated a rulemaking process to implement the state's psilocybin regulatory program and intends to begin accepting applications for psilocybin-related licenses on January 2, 2023; and

WHEREAS, as of June {date}, 2022, the Oregon Health Authority has not completed the rulemaking process for implementing the state's psilocybin regulatory program, and the City of {city} is uncertain how the manufacture, delivery and administration of psilocybin at licensed psilocybin facilities will operate within the city; and

WHEREAS, ORS 475A.718 provides that a city council may adopt an ordinance to be referred to the electors of the city prohibiting the establishment of state licensed psilocybin product manufacturers and/or psilocybin service centers in the area subject to the jurisdiction of the city; and

WHEREAS, the {city} City Council believes that prohibiting psilocybin product manufacturers and psilocybin service centers within the city's jurisdictional boundaries to enable the adoption of the state's psilocybin licensing and regulatory program and to allow the city to adopt reasonable time, place, and manner regulations on the operation of psilocybin facilities is in the best interest of the health, safety and welfare of the people of {city}; and

WHEREAS, the City Council seeks to refer to the voters of {city} the question of whether to establish a two-year temporary ban on state-licensed psilocybin product manufacturers and psilocybin service centers within the city's jurisdictional boundaries.

Now, therefore,

THE CITY OF {CITY} ORDAINS AS FOLLOWS:

Section 1. **Prohibition**.

The establishment of psilocybin product manufacturers licensed under ORS 275A.290 and psilocybin service centers licensed under ORS 475A.305 is prohibited in the city of {city}.

Section 2. Referral.

This ordinance is referred to the electors of the city of {city} for approval at the next statewide general election on November 8, 2022.

Section 3. Effective Date.

This ordinance takes effect and becomes operative 30 days after the day on which it is approved by a majority of voters.

Section 4. Sunset.

This ordinance is repealed on December 31, 2024.

First reading this ____ day of _____, 2022.

Second reading and passage by this Council this ____ day of _____, 2022.

Signed by the Mayor this ____ day of _____, 2022.

ATTEST:

_____
{NAME}, City Recorder

SIGNED:

_____
{NAME}, Mayor

BALLOT TITLE

A caption which reasonably identifies the subject of the measure.

10-word limit under ORS 250.035(1)(a)

Prohibits psilocybin-related businesses within {city}. [Prohibition sunsets after two years.]

QUESTION

A question which plainly phrases the chief purpose of the measure so that an affirmative response to the question corresponds to an affirmative vote on the measure.

20-word limit under ORS 250.035(1)(b)

Shall {city or county} prohibit {psilocybin-related businesses} in {city or county}?

SUMMARY

A concise and impartial statement summarizing the measure and its major effect.

175-word limit under ORS 250.035(1)(c)

State law allows operation manufacturer, distribution and possession of psilocybin and psilocin. State law provides that a {city or county} council may adopt an ordinance to be referred to the voters to prohibit the establishment of any of those registered or licensed activities.

Approval of this measure would prohibit the establishment of {psilocybin project manufacturers} and/or {psilocybin service center operators} within the area {subject to the jurisdiction of the city} or {in the unincorporated area subject to the jurisdiction of the county.}

****

EXPLANATORY STATEMENT

An impartial, simple and understandable statement explaining the measure and its effect for use in the county voters' pamphlet.

500-word limit under ORS 251.345 and OAR 165-022-0040(3)

Approval of this measure would prohibit the establishment {and operation} of psilocybin-related businesses within the {city or county}.

A {city or county} council may adopt an ordinance prohibiting the establishment of psilocybin related businesses within the {city or county}, but the council must refer the ordinance to the voters at a statewide general election. The {CITY or COUNTY} OF {NAME} {city or county} council has adopted an ordinance prohibiting the establishment of psilocybin-related businesses within the {city or county} and, as a result, has referred this measure to the voters.

If approved, this measure would prohibit psilocybin-related businesses within the {city or county} until December 31, 2024.