# pfm **)** asset management

# **CITY OF WOODBURN**

# Investment Performance Review For the Quarter Ended March 31, 2025

Client Management Team
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PFM Asset Management A division of U.S. Bancorp Asset Management, Inc

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Market Summary

#### Summary

► The first quarter of 2025 was characterized by uncertainty and worsening consumer sentiment due to the volatile rollout of the new administration's policies. Pro-growth fiscal policies proposed on the campaign trail including tax cuts and deregulation have yet to be realized, leaving rapidly changing tariff policy to weigh on growth prospects. Escalating trade tensions from tariffs have increased the probability of a U.S. economic recession in 2025.

▶ Progress towards the Federal Reserve's (Fed) 2% target remains stalled with goods inflation moving higher even before tariff policies were enacted. Fed Chair Powell noted economic data has not yet reflected tariffs and reiterated it will be difficult to directly project the impact of these policies on prices. Tariff concerns among consumers appear to be rising, as expectations for inflation over the next 12 months reached their highest levels since early 2023.

► The labor market remains surprisingly resilient with both initial jobless claims and the unemployment rate at historically low levels. Additionally, monthly job gains continue to keep pace with labor force growth. With quits and hiring rates low, any acceleration in layoffs may result in job seekers remaining unemployed for longer. Federal job cuts and funding freezes could impact the hiring plans of sectors such as healthcare and higher education which rely on government funding. The impact of immigration policy remains unknown.

▶ The Fed left the overnight policy rate range unchanged at 4.25% - 4.50%. While the Fed's updated March "dot plot" continues to suggest 50 basis points (bps) of rate cuts in 2025, Fed Chair Powell indicated there is heightened risk and more uncertainty due to the new administration's policies.

Sentiment has meaningfully deteriorated as consumers expect higher prices and weaker labor market conditions as tariffs weigh on the pace of economic growth. A material deterioration of labor market conditions remains the biggest risk factor to consumer spending. Other headwinds include slower real wage growth and a reduced willingness and ability to spend as prices move higher due to tariffs.

### **Economic Snapshot**

▶ U.S. inflation readings remained 'sticky' during Q1 and did not show meaningful progress towards the Fed's 2% target. Goods inflation, which had been a detractor from inflation, increased at the beginning of the year and will continue to be a headwind given the expected impact of tariffs on goods prices. Core CPI, which excludes the volatile food and energy components, remained above 3% and ended the quarter at 3.1% annualized YoY while headline CPI sits at 2.8%.

▶ U.S. real gross domestic product (GDP) remained strong in Q4, with final estimates showing growth of 2.4%. Personal consumption remained strong and grew at the fastest pace in years. The implementation of expansive tariff policy serves as a headwind moving forward, with many Wall Street firms forecasting lower growth and higher inflation for the balance of the year.

#### **Interest Rates**

► U.S. Treasury yields moved lower in response to deteriorating growth expectations over the near term. While the Fed held rates steady over the quarter, futures markets are pricing in four 25 bps rate cuts for 2025.

► The yield on the 2-, 5-, and 10-year Treasuries ended the quarter at 3.88%, 3.95%, and 4.21%. This represents a decline of 36 bps, 43 bps, and 36 bps, respectively. The 3-month Treasury was relatively unchanged given no rate cuts from the Fed.

► As a result of lower yields, U.S. Treasury indexes generated positive total returns for the quarter. The ICE BofA 2-, 5-, and 10-year U.S. Treasury indexes returned 1.56%, 2.93%, and 4.01% for the quarter, while the shorter-duration ICE BofA 3-month U.S. Treasury index returned 1.02%.

#### **Sector Performance**

Excess returns were mixed across investment grade sectors as wider economic uncertainty opened the door for modest spread widening off recent lows despite strong investor demand.

► Federal agency & supranational spreads remained low and rangebound throughout Q1. Federal agencies produced modestly negative excess returns while supranationals were slightly positive. Issuance remained light and incremental income from the sectors is near zero.

► Investment-grade (IG) corporate bonds inside 10 years produced positive excess returns as much of the spread widening seen during the second half of the quarter was offset by higher incremental income. Excess returns of financial and banking issuers continued to lead most other industries during the quarter.

► Asset-backed securities (ABS) spreads widened modestly from the impact of heavy new issuance and a moderate deterioration of credit fundamentals. ABS spreads widened more than corporate spreads, resulting in worse performance over the quarter, but better relative value going forward. ABS excess returns were generally negative for the quarter, with credit cards outperforming automobile collateral.

► Mortgage-backed securities (MBS) performance was mixed across structure and coupon during Q1 as heightened rate volatility persisted. Shorter, 15-year collateral MBS posted positive excess returns while longer, 30-year collateral MBS were firmly negative during Q1. Agency-backed commercial MBS (CMBS) saw positive excess returns across collateral and coupon structures.

Short-term credit (commercial paper and negotiable bank CDs) yields on the front end fell in response to downward pressure from a paydown in the supply of U.S. Treasury Bills. Yield spreads tightened over the quarter in response to moderated issuance and strong demand.

# **Economic Snapshot**

Labor Market	Lat	est	Dec '24	Mar '24	
Unemployment Rate	Mar-25	4.2%	4.1%	3.9%	Unemployment Rate (left) vs. Change in Non-farm Payrolls (right) Change In Non-Farm Payrolls — Unemployment Rate
Change In Non-Farm Payrolls	Mar-25	228,000	323,000	246,000	5.0% 800K 4.0% 600K
Average Hourly Earnings (YoY)	Mar-25	3.8%	4.0%	4.2%	3.0% 2.0%
Personal Income (YoY)	Feb-25	4.6%	4.9%	5.9%	1.0% 1.0% 0.0%
Initial Jobless Claims (week)	4/5/25	223,000	209,000	223,000	0.0%0 Mar '22 Sep '22 Mar '23 Sep '23 Mar '24 Sep '24 Mar '25
Growth					
Real GDP (QoQ SAAR)	2025Q4	2.4%	3.1 <sup>1</sup> %	3.2%	Real GDP (QoQ)
GDP Personal Consumption (QoQ SAAR)	2025Q4	4.0%	3.7%	3.5%	6% -
Retail Sales (YoY)	Feb-25	3.1%	4.4%	3.6%	
ISM Manufacturing Survey (month)	Mar-25	49.0	49.2	49.8	
Existing Home Sales SAAR (month)	Feb-25	4.26 mil.	4.29 mil.	4.12 mil.	-2% Dec '21 Jun '22 Dec '22 Jun '23 Dec '23 Jun '24 Dec '24
Inflation/Prices					
Personal Consumption Expenditures (YoY)	Feb-25	2.5%	2.6%	2.8%	Consumer Price Index ————————————————————————————————————
Consumer Price Index (YoY)	Mar-25	2.4%	2.9%	3.5%	10% 9% 8% 7%
Consumer Price Index Core (YoY)	Mar-25	2.8%	3.2%	3.8%	7% 6% 5% 4%
Crude Oil Futures (WTI, per barrel)	Mar 31	\$71.48	\$71.72	\$83.17	3% 2% 1% 0%
Gold Futures (oz.)	Mar 31	\$3,123	\$2,641	\$2,217	Mar '22 Sep '22 Mar '23 Sep '23 Mar '24 Sep '24 Mar '25

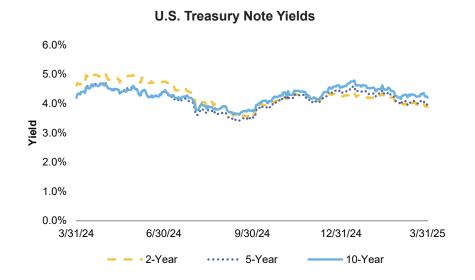
1. Data as of Third Quarter 2024.

2. Data as of Fourth Quarter 2023.

Note: YoY = year-over-year, QoQ = quarter-over-quarter, SAAR = seasonally adjusted annual rate, WTI = West Texas Intermediate crude oil. Source: Bloomberg.

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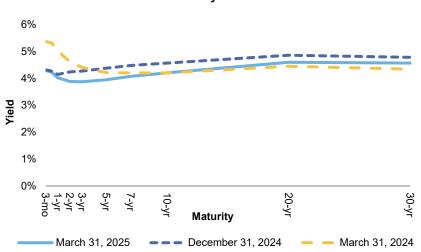
# **Interest Rate Overview**



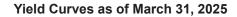
#### U.S. Treasury Yields

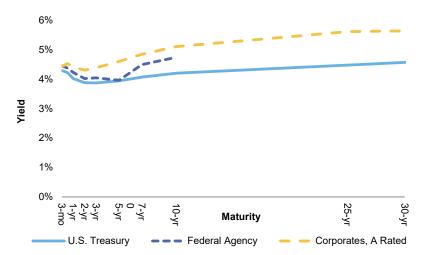
Maturity	Mar '25	Dec '24	Change over Quarter	Mar '24	Change over Year
3-Month	4.30%	4.32%	(0.02%)	5.37%	(1.07%)
1-Year	4.03%	4.15%	(0.12%)	5.03%	(1.00%)
2-Year	3.89%	4.24%	(0.35%)	4.62%	(0.73%)
5-Year	3.95%	4.38%	(0.43%)	4.21%	(0.26%)
10-Year	4.21%	4.57%	(0.36%)	4.20%	0.01%
30-Year	4.57%	4.78%	(0.21%)	4.34%	0.23%

Source: Bloomberg.



**U.S. Treasury Yield Curve** 





# **ICE BofA Index Returns**

	As of 03/31/2025		Returns for P	2025		
March 31, 2025	Duration	Yield	3 Month	1 Year	3 Years	
1-3 Year Indices						
U.S. Treasury	1.82	3.94%	1.59%	5.43%	2.84%	
Federal Agency	1.56	3.97%	1.44%	5.33%	2.95%	
U.S. Corporates, A-AAA rated	1.83	4.49%	1.66%	6.11%	3.65%	
Agency MBS (0 to 3 years)	1.78	4.68%	1.86%	5.75%	3.09%	
Taxable Municipals	1.79	4.28%	1.65%	5.59%	3.24%	
1-5 Year Indices						
U.S. Treasury	2.54	3.93%	2.00%	5.50%	2.49%	
Federal Agency	2.01	3.94%	1.72%	5.41%	2.68%	
U.S. Corporates, A-AAA rated	2.56	4.56%	2.01%	6.30%	2.34%	
Agency MBS (0 to 5 years)	2.83	4.72%	2.54%	6.15%	2.54%	
Taxable Municipals	2.37	4.38%	1.77%	5.47%	2.92%	
Master Indices (Maturities 1	Year or Great	er)				
U.S. Treasury	6.16	4.12%	3.01%	4.51%	(0.26%)	
Federal Agency	3.44	4.07%	2.11%	5.27%	1.95%	
U.S. Corporates, A-AAA rated	6.68	4.97%	2.42%	4.87%	0.96%	
Agency MBS (0 to 30 years)	5.42	5.00%	2.97%	5.47%	0.55%	
Taxable Municipals	8.83	5.21%	2.93%	3.60%	(0.53%)	

Returns for periods greater than one year are annualized.

Source: ICE BofA Indices.

#### Disclosures

The views expressed within this material constitute the perspective and judgment of U.S. Bancorp Asset Management, Inc. at the time of distribution and are subject to change. Any forecast, projection, or prediction of the market, the economy, economic trends, and equity or fixed-income markets are based upon current opinion as of the date of issue and are also subject to change. Opinions and data presented are not necessarily indicative of future events or expected performance. Information contained herein is based on data obtained from recognized statistical services, issuer reports or communications, or other sources, believed to be reliable. No representation is made as to its accuracy or completeness.

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# Portfolio Review: CITY OF WOODBURN

# **Certificate of Compliance**

During the reporting period for the quarter ended March 31, 2025, the account(s) managed by PFM Asset Management ("PFMAM") were in compliance with the applicable investment policy and guidelines as furnished to PFMAM.

Acknowledged : PFM Asset Management, a division of U.S. Bancorp Asset Management, Inc.

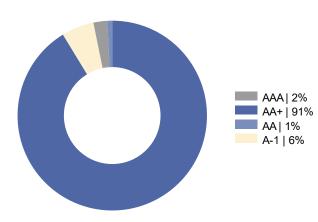
Note: Pre- and post-trade compliance for the account(s) managed by PFM Asset Management is provided via Bloomberg Asset and Investment Management ("AIM").

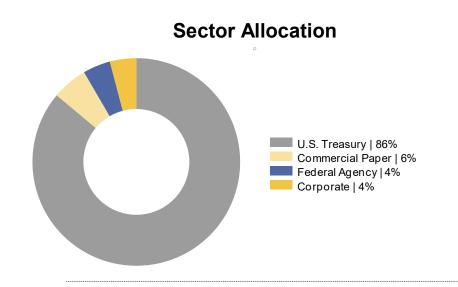
# Portfolio Snapshot - CITY OF WOODBURN<sup>1</sup>

# **Portfolio Statistics**

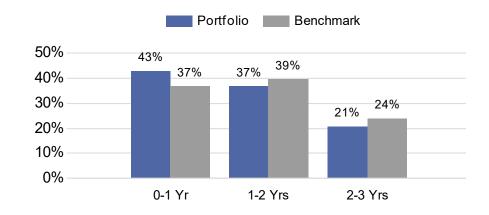
32
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# **Credit Quality - S&P**





# **Duration Distribution**



1. Yield and duration calculations exclude cash and cash equivalents. Sector allocation includes market values and accrued interest. The portfolio's benchmark is the ICE BofA 0-3 Year U.S. Treasury Index. Source: Bloomberg Financial LP. An average of each security's credit rating was assigned a numeric value and adjusted for its relative weighting in the portfolio.

# **Issuer Diversification**

Security Type / Issuer	Market Value (%)	S&P / Moody's / Fitch
U.S. Treasury	86.2%	
United States Treasury	86.2%	AA / Aaa / AA
Federal Agency	4.3%	
Federal Home Loan Banks	4.3%	AA / Aaa / NR
Commercial Paper	5.5%	
Credit Agricole Group	2.2%	A / Aa / AA
Groupe BPCE	1.7%	A / Aa / A
Mitsubishi UFJ Financial Group Inc	1.6%	A / Aa / A
Corporate	4.0%	
Apple Inc	0.8%	AA / Aaa / NR
Johnson & Johnson	1.5%	AAA / Aaa / NR
Microsoft Corp	0.8%	AAA / Aaa / NR
Walmart Inc	0.8%	AA / Aa / AA
Total	100.0%	

Ratings shown are calculated by assigning a numeral value to each security rating, then calculating a weighted average rating for each security type / issuer category using all available security ratings, excluding Not-Rated (NR) ratings. For security type / issuer categories where a rating from the applicable NRSRO is not available, a rating of NR is assigned. Includes accrued interest and excludes balances invested in overnight funds.

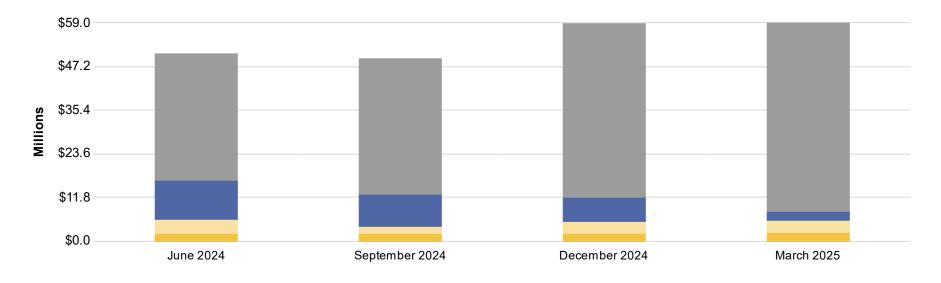
# **Sector Allocation Review**

Security Type	Jun-24	% of Total	Sep-24	% of Total	Dec-24	% of Total	Mar-25	% of Total
U.S. Treasury	\$34.1	67.5%	\$36.7	74.6%	\$47.0	80.0%	\$50.8	86.1%
Federal Agency	\$10.5	20.8%	\$8.6	17.4%	\$6.5	11.1%	\$2.5	4.3%
Commercial Paper	\$4.0	7.8%	\$2.0	4.0%	\$3.2	5.5%	\$3.3	5.5%
Corporate	\$1.9	3.9%	\$2.0	4.0%	\$2.0	3.4%	\$2.4	4.1%
Total	\$50.5	100.0%	\$49.2	100.0%	\$58.7	100.0%	\$59.0	100.0%

U.S. Treasury Federal Agency

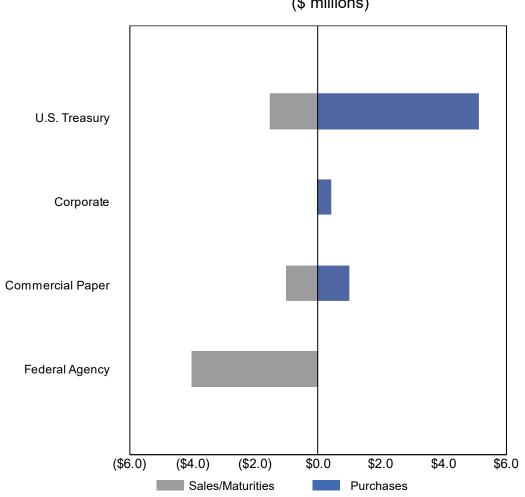
cy Commercial Paper

Corporate



Market values, excluding accrued interest. Only includes fixed-income securities held within the separately managed account(s) and LGIPs managed by PFMAM. Detail may not add to total due to rounding.

# **Portfolio Activity**



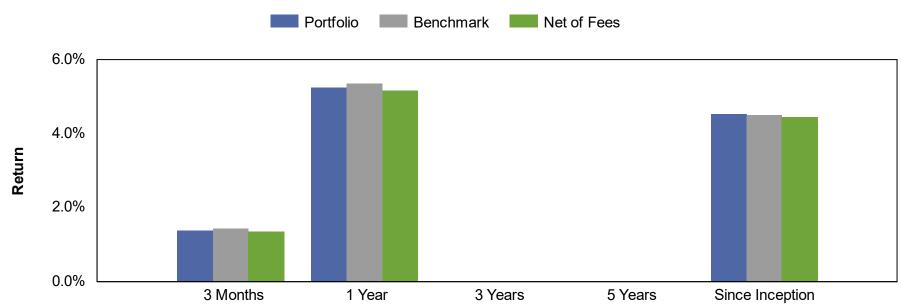
net	ACT	vity	by	Secto
	\$)	mill	ione	e)

Not Activity by Sector

(\$ millions)

Sector	Net Activity
U.S. Treasury	\$3,630,065
Corporate	\$403,656
Commercial Paper	(\$22,080)
Federal Agency	(\$4,000,000)
Total Net Activity	\$11,641

Based on total proceeds (principal and accrued interest) of buys, sells, maturities, and principal paydowns. Detail may not add to total due to rounding.



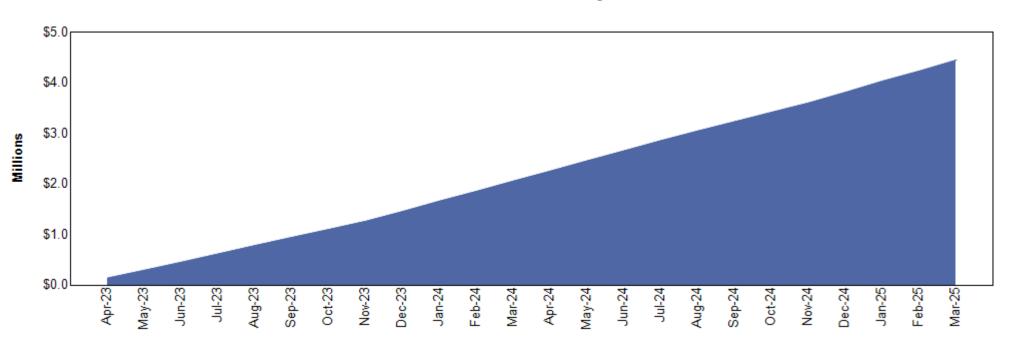
Market Value Basis Earnings	3 Months	1 Year	3 Years	5 Years	Since Inception <sup>1</sup>
Interest Earned <sup>2</sup>	\$565,094	\$2,068,441	-	-	\$3,465,217
Change in Market Value	\$256,330	\$649,744	-	-	\$890,748
Total Dollar Return	\$821,424	\$2,718,185			\$4,355,965
Total Return <sup>3</sup>					
Portfolio	1.39%	5.25%	-	-	4.54%
Benchmark⁴	1.43%	5.34%	-	-	4.50%
Basis Point Fee	0.02%	0.10%	-	-	0.10%
Net of Fee Return	1.37%	5.15%	-	-	4.44%

1. The lesser of 10 years or since inception is shown. Since inception returns for periods one year or less are not shown. Performance inception date is March 31, 2023.

2. Interest earned calculated as the ending accrued interest less beginning accrued interest, plus net interest activity.

3. Returns for periods one year or less are presented on a periodic basis. Returns for periods greater than one year are presented on an annualized basis.

4. The portfolio's benchmark is the ICE BofA 0-3 Year U.S. Treasury Index. Source: Bloomberg Financial LP.



# **Accrual Basis Earnings**

Accrual Basis Earnings	3 Months	1 Year	3 Years	5 Year	Since Inception <sup>1</sup>
Interest Earned <sup>2</sup>	\$565,094	\$2,068,441	-	-	\$3,465,217
Realized Gains / (Losses) <sup>3</sup>	-	\$1,629	-	-	(\$6,438)
Change in Amortized Cost	\$70,991	\$320,820	-	-	\$990,918
Total Earnings	\$636,085	\$2,390,890	-	-	\$4,449,697

1. The lesser of 10 years or since inception is shown. Performance inception date is March 31, 2023.

2. Interest earned calculated as the ending accrued interest less beginning accrued interest, plus net interest activity.

3. Realized gains / (losses) are shown on an amortized cost basis.

# Portfolio Holdings and Transactions

# Managed Account Detail of Securities Held

Security Type/Description Dated Date/Coupon/Maturity	CUSIP	Par	S&P Rating	Moody's Rating	Trade Date	Settle Date	Original Cost	YTM at Cost	Accrued Interest	Amortized Cost	Market Value
U.S. Treasury											
US TREASURY N/B DTD 10/17/2022 4.250% 10/15/2025	91282CFP1	2,000,000.00	AA+	Aaa	3/6/2023	3/7/2023	1,977,890.63	4.70	39,230.77	1,995,429.65	2,000,454.00
US TREASURY N/B DTD 11/15/2022 4.500% 11/15/2025	91282CFW6	2,000,000.00	AA+	Aaa	3/6/2023	3/7/2023	1,991,015.63	4.68	34,060.77	1,997,918.26	2,003,984.00
US TREASURY N/B DTD 11/15/2022 4.500% 11/15/2025	91282CFW6	2,495,000.00	AA+	Aaa	4/30/2024	5/1/2024	2,471,901.76	5.13	42,490.81	2,485,467.16	2,499,970.04
US TREASURY N/B DTD 12/15/2022 4.000% 12/15/2025	91282CGA3	2,900,000.00	AA+	Aaa	12/7/2023	12/11/2023	2,868,621.09	4.57	34,098.90	2,888,985.36	2,897,711.90
US TREASURY N/B DTD 01/17/2023 3.875% 01/15/2026	91282CGE5	1,500,000.00	AA+	Aaa	2/3/2025	2/4/2025	1,495,195.31	4.22	12,203.04	1,495,973.47	1,497,457.50
US TREASURY N/B DTD 01/17/2023 3.875% 01/15/2026	91282CGE5	1,500,000.00	AA+	Aaa	3/6/2023	3/7/2023	1,470,234.38	4.62	12,203.04	1,491,768.17	1,497,457.50
US TREASURY N/B DTD 02/15/2023 4.000% 02/15/2026	91282CGL9	1,500,000.00	AA+	Aaa	3/6/2023	3/7/2023	1,475,039.06	4.61	7,458.56	1,492,576.67	1,498,230.00
US TREASURY N/B DTD 02/15/2023 4.000% 02/15/2026	91282CGL9	2,000,000.00	AA+	Aaa	12/12/2024	12/13/2024	1,994,453.13	4.24	9,944.75	1,995,837.46	1,997,640.00
US TREASURY N/B DTD 04/17/2023 3.750% 04/15/2026	91282CGV7	1,000,000.00	AA+	Aaa	5/10/2023	5/12/2023	1,003,437.50	3.62	17,307.69	1,001,218.72	996,844.00
US TREASURY N/B DTD 04/17/2023 3.750% 04/15/2026	91282CGV7	3,000,000.00	AA+	Aaa	12/6/2024	12/10/2024	2,983,593.75	4.17	51,923.08	2,987,258.69	2,990,532.00
US TREASURY N/B DTD 05/15/2023 3.625% 05/15/2026	91282CHB0	1,000,000.00	AA+	Aaa	6/26/2023	6/29/2023	980,703.13	4.34	13,718.92	992,490.56	995,430.00
US TREASURY N/B DTD 05/15/2023 3.625% 05/15/2026	91282CHB0	2,000,000.00	AA+	Aaa	12/7/2023	12/11/2023	1,964,453.13	4.40	27,437.85	1,983,590.67	1,990,860.00
US TREASURY N/B DTD 09/03/2024 3.750% 08/31/2026	91282CLH2	2,000,000.00	AA+	Aaa	9/13/2024	9/16/2024	2,006,093.75	3.59	6,521.74	2,004,445.47	1,993,360.00
US TREASURY N/B DTD 09/15/2023 4.625% 09/15/2026	91282CHY0	2,500,000.00	AA+	Aaa	10/10/2023	10/11/2023	2,491,113.28	4.76	5,341.37	2,495,439.32	2,522,755.00
US TREASURY N/B DTD 11/15/2023 4.625% 11/15/2026	91282CJK8	2,000,000.00	AA+	Aaa	12/7/2023	12/11/2023	2,016,171.88	4.33	35,006.91	2,009,203.69	2,020,234.00

CITY OF WOODBURN

Security Type/Description Dated Date/Coupon/Maturity	CUSIP	Par	S&P Rating	Moody's Rating	Trade Date	Settle Date	Original Cost	YTM at Cost	Accrued Interest	Amortized Cost	Market Value
U.S. Treasury											
US TREASURY N/B DTD 12/15/2023 4.375% 12/15/2026	91282CJP7	980,000.00	AA+	Aaa	1/5/2024	1/8/2024	985,933.59	4.15	12,603.37	983,535.71	986,584.62
US TREASURY N/B DTD 01/16/2024 4.000% 01/15/2027	91282CJT9	2,050,000.00	AA+	Aaa	2/2/2024	2/5/2024	2,043,113.28	4.12	17,215.47	2,045,715.42	2,051,441.15
US TREASURY N/B DTD 02/15/2024 4.125% 02/15/2027	91282CKA8	1,000,000.00	AA+	Aaa	3/4/2024	3/5/2024	992,812.50	4.39	5,127.76	995,323.17	1,003,242.00
US TREASURY N/B DTD 02/15/2024 4.125% 02/15/2027	91282CKA8	1,000,000.00	AA+	Aaa	12/6/2024	12/10/2024	1,000,585.94	4.09	5,127.76	1,000,507.51	1,003,242.00
US TREASURY N/B DTD 02/15/2024 4.125% 02/15/2027	91282CKA8	600,000.00	AA+	Aaa	2/28/2025	3/3/2025	601,406.25	4.00	3,076.66	601,351.44	601,945.20
US TREASURY N/B DTD 03/15/2024 4.250% 03/15/2027	91282CKE0	2,000,000.00	AA+	Aaa	4/1/2024	4/4/2024	1,985,234.38	4.52	3,926.63	1,989,993.36	2,011,796.00
US TREASURY N/B DTD 05/15/2024 4.500% 05/15/2027	91282CKR1	2,000,000.00	AA+	Aaa	6/11/2024	6/14/2024	1,991,953.13	4.65	34,060.77	1,994,047.98	2,022,890.00
US TREASURY N/B DTD 07/15/2024 4.375% 07/15/2027	91282CKZ3	1,000,000.00	AA+	Aaa	8/30/2024	9/3/2024	1,015,468.75	3.80	9,185.08	1,012,498.43	1,009,805.00
US TREASURY N/B DTD 07/15/2024 4.375% 07/15/2027	91282CKZ3	980,000.00	AA+	Aaa	8/5/2024	8/6/2024	997,839.06	3.71	9,001.38	994,055.13	989,608.90
US TREASURY N/B DTD 09/16/2024 3.375% 09/15/2027	91282CLL3	2,500,000.00	AA+	Aaa	12/6/2024	12/10/2024	2,455,273.44	4.06	3,897.76	2,460,019.47	2,468,750.00
US TREASURY N/B DTD 10/15/2024 3.875% 10/15/2027	91282CLQ2	2,000,000.00	AA+	Aaa	11/19/2024	11/20/2024	1,981,015.63	4.22	35,769.23	1,983,266.97	1,997,812.00
US TREASURY N/B DTD 11/15/2024 4.125% 11/15/2027	91282CLX7	2,200,000.00	AA+	Aaa	12/6/2024	12/10/2024	2,204,125.00	4.06	34,344.61	2,203,716.49	2,211,257.40
US TREASURY N/B DTD 02/18/2025 4.250% 02/15/2028	91282CMN8	2,000,000.00	AA+	Aaa	3/19/2025	3/20/2025	2,011,953.13	4.03	10,566.30	2,011,826.26	2,018,282.00
US TREASURY N/B DTD 02/18/2025 4.250% 02/15/2028	91282CMN8	1,000,000.00	AA+	Aaa	2/28/2025	3/3/2025	1,007,578.13	3.98	5,283.15	1,007,385.22	1,009,141.00
Security Type Sub-Total		50,705,000.00					50,464,209.62	4.32	538,134.13	50,600,845.88	50,788,717.21

CITY OF WOODBURN

Security Type/Description Dated Date/Coupon/Maturity	CUSIP	Par	S&P Rating	Moody's Rating	Trade Date	Settle Date	Original Cost	YTM at Cost	Accrued Interest	Amortized Cost	Market Value
Federal Agency											
FEDERAL HOME LOAN BANK DTD 11/17/2023 4.625% 11/17/2026	3130AXU63	2,500,000.00	AA+	Aaa	11/20/2023	11/24/2023	2,493,725.00	4.72	43,038.19	2,496,469.77	2,524,020.00
Security Type Sub-Total		2,500,000.00					2,493,725.00	4.72	43,038.19	2,496,469.77	2,524,020.00
Corporate											
WALMART INC DTD 09/09/2022 3.900% 09/09/2025	931142EW9	500,000.00	AA	Aa2	3/6/2023	3/8/2023	489,185.00	4.83	1,191.67	498,103.47	499,288.50
MICROSOFT CORP (CALLABLE) DTD 11/03/2015 3.125% 11/03/2025	594918BJ2	500,000.00	AAA	Aaa	3/6/2023	3/8/2023	478,705.00	4.85	6,423.61	495,272.73	496,937.00
APPLE INC (CALLABLE) DTD 02/23/2016 3.250% 02/23/2026	037833BY5	500,000.00	AA+	Aaa	3/6/2023	3/8/2023	478,135.00	4.85	1,715.28	493,389.17	495,635.00
JOHNSON & JOHNSON (CALLABLE) DTD 03/01/2016 2.450% 03/01/2026	478160BY9	500,000.00	AAA	Aaa	6/1/2023	6/5/2023	477,715.00	4.19	1,020.83	492,541.53	492,138.50
JOHNSON & JOHNSON (CALLABLE) DTD 02/20/2025 4.550% 03/01/2028	478160DH4	400,000.00	AAA	Aaa	3/3/2025	3/4/2025	402,948.00	4.28	2,072.78	402,875.96	404,140.80
Security Type Sub-Total		2,400,000.00					2,326,688.00	4.61	12,424.17	2,382,182.86	2,388,139.80
Commercial Paper											
CREDIT AGRICOLE CIB NY DTD 09/17/2024 0.000% 06/13/2025	22533TTD8	1,300,000.00	A-1	P-1	12/9/2024	12/10/2024	1,270,672.36	4.39	0.00	1,288,427.47	1,288,530.10
NATIXIS NY BRANCH DTD 10/21/2024 0.000% 07/18/2025	63873JUJ7	1,000,000.00	A-1	P-1	10/23/2024	10/24/2024	967,144.17	4.43	0.00	986,710.00	987,021.00
MUFG BANK LTD/NY DTD 12/30/2024 0.000% 09/26/2025	62479LWS0	1,000,000.00	A-1	P-1	3/25/2025	3/26/2025	977,920.00	4.32	0.00	978,640.00	978,831.00
Security Type Sub-Total		3,300,000.00					3,215,736.53	4.38	0.00	3,253,777.47	3,254,382.10
Managed Account Sub Total		58,905,000.00					58,500,359.15	4.36	593,596.49	58,733,275.98	58,955,259.11
Securities Sub Total		\$58,905,000.00					\$58,500,359.15	4.36%	\$593,596.49	\$58,733,275.98	\$58,955,259.11
Accrued Interest											\$593,596.49
Total Investments											\$59,548,855.60

# **Quarterly Portfolio Transactions**

Trade Date	Settle Date	Par (\$)	CUSIP	Security Description	Coupon	Maturity Date	Transact Amount (\$)	Yield at Market	Realized G/L (BV)
BUY									
2/3/2025	2/4/2025	1,500,000.00	91282CGE5	US TREASURY N/B	3.87%	1/15/2026	1,498,406.64	4.22%	
2/28/2025	3/3/2025	600,000.00	91282CKA8	US TREASURY N/B	4.12%	2/15/2027	602,500.17	4.00%	
2/28/2025	3/3/2025	1,000,000.00	91282CMN8	US TREASURY N/B	4.25%	2/15/2028	1,009,456.58	3.98%	
3/3/2025	3/4/2025	400,000.00	478160DH4	JOHNSON & JOHNSON (CALLABLE)	4.55%	3/1/2028	403,655.78	4.28%	
3/19/2025	3/20/2025	2,000,000.00	91282CMN8	US TREASURY N/B	4.25%	2/15/2028	2,019,701.75	4.03%	
3/25/2025	3/26/2025	1,000,000.00	62479LWS0	MUFG BANK LTD/NY	0.00%	9/26/2025	977,920.00	4.32%	
Total BUY		6,500,000.00					6,511,640.92		0.00
INTEREST									
1/15/2025	1/15/2025		91282CJT9	US TREASURY N/B	4.00%	1/15/2027	41,000.00		
1/15/2025	1/15/2025		91282CGE5	US TREASURY N/B	3.87%	1/15/2026	29,062.50		
1/15/2025	1/15/2025		91282CKZ3	US TREASURY N/B	4.37%	7/15/2027	43,312.50		
1/31/2025	1/31/2025		91282CGG0	US TREASURY N/B	4.12%	1/31/2025	30,937.50		
2/15/2025	2/15/2025		91282CGL9	US TREASURY N/B	4.00%	2/15/2026	70,000.00		
2/15/2025	2/15/2025		91282CKA8	US TREASURY N/B	4.12%	2/15/2027	41,250.00		
2/23/2025	2/23/2025		037833BY5	APPLE INC (CALLABLE)	3.25%	2/23/2026	8,125.00		
2/28/2025	2/28/2025		91282CLH2	US TREASURY N/B	3.75%	8/31/2026	37,500.00		
2/28/2025	2/28/2025		3130AV7L0	FEDERAL HOME LOAN BANK	5.00%	2/28/2025	50,000.00		

# **Quarterly Portfolio Transactions**

Trade Date	Settle Date	Par (\$)	CUSIP	Security Description	Coupon	Maturity Date	Transact Amount (\$)	Yield at Market	Realized G/L (BV)
INTEREST									
3/1/2025	3/1/2025		478160BY9	JOHNSON & JOHNSON (CALLABLE)	2.45%	3/1/2026	6,125.00		
3/9/2025	3/9/2025		931142EW9	WALMART INC	3.90%	9/9/2025	9,750.00		
3/14/2025	3/14/2025		3130AUZC1	FEDERAL HOME LOAN BANK	4.62%	3/14/2025	46,250.00		
3/15/2025	3/15/2025		91282CLL3	US TREASURY N/B	3.37%	9/15/2027	42,187.50		
3/15/2025	3/15/2025		91282CHY0	US TREASURY N/B	4.62%	9/15/2026	57,812.50		
3/15/2025	3/15/2025		91282CKE0	US TREASURY N/B	4.25%	3/15/2027	42,500.00		
Total INTER	REST	0.00					555,812.50		0.00
MATURITY									
1/31/2025	1/31/2025	1,500,000.00	91282CGG0	US TREASURY N/B	4.12%	1/31/2025	1,500,000.00		
2/28/2025	2/28/2025	2,000,000.00	3130AV7L0	FEDERAL HOME LOAN BANK	5.00%	2/28/2025	2,000,000.00		
3/14/2025	3/14/2025	2,000,000.00	3130AUZC1	FEDERAL HOME LOAN BANK	4.62%	3/14/2025	2,000,000.00		
3/21/2025	3/21/2025	1,000,000.00	62479LQM0	MUFG BANK LTD/NY	0.00%	3/21/2025	1,000,000.00		
Total MATU	IRITY	6,500,000.00					6,500,000.00		0.00

# **Important Disclosures**

This material is for general information purposes only and is not intended to provide specific advice or a specific recommendation, as it was prepared without regard to any specific objectives or financial circumstances.

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It is not possible to invest directly in an index. The index returns shown throughout this material do not represent the results of actual trading of investor assets. Third-party providers maintain the indices shown and calculate the index levels and performance shown or discussed. Index returns do not reflect payment of any sales charges or fees an investor would pay to purchase the securities they represent. The imposition of these fees and charges would cause investment performance to be lower than the performance shown.

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- In accordance with generally accepted accounting principles, information is presented on a trade date basis; forward settling purchases are included in the monthly balances, and forward settling sales are excluded.
- Performance is presented in accordance with the CFA Institute's Global Investment Performance Standards (GIPS). Unless otherwise noted, performance is shown gross of fees. Quarterly returns are presented on an unannualized basis. Returns for periods greater than one year are presented on an annualized basis. Past performance is not indicative of future returns.
- ICE Bank of America Indices provided by Bloomberg Financial Markets.
- Money market fund/cash balances are included in performance and duration computations.
- Standard & Poor's is the source of the credit ratings. Distribution of credit rating is exclusive of money market fund/LGIP holdings.
- Callable securities in the portfolio are included in the maturity distribution analysis to their stated maturity date, although, they may be called prior to maturity.
- MBS maturities are represented by expected average life.

# Glossary

- Accrued Interest: Interest that is due on a bond or other fixed income security since the last interest payment was made.
- Agencies: Federal agency securities and/or Government-sponsored enterprises.
- Amortized Cost: The original cost of the principal of the security is adjusted for the amount of the periodic reduction of any discount or premium from the purchase date until the date of the report. Discount or premium with respect to short-term securities (those with less than one year to maturity at time of issuance) is amortized on a straight line basis. Such discount or premium with respect to longer-term securities is amortized using the constant yield basis.
- Asset-Backed Security: A financial instrument collateralized by an underlying pool of assets usually ones that generate a cash flow from debt, such as loans, leases, credit card balances, and receivables.
- Bankers' Acceptance: A draft or bill or exchange accepted by a bank or trust company. The accepting institution guarantees payment of the bill as well as the insurer.
- Commercial Paper: An unsecured obligation issued by a corporation or bank to finance its short-term credit needs, such as accounts receivable and inventory.
- Contribution to Total Return: The weight of each individual security multiplied by its return, then summed for each sector to determine how much each sector added or subtracted from the overall portfolio performance.
- Effective Duration: A measure of the sensitivity of a security's price to a change in interest rates, stated in years.
- Effective Yield: The total yield an investor receives in relation to the nominal yield or coupon of a bond. Effective yield takes into account the power of compounding on investment returns, while nominal yield does not.
- FDIC: Federal Deposit Insurance Corporation. A federal agency that insures bank deposits to a specified amount.
- Interest Rate: Interest per year divided by principal amount and expressed as a percentage.
- Market Value: The value that would be received or paid for an investment in an orderly transaction between market participants at the measurement date.
- Aturity: The date upon which the principal or stated value of an investment becomes due and payable.
- Negotiable Certificates of Deposit: A CD with a very large denomination, usually \$1 million or more, that can be traded in secondary markets.
- Par Value: The nominal dollar face amount of a security.
- Pass-through Security: A security representing pooled debt obligations that passes income from debtors to its shareholders. The most common type is the mortgage-backed security.

# Glossary

- Repurchase Agreements: A holder of securities sells these securities to an investor with an agreement to repurchase them at a fixed price on a fixed date.
- Settle Date: The date on which the transaction is settled and monies/securities are exchanged. If the settle date of the transaction (i.e., coupon payments and maturity proceeds) occurs on a non-business day, the funds are exchanged on the next business day.
- Supranational: A multinational union or association in which member countries cede authority and sovereignty on at least some internal matters to the group, whose decisions are binding on its members.
- Trade Date: The date on which the transaction occurred; however, the final consummation of the security transaction and payment has not yet taken place.
- Unsettled Trade: A trade which has been executed; however, the final consummation of the security transaction and payment has not yet taken place.
- U.S. Treasury: The department of the U.S. government that issues Treasury securities.
- Yield: The rate of return based on the current market value, the annual interest receipts, maturity value, and the time period remaining until maturity, stated as a percentage on an annualized basis.
- YTM at Cost: The yield to maturity at cost is the expected rate of return based on the original cost, the annual interest receipts, maturity value, and the time period from purchase date to maturity, stated as a percentage on an annualized basis.
- YTM at Market: The yield to maturity at market is the rate of return based on the current market value, the annual interest receipts, maturity value, and the time period remaining until maturity, stated as a percentage on an annualized basis.

# **DATE** COUNCIL CHAMBERS, CITY HALL, CITY OF WOODBURN, COUNTY OF MARION, STATE OF OREGON, APRIL 28, 2025

**<u>CONVENED</u>** The meeting convened at 7:00 p.m. with Mayor Lonergan presiding.

ROLL CALL	
Mayor Lonergan	Present
Councilor Cantu	Present
Councilor Cornwell	Present
Councilor Schaub	Present
Councilor Grijalva	Present
Councilor Wilk	Present

**Staff Present:** City Administrator Derickson, City Attorney Granum, Assistant City Administrator Row, Economic Development Director Johnk, Special Projects Director Wakely, Community Development Director Kerr, Public Works Director Stultz, Police Chief Millican, Community Services Director Cuomo, Assistant City Attorney Killmer, Public Affairs and Communications Manager Guerrero, Finance Director Turley, Community Relations Manager Herrera, Senior Planner Cortes, City Recorder Pierson

#### WARD 1 VACANCY

Mayor Lonergan read a statement from Lilia Brizuela resigning her position as City Councilor in Ward 1. Mayor Lonergan thanked her for her work on the Council.

Mayor Lonergan announced that there is currently a vacancy and that he has compiled a shortlist of potential candidates. He expressed appreciation to Councilor Cantu for her involvement in the process. Mayor Lonergan stated that he intends to present a nominee at the next meeting and will seek the Council's favorable approval to move forward.

#### **ANNOUNCEMENTS**

Mayor Lonergan announced that the Cinco de Mayo celebration, traditionally hosted by Chemeketa, will take place in Woodburn this weekend—Friday, Saturday, and Sunday. He extended an invitation to the residents of Woodburn and surrounding communities to attend and enjoy the festivities celebrating local culture.

Mayor Lonergan also announced that the second regular Council meeting in May falls on Memorial Day and as a result, that meeting will be canceled. The May 12<sup>th</sup> meeting will be the only Council meeting in May.

#### **PRESENTATIONS**

**Liberty House Thank You to the Woodburn Police Department** – Cameron Wolfer, Assistant Chief Executive Officer with Liberty House and the Marion County Child Abuse Multidisciplinary Team Coordinator, and Alison Kelley, CEO of Liberty House, provided a presentation recognizing the strong

partnership between the Woodburn Police Department and Liberty House. They expressed deep gratitude for the department's leadership, collaboration, and dedication to child safety, which played a key role in Liberty House receiving national accreditation earlier this year from the National Children's Alliance. In appreciation, Liberty House presented Police Chief Millican and the Woodburn Police Department members with a framed award to formally thank them for their continued service and partnership in protecting vulnerable children.

**Promotion of Ben Ward** – Mayor Lonergan noted that the promotion of Ben Ward has been moved and will now take place at a June 9, 2025, City Council Meeting.

**Highway 99E Pedestrian Safety Project** (**ODOT**) – Jenna Berman with ODOT provided a presentation on the Woodburn Urban Design Verification Study, which focuses on assessing the need for new crossings and sidewalks to enhance safety along the 99E corridor. She reported that the team has completed a review of the corridor's background and needs and has identified potential improvements. The study is now entering the community feedback phase. Initial recommendations for improvements were presented. Public engagement efforts will include an online survey running from April 29 to May 16, 2025, in-person outreach during the Chemeketa Cinco de Mayo Festival on May 4, 2025, and targeted outreach to local businesses and the transit district.

Darcy Ruef and Mark Bigej, 1220 N. Pacific Highway, expressed concerns regarding the proposed placement of crosswalks on Highway 99E, noting that the installation may negatively impact their business by interfering with vehicle access for both cars and trucks entering and exiting the property.

**Farmworker Housing Development Corporation (FHDC)** – Carmen Fernandez, FHDC Housing Development Manager, and Jorge Alvarado, Programs and Asset Building Manager, provided a brief overview of FHDC, including its origins, a summary of its mission and services, a list of current properties under management, and the supportive services offered to residents. Carmen Fernandez discussed the Young Street project and noted that the site is considered ready for development with existing infrastructure, and they aim to apply for OHCS funding, though details are still being finalized. Current plans for a 94-unit complex will be revised to meet OHCS standards, including adjustments to unit sizes and a likely reduction of studio units, which are difficult to rent at lower income levels. She added that FHDC specializes in two- and three-bedroom family units and is also considering including transitional housing, similar to their Salem project for domestic violence survivors. She added that she anticipates that the Young Street project will take approximately two to two and a half years from funding application.

City Administrator Derickson clarified that, by consensus, the City Council supports moving forward with signing an agreement the City Attorney will prepare that formalizes site control and outlines the City's role in the project and that the full project proposal will be brought back to the Council for formal approval before any further action is taken.

#### **CONSENT AGENDA**

- A. Woodburn City Council minutes of April 14, 2025,
- B. Acceptance of a Public Utility Easement at 1776 Newberg Highway (Tax Lot 051W07CB08300),
- C. Monthly Financial Report.

Motion: Schaub/Cantu... approve the consent agenda as presented.

The Motion passed with the following vote: Councilors Schaub, Cornwell, Wilk, Grijalva, and Cantu voting "aye." [5-0]

#### PUBLIC HEARINGS

# Community Development Block Grant COVID-19 funding closeout for Emergency Housing Assistance program

Mayor Lonergan declared the hearing open at 8:17 p.m. for the purpose of hearing public input on the Community Development Block Grant COVID-19 funding closeout for Emergency Housing Assistance program. Special Projects Director Wakely provided a staff report. Community Relations Manager Herrera and Community Services Director Cuomo provided information on how the funds were used. Director Wakely added that the City received a clear monitoring report from Business Oregon. Mayor Lonergan asked if any member of the public wished to speak in support of the Community Development Block Grant COVID-19 funding closeout for Emergency Housing Assistance program. No members of the public wished to speak in support. Mayor Lonergan asked if any member of the Community Development Block Grant COVID-19 funding closeout for Emergency Housing Assistance program. No members of the public wished to speak in support. Mayor Lonergan asked if any member of the Community Development Block Grant COVID-19 funding closeout for Emergency Housing Assistance program. No members of the public wished to speak in support. Mayor Lonergan asked if any member of the public wished to speak in opposition to the Community Development Block Grant COVID-19 funding closeout for Emergency Housing Assistance program. No members of the public wished to speak in opposition to the Community Development Block Grant COVID-19 funding closeout for Emergency Housing Assistance program. No members of the public wished to speak in opposition to the Community Development Block Grant COVID-19 funding closeout for Emergency Housing Assistance program. No members of the public wished to speak in opposition to the Community Development Block Grant COVID-19 funding closeout for Emergency Housing Assistance program. No members of the public wished to speak in opposition. Mayor Lonergan closed the hearing at 8:25 p.m.

# Annexation of Approximately 32.2 Acres of Territory Known as the Schwenke/Vezey Property with no street address along the east side of S. Boones Ferry Rd south of Iris Street (ANX 24-02) and Approval of Related Land Use Applications for the Mill Creek II Subdivision

Mayor Lonergan declared the hearing open at 8:25 p.m. for the purpose of hearing public input on the annexation of approximately 32.2 acres of territory known as the Schwenke/Vezey Property with no street address along the east side of S. Boones Ferry Rd south of Iris Street (ANX 24-02) and approval of related land use applications for the Mill Creek II Subdivision. Mayor Lonergan asked if there were any declarations from the Council and there were none. City Recorder Pierson read the public hearing statement. Senior Planner Cortes provided a staff report. For the applicant Hayden Wooten, Senior Land Use Planner with Emerio Design thanked staff for the report and that he was available for any questions. Harlan Borow with Icon Construction and Development provided an exhibit to City Council and explained his concerns with the median. There was discussion on where the median would be located and whether it would be continuous. Mayor Lonergan asked if any member of the public wished to speak in support of the annexation of approximately 32.2 acres of territory known as the Schwenke/Vezey Property with no street address along the east side of S. Boones Ferry Rd south of Iris Street (ANX 24-02) and approval of related land use applications for the Mill Creek II Subdivision. No members of the public wished to speak in support. Mayor Lonergan asked if any member of the public wished to speak in opposition to the annexation of approximately 32.2 acres of territory known as the Schwenke/Vezey Property with no street address along the east side of S. Boones Ferry Rd south of Iris Street (ANX 24-02) and approval of related land use applications for the Mill Creek II Subdivision. No members of the public wished to speak in opposition. Mayor Lonergan closed the hearing at 8:47 p.m.

**Motion: Schaub/Wilk**... tentatively approve the land use applications with the conditions that the Planning Commission recommended, directing staff to prepare and submit ordinances and a final land use decision for consideration at the next City Council meeting.

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On roll call vote the Motion passed with the following vote: Councilors Schaub, Cornwell, Wilk, Grijalva, and Cantu voting "aye." [5-0]

### CALL-UP BRIEFING: PUBLIC ARTS AND MURAL COMMITTEE APPROVAL OF THE BISON ANTIQUUS ART PROJECT (PAMC 2025-01)

The Council declined to call this item up.

#### **CITY ADMINISTRATOR'S REPORT**

The City Administrator reported the following:

- Thanked City Council and the Budget Committee members for attending the budget meeting on Saturday.
- Woodburn Clean-up took place on Saturday and there were 110 volunteers.
- Today marked the first round of interviews for our police chief candidates. We aim to complete the review and interview process within the next two weeks or so.

#### MAYOR AND COUNCIL REPORTS

Councilor Wilk stated that City staff are a pleasure to work with.

Councilor Cantu stated that the budget meeting went well and thanked staff for a job well done on the budget.

Councilor Grijalva stated that she appreciates all the learning that is taking place for her over the last few months.

Councilor Schaub commended staff for their excellent work on the budget. She also provided an update on a recent meeting she and Councilor Wilk had with the City's lobbyist. Additionally, she spoke with the lobbyist earlier today regarding the legislative forecast as it relates to the ongoing budget process. One item of note discussed was Senate Bill 916, which proposes providing unemployment benefits to union strikers.

City Administrator Derickson stated that he also spoke with Zach Reeves about one particular bill that dealt with land use carve outs for UGB that supports housing and he will update the legislative committee on that.

Councilor Cornwell asked Community Development Kerr how many more housing units we are going to build.

Community Development Director Kerr answered that we are going to keep seeing construction of units but we are filling up in terms of residential land.

Councilor Cornwell stated that on May 13th at 6:00 p.m. Operation Lifesaver organization will be

providing a workshop on railroad safety.

Mayor Lonergan stated that the City received notice that our UGB was accepted.

#### **ADJOURNMENT**

Motion: Schaub/Cornwell... move to adjourn.

The Motion passed with the following vote: Councilors Schaub, Cornwell, Wilk, Grijalva, and Cantu voting "aye." [5-0]

Mayor Lonergan adjourned the meeting at 9:05 p.m.

APPROVED \_

FRANK LONERGAN, MAYOR

ATTEST

Heather Pierson, City Recorder City of Woodburn, Oregon



Azenda Item

May 12, 2025

- TO: Honorable Mayor and City Council through City Administrator
- THRU: Jason Millican, Chief of Police
- FROM: Keith Kimberlin, Lieutenant

SUBJECT: Liquor License Application for El Pariente Mariscos y Mas LLC.

#### **RECOMMENDATION:**

Recommend that the OLCC approve the Liquor License Application for El Pariente Mariscos y Mas LLC.

### BACKGROUND:

Applicant: El Pariente Mariscos y Mas LLC 154 Harrison Street Woodburn, OR 97071 503-756-6635

## Point of

Contact: Jose Molina 20170 SW Mountain Home Road Sherwood, OR 97140 503-756-6635

Business: El Pariente Mariscos y Mas 154 Harrison Street Woodburn, OR 97071 503-756-6635

Owner(s): Jose Molina

### License Type(s):

Limited On Premises- May sell and serve by the drink, at retail to consumers for consumption on licensed premises: malt beverages (beer), wine, and cider.

On April 15, 2025, the Woodburn Police Department received an application for Limited On-Premises liquor license for El Pariente Mariscos y Mas. The business will be opening as a new outlet, and is a restaurant style business food cart, with outdoor seating for 24.

The hours of operation are 11am to 8pm Sunday to Saturday. There is no entertainment listed for the location. The Woodburn Police Department has not received any communication from the public or surrounding businesses in support of or against the proposed change.

#### DISCUSSION:

The Police Department has completed a background investigation on El Pariente Mariscos Y Mas, and the listed owner, Jose Molina. Their information was run through various police databases and business-related databases. Jose Molina holds a valid Oregon driver's license with a previous conviction in 2013 for DUII that went to diversion. No other items of concern were located during the check. The application is for a new restaurant style business food cart.

#### FINANCIAL IMPACT:

None



Azenda Item

May 12, 2025

- TO: Honorable Mayor and City Council through City Administrator
- THRU: Jason Millican, Chief of Police
- FROM: Keith Kimberlin, Lieutenant
- SUBJECT: Liquor License Application for Los Del Puerto Marisqueria LLC.

#### **RECOMMENDATION:**

Recommend that the OLCC approve the Liquor License Application for Los Del Puerto Marisqueria LLC.

### BACKGROUND:

Applicant: Los Del Puerto Marisqueria LLC 405 N. Front Street Suite 111 Woodburn, OR 97071 503-995-8701

## Point of

- Contact: Irma Lilia Nocedal Vasquez 15334 Woodburn Monitor Road Woodburn, OR 97071 503-995-8701
- Business: Los Del Puerto Marisqueria 405 N. Front Street Suite 111 Woodburn, OR 97071 503-995-8701
- Owner(s): Irma Lilia Nocedal Vasquez

### License Type(s):

Limited On Premises- May sell and serve by the drink, at retail to consumers for consumption on licensed premises: malt beverages (beer), wine, and cider.

On April 15, 2025, the Woodburn Police Department received an application for Limited On-Premises liquor license for Los Del Puerto Marisqueria. The business will be opening as a new outlet and is a restaurant-style business with seating for 15 and a common area with other businesses.

The hours of operation are 9am to 9pm Sunday, 9am to midnight Monday to Thursday, and 9am to 2am Friday and Saturday. There is no entertainment listed for the location. The Woodburn Police Department has not received any communication from the public or surrounding businesses in support of or against the proposed change.

#### DISCUSSION:

The Police Department has completed a background investigation on Los Del Puerto Marisqueria, and the listed owner, Irma Lilia Nocedal Vasquez. Their information was run through various police databases and business-related databases. Nocedal Vasquez holds a valid Oregon driver's license and no other items of concern were located during the check. The application is for a new business. Nocedal Vasquez also stated that she is the owner of Tienda Mexicana Monte Alban at 311 N. Front Street Suite B in Woodburn, OR.

#### FINANCIAL IMPACT:

None

# **CITY OF WOODBURN** Community Development Department

# **MEMORANDUM**

270 Montgomery Street Woodburn, Oregon 97071

(503) 982-5246

**Date:** May 1, 2025

To: Chris Kerr, Community Development Director

From: Melissa Gitt, Building Official

#### Subject: Building Activity for April 2025

		2023		2024	2025		
	No.	Dollar Amount	No.	Dollar Amount	No.	Dollar Amount	
Single-Family Residential	4	\$1,159,515	7	\$2,316,615	10	\$3,012,034	
Multi-Family Residential	0	\$0	0	\$0	0	\$0	
Assisted Living Facilities	0	\$0	0	\$0	0	\$0	
Residential Adds & Alts	12	\$100,141	14	\$193,712	9	\$154,304	
Industrial	0	\$0	0	\$0	0	\$0	
Commercial	4	\$2,280,000	26	\$4,317,102	7	\$380,578	
Signs and Fences	1	\$18,303	1	\$8,061	0	\$0	
Manufactured Homes	0	\$0	0	\$0	0	\$0	
TOTALS	21	\$3,557,959	48	\$6,835,490	26	\$3,546,916	
Fiscal Year to Date (July 1 – June 30)		\$86,264,006		\$99,186,902		\$160,268,972	

\*Totals Reflect Permit Valuation



Agenda Item

May 12, 2025

### TO: Honorable Mayor and City Council through City Administrator

FROM: Curtis Stultz, Public Works Director

### SUBJECT: Acceptance of a Public Utility Easement and Right of Way at 1140 N Pacific Highway (Tax Lots 051W08DC00700 & 401)

#### **<u>RECOMMENDATION</u>**:

Authorize the acceptance of a Public Utility Easement (PUE) and right of way from the SPF Drop LLC, for real property at 1140 N Pacific Highway, and identified as Tax Lots 051W08DC00700 &401.

#### BACKGROUND:

Per the conditions of the Planning Commission's Final Decision for the Les Schwab Tire Center Modernization Project, dated January 23, 2025, the developer is required to grant a streetside PUE and right of way to the City.

#### DISCUSSION:

The easement and right of way under consideration are summarized in the table below:

DEDICATED USE	LOCATION	SIZE
Public Utility Easement	1140 N Pacific Hwy (99E) & Hardcastle	3,868 sq. ft.
	Ave Frontage	
Right of Way	Hardcastle Ave Frontage	2,044 sq. ft.

The Woodburn Development Ordinance (WDO) section 3.02.01B requires a minimum five-foot wide PUE along each lot line abutting a public street. PUE's are reserved for the construction, reconstruction, operation, and maintenance of public utilities on private property.

#### FINANCIAL IMPACT:

There is no cost to the City for this easement.

After Recording Return to: City Recorder City of Woodburn 270 Montgomery Street Woodburn, Oregon 97071

Send Tax Statements to: City Recorder City of Woodburn 270 Montgomery Street Woodburn, Oregon 97071

#### DEDICATION DEED (RIGHT OF WAY)

SFP Drop, LLC

a Delaware limited liability company , Grantor, does hereby grant to the CITY OF WOODBURN, a municipal corporation of the State of Oregon, Grantee, the following real property situated in the County of Marion, State of Oregon, to be used and held by the City of Woodburn for public street, road, right-of-way, and utility purposes, bounded and described as follows:

See attached EXHIBIT A Legal Description; and

See attached EXHIBIT B Drawing for Legal Description.

The true consideration for this conveyance is: \$ 0.00 (zero) , the receipt and

sufficiency of which is hereby acknowledged by GRANTOR

GRANTOR hereby covenants to GRANTEE that GRANTOR is the fee title owner of the above described real property, free from all encumbrances, that GRANTOR has the right to convey the property to GRANTEE, and that GRANTOR and their heirs and personal representatives shall warrant and forever defend the title to the property against all lawful claims and demands whatsoever.

Dated this 2	8 day of	April	2025	

GRANTOR

SFP Drop, LLC

By: <u>Dietrich Haar</u> Title: <u>Vice President</u>

City of Woodburn - DEED OF DEDICATION

Page 1 of 2

State of Oregon )	
) ss. ) ss. )	
This instrument was acknowledged before	(day) (month) (year)
by Dietrich Haar , as	Vice President
of (Signer's Name) (Name of Entity of whose behalf record is executed; write	(Title; write N/A if not applicable) e N/A if not applicable)
OFFICIAL STAMP REBEKAH SCHNEIDER NOTARY PUBLIC-OREGON COMMISSION NO. 1026972 MY COMMISSION EXPIRES AUGUST 4, 2026	Notary Public for Oregon My Commission Expires 08/04/2026

#### **GRANTEE'S ACCEPTANCE**

By Signature below, the City of Woodburn, Oregon, hereby accepts this dedication pursuant to ORS 92.014.

By:\_\_\_\_\_\_ Title: \_\_\_\_\_\_

State of Oregon)) ss.County of Marion

This instrument was acknowledged before me on \_\_\_\_\_\_, \_\_\_\_, by Scott Derickson, City Administrator of the City of Woodburn, acting under authority granted to him by the Woodburn City Council.

Notary Public for Oregon My Commission Expires \_\_\_\_\_

#### **EXHIBIT "A"**

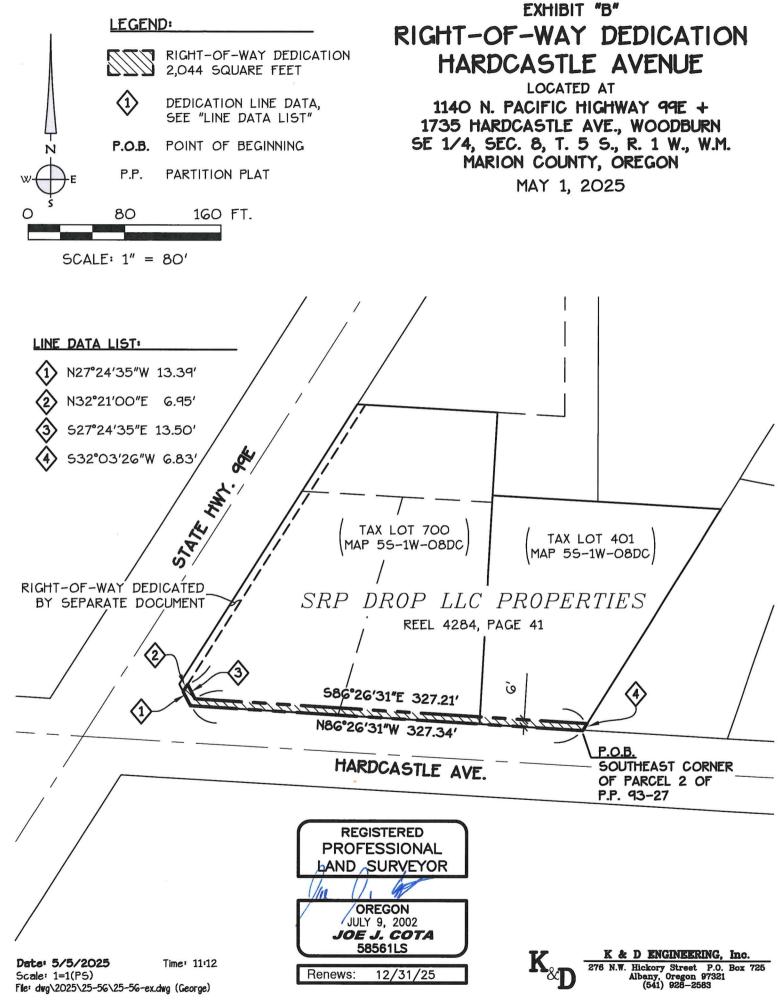
Legal Description Right-of-Way Dedication Portions of tax lots 401 & 700 of Marion County, OR Assessor Map 15-1W-08DC

A 6.00 foot wide strip of land located over the Tracts and parcels conveyed to SFP Drop, LLC, a Delaware limited liability company, by Statutory Warranty Deed recorded in Reel 4284, Page 41 in the Marion County, Oregon Deed Records on December 31, 2019 (hereinafter referred to as the "SRP Drop LLC Properties") said strip of land being more particularly described as follows:

Beginning at the southeast corner of Parcel 2 of Partition Plat Number 93-27. a partition plat recorded in the Marion County, Oregon Record Book of Partition plats on April 12, 1993; thence along the boundary lines of said SRP Drop LLC Properties the following two (2) courses: 1) North 86°26'31" West 327.34 feet; 2) thence North 27°24'35" West 13.39 feet; thence North 32°21'00" East 6.95 feet; thence South 27°24'35" East 13.50 feet; thence South 86°26'31" East 327.21 feet to a point on the east line of said Parcel 2; thence South 32°03'26" West 6.83 feet to the Point of Beginning.

Containing 2,044 square feet of land, more or less.

2	
REGISTERED PROFESSIONAL LAND SURVEYOR	And the second s
as little	
OREGON JULY 9, 2002 JOE J. COTA 58561	Name of Concession, Name o
RENEWS: 12-31-2025	



AFTER RECORDING RETURN TO:

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

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

SFP Drop, LLC, a Delaware limitied liability company *GRANTOR*, grants to the CITY OF WOODBURN, OREGON, hereinafter called *CITY*, a permanent easement and right-of-way, including the permanent right to construct, reconstruct, operate, and maintain <u>Public Utilities</u> on the following described land:

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

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

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

The true consideration of this conveyance is <u>zero dollars</u> (<u>\$ 0.00</u>), and other valuable consideration, the receipt of which is acknowledged by *GRANTOR*.

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

DATED thisday of	May	BY: Dietrich Haar	
		Vice President	

Public Utility Easements (Permanent) Page 1 of 4

#### CORPORATE ACKNOWLEDGEMENT

#### STATE OF OREGON, County of DESCHUTES) ss.

 The foregoing instrument was acknowledged before me this
 2025
 day of

 May
 2025
 by
 Dietrich Haar
 ,

 as
 Vice President
 of

SFP Drop, LLC, a Delaware limitied liability company -a-corporation and the foregoing instrument was signed and sealed on behalf of said corporation by authority of its Board of Directors; and each of them acknowledged said instrument to be its voluntary act and deed.



NOTARY PUBLIC FOR OREGON My Commission Expires: 08/04/2026

City of Woodburn 270 Montgomery Street Woodburn, OR 97071

(Grantee's Name and Address)

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

City Recorder:

Heather Pierson

Public Utility Easements (Permanent) Page 2 of 4

#### EXHIBIT "A"

Legal Description Public Utility Easement

Portions of tax lots 401 & 700 of Marion County, OR Assessor Map 15-1W-08DC

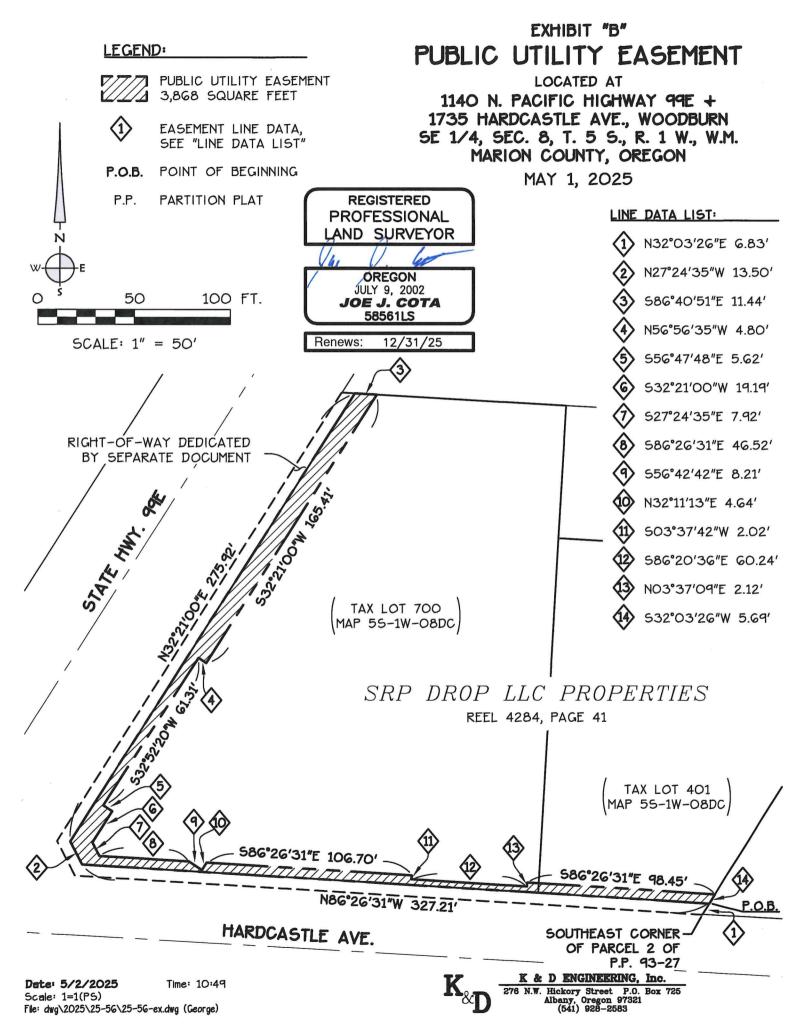
A variable width strip of land located over the Tracts and Parcels conveyed to SFP Drop, LLC, a Delaware limited liability company, by Statutory Warranty Deed recorded in Reel 4284, Page 41 in the Marion County, Oregon Deed Records on December 31, 2019 (hereinafter referred to as the "SRP Drop LLC Properties") said strip of land being more particularly described as follows:

Beginning at a point on the east line of Parcel 2 of Partition Plat Number 93-27. a partition plat recorded in the Marion County, Oregon Record Book of Partition plats on April 12, 1993 said point being thence North 32°03'26" East 6.83 feet of the southeast corner of said Parcel 2; thence parallel to the boundary lines of said SRP Drop LLC Properties the following three (3) courses: 1) North 86°26'31" West 327.21 feet; 2) thence North 27°24'35" West 13.50 feet; 3) North 32°21'00" East 275.92 feet to a point on the north line of said SRP Drop LLC Properties; thence South 86°40'51" East, along said north line, 11.44 feet; thence South 32°21'00" West 165.41 feet; thence North 56°56'35" West 4.80 feet; thence South 32°52'20" West 91.10 feet; thence South 56°47'48" East 5.62 feet; thence South 32°21'00" West 19.19 feet; thence South 27°24'35" East 7.92 feet; thence South 86°26'31" East 46.52 feet; thence South 56°42'42" East 8.21 feet; thence North 32°11'13" East 4.64 feet; thence South 86°26'31" East 106.70 feet; thence South 03°37'42" West 2.02 feet; thence South 86°20'36" East 60.24 feet; thence north 03°37'09" East 2.12 feet; thence South 86°26'31" East 98.45 feet to a point on the east line of said parcel 2; thence South 32°03'26" West 5.69 feet to the Point of Beginning. REGISTERED

Containing 3,868 square feet of land, more or less.



276 N.W. Hickory Street • P.O. Box 725 • Albany, OR 97321 • (541) 928-2583 • Fax: (541) 967-3458





Agenda Item

May 12, 2025

# TO: Honorable Mayor and City Council through City Administrator

- FROM: Chris Kerr, Community Development Director
- SUBJECT: Ordinances enabling annexation of approximately 32.2 Acres of territory known as the Schwenke/Vezey Property with no street address along the east side of S. Boones Ferry Rd south of Iris Street (ANX 24-02); rezone of the newly annexed territory as Residential Single Family (RS); and approval of Final Order for the "Mill Creek II" subdivision.

# RECOMMENDATION:

Adopt the attached ordinances and authorize the mayor to sign the final decision document.

#### BACKGROUND:

On April 28, 2025, the City Council voted to tentatively approve the annexation and associated applications for the "Mill Creek II" subdivision and directed staff to prepare Ordinances and a Final Order for their consideration at the next available meeting. Consistent with the Council direction, the Final Order includes all the Conditions of Approval recommended by City Staff.

# Attachments:

- 1. Ordinance to annex
  - A. Exhibit A: Legal Descriptions & Maps
  - B. Exhibit B: Analyses & Findings
- 2. Ordinance to designate City zoning
  - A. Exhibit A: Legal Descriptions & Maps
  - B. Exhibit B: Analysis & Findings
- 3. Final Order and attachments

# COUNCIL BILL NO. 3278

#### **ORDINANCE NO. 2636**

# AN ORDINANCE ANNEXING APPROXIMATELY 32.2 ACRES OF TERRITORY KNOWN AS THE SCHWENKE/VEZEY PROPERTY WITH NO STREET ADDRESS ALONG THE EAST SIDE OF S. BOONES FERRY RD SOUTH OF IRIS STREET (ANX 24-02), IN MARION COUNTY, OREGON

**WHEREAS**, the subject properties are owned by Greg I Schwenke and Nancy R Vezy, and are legally described and mapped in Exhibit "A", which is affixed hereto and by this reference incorporated herein; and

**WHEREAS,** the subject properties are Marion County Tax Lots 051W19B000600, 051W19B000700 and 051W19B000800; and

WHEREAS, consistent with Oregon Revised Statutes (ORS) 222.111(2) the owner of real property in the territory to be annexed initiated by petition a proposal for annexation, a copy of the petition being on file with the City Recorder (ANX 24-04); and

WHEREAS, the applicant, Icon Construction and Development ("Icon"), obtained written consent from the owners of the territory and has requested annexation of the subject properties; and

**WHEREAS**, the properties to be annexed are within the City Urban Growth Boundary (UGB); and

**WHEREAS**, the properties to be annexed are contiguous to the City and can be served with City services; and

**WHEREAS**, on April 10, 2025, the Woodburn Planning Commission considered the annexation application and, after a duly advertised public hearing, recommended approval of the annexation with conditions; and

WHEREAS, on April 28, 2025, the Woodburn City Council held a public hearing, reviewed the record, heard all public testimony presented on said application, and upon deliberation concluded that the proposed annexation meets the applicable approval criteria under City of Woodburn Development Ordinance (WDO) 5.04.01C; NOW, THEREFORE,

# THE CITY OF WOODBURN ORDAINS AS FOLLOWS:

Page - 1 - Council Bill No. 3278 Ordinance No. 2636 **Section 1.** That the subject properties, legally described and mapped in Exhibit "A", are annexed to the City of Woodburn.

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

Approved as to form:	
City Attorney	Date
Approv	ed:
	Frank Lonergan, Mayor
Passed by the Council	
Submitted to the Mayor	
Approved by the Mayor	
Filed in the Office of the Recorder	
ATTEST:	
Heather Pierson, City Recorde	Pr

City of Woodburn, Oregon

Page - 2 - Council Bill No. 3278 Ordinance No. 2636



 19376 Molalla Avenue, Ste. 120, Oregon City, OR 97045

 P. 503-650-0188
 F. 503-650-0189

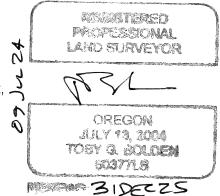
# Exhibit "A" Annexation Legal Description

A Tract of land being all those tracts of land described in Deed Reel 1243, Page 272 (consists of three Tax Lots), Marion County Deed Records, together with a portion of Boones Ferry Road, aka Market Road 38 (a 60.00 foot wide right of way), located in the northwest one-quarter of Section 19, Township 5 South, Range 1 West and the northeast one-quarter of Section 24, Township 5 South, Range 2 West of the Willamette Meridian, Marion County, Oregon, being more particularly described as follows:

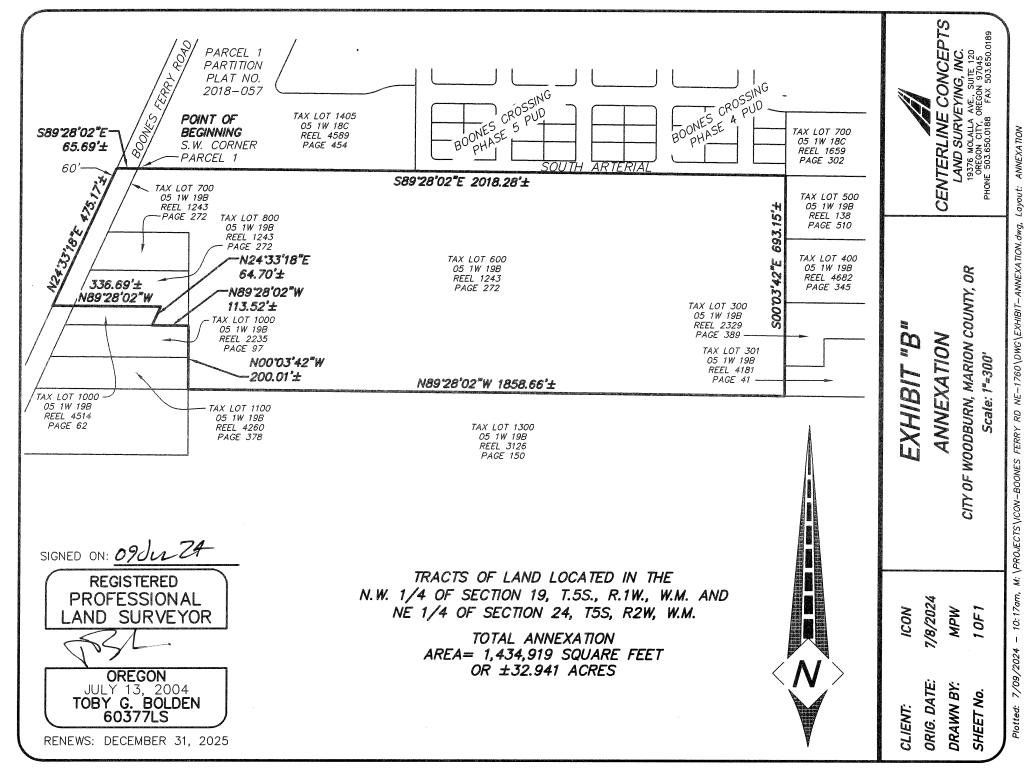
BEGINNING at the southwest corner of Parcel 1, Partition Plat Number 2018-057, Marion County Plat Records, being on the easterly right of way line of said Boones Ferry Road; thence along the south line of said Parcel 1, and continuing along the south line of the plats of "Boones Crossing Phase 5 PUD" and "Boones Crossing Phase 4 PUD", Marion County Plat Records, South 89°28'02" East, 2018.28 feet +/- to the west line of that tract of land as described in Deed Reel 138, Page 510, Marion County Deed Records; thence along the west line of said Deed, and continuing along the west lines of those tracts of land as described in the following: Deed Reel 4682 Page 345, Deed Reel 2329 Page 389, and Deed Reel 4181 Page 41, all of Marion County Deed Records, South 00°03'42" East, 693.15 feet +/- to a point on the north line of that tract of land as described in Deed Reel 3126, Page 150, Marion County Deed Records; thence along said north line, North 89º28'02" West, 1858.66 feet +/- to the east line of that tract of land as described in Deed Reel 4260, Page 378, Marion County Deed Records; thence along said east line, and continuing along the east line of that tract of land as described in Deed Reel 2235, Page 97, Marion County Deed Records, North 00°03'42" West, 200.01 feet +/- to the northeast corner thereof; thence along the north line of said Deed Reel 2235, Page 97, North 89°28'02" West, 113.52 feet +/- to the southeast corner of that tract of land as described in Deed Reel 4514, Page 62, Marion County Deed Records; thence along the east line thereof, North 24º33'18" East, 64.70 feet +/- to the northeast corner thereof; thence along the north line of said Deed and the westerly extension thereof, North 89º28'02" West, 336.69 feet +/- to the westerly

right of way line of Boones Ferry Road (a 60' wide right of way); thence along the westerly right of way line of said Boones Ferry Road, North 24°33'18" East, 475.17 feet +/- to its intersection with the westerly extension of the south line of said Parcel 1 of Partition Plat No. 2018-057; thence along the westerly extension of the south line of said Parcel 1, South 89°28'02" East, 65.69 feet +/- to the **POINT OF BEGINNING.** 

Contains 32.94 acres, more or less.



M:\PROJECTS\ICON-BOONES FERRY RD NE-1760\ADMIN\DOCUMENTS\LEGALS\ANNEXATION.doc



# **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 September 3, 2024 and revised and additional materials through January 30, 2025 (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.

ANX 24-02 & SUB 24-01 Schwenke/Vezey Annexation / Mill Creek II subdivision S. Boones Ferry Rd – Staff Report Attachment 102 Page 4 of 37 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. ...

4. The Significant Tree preservation and removal provisions of Section 3.06.07 are applicable to unincorporated territory that is the subject property of an Annexation application.

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 24-05) on April 25, 2024.

ANX 24-02 & SUB 24-01 Schwenke/Vezey Annexation / Mill Creek II subdivision S. Boones Ferry Rd – Staff Report Attachment 102 Page 5 of 37 The applicant requests that the City designate the annexed territory with the Residential Single Family (RS) base zoning district.

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 Comprehensive 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: E. Traverse Road (presently a north half-street along the Boones Crossing subdivision signed "South Arterial") borders the easterly north boundary of the subject territory, and S. Boones Ferry Road borders the west boundary, both providing means of access. The annexation legal description and map series include the S. Boones Ferry Road right-of-way (ROW) adjacent to the lots composing the preliminary subdivision area.
- Transit: Along either or both roads, 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 or upgrade 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.

Third, 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.  The territory is contiguous to the City. Per the Comprehensive 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 applicant's revised narrative (submitted November 12, 2024, pp. 35-39) addresses the annexation provisions. The Public Works Department comments (April 2, 2025; Attachment 102A) have no objection to annexation, and the theme of the comments is civil engineering plan review for conformance prior to construction of typical public improvements by a developer of the territory to be annexed.

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 103A. The Public Works one dated August 2, 2024 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 storm sewer collection system. The requirements for this collection facility would still need to be determined. The capacity analysis, design and installation of water, sewer, and storm 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.

- 3. a. Examining the considerations under subsection a. because the Comprehensive Plan land use map designates the territory Low Density Residential, and the territory is to be designated with Residential Single Family (RS) base zoning district consistent with both the applicant's request and Comprehensive Plan Policy Table 1:
  - 1) The territory to be annexed does not meet the guideline that it "should be contiguous to the City on two or more sides".
  - 2) The applicant's narrative (pp. 37-38), though not addressing directly, implies that the territory would not provide more than 5-year supply of housing.

ANX 24-02 & SUB 24-01 Schwenke/Vezey Annexation / Mill Creek II subdivision S. Boones Ferry Rd – Staff Report Attachment 102 Page 7 of 37

- 3) The applicant's narrative (p. 37-38) addresses by stating intended conformance with the Transportation System Plan (TSP), and there's no written objection by the Public Works Department to the applicant's narrative.
- 4) Regarding (a) & (b), as clear from the preliminary plat drawing and tentative site plans, the proposal would led to dedication and improvement of a segment of E. Traverse Road ("South Arterial") and extends from Dahlia and Iris Streets and S. Boones Ferry Road the road and street layout or network to allow for future connections east (ultimately to Brown Street) and south.
- 5) n/a at least for the Planning Commission hearing because no City Council hearing has yet occurred.

Regarding D., the applicant addressed 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 district other than RS. (Pursuant to Comprehensive Plan Policy Table 1, RS and Retirement Community Single Family Residential [R1S] are the only zoning districts that implement the Low Density Residential designation, and the clear WDO and zoning map intent is that R1S came into being only to accommodate the existing Woodburn Senior Estates subdivision, the 1960s retirement development now named Woodburn Golf & Estates located in the north central and west central areas of the city. The Estates development pre-dates both the WDO original adoption in 2002 through Ordinance No. 2313 as well as the WDO predecessor: the Woodburn Zoning Ordinance [WZO] adopted through Ordinance No. 1344 as well as what was the Woodburn Subdivision Ordinance adopted via Ordinance No. 1066.)

Regarding F., looking at subsections 1-3:

✓ The annexation criteria are met.

- "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."

The corollary subdivision application proposes to dedicate required ROWs, but lacks delineations of the streetside public utility easements (PUEs) that the developer is to grant (minimum 5 ft; maximum 8 ft), failing to meet 2. For the reasons described in the Subdivision Preliminary Approval Provisions section farther below for subdivision criterion 5, staff applies a streetside PUE condition.

ANX 24-02 & SUB 24-01 Schwenke/Vezey Annexation / Mill Creek II subdivision S. Boones Ferry Rd – Staff Report Attachment 102 Page 8 of 37



Agenda Item

May 12, 2025

# TO: Honorable Mayor and City Council through City Administrator

- FROM: Chris Kerr, Community Development Director
- SUBJECT: Ordinances enabling annexation of approximately 32.2 Acres of territory known as the Schwenke/Vezey Property with no street address along the east side of S. Boones Ferry Rd south of Iris Street (ANX 24-02); rezone of the newly annexed territory as Residential Single Family (RS); and approval of Final Order for the "Mill Creek II" subdivision.

# RECOMMENDATION:

Adopt the attached ordinances and authorize the mayor to sign the final decision document.

#### BACKGROUND:

On April 28, 2025, the City Council voted to tentatively approve the annexation and associated applications for the "Mill Creek II" subdivision and directed staff to prepare Ordinances and a Final Order for their consideration at the next available meeting. Consistent with the Council direction, the Final Order includes all the Conditions of Approval recommended by City Staff.

# Attachments:

- 1. Ordinance to annex
  - A. Exhibit A: Legal Descriptions & Maps
  - B. Exhibit B: Analyses & Findings
- 2. Ordinance to designate City zoning
  - A. Exhibit A: Legal Descriptions & Maps
  - B. Exhibit B: Analysis & Findings
- 3. Final Order and attachments

# COUNCIL BILL NO. 3279

#### ORDINANCE NO. 2637

# AN ORDINANCE AMENDING THE WOODBURN ZONING MAP TO DESIGNATE ZONING OF APPROXIMATELY 32.2 ACRES OF ANNEXED TERRITORY WITH NO STREET ADDRESS LOCATED ALONG THE EAST SIDE OF S. BOONES FERRY RD SOUTH OF IRIS STREET, AS RESIDENTIAL SINGLE FAMILY (RS) ZONING DISTRICT.

**WHEREAS**, the subject properties are owned by Greg I Schwenke and Nancy R Vezy, and are legally described and mapped in Exhibit "A", which is affixed hereto and by this reference incorporated herein; and

**WHEREAS,** the subject properties are Marion County Tax Lots 051W19B000600, 051W19B000700 and 051W19B000800; and

WHEREAS, consistent with Oregon Revised Statutes (ORS) 222.111(2) the owner of real property in the territory to be annexed initiated by petition a proposal for annexation, a copy of the petition being on file with the City Recorder (ANX 24-04); and

**WHEREAS**, because the subject properties are already within the Woodburn Urban Growth Boundary (UGB), they have an existing Comprehensive Plan map land use designation of Low Density Residential; and

WHEREAS, the landowner as applicant requested that, consistent with Woodburn Development Ordinance (WDO) 5.04.01.E., the City designate the newly annexed territory as Single Family Residential (RS), which is a zoning district that is consistent with the Comprehensive Plan per Policy Table 1; and

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

**WHEREAS**, on April 10, 2025, the Woodburn Planning Commission considered the annexation application and, after a duly advertised public hearing, recommended approval of the annexation; and

WHEREAS, on April 28, 2025, the Woodburn City Council held a public hearing, reviewed the record, heard all public testimony presented on said application, and upon deliberation concluded that the proposed annexation meets the applicable approval criteria under City of Woodburn Development Ordinance (WDO) 5.04.01C; NOW, THEREFORE,

Page - 1 - Council Bill No. 3279 Ordinance No. 2637

# THE CITY OF WOODBURN ORDAINS AS FOLLOWS:

**Section 1.** Upon the effective date of the annexation enacted by Ordinance 2636 being considered contemporaneously with this request, the Woodburn Zoning Map is hereby amended designating the zoning on the subject properties described and mapped in Exhibit "A" as Residential Single Family (RS).

Approved as to form	ו:	
	City Attorney	Date
	Approved:	
	Frc	ank Lonergan, Mayor
Passed by the Coun	cil	
Submitted to the Mo	iyor	
Approved by the M		
Filed in the Office of	the Recorder	
ATTEST:		
	erson, City Recorder	
	odburn, Oregon	

Page - 2 - Council Bill No. 3279 Ordinance No. 2637



 19376 Molalla Avenue, Ste. 120, Oregon City, OR 97045

 P. 503-650-0188
 F. 503-650-0189

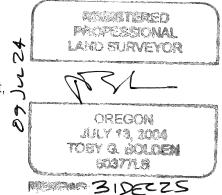
# Exhibit "A" Annexation Legal Description

A Tract of land being all those tracts of land described in Deed Reel 1243, Page 272 (consists of three Tax Lots), Marion County Deed Records, together with a portion of Boones Ferry Road, aka Market Road 38 (a 60.00 foot wide right of way), located in the northwest one-quarter of Section 19, Township 5 South, Range 1 West and the northeast one-quarter of Section 24, Township 5 South, Range 2 West of the Willamette Meridian, Marion County, Oregon, being more particularly described as follows:

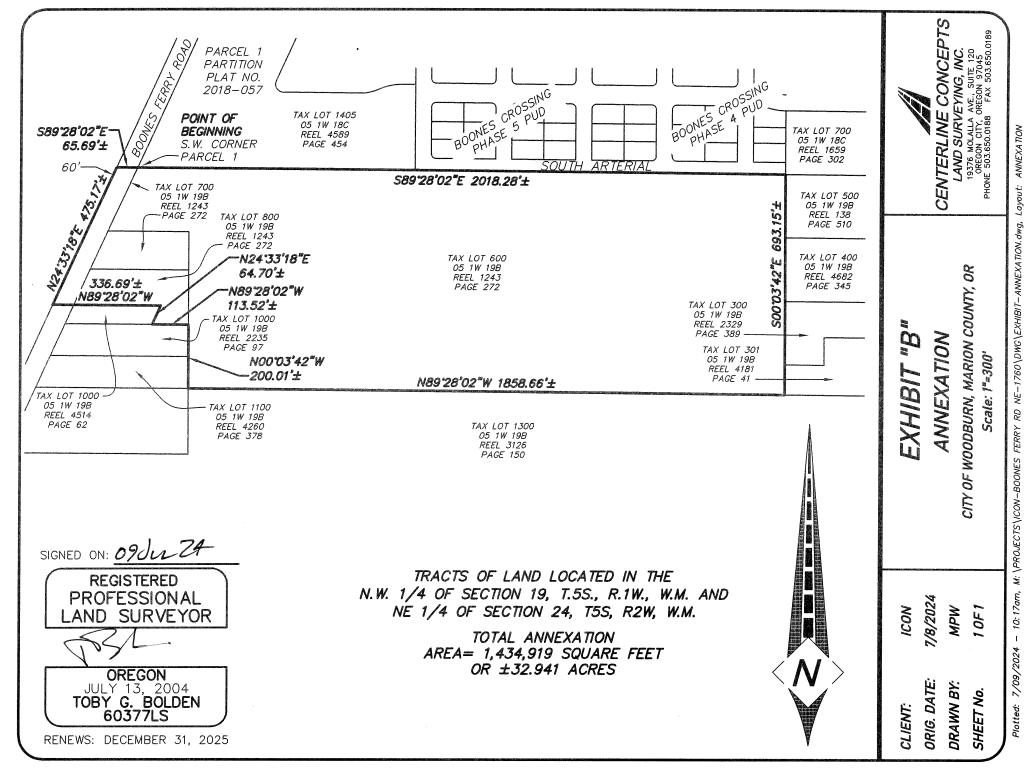
BEGINNING at the southwest corner of Parcel 1, Partition Plat Number 2018-057, Marion County Plat Records, being on the easterly right of way line of said Boones Ferry Road; thence along the south line of said Parcel 1, and continuing along the south line of the plats of "Boones Crossing Phase 5 PUD" and "Boones Crossing Phase 4 PUD", Marion County Plat Records, South 89°28'02" East, 2018.28 feet +/- to the west line of that tract of land as described in Deed Reel 138, Page 510, Marion County Deed Records; thence along the west line of said Deed, and continuing along the west lines of those tracts of land as described in the following: Deed Reel 4682 Page 345, Deed Reel 2329 Page 389, and Deed Reel 4181 Page 41, all of Marion County Deed Records, South 00°03'42" East, 693.15 feet +/- to a point on the north line of that tract of land as described in Deed Reel 3126, Page 150, Marion County Deed Records; thence along said north line, North 89º28'02" West, 1858.66 feet +/- to the east line of that tract of land as described in Deed Reel 4260, Page 378, Marion County Deed Records; thence along said east line, and continuing along the east line of that tract of land as described in Deed Reel 2235, Page 97, Marion County Deed Records, North 00°03'42" West, 200.01 feet +/- to the northeast corner thereof; thence along the north line of said Deed Reel 2235, Page 97, North 89º28'02" West, 113.52 feet +/- to the southeast corner of that tract of land as described in Deed Reel 4514, Page 62, Marion County Deed Records; thence along the east line thereof, North 24º33'18" East, 64.70 feet +/- to the northeast corner thereof; thence along the north line of said Deed and the westerly extension thereof, North 89º28'02" West, 336.69 feet +/- to the westerly

right of way line of Boones Ferry Road (a 60' wide right of way); thence along the westerly right of way line of said Boones Ferry Road, North 24°33'18" East, 475.17 feet +/- to its intersection with the westerly extension of the south line of said Parcel 1 of Partition Plat No. 2018-057; thence along the westerly extension of the south line of said Parcel 1, South 89°28'02" East, 65.69 feet +/- to the **POINT OF BEGINNING.** 

Contains 32.94 acres, more or less.



M:\PROJECTS\ICON-BOONES FERRY RD NE-1760\ADMIN\DOCUMENTS\LEGALS\ANNEXATION.doc



# **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/ZMC 24-02 comes with annexation in order to assign City zoning, and the proposed zoning district complies with the Comprehensive Plan land use map designations, the criteria are not applicable.

Not applicable.



Agenda Item

May 12, 2025

# TO: Honorable Mayor and City Council through City Administrator

- FROM: Chris Kerr, Community Development Director
- SUBJECT: Ordinances enabling annexation of approximately 32.2 Acres of territory known as the Schwenke/Vezey Property with no street address along the east side of S. Boones Ferry Rd south of Iris Street (ANX 24-02); rezone of the newly annexed territory as Residential Single Family (RS); and approval of Final Order for the "Mill Creek II" subdivision.

# RECOMMENDATION:

Adopt the attached ordinances and authorize the mayor to sign the final decision document.

#### BACKGROUND:

On April 28, 2025, the City Council voted to tentatively approve the annexation and associated applications for the "Mill Creek II" subdivision and directed staff to prepare Ordinances and a Final Order for their consideration at the next available meeting. Consistent with the Council direction, the Final Order includes all the Conditions of Approval recommended by City Staff.

# Attachments:

- 1. Ordinance to annex
  - A. Exhibit A: Legal Descriptions & Maps
  - B. Exhibit B: Analyses & Findings
- 2. Ordinance to designate City zoning
  - A. Exhibit A: Legal Descriptions & Maps
  - B. Exhibit B: Analysis & Findings
- 3. Final Order and attachments



# Land Use Final Decision

# **City Council**

File number(s):	ANX 24-02; ZMC 24-02; SUB 24-01
Project name:	Mill Creek Meadows 2
Decision:	Approved with conditions
Date of decision:	May 12, 2025
Applicant:	Icon Construction & Development
Landowner:	Greg I Schwenke & Nancy R. Vezey
Site location:	051W19B000600 (primary), 700, & 800 (no street address)

# Summary

The request is for Annexation, Zone Change and Preliminary Subdivision Plan (a Type IV consolidated application package).

#### **Location**

The proposal is annexation of territory into city limits of the Schwenke/Vezey property of approximately 32.2 gross acres composed of Tax Lots 051W19B000600 (primary), 700, & 800 and adjacent right-of-way (ROW) of S. Boones Ferry Road. The territory is along the east side of the road and the south side of the Boones Crossing subdivision.



(Vicinity of subject property; subject property outlined in purple)

# Annexation & Zoning Designation

The Comprehensive Plan land use map designates the territory as Low Density Residential. Per Comprehensive Plan Policy Table 1, the default corresponding zoning district is Residential Single Family (RS). Along with an annexation ordinance, in response to the application for zone change (also termed rezoning or re-zoning), the Council would, by separate ordinance, designate the annexed territory as the RS base zoning district.

The Public Works Department, Woodburn Fire District, and Woodburn School District gave the applicant annexation service provider letters.

# Subdivision

Icon Construction & Development proposes a subdivision of 130 lots.

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ANX 24-02 & SUB 24-01 – City Council Final Decision Page 2 of 20 Staff and the developer worked diligently to produce an excellent site development plan that includes features such as:

- a. Frontage/street improvements including enhanced public amenities in the form of more street trees and a median along the easterly segment of E. Traverse Road (similar to what would be farther east along the road in the Mill Creek Meadows subdivision);
- b. Street stubs that allow a logical network for future development to extend;
- c. Common area improvements such as benches and bicycle paths along subdivision connection and shortcut tracts;
- d. Traffic calming through concrete crosswalks at select intersection legs along the most direct routes towards the as yet undeveloped park land along Iris Street within the Boones Crossing subdivision;
- e. Lessened driveway curb cuts through shared driveways along flag lots and lots along shared rear lanes (private alleys); and
- f. Tree preservation and fees for approved removals of other trees.

# Planning Commission Recommendation

On April 10, 2025, the Planning Commission held a duly noticed public hearing on the consolidated applications and, after taking testimony, voted unanimously to recommend approval of the application package with the conditions of approval recommended in the Commission staff report revised as follows:

- Striking Public Works Department Engineering Division Attachment 102A condition A.22;
- Revising Condition SUB-3c to make explicit that the E. Traverse Road median will conform with Oregon Fire Code (OFC); and
- Striking Condition SUB-6d, which would have required certain narrow lots to share driveways, and requiring for those 3 blocks identified in green on Commission staff report p. 30, in Exhibit SUB-6d, that the applicant instead provide one tree for every 25 feet of block face instead of one tree for every 30 feet.

# City Council Hearing

On April 28, 2025, the City Council held a public hearing and voted by unanimous decision (5-0 vote) to tentatively approve the consolidated application package with the Planning Commission's recommended conditions of the approval; specifically found in Attachments A ("Planning Commission revised conditions of approval") and B ("Planning Commission revised Attachment 102A Public Works comments, April 22, 2025") of the Staff Memo dated April 28, 2025. The Council concurred with Staff's Analysis and Findings as well as written and verbal testimony provided at the hearing in support of the Planning Commission's recommendation.

The development applications depend upon adoption of the annexation ordinance (Ordinance No. 2636, adopted May 12, 2025) and zoning designation ordinance (Ordinance No. 2637, adopted May 12, 2025).

# Testifiers

Name	Address	Planning Commission		City Council	
		Written	Verbal	Written	Verbal
Hayden	Emerio Design LLC	х	х	Х	Х
Wooten, Senior	1500 Valley River Dr, Suite 100				
Land Use	Eugene, OR 97401-2185				
Planner					
Garrett H.	Schwabe, Williamson & Wyatt, PC	Х	Х		
Stephenson	1211 SW 5th Ave. Suite 1900				
	Portland, OR 97204				
Harlan Borow,	Icon Construction & Development		х		Х
Land	LLC, 1969 Willamette Falls Dr #				
Development	260, West Linn, OR 97068.				
and Acquisitions					
Manager					

The final Conditions of Approval and Public Works Comments are restated below for clarity.

# **Conditions of Approval**

Section references are to the <u>Woodburn Development Ordinance (WDO)</u>.

# General

G1. As part of building permit application, as well as any prior submittal that follows land use approval with conditions and that is necessary to demonstrate conformance with said conditions prior to building permit application, the applicant shall submit revised site plans and revised or additional documentation meeting the conditions of approval and obtain Planning Division approval through sign-off on permit issuance. The applicant shall submit a cover letter indicating what specific plans sheets or document page numbers demonstrate how the submittal meets each condition.

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, 4.02.12, and 5.01.06B.1 unless if and where a condition of approval has more restrictive timing. By this condition, there is more restrictive timing: In any case, they are due no later than by Building Division issuance of first certificate of occupancy (C of O), regardless of deferral, if any, that Public Works (PW) might have approved through 3.01.02E. This condition is not deferring to C of O; it is saying that if there were to be PW deferral, then the department could not defer to later than C of O.
- ROW/easements: Correct recordation of required right-of-way (ROW) and public easements is due per WDO 2.01.05A and 5.01.06C.3 – by building permit application. See Note A below.
- c. Where phasing is relevant, building permit issuance means issuance for the phase in which the conditioned improvement is located. Where an improvement spans phases and cannot be functionally divided by phase, it shall be due by the earliest phase.
- d. Where changes to street addresses are necessary, the developer shall apply through the Planning Division for and obtain approval of an <u>Address Assignment Request</u>. This is due prior to building permit application, and if any of property line adjustment, lot consolidation, partition, or subdivision are 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 6 months prior to expiration of the land use approval as WDO 4.02.04B establishes, and shall complete recordations no later than 3 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. Administration:

- a. Conformance: That a land use approval does not reiterate any and each particular detail, provision, requirement, rule, spec, or standard from any of the WDO, other ordinances, resolutions, public works construction code, or department policies does not exempt development from conformance with them.
- b. Copies: Per WDO 2.01.05B, the developer, including any succeeding contractor, shall provide copies of documentation that a City staff person requests regardless if the documentation source is another City staff person or department.
- c. Fees: The developer shall pay fees per Attachment 202.
- d. Inspections: Whether for subdivision or building permit inspections, the developer or contractor shall contact Planning Division staff minimum 3 City business days prior to a desired date of planning and zoning inspection of improvements. This is required and

separate from and in addition to the usual building code and fire and life safety inspections. The developer or contractor shall construct, install, or plant all improvements, including landscaping, to the extent necessary to warrant inspection. Note A: If and where the County does not allow dedication of ROW and grant of public easements through platting or re-platting, then dedication and grant would necessitate a process through Public Works (PW) and City Council acceptance separate from land use approval, which could take several weeks, prior to correct recordation with the County. In this scenario, upon tentative land use approval by the City, contact PW to begin and finish dedication and granting sooner. The City Council meets most second and fourth Mondays, and agenda packet materials are due to the City Recorder by the prior Tuesday at noon.

#### Preliminary Subdivision 24-01

SUB-1. ROW: The following are due by building permit application:

- a. Boones Ferry and Traverse: To conform with WDO Figure 3.01C "Minor Arterial", as part of recordation the developer shall dedicate ROW if and as necessary to result in half-street ROW that is min width 37 ft measured from centerline for both of Boones Ferry and Traverse.
- b. Local streets: To conform with WDO 3.01.04B.1 & Figure 3.01G "Local Residential Street ...", as part of recordation the developer shall dedicate ROW if and as necessary to result in total ROW per street that is uniform min width of 60 ft.

SUB-2. PUE: Along all public major thoroughfares and local streets, if streetside public utility easements (PUEs) do not yet exist, the developer shall grant streetside PUEs conforming with minimum and maximum widths per WDO 3.02.01B & F.2. Note that how subsection F.2 is applicable changes in the context of shared rear lanes (private alleys), and that PW is likely to direct the use of a PUE template. Condition conformance is due the same as per Condition G4b (by building permit application).

- SUB-3. Street improvements: The following is due the same as per Condition G4a:
  - a. Frontage/street improvements:
    - Boones Ferry and Traverse: The cross sections shall conform with WDO Figure 3.01C "Minor Arterial" & 3.01.03C.1a and as necessary conform with the public works construction code and PW direction. See also condition parts b. & c. below.

- 2. Local streets: The cross section shall conform with 3.01G "Local Residential Street ..." and as necessary conform with the public works construction code and PW direction.
- Street stubs: The street stubs as proposed remain required per 3.01.05A.3 & 5, 3.01.05B.2a, 3.01.05C, 3.01.05F (regarding Upland and Vail), and 5.03.10B.1, 3, & 5 and shall have signed barricades as PW administers 3.01.05B.2b & c.
- 4. Concrete crossings: Intersection leg pedestrian crossings that would be concrete amid asphalt per the tentative site plan are the min required and shall be constructed min width 8 ft and as necessary conform with the public works construction code and PW direction. The locations are:
  - Traverse & Crocus, south leg;
  - Traverse & Iris, south leg;
  - Upland & Iris, west leg;
  - Vail & Iris, west leg; and
  - Traverse & Dahlia, south leg.
- b. Traverse sidewalk: The developer has the option to omit the bicycle/pedestrian corridor tract between the Upland cul-de-sac bulb at the north and the subject territory boundary at the south (enlarging Lots 11-13) in exchange for the Boones Ferry and Traverse sidewalks being min width 8 ft. Wider sidewalk shall not narrow the landscape strip. The extra width of planter strip and sidewalk shall either (1) be within additional ROW that accommodates them, or (2) overlap outside ROW into streetside PUE, the PUE or other recorded legal instrument granting public access to the overlap.
- c. Traverse median: Based on TSP Project R29 "South Arterial" (TSP p. 33), WDO Fig. 3.01C and WDO Note 3.01C, and in keeping with Comprehensive Plan Policies D-1.3 regarding sufficient landscaped area and D-1.5 regarding tree planting, the developer shall design and construct a median as follows:
  - 1. Initial specifications:
    - (a) Location: Within the two blocks between Iris and the subject territory east boundary (300 & 400 blocks).

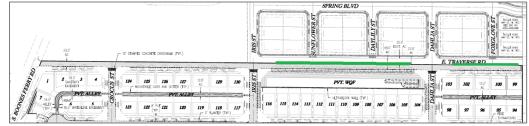


Exhibit SUB-3c. Approximate Locations of Medians (in green)

(b) Basic mins: Curbed, width min 8 ft and max 10 ft between backs of curbs, and – as combined total for both medians – min area within curbing of 4,900 sq ft w/ min 19 trees o.c. spacing average of 30 ft. (Min width not applicable to end tapers that transition to left turn lanes at intersections, if any such lanes.)

- (c) Extent/length: For each additional increment of median that is at least 30 ft long, it shall have min 150 sq ft of landscaping min 8 ft wide with min 1 tree.
- (d) Pavement: If each 150 sq ft of landscaping around each tree is min 8 ft wide, the remaining area within the median, if any, may be surfaced with other than landscaping and per PW specs; however, cobbles, gravel, pebbles, and rocks remain prohibited within 1 ft of backs of curbs.
- 2. Additional specifications: Per PW during CEP. For street landscaping, median trees shall conform with the street tree requirements of WDO 3.06.03A, and the developer is prohibited from fee in lieu of more than 3 median trees. Landscape or planter strips shall have area remaining after median tree plantings conform with 3.01.04B, last paragraph, except where and as condition subsection (d) above allows pavement.
- 3. OFC: The median shall conform with the Oregon Fire Code.

# SUB-4. Street trees:

- a. Cross sections illustrate street trees, which are required per and in conformance with WDO 3.06.03A.
- b. The developer shall establish a street tree plan to which the Planning Division and PW affirm prior to building permit application. This task is due no later than building permit application and may be incorporated into the CEP review process led by PW.
- c. The street tree fee in-lieu amount shall be per Attachment 202.
- SUB-5. Bicycle/pedestrian corridors / subdivision shortcut paths:
  - a. Per WDO 3.01.07C & Table 3.01A, row 2, the preliminary subdivision bicycle/pedestrian corridor tracts shall remain and continue to conform with the min width of 20 ft. However, the tracts among Lots 33, 34, 54, 55, 78, & 79 may shift locations east-west within their respective blocks as long as both tracts continue to align. As an exception pursuant to Condition SUB-3b, the developer has the option to omit the bicycle/pedestrian corridor tract between the Upland cul-de-sac bulb at the north and the subject territory boundary at the south (enlarging Lots 11-13) in exchange for the Boones Ferry and Traverse sidewalks being wider as described therein.
  - b. Per WDO 3.01.07E & F, corridor improvement and landscaping shall conform with WDO interpretation memo INT 22-0608 "Off-Street Public Bicycle/Pedestrian Facility Specifications" (June 8, 2022) or as amended and with the proviso that Part B3c is modified to landscaping min width 8 ft (with other side of path narrowing to 4 ft). Per WDO 3.01.07D, "Class C" is the applicable one. Plan review per 3.01.07G may be incorporated into the CEP review process led by PW. Conformance is due the same per Condition G4a.
  - c. Access: Every bicycle/pedestrian corridor tract shall be covered with an easement granting the public bicycle and pedestrian access.

- d. Utilities:
  - Every bicycle/pedestrian corridor tract shall have a PUE min width conforming with 3.02.01C, aligned with the tract side boundary across the path from the widest landscape strip, and minimum extent equal to that of the tract.
  - 2. The developer may provide for access and utilities together in one or more consolidated easements, and PW might require the use of one or more PUE templates. To the satisfaction of PW, the easement(s) shall make explicit that in no case do they imply or require that the City assume maintenance of privately-owned tracts, whether actively or through association devolution.
- e. TCEs:
  - Where bicycle/pedestrian corridor tracts abut the subject territory boundary, and grading within the boundaries of the territory is not possible to have the pavement of a given path reach the boundary, then for each affected tract the developer shall grant one or more temporary construction easements (TCEs) with authority for both the City and the owner of the adjacent property to come onto the applicable affected tract to grade and extend pavement.
  - 2. If and where the developer is unable to determine the TCE necessary width and extent, then the presumptive dimensions would be width equal to tract width and extent equal to 10 ft.
  - 3. Draft submittal to the City is due by final plat, and recordation of the one or more correct TCEs is due the same as per Condition G4b (by building permit application).
  - 4. If either the developer decides to grant the one or more TCEs by conveyance documents separate from the plat, or Note A found at the end of general conditions becomes applicable, then it remains with the developer to budget additional lead time for City staff review.
- SUB-6. Access management:
  - a. Shared rear lanes (private alleys): To conform with 3.04.01A.4 & 3.04.03C.1 & 2, lots adjacent to shared rear lanes (alley-loaded lots) shall have their driveways and parking pads limited to access along the adjacent alley, not only for lots along Boones Ferry and Traverse but also Lots 5, 6, 94-98, & 117-123.

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Exhibit SUB-6a. Alley Access (in blue)

b. Flag lots: To conform with 3.04.03D.3, Lots 12 & 13 shall share a driveway approach / apron / curb cut / ramp. Refer to PW SS&Ds <u>4150</u>-1 & 4 or as amended.



Exhibit SUB-6b. Flag Lot Access (in yellow)

- c. Driveways: To conform with Table 3.04A, each residential lot driveway approach / apron / curb cut / ramp along a street shall be max width 16 ft (measured between triangular flares) with max one driveway per lot except if and as conditioned elsewhere for joint or shared access for pairs of lots in which case the max is one driveway per 2 lots. Along shared rear lanes (private alleys), driveways, if any, have no max width. For each shared rear lane (private alley), each driveway at the street shall be max width 16 ft. If the stormwater detention pond tract is to have a driveway, then the max width shall be 10 ft.
- d. More street trees: For those 3 blocks identified in Exhibit SUB-6d below, the street tree minimum number shall equal 1 tree per every 25 ft of street frontage along a block face instead of 1 tree per every 30 ft.



Exhibit SUB-6d. Groups of Lots Subject to More Street Trees (in green)

e. Lot 13: Because per WDO 3.04.03D.3, Lot 12 & flag Lot 13 must share a driveway, which in turn necessitates vehicular shared access easement area, and because Table 2.02B and its footnote 1 indicate that flag lot minimum area calculation excludes vehicular

shared access easement area, it is unclear what the easement area and dimensions of would be along the pole of flag lot 13, it might shrink the Lot 13 area from 9,381 sq ft to less than the minimum area, and the developer shall clarify the situation and make it conforming through revised plat drawings with a subdivision final plat application (FSUB).

SUB-7. Significant Tree preservation and removal: Consistent with the arborist report dated and submitted January 30, 2025, the developer shall:

 Preserve Trees 5-9 (subject territory SW corner, Lots 17 & 18) consistent with the arborist report dated and submitted January 30, 2025 and pursuant to WDO 3.06.08 "Tree Protection During Construction".

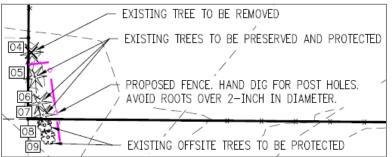


Exhibit SUB-7. Trees 5-9 to Be Preserved

- b. Submit for plan review of tree protection per WDO 3.06.08C.1e due per that section (CEP or building permit application).
- c. Illustrate, note, and plant mitigation plantings per WDO 3.06.07D.2 within subdivision tracts and/or pay fee(s) in-lieu per Attachment 202 and its Exhibit 202.

Advisory: Because several Significant Trees to be removed are Oregon ash (*Agrilus planipennis*), which increasingly in Oregon including Woodburn suffer infestation by emerald ash borer (EAB), the City advises the developer to comply with state of Oregon agency directions about how to stem infestation found at <<u>www.oregoneab.com</u>>.

SUB-8. Stormwater detention pond fencing: If the Stormwater detention pond and/or its tract is fenced or walled, fencing or free-standing walls shall conform through a fence permit per 5.01.10 with max height 3.5 ft along the three streets per WDO 2.06.02A.2, with any gates being up to the same max height. If there is fencing and it is to be chain link, then it shall be coated per WDO 2.06.02D.2 and a color other than black, charcoal, or dark gray.

# SUB-9. Documents:

- a. Easements: Recordation shall conform with WDO 2.01.05A, that is, the developer shall accomplish correctly prior to building permit application.
- b. HOA:
  - 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. Topics: The association documents shall in the sections addressing topics that respective City ordinances or WDO sections also address, cite and advise readers to see these public regulations (or as amended): WDO 2.06 (fences and free-standing walls), 2.06.03 (accessory structures), 2.07.02 (boat and recreation vehicle [RV] storage), 2.07.03, 2.07.10 (home occupations or home-based businesses), 2.07.20 (accessory dwelling units [ADUs]), 3.05.02D.3 (no parking in front yards outside driveways), 3.03.06 (sight triangles or vision clearance areas, in relation to fences and free-standing walls), & 3.10 (signage) as well as Ordinance Nos. 1917 (1985; street frontage maintenance and repair), 2084 (1992; burglar alarms), 2136 (1994; chronic nuisance properties) 2225 (1998; that the City and not HOAs regulates and polices its public streets), 2257 (2000; golf carts), 2312 (2002; noise), 2338 (2003; nuisances, junked vehicles), 2424 (2007; street tree removals and replacements), 2434 (2008; animal control), 2521 (2014; parking on unimproved areas), 2577 (2020; camping in public rights-of-way), and 2632 (2024; on-street public parking rules). The City Recorder maintains the Ordinance Compilation webpage. The association documents also shall cite and comply with enrolled Oregon House Bill 2001 (HB 2001) (2019), Sect. 13 (p. 10) or directly the statute that the legislation amended, making the point that a newly constituted association cannot ban "middle housing".
- 3. 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 by final plat application to the City or earlier if ORS 94.565(2) requires.
- c. Plat:
  - 1. E. Traverse Road and Upland and Vail Avenues shall retain their names.
  - 2. The plat labels of square footages of lots and tracts, where in the thousands, shall have commas, e.g. "7982" shall read, "7,982".
  - 3. Tracts, which the preliminary subdivision drawing does not designate, shall be lettered per Exhibit SUB-2 below:



#### Exhibit SUB-9c3. Tract Lettering

4. Upon recordation, the developer shall submit to the Director and PW copies of correctly recorded documents per WDO 2.01.05.

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- 5. Administrative allowance to increase lot count/number: Relative to WDO 5.01.06B.3 and based on the experience of PUD 22-01 Mill Creek Meadows (1490 Brown Street), this condition grants administrative allowance for the developer to have a moderate increase in the number of lots in a subdivision final plat application (FSUB) compared to SUB 24-01 without necessitating any of City refusal to approve the final plat; City denial of the final plat; application for and City approval of a preliminary subdivision application succeeding SUB 24-01; or, application for and City Council approval of Modification of Conditions (MOC) Type IV through WDO 4.02.07. The purpose is to allow further division and attendant resizing of lots intended for houses or duplexes into lots for townhouses with less hassle for both the City and the developer. The Director would grant the allowance (through subdivision final plat approval) only if the subdivision final plat meets the following restrictions:
  - (a) Each lot continues to be of minimum lot area in conformance with WDO Table 2.02B;
  - (b) Each lot continues to meet the remaining dimensional standards of Table 2.02B, namely minimum width, depth, frontage, and as applicable table footnote 1 regarding flag lots;
  - (c) Compared to the SUB 24-01 preliminary plat drawing lot count of 130, the total number rises by no more than 34 lots (26%) lots to 164 max. The exhibit below illustrates lots staff envisions as most ready for further division because of shared rear lane / private alley access, the lots serving as the basis for the number 34 derived from assuming 25 ft width for each townhouse lot and 30 ft for each townhouse corner lot and each townhouse group being maximum 4 dwellings as the RS zoning district allows and with 10 ft between groups; however, the exhibit assumptions and specific colored lots are not required to make use of the allowance; and

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Exhibit SUB-9c5

ANX 24-02 & SUB 24-01 – City Council Final Decision Page 13 of 20 (d) The subdivision final plat application includes a plat drawing or site plan as an exhibit coloring what lots are further divided and labeling their changed square footages and dimensions.

SUB-10. 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 and as follows:

- a. Final Plat: The developer shall apply to the City prior to or no later than on the same date as applying to Marion County for recordation.
- 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:
  - The developer fails to meet subdivision and public improvement requirements, resulting in the City being unable to authorize staff to sign a final plat Mylar by July 1, 2030; or
  - 2. There is no substantial construction as defined in WDO 1.02 by July 1, 2035.

#### Public Works Comments ANX 24-02 Boones Crossing Addition – S Boones Ferry Road Tax lot 051W19B000600 April 2, 2025

#### 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 provide a final Engineer stamped storm drainage hydraulic analysis report for detention, conveyance system and a final 100-year floodway, floodplain, and wetland delineation for this development, as required. The storm drainage hydraulic analysis shall comply with, Oregon Division of State Lands, US Army Corps of Engineering and City's requirements, as applicable. Applicants are responsible for correcting/upgrading any existing storm drainage capacity deficiencies, including upgrading private and public storm drainage systems or installing a new drainage system as per City's requirements and per approved Storm Drainage Hydraulic Analysis Report. Report shall include capacity analysis of the existing culvert pipe located in Brown Street and on-site detention area(s) for the runoff of this development. The property owner shall maintain all on-site and off-site detention areas in perpetuity.

3. Applicant is responsible for obtaining approval from the Woodburn Fire District for deadend turnarounds requirements for streets and private share access.

4. Applicant is required to coordinate work with the Developer of Boones Crossing VI for all public improvements that may affect/impact both developments. Applicant and the developer of Boones Crossing VI shall bear exclusive responsibility for any work necessary and completed as a required condition of approval for their respective developments. Under no circumstances shall the City be responsible for managing the completion of said public improvements.

5. Applicant to provide a stamped engineer report analyzing the design capacity of the brown street pump station that will service this development. The existing Brown Street Pumps are designed to handle flows only for Boones Crossing 4,5,6 and Mill Creek I Development. The applicant for this development is responsible for all the required upgrades to the Brown Street Pump Station due to the applicant's development, including pumps, control system, external piping, valves, electrical, etc. Applicant may opt to pay a fee in lieu of said required upgrades if agreed to in writing by the City prior to the approval of civil plans.

6. At the time of civil plans approval, improvements to proposed "E Traverse Road" shall be redesigned/adjusted to take into consideration existing conditions caused by potential improvements to E Traverse Rd resulting from the Boones Crossing Phase 6 Development. Redesign of existing plans should include but are not limited to:

ANX 24-02 & SUB 24-01 – City Council Final Decision Page 15 of 20 a. All public and franchise utility lines, including water mains, sewer mains and storm mains.

b. Intersection design (including alignment) at S Boones Ferry Road and E Traverse Road to meet Federal, State, Marion County, safety and sight distance requirements, as well as vehicular turning movements

7. Applicant to design/construct the water main along S Boones Ferry Road between Iris Street and E Traverse Road, if needed for design flows and fire flow protection for this development. Applicant is required to comply with the Public Works water loop requirements, Building Division and Fire District flow and fire protection requirements.

8. Applicant to extend the public watermain along S Boones Ferry Road from E Traverse Road to the southerly development property line

9. If required, a Permit from the Oregon Division of State Lands and US Army Corps of Engineering will need to be obtained to mitigate/delineated wetlands. This shall be obtained prior to civil plans approval. The applicant, as applicable, shall also obtain other required regulatory permits.

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

11. 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.

12. Applicant to provide street lighting (on site and along existing S Boones Ferry Road) in accordance with street lighting plan approved by the City and conforming to Portland General Electric installation and plan under option B.

13. The Applicant, by this Development, shall not cause storm water runoff to be impounded on adjacent properties.

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

15. All City-maintained facilities located on private property shall require a minimum of 16-foot wide utility easement conveyed to the City by the property owner. This is the applicant's responsibility to provide, not the City's. Utilities of unusual depth, size or location may require a larger width.

16. The applicant in accordance with all state regulations and requirements shall abandon onsite existing water wells and subsurface sewage disposal systems.

17. Applicant to provide a flexible pavement structured designed, for all new public streets, by a registered professional engineer using subgrade reaction appropriate for the site, traffic index, and a 20-year design life for pavement system. Structure thicknesses shall not be less than values form table on City of Woodburn Standard Detail No. 42001 (Typical Pavement Structure).

18. The owner/applicant shall be required to enter into an improvement agreement.

19. Applicant to pay all public improvements (right-of-way) fees for the construction of public improvements in the right-of-way that are to be maintained by the City as per Ordinance #1795.

20. Final review of the Civil Plans will be done during the Subdivision Application for Construction. Public infrastructure will be designed and constructed in accordance with plans approved by public works and complying with City, State and Federal requirements/guidelines current at the time of the subdivision application.

21. Provide and record the required right-of-way dedications and public utility easements, at time of final plat recordation.

22. 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).

#### 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. Permits: Permits are applied for using the <u>Oregon ePermitting</u> online permit system. The City Building Division administers building and mechanical permits; Marion County Public Works administers plumbing and electrical permits.
- 2. Records: Staff recommends that the applicant retain a copy of the subject approval.
- 3. Fences, fencing, & free-standing walls: The approval excludes any new fences, fencing, & free-standing walls, which are subject to WDO 2.06 and the permit process of 5.01.03.
- 4. Signage: The approval excludes any private subdivision signage, which is subject to WDO 3.10 and the permit process of 5.01.10.
- 5. 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.
- 6. 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.
- 7. Stormwater management: The storm sewer system and any required on-site detention for the development must comply with the City Storm Water Management Plan, Oregon Department of Transportation (ODOT), Public Works storm water practices and the Storm Drainage Master Plan. The applicant shall provide a final hydraulic analysis for the development and collection system, including the downstream capacity of the proposed storm sewer system. All required on-site detention area for the runoff from this site will need

to be provided in accordance with the hydraulic analysis. The detention system is to be maintained by the applicant in perpetuity.

- 8. 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, ODOT, as well as current Public Works construction specifications, Standard Drawings, Standard Details, and General Conditions.
- 9. Franchises: The applicant provides for the installation of all franchised utilities and any required easements.
- 10. 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.
- 11. Sewer: Plans illustrate the subdivision will utilize the public sewer line within Evergreen Road. If an alternative public sewer route becomes necessary to serve the development, the developer shall provide plans for a redesigned sewer system to the City for review.
- 12. Grease Interceptor/Trap: If applicable, a grease trap would need to be installed on the sanitary service, either as a central unit or in the communal kitchen/food preparation area. Contact Marion County Plumbing Department for permit and installation requirements, (503) 588-5147.
- 13. Fire: Fire protection requirements must comply with the Woodburn Fire District standards and requirements. 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.
- 14. SDCs: The developer pays System Development Charges prior to building permit issuance.

#### Appeals

The decision is final unless appealed to the Oregon Land Use Board of Appeals (LUBA) pursuant to Oregon Revised Statutes (ORS) and Oregon Administrative Rules (OAR) 661-010. The appeal due date is "on or before the 21st day" after the decision date per OAR 661-010-0015(1)(a). A valid appeal must meet the rules. If appealing to LUBA, as a courtesy inform City staff in writing.

A copy of the decision is available for inspection at no cost, and the City would provide a copy at reasonable cost at the Community Development Department, City Hall, 270 Montgomery Street, Woodburn, OR 97071-4730. For questions or additional information, contact Cassandra Bassich, Administrative Specialist, at (503) 982-5246 or <u>cassandra.bassich@ci.woodburn.or.us</u>.

#### Attachments

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- Annexation and Zoning Legal Descriptions and Maps
  - City Council April 28, 2025 Memo from Chris Kerr with all Attachments:
    - A. Planning Commission revised conditions of approval
    - B. Planning Commission revised Attachment 102A Public Works comments (April 22, 2025):
    - C. Planning Commission April 10, 2025 Staff Report and select attachments:
      - 101. Marked Tax Map
        102. Analyses & Findings (37 pages)
        103. Site plans (3 sheets)
        103A. Annexation Service Provider Letters (SPLs; 3 pages)
        104. Transportation System Plan (TSP) Fig. 2 "Functional Roadway Classification"
        105 TSP Fig. 6 "Local Street Connectivity Plan"
        201.\* ANX 24-02 Mill Creek II: Dictionary & Glossary
        202. ANX 24-02 Mill Creek II: Conditioned Fees, with Exhibit 202
        \*The 200 series of attachments are details for the conditions of approval.

Sincerely,

Chris Kerr Community Development Director

As authorized by the City Council on May 12, 2025

Frank Lonergan, Mayor

Date

ANX 24-02 & SUB 24-01 – City Council Final Decision Page 20 of 20

Attachment A: Planning Commission Revised Conditions of Approval Pg 1 of 3

# ANX 24-02: Planning Commission Revised Conditions of Approval

The conditions of approval that the Planning Commission recommended are below. Those in strikethrough-and-underline reflect revisions by the Commission of the original text in the April 10, 2025 Commission staff report.

## **Recommended Conditions of Approval**

#### General

G1. As part of building permit application, as well as any prior submittal that follows land use approval with conditions and that is necessary to demonstrate conformance with said conditions prior to building permit application, the applicant shall submit revised site plans and revised or additional documentation meeting the conditions of approval and obtain Planning Division approval through sign-off on permit issuance. The applicant shall submit a cover letter indicating what specific plans sheets or document page numbers demonstrate how the submittal meets each condition.

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, 4.02.12, and 5.01.06B.1 unless if and where a condition of approval has more restrictive timing. By this condition, there is more restrictive timing: In any case, they are due no later than by Building Division issuance of first certificate of occupancy (C of O), regardless of deferral, if any, that Public Works (PW) might have approved through 3.01.02E. This condition is not deferring to C of O; it is saying that if there were to be PW deferral, then the department could not defer to later than C of O.
  - b. ROW/easements: Correct recordation of required right-of-way (ROW) and public easements is due per WDO 2.01.05A and 5.01.06C.3 – by building permit application. See Note A below.
  - c. Where phasing is relevant, building permit issuance means issuance for the phase in which the conditioned improvement is located. Where an improvement spans phases and cannot be functionally divided by phase, it shall be due by the earliest phase.
  - d. Where changes to street addresses are necessary, the developer shall apply through the Planning Division for and obtain approval of an <u>Address Assignment Request</u>. This is due prior to building permit application, and if any of property line adjustment, lot consolidation, partition, or subdivision are 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 6 months prior to expiration of the land use approval as WDO 4.02.04B establishes, and shall complete recordations no later than 3 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. Administration:
  - a. Conformance: That a land use approval does not reiterate any and each particular detail, provision, requirement, rule, spec, or standard from any of the WDO, other ordinances, resolutions, public works construction code, or department policies does not exempt development from conformance with them.
  - b. Copies: Per WDO 2.01.05B, the developer, including any succeeding contractor, shall provide copies of documentation that a City staff person requests regardless if the documentation source is another City staff person or department.
  - c. Fees: The developer shall pay fees per Attachment 202.

d. Inspections: Whether for subdivision or building permit inspections, the developer or contractor shall contact Planning Division staff minimum 3 City business days prior to a desired date of planning and zoning inspection of improvements. This is required and separate from and in addition to the usual building code and fire and life safety inspections. The developer or contractor shall construct, install, or plant all improvements, including landscaping, to the extent necessary to warrant inspection.

Note A: If and where the County does not allow dedication of ROW and grant of public easements through platting or re-platting, then dedication and grant would necessitate a process through Public Works (PW) and City Council acceptance separate from land use approval, which could take several weeks, prior to correct recordation with the County. In this scenario, upon tentative land use approval by the City, contact PW to begin and finish dedication and granting sooner. The City Council meets most second and fourth Mondays, and agenda packet materials are due to the City Recorder by the prior Tuesday at noon.

Attachment B: Planning Commission revised Attachment 102A Public Works comments April 22, 2025. Pg 1 of 3

#### Public Works Comments ANX 24-02 Boones Crossing Addition – S Boones Ferry Road Tax lot 051W19B000600 April 2, 2025

#### 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 provide a final Engineer stamped storm drainage hydraulic analysis report for detention, conveyance system and a final 100-year floodway, floodplain, and wetland delineation for this development, as required. The storm drainage hydraulic analysis shall comply with, Oregon Division of State Lands, US Army Corps of Engineering and City's requirements, as applicable. Applicants are responsible for correcting/upgrading any existing storm drainage capacity deficiencies, including upgrading private and public storm drainage systems or installing a new drainage system as per City's requirements and per approved Storm Drainage Hydraulic Analysis Report. Report shall include capacity analysis of the existing culvert pipe located in Brown Street and on-site detention area(s) for the runoff of this development. The property owner shall maintain all on-site and off-site detention areas in perpetuity.

3. Applicant is responsible for obtaining approval from the Woodburn Fire District for deadend turnarounds requirements for streets and private share access.

4. Applicant is required to coordinate work with the Developer of Boones Crossing VI for all public improvements that may affect/impact both developments. Applicant and the developer of Boones Crossing VI shall bear exclusive responsibility for any work necessary and completed as a required condition of approval for their respective developments. Under no circumstances shall the City be responsible for managing the completion of said public improvements.

5. Applicant to provide a stamped engineer report analyzing the design capacity of the brown street pump station that will service this development. The existing Brown Street Pumps are designed to handle flows only for Boones Crossing 4,5,6 and Mill Creek I Development. The applicant for this development is responsible for all the required upgrades to the Brown Street Pump Station due to the applicant's development, including pumps, control system, external piping, valves, electrical, etc. Applicant may opt to pay a fee in lieu of said required upgrades if agreed to in writing by the City prior to the approval of civil plans.

6. At the time of civil plans approval, improvements to proposed "E Traverse Road" shall be redesigned/adjusted to take into consideration existing conditions caused by potential improvements to E Traverse Rd resulting from the Boones Crossing Phase 6 Development. Redesign of existing plans should include but are not limited to:

ANX 24-02 & SUB 24-01 – City Council Final Decision Page 15 of 20 a. All public and franchise utility lines, including water mains, sewer mains and storm mains.

b. Intersection design (including alignment) at S Boones Ferry Road and E Traverse Road to meet Federal, State, Marion County, safety and sight distance requirements, as well as vehicular turning movements

7. Applicant to design/construct the water main along S Boones Ferry Road between Iris Street and E Traverse Road, if needed for design flows and fire flow protection for this development. Applicant is required to comply with the Public Works water loop requirements, Building Division and Fire District flow and fire protection requirements.

8. Applicant to extend the public watermain along S Boones Ferry Road from E Traverse Road to the southerly development property line

9. If required, a Permit from the Oregon Division of State Lands and US Army Corps of Engineering will need to be obtained to mitigate/delineated wetlands. This shall be obtained prior to civil plans approval. The applicant, as applicable, shall also obtain other required regulatory permits.

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

11. 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.

12. Applicant to provide street lighting (on site and along existing S Boones Ferry Road) in accordance with street lighting plan approved by the City and conforming to Portland General Electric installation and plan under option B.

13. The Applicant, by this Development, shall not cause storm water runoff to be impounded on adjacent properties.

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

15. All City-maintained facilities located on private property shall require a minimum of 16-foot wide utility easement conveyed to the City by the property owner. This is the applicant's responsibility to provide, not the City's. Utilities of unusual depth, size or location may require a larger width.

16. The applicant in accordance with all state regulations and requirements shall abandon onsite existing water wells and subsurface sewage disposal systems.

17. Applicant to provide a flexible pavement structured designed, for all new public streets, by a registered professional engineer using subgrade reaction appropriate for the site, traffic index, and a 20-year design life for pavement system. Structure thicknesses shall not be less than values form table on City of Woodburn Standard Detail No. 42001 (Typical Pavement Structure).

18. The owner/applicant shall be required to enter into an improvement agreement.

19. Applicant to pay all public improvements (right-of-way) fees for the construction of public improvements in the right-of-way that are to be maintained by the City as per Ordinance #1795.

20. Final review of the Civil Plans will be done during the Subdivision Application for Construction. Public infrastructure will be designed and constructed in accordance with plans approved by public works and complying with City, State and Federal requirements/guidelines current at the time of the subdivision application.

21. Provide and record the required right-of-way dedications and public utility easements, at time of final plat recordation.

22. 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).



Attachment C: Planning Commission April 10, 2025 Staff report & select attachments Pg 1 of 17

## **Staff Report**

То:	Planning Commission
Through:	Chris Kerr, AICP, Community Development Director $\mathcal{CK}_{\mathcal{C}}$
From:	Colin Cortes, AICP, CNU-A, Senior Planner
Meeting Date:	April 10, 2025 (Prepared April 3, 2025)
Item:	"Schwenke/Vezey Annexation / Mill Creek II Subdivision" (ANX 24-01)
Tax Lot(s):	051W19B000600 (primary), 700, & 800 (no street address)

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#### Issue before the Planning Commission

Annexation ANX 24-02 (Type IV) of territory along the east side of S. Boones Ferry Road south of Boones Crossing subdivision: Commission is to hold a public hearing and make a recommendation to the City Council.

#### **Executive Summary**

#### Location

The proposal is annexation of territory into city limits of the Schwenke/Vezey property of approximately 32.2 gross acres composed of Tax Lots 051W19B000600 (primary), 700, & 800 and adjacent right-of-way (ROW) of S. Boones Ferry Road. The territory is along the east side of the road and the south side of the Boones Crossing subdivision.



Vicinity of subject property; subject property outlined in purple

#### Annexation & Zoning Designation

Because the Comprehensive Plan land use map designates the territory Low Density Residential per Comprehensive Plan Policy Table 1, the default corresponding zoning district is Residential Single Family (RS). Along with an annexation ordinance, in response to the application for zone change (also termed rezoning or re-zoning), the Council would by separate ordinance designate the annexed territory as the RS base zoning district.

The Public Works Department, Woodburn Fire District, and Woodburn School District gave the applicant annexation service provider letters (SPLs; Attachment 103A).

#### Subdivision

Icon Construction & Development proposes a subdivision of 130 lots.



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

- a. Frontage/street improvements including enhanced public amenities in the form of more street trees and a median along the easterly segment of E. Traverse Road (similar to what would be farther east along the road in the Mill Creek Meadows subdivision);
- b. Street stubs that allow a logical network for future development to extend;
- c. Common area improvements such as benches and bicycle/paths along subdivision connection and shortcut tracts;
- d. Traffic calming through concrete crosswalks at select intersection legs along the most direct routes towards the as yet undeveloped park land along Iris Street within the Boones Crossing subdivision;
- e. Lessened driveway curb cuts through shared driveways along flag lots, narrow lots, and lots along shared rear lanes (private alleys); and
- f. Tree preservation and fees for approved removals of other trees.

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) with the recommended conditions of approval.

#### Recommendation

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

#### **Conditions of Approval**

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

#### General

G1. As part of building permit application, as well as any prior submittal that follows land use approval with conditions and that is necessary to demonstrate conformance with said conditions prior to building permit application, the applicant shall submit revised site plans and revised or additional documentation meeting the conditions of approval and obtain Planning Division approval through sign-off on permit issuance. The applicant shall submit a cover letter indicating what specific plans sheets or document page numbers demonstrate how the submittal meets each condition.

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, 4.02.12, and 5.01.06B.1 unless if and where a condition of approval has more restrictive timing. By this condition, there is more restrictive timing: In any case, they are due no later than by Building Division issuance of first certificate of occupancy (C of O), regardless of deferral, if any, that Public Works (PW) might have approved through 3.01.02E. This condition is not deferring to C of O; it is saying that if there were to be PW deferral, then the department could not defer to later than C of O.
- ROW/easements: Correct recordation of required right-of-way (ROW) and public easements is due per WDO 2.01.05A and 5.01.06C.3 – by building permit application. See Note A below.
- c. Where phasing is relevant, building permit issuance means issuance for the phase in which the conditioned improvement is located. Where an improvement spans phases and cannot be functionally divided by phase, it shall be due by the earliest phase.
- d. 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 any of property line adjustment, lot consolidation, partition, or subdivision are 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 6 months prior to expiration of the land use approval as WDO 4.02.04B establishes, and shall complete recordations no later than 3 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. Administration:

- a. Conformance: That a land use approval does not reiterate any and each particular detail, provision, requirement, rule, spec, or standard from any of the WDO, other ordinances, resolutions, public works construction code, or department policies does not exempt development from conformance with them.
- b. Copies: Per WDO 2.01.05B, the developer, including any succeeding contractor, shall provide copies of documentation that a City staff person requests regardless if the documentation source is another City staff person or department.
- c. Fees: The developer shall pay fees per Attachment 202.

d. Inspections: Whether for subdivision or building permit inspections, the developer or contractor shall contact Planning Division staff minimum 3 City business days prior to a desired date of planning and zoning inspection of improvements. This is required and separate from and in addition to the usual building code and fire and life safety inspections. The developer or contractor shall construct, install, or plant all improvements, including landscaping, to the extent necessary to warrant inspection.

Note A: If and where the County does not allow dedication of ROW and grant of public easements through platting or re-platting, then dedication and grant would necessitate a process through Public Works (PW) and City Council acceptance separate from land use approval, which could take several weeks, prior to correct recordation with the County. In this scenario, upon tentative land use approval by the City, contact PW to begin and finish dedication and granting sooner. The City Council meets most second and fourth Mondays, and agenda packet materials are due to the City Recorder by the prior Tuesday at noon.

#### Preliminary Subdivision 24-01

SUB-1. ROW: The following are due by building permit application:

- a. Boones Ferry and Traverse: To conform with WDO Figure 3.01C "Minor Arterial", as part of recordation the developer shall dedicate ROW if and as necessary to result in half-street ROW that is min width 37 ft measured from centerline for both of Boones Ferry and Traverse.
- b. Local streets: To conform with WDO 3.01.04B.1 & Figure 3.01G "Local Residential Street ...", as part of recordation the developer shall dedicate ROW if and as necessary to result in total ROW per street that is uniform min width of 60 ft.

SUB-2. PUE: Along all public major thoroughfares and local streets, if streetside public utility easements (PUEs) do not yet exist, the developer shall grant streetside PUEs conforming with minimum and maximum widths per WDO 3.02.01B & F.2. Note that how subsection F.2 is applicable changes in the context of shared rear lanes (private alleys), and that PW is likely to direct the use of a PUE template. Condition conformance is due the same as per Condition G4b (by building permit application).

SUB-3. Street improvements: The following is due the same as per Condition G4a:

- a. Frontage/street improvements:
  - Boones Ferry and Traverse: The cross sections shall conform with WDO Figure 3.01C "Minor Arterial" & 3.01.03C.1a and as necessary conform with the public works construction code and PW direction. See also condition parts b. & c. below.
  - Local streets: The cross section shall conform with 3.01G "Local Residential Street ..." and as necessary conform with the public works construction code and PW direction.
  - Street stubs: The street stubs as proposed remain required per 3.01.05A.3 & 5, 3.01.05B.2a, 3.01.05C, 3.01.05F (regarding Upland and Vail), and 5.03.10B.1, 3, & 5 and shall have signed barricades as PW administers 3.01.05B.2b & c.

- 4. Concrete crossings: Intersection leg pedestrian crossings that would be concrete amid asphalt per the tentative site plan are the min required and shall be constructed min width 8 ft and as necessary conform with the public works construction code and PW direction. The locations are:
  - Traverse & Crocus, south leg;
  - Traverse & Iris, south leg;
  - Upland & Iris, west leg;
  - Vail & Iris, west leg; and
  - Traverse & Dahlia, south leg.
- b. Traverse sidewalk: The developer has the option to omit the bicycle/pedestrian corridor tract between the Upland cul-de-sac bulb at the north and the subject territory boundary at the south (enlarging Lots 11-13) in exchange for the Boones Ferry and Traverse sidewalks being min width 8 ft. Wider sidewalk shall not narrow the landscape strip. The extra width of planter strip and sidewalk shall either (1) be within additional ROW that accommodates them, or (2) overlap outside ROW into streetside PUE, the PUE or other recorded legal instrument granting public access to the overlap.
- c. Traverse median: Based on TSP Project R29 "South Arterial" (TSP p. 33), WDO Fig. 3.01C and WDO Note 3.01C, and in keeping with Comprehensive Plan Policies D-1.3 regarding sufficient landscaped area and D-1.5 regarding tree planting, the developer shall design and construct a median as follows:
  - 1. Initial specifications:
    - (a) Location: Within the two blocks between Iris and the subject territory east boundary (300 & 400 blocks).

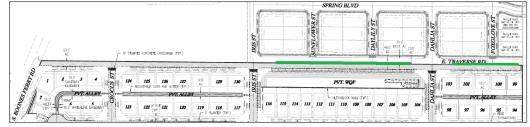


Exhibit SUB-3c. Approximate Locations of Medians (in green)

- (b) Basic mins: Curbed, width min 8 ft and max 10 ft between backs of curbs, and as combined total for both medians min area within curbing of 4,900 sq ft w/ min 19 trees o.c. spacing average of 30 ft. (Min width not applicable to end tapers that transition to left turn lanes at intersections, if any such lanes.)
- (c) Extent/length: For each additional increment of median that is at least 30 ft long, it shall have min 150 sq ft of landscaping min 8 ft wide with min 1 tree.
- (d) Pavement: If each 150 sq ft of landscaping around each tree is min 8 ft wide, the remaining area within the median, if any, may be surfaced with other than landscaping and per PW specs; however, cobbles, gravel, pebbles, and rocks remain prohibited within 1 ft of backs of curbs.

2. Additional specifications: Per PW during CEP. For street landscaping, median trees shall conform with the street tree requirements of WDO 3.06.03A, and the developer is prohibited from fee in lieu of more than 3 median trees. Landscape or planter strips shall have area remaining after median tree plantings conform with 3.01.04B, last paragraph, except where and as condition subsection (d) above allows pavement.

SUB-4. Street trees:

- a. Cross sections illustrate street trees, which are required per and in conformance with WDO 3.06.03A.
- b. The developer shall establish a street tree plan to which the Planning Division and PW affirm prior to building permit application. This task is due no later than building permit application and may be incorporated into the CEP review process led by PW.
- c. The street tree fee in-lieu amount shall be per Attachment 202.
- SUB-5. Bicycle/pedestrian corridors / subdivision shortcut paths:
  - a. Per WDO 3.01.07C & Table 3.01A, row 2, the preliminary subdivision bicycle/pedestrian corridor tracts shall remain and continue to conform with the min width of 20 ft. However, the tracts among Lots 33, 34, 54, 55, 78, & 79 may shift locations east-west within their respective blocks as long as both tracts continue to align. As an exception pursuant to Condition SUB-3b, the developer has the option to omit the bicycle/pedestrian corridor tract between the Upland cul-de-sac bulb at the north and the subject territory boundary at the south (enlarging Lots 11-13) in exchange for the Boones Ferry and Traverse sidewalks being wider as described therein.
  - b. Per WDO 3.01.07E & F, corridor improvement and landscaping shall conform with WDO interpretation memo INT 22-0608 "Off-Street Public Bicycle/Pedestrian Facility Specifications" (June 8, 2022) or as amended and with the proviso that Part B3c is modified to landscaping min width 8 ft (with other side of path narrowing to 4 ft). Per WDO 3.01.07D, "Class C" is the applicable one. Plan review per 3.01.07G may be incorporated into the CEP review process led by PW. Conformance is due the same per Condition G4a.
  - c. Access: Every bicycle/pedestrian corridor tract shall be covered with an easement granting the public bicycle and pedestrian access.
  - d. Utilities:
    - Every bicycle/pedestrian corridor tract shall have a PUE min width conforming with 3.02.01C, aligned with the tract side boundary across the path from the widest landscape strip, and minimum extent equal to that of the tract.

- 2. The developer may provide for access and utilities together in one or more consolidated easements, and PW might require the use of one or more PUE templates. To the satisfaction of PW, the easement(s) shall make explicit that in no case do they imply or require that the City assume maintenance of privately-owned tracts, whether actively or through association devolution.
- e. TCEs:
  - 1. Where bicycle/pedestrian corridor tracts abut the subject territory boundary, and grading within the boundaries of the territory is not possible to have the pavement of a given path reach the boundary, then for each affected tract the developer shall grant one or more temporary construction easements (TCEs) with authority for both the City and the owner of the adjacent property to come onto the applicable affected tract to grade and extend pavement.
  - 2. If and where the developer is unable to determine the TCE necessary width and extent, then the presumptive dimensions would be width equal to tract width and extent equal to 10 ft.
  - 3. Draft submittal to the City is due by final plat, and recordation of the one or more correct TCEs is due the same as per Condition G4b (by building permit application).
  - 4. If either the developer decides to grant the one or more TCEs by conveyance documents separate from the plat, or Note A found at the end of general conditions becomes applicable, then it remains with the developer to budget additional lead time for City staff review.
- SUB-6. Access management:
  - a. Shared rear lanes (private alleys): To conform with 3.04.01A.4 & 3.04.03C.1 & 2, lots adjacent to shared rear lanes (alley-loaded lots) shall have their driveways and parking pads limited to access along the adjacent alley, not only for lots along Boones Ferry and Traverse but also Lots 5, 6, 94-98, & 117-123.



Exhibit SUB-6a. Alley Access (in blue)

b. Flag lots: To conform with 3.04.03D.3, Lots 12 & 13 shall share a driveway approach / apron / curb cut / ramp. Refer to PW SS&Ds 4150-1 & 4 or as amended.



Exhibit SUB-6b. Flag Lot Access (in yellow)

- c. Driveways: To conform with Table 3.04A, each residential lot driveway approach / apron / curb cut / ramp along a street shall be max width 16 ft (measured between triangular flares) with max one driveway per lot except if and as conditioned elsewhere for joint or shared access for pairs of lots in which case the max is one driveway per 2 lots. Along shared rear lanes (private alleys), driveways, if any, have no max width. For each shared rear lane (private alley), each driveway at the street shall be max width 16 ft. If the stormwater detention pond tract is to have a driveway, then the max width shall be 10 ft.
- d. Joint driveways / shared driveways: Per 3.04.03D.1, among Lots 19-28 along Vail, min 8 (4 pairs of lots) shall share driveway aprons; among Lots 29-41 along Vail, min 10 (5 pairs of lots) shall share driveway aprons; and, among Lots 104-116 along Upland, min 10 lots (5 pairs of lots) shall share driveway aprons. Exhibit SUB-6d below illustrates the subject groups of lots. The max width shall be (1) 16 ft for each of these joint or shared driveways where leading to garage doors each approximately 8-9 ft width (a one-card wide garage) and (2) 32 ft where leading to garage door is 8-9 ft and the other lot garage door is 16 ft (a one-car and a two-car garage). Outside the ROW, each lot driveway / parking pad may be wider by telescoping from the apron as long as there remains conformance with WDO 3.05.02D.3. (Refer also to Ordinance No. 2521 [2014], a general ordinance that prohibits parking on lawns.)



Exhibit SUB-6d. Groups of Lots Subject to Joint Driveways (in green)

e. Lot 13: Because per WDO 3.04.03D.3, Lot 12 & flag Lot 13 must share a driveway, which in turn necessitates vehicular shared access easement area, and because Table 2.02B and its footnote 1 indicate that flag lot minimum area calculation excludes vehicular shared access easement area, it is unclear what the easement area and dimensions of would be along the pole of flag lot 13, it might shrink the Lot 13 area from 9,381 sq ft to less than the minimum area, and the developer shall clarify the situation and make it conforming through revised plat drawings with a subdivision final plat application (FSUB).

SUB-7. Significant Tree preservation and removal: Consistent with the arborist report dated and submitted January 30, 2025, the developer shall:

Preserve Trees 5-9 (subject territory SW corner, Lots 17 & 18) consistent with the arborist report dated and submitted January 30, 2025 and pursuant to WDO 3.06.08 "Tree Protection During Construction".

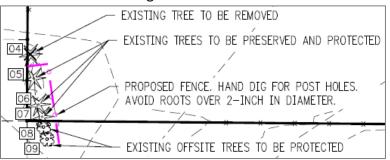


Exhibit SUB-7. Trees 5-9 to Be Preserved

- b. Submit for plan review of tree protection per WDO 3.06.08C.1e due per that section (CEP or building permit application).
- c. Illustrate, note, and plant mitigation plantings per WDO 3.06.07D.2 within subdivision tracts and/or pay fee(s) in-lieu per Attachment 202 and its Exhibit 202.

Advisory: Because several Significant Trees to be removed are Oregon ash (*Agrilus planipennis*), which increasingly in Oregon including Woodburn suffer infestation by

emerald ash borer (EAB), the City advises the developer to comply with state of Oregon agency directions about how to stem infestation found at <www.oregoneab.com>.

SUB-8. Stormwater detention pond fencing: If the Stormwater detention pond and/or its tract is fenced or walled, fencing or free-standing walls shall conform through a fence permit per 5.01.10 with max height 3.5 ft along the three streets per WDO 2.06.02A.2, with any gates being up to the same max height. If there is fencing and it is to be chain link, then it shall be coated per WDO 2.06.02D.2 and a color other than black, charcoal, or dark gray.

#### SUB-9. Documents:

- a. Easements: Recordation shall conform with WDO 2.01.05A, that is, the developer shall accomplish correctly prior to building permit application.
- b. HOA:
  - 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. Topics: The association documents shall in the sections addressing topics that respective City ordinances or WDO sections also address, cite and advise readers to see these public regulations (or as amended): WDO 2.06 (fences and free-standing walls), 2.06.03 (accessory structures), 2.07.02 (boat and recreation vehicle [RV] storage), 2.07.03, 2.07.10 (home occupations or home-based businesses), 2.07.20 (accessory dwelling units [ADUs]), 3.05.02D.3 (no parking in front yards outside driveways), 3.03.06 (sight triangles or vision clearance areas, in relation to fences and free-standing walls), & 3.10 (signage) as well as Ordinance Nos. 1917 (1985; street frontage maintenance and repair), 2084 (1992; burglar alarms), 2136 (1994; chronic nuisance properties) 2225 (1998; that the City and not HOAs regulates and polices its public streets), 2257 (2000; golf carts), 2312 (2002; noise), 2338 (2003; nuisances, junked vehicles), 2424 (2007; street tree removals and replacements), 2434 (2008; animal control), 2521 (2014; parking on unimproved areas), 2577 (2020; camping in public rights-of-way), and 2632 (2024; on-street public parking rules). The City Recorder maintains the Ordinance Compilation webpage. The association documents also shall cite and comply with enrolled Oregon House Bill 2001 (HB 2001) (2019), Sect. 13 (p. 10) or directly the statute that the legislation amended, making the point that a newly constituted association cannot ban "middle housing".
  - 3. 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 by final plat application to the City or earlier if ORS 94.565(2) requires.

- c. Plat:
  - 1. E. Traverse Road and Upland and Vail Avenues shall retain their names.
  - 2. The plat labels of square footages of lots and tracts, where in the thousands, shall have commas, e.g. "7982" shall read, "7,982".
  - 3. Tracts, which the preliminary subdivision drawing does not designate, shall be lettered per Exhibit SUB-2 below:



#### Exhibit SUB-9c3. Tract Lettering

- 4. Upon recordation, the developer shall submit to the Director and PW copies of correctly recorded documents per WDO 2.01.05.
- 5. Administrative allowance to increase lot count/number: Relative to WDO 5.01.06B.3 and based on the experience of PUD 22-01 Mill Creek Meadows (1490 Brown Street), this condition grants administrative allowance for the developer to have a moderate increase in the number of lots in a subdivision final plat application (FSUB) compared to SUB 24-01 without necessitating any of City refusal to approve the final plat; City denial of the final plat; application for and City approval of a preliminary subdivision application succeeding SUB 24-01; or, application for and City Council approval of Modification of Conditions (MOC) Type IV through WDO 4.02.07. The purpose is to allow further division and attendant resizing of lots intended for houses or duplexes into lots for townhouses with less hassle for both the City and the developer. The Director would grant the allowance (through subdivision final plat approval) only if the subdivision final plat meets the following restrictions:
  - (a) Each lot continues to be of minimum lot area in conformance with WDO Table 2.02B;
  - (b) Each lot continues to meet the remaining dimensional standards of Table 2.02B, namely minimum width, depth, frontage, and as applicable table footnote 1 regarding flag lots;

(c) Compared to the SUB 24-01 preliminary plat drawing lot count of 130, the total number rises by no more than 34 lots (26%) lots to 164 max. The exhibit below illustrates lots staff envisions as most ready for further division because of shared rear lane / private alley access, the lots serving as the basis for the number 34 derived from assuming 25 ft width for each townhouse lot and 30 ft for each townhouse corner lot and each townhouse group being maximum 4 dwellings as the RS zoning district allows and with 10 ft between groups; however, the exhibit assumptions and specific colored lots are not required to make use of the allowance; and



Exhibit SUB-9c5

(d) The subdivision final plat application includes a plat drawing or site plan as an exhibit coloring what lots are further divided and labeling their changed square footages and dimensions.

SUB-10. 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 and as follows:

- a. Final Plat: The developer shall apply to the City prior to or no later than on the same date as applying to Marion County for recordation.
- 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:
  - The developer fails to meet subdivision and public improvement requirements, resulting in the City being unable to authorize staff to sign a final plat Mylar by July 1, 2030; or
  - 2. There is no substantial construction as defined in WDO 1.02 by July 1, 2035.

#### Actions

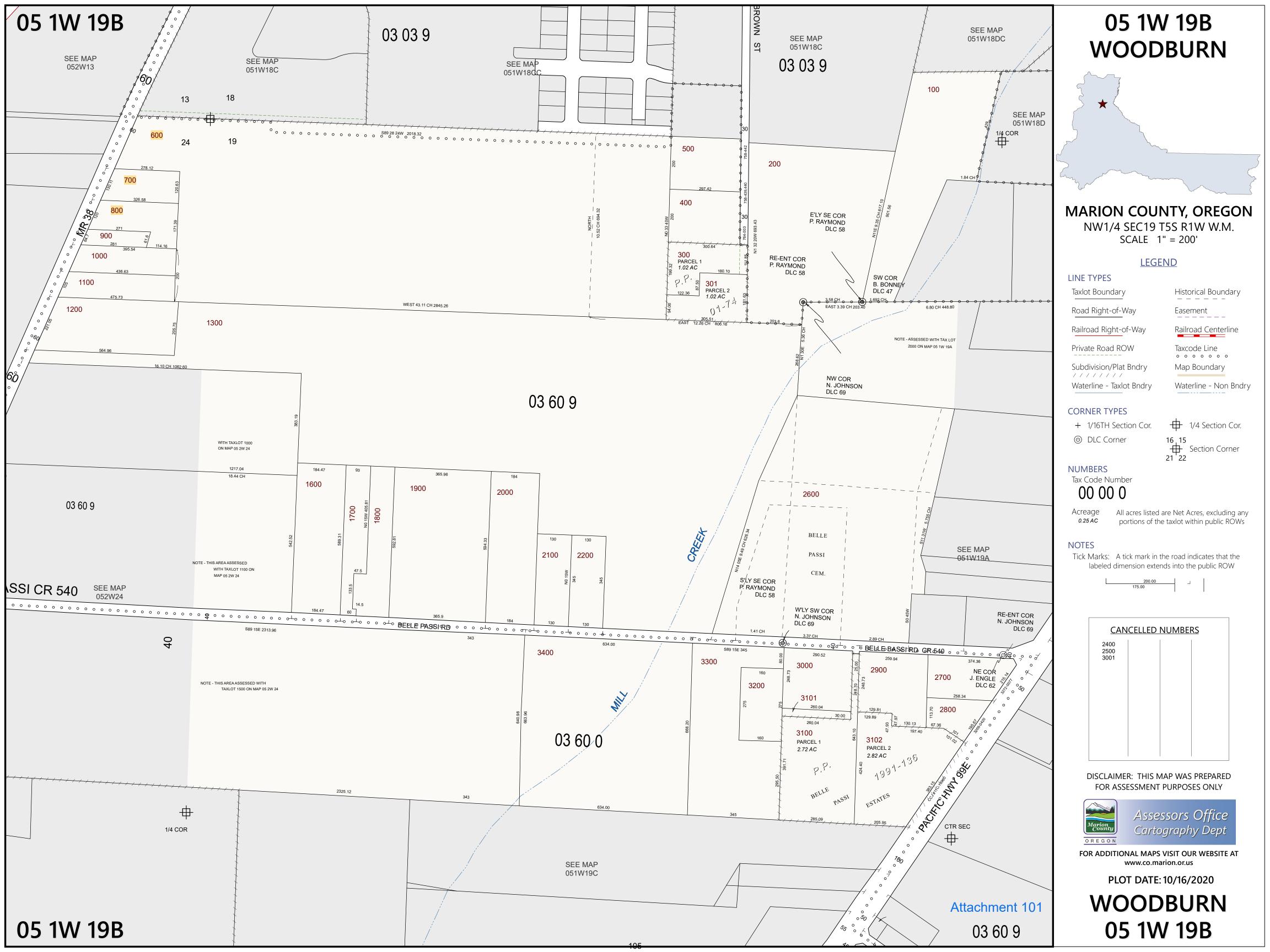
The Planning Commission may instead act on the land use application to recommend that the City Council:

- 1. Approve with modified condition(s), 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 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 Map
- 102. Analyses & Findings
- 102A. Public Works comments (April 2, 2025)
- 103. Site plans (dated Jan. 3, 2025 and submitted Jan. 3, 2025; 3 sheets)
- 103A. Annexation Service Provider Letters (SPLs; 3 pages)
- 104. Transportation System Plan (TSP) Fig. 2 "Functional Roadway Classification"
- 105. TSP Fig. 6 "Local Street Connectivity Plan"
- 201.\* ANX 24-02 Mill Creek II: Dictionary & Glossary
- 202. ANX 24-02 Mill Creek II: Conditioned Fees, with Exhibit 202
- \*The 200 series of attachments are details for the conditions of approval.



## ANX 24-02: 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 need	
•	Requirement (or guideline) not applicable	No action needed
<b>A</b>	<ul> <li>Requirement (or guideline) met, but might become unmet because of condition applied to meet separate and related requirement that is not met</li> <li>Plan sheets and/or narrative inconsistent</li> <li>Other special circumstance benefitting from attention</li> </ul>	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 <u>Woodburn Development Ordinance (WDO)</u>.

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## **Project Name & Case File Numbers**

The project name is Mill Creek II. The land use application master/parent case file number is Annexation ANX 24-02, and the children/corollary case file numbers are Preliminary Subdivision SUB 24-01 and Zone Change ZC/ZMC 24-02.

### Location

Address(es)	None
Tax Lot(s)	Tax Lots 051W19B000600 [primary], 700, & 800; 32.2 acres
Nearest	Any of the south ends of Iris, Sunflower, Daylily, Dahlia, or Foxglove Streets at the
intersection	"South Arterial"-signed half-street

## Land Use & Zoning

Comprehensive Plan Land Use Designation	Low Density Residential
Zoning District	Residential Single Family (RS) upon annexation
Overlay District(s)	n/a
Existing Use(s)	None

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	RS: Boones Crossing subdivision
East	RS: rural homesteads
South	n/a because County zoning
West	RS: rural homesteads

ANX 24-02 & SUB 24-01 Schwenke/Vezey Annexation / Mill Creek II subdivision S. Boones Ferry Rd – Staff Report Attachment 102 Page 2 of 37

## **Statutory Dates**

Application	February 3, 2025
Completeness	
120-Day Final	June 3, 2025 per Oregon Revised Statutes (ORS) 227.178. (The nearest and
Decision Deadline	prior regularly scheduled City Council date would be either May 12 or, if there is one held in lieu of and after Memorial Day, then May 27, 2025.)*

\*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 September 3, 2024 and revised and additional materials through January 30, 2025 (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.

ANX 24-02 & SUB 24-01 Schwenke/Vezey Annexation / Mill Creek II subdivision S. Boones Ferry Rd – Staff Report Attachment 102 Page 4 of 37 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. ...

4. The Significant Tree preservation and removal provisions of Section 3.06.07 are applicable to unincorporated territory that is the subject property of an Annexation application.

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 24-05) on April 25, 2024.

ANX 24-02 & SUB 24-01 Schwenke/Vezey Annexation / Mill Creek II subdivision S. Boones Ferry Rd – Staff Report Attachment 102 Page 5 of 37 The applicant requests that the City designate the annexed territory with the Residential Single Family (RS) base zoning district.

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 Comprehensive 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: E. Traverse Road (presently a north half-street along the Boones Crossing subdivision signed "South Arterial") borders the easterly north boundary of the subject territory, and S. Boones Ferry Road borders the west boundary, both providing means of access. The annexation legal description and map series include the S. Boones Ferry Road right-of-way (ROW) adjacent to the lots composing the preliminary subdivision area.
- Transit: Along either or both roads, 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 or upgrade 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.

Third, 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.  The territory is contiguous to the City. Per the Comprehensive 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 applicant's revised narrative (submitted November 12, 2024, pp. 35-39) addresses the annexation provisions. The Public Works Department comments (April 2, 2025; Attachment 102A) have no objection to annexation, and the theme of the comments is civil engineering plan review for conformance prior to construction of typical public improvements by a developer of the territory to be annexed.

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 103A. The Public Works one dated August 2, 2024 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 storm sewer collection system. The requirements for this collection facility would still need to be determined. The capacity analysis, design and installation of water, sewer, and storm 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.

- 3. a. Examining the considerations under subsection a. because the Comprehensive Plan land use map designates the territory Low Density Residential, and the territory is to be designated with Residential Single Family (RS) base zoning district consistent with both the applicant's request and Comprehensive Plan Policy Table 1:
  - 1) The territory to be annexed does not meet the guideline that it "should be contiguous to the City on two or more sides".
  - 2) The applicant's narrative (pp. 37-38), though not addressing directly, implies that the territory would not provide more than 5-year supply of housing.

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- 3) The applicant's narrative (p. 37-38) addresses by stating intended conformance with the Transportation System Plan (TSP), and there's no written objection by the Public Works Department to the applicant's narrative.
- 4) Regarding (a) & (b), as clear from the preliminary plat drawing and tentative site plans, the proposal would led to dedication and improvement of a segment of E. Traverse Road ("South Arterial") and extends from Dahlia and Iris Streets and S. Boones Ferry Road the road and street layout or network to allow for future connections east (ultimately to Brown Street) and south.
- 5) n/a at least for the Planning Commission hearing because no City Council hearing has yet occurred.

Regarding D., the applicant addressed 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 district other than RS. (Pursuant to Comprehensive Plan Policy Table 1, RS and Retirement Community Single Family Residential [R1S] are the only zoning districts that implement the Low Density Residential designation, and the clear WDO and zoning map intent is that R1S came into being only to accommodate the existing Woodburn Senior Estates subdivision, the 1960s retirement development now named Woodburn Golf & Estates located in the north central and west central areas of the city. The Estates development pre-dates both the WDO original adoption in 2002 through Ordinance No. 2313 as well as the WDO predecessor: the Woodburn Zoning Ordinance [WZO] adopted through Ordinance No. 1344 as well as what was the Woodburn Subdivision Ordinance adopted via Ordinance No. 1066.)

Regarding F., looking at subsections 1-3:

- "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."

The corollary subdivision application proposes to dedicate required ROWs, but lacks delineations of the streetside public utility easements (PUEs) that the developer is to grant (minimum 5 ft; maximum 8 ft), failing to meet 2. For the reasons described in the Subdivision Preliminary Approval Provisions section farther below for subdivision criterion 5, staff applies a streetside PUE condition.

The annexation criteria are met.

ANX 24-02 & SUB 24-01 Schwenke/Vezey Annexation / Mill Creek II subdivision S. Boones Ferry Rd – Staff Report Attachment 102 Page 8 of 37

# **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/ZMC 24-02 comes with annexation in order to assign City zoning, and the proposed zoning district complies with the Comprehensive Plan land use map designations, the criteria are not applicable.

Not applicable.

# **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.

Below is an analysis of the 5 criteria, and for which criterion 5 among the five is the one that relates to the most WDO sections regarding development of a residential subdivision.

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.

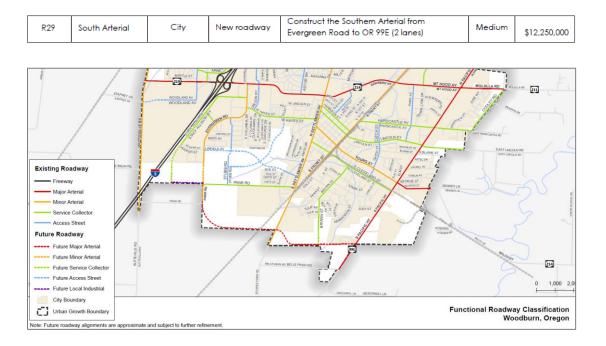
Regarding frontage/street improvements, the street layout or network, and the bicycle/pedestrian subdivision connection path tracts / shortcut path tracts as examined farther below under subdivision criterion 2, these also meet criterion 1.

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

Part 2-1: Frontage/Street Improvements:

#### Part 2-1a: E. Traverse Road / "South Arterial"

Regarding E. Traverse Road / "South Arterial" and WDO 3.01.01, 3.01.02, 3.01.03C.1, 3.01.03I, 3.01.04A & B, Figure 3.01C "Minor Arterial", & Note 3.01C as applied through subdivision criteria 2 & 5, the proposed development is the second to develop a segment of the planned "South Arterial" and name it E. Traverse Road. (The first is Mill Creek Meadows planned unit development PUD 22-01, preliminary subdivision SUB 22-01, and subdivision final plat FSUB 24-01 at 1490, 1550, & 1636 Brown Street.) The road by approximately the year 2039 is to manifest and traverse the southern region of the urban growth boundary (UGB) east-west per the Transportation System Plan (TSP) adopted September 2019, specifically its Table 2 "Roadway Plan Projects" p. 33 Project R29 and Figures 2 "Functional Roadway Classification" and 3 "Roadway Plan Elements", excerpted below:



 Applicable cross section: The TSP contains a conflict in that the text listing of R29 specifies the South Arterial as a two-lane road, while Figure 2 indicates that it is Major Arterial class for which the WDO standard cross section is a four-lane highway per Figure 3.01B.

ANX 24-02 & SUB 24-01 Schwenke/Vezey Annexation / Mill Creek II subdivision S. Boones Ferry Rd – Staff Report Attachment 102 Page 11 of 37 Regarding what became PUD 22-01 Mill Creek Meadows, for pre-application meeting PRE 21-25 on September 8, 2021, agenda p. 3, Item A4 identified the conflict and indicated that staff resolved the conflict (in favor of the literal text over the conceptual figure) and that the developer and future developers of the rest of the planned road should proceed accordingly per Figure 3.01C "Minor Arterial" class.

2. Alignment:

Regarding the alignment per TSP Figure 2 and what became PUD 22-01 Mill Creek Meadows,, upon PRE 21-25 the Community Development Director, Public Works Director, and City Engineer agreed to interpret and administer such that the easterly regional alignment (east of S. Boones Ferry Road) would follow not the south boundary of the subject property but instead the rough middle so that it would align with a previously built segment of a differently aligned South Arterial based on the previous TSP adopted 2005. (That segment is a four-block long improved half-street within the south boundary of the Boones Crossing PUD, located one block south of Spring Boulevard, and identified with the placeholder designation South Arterial – no name or suffix – as platted and that appears in Google Maps. )

These findings about E. Traverse Road alignment and standard cross section, echoing PUD 22-01 Attachment 102 "Analyses & Findings" pages 18 &19, continue to other developments involving segments E. Traverse Road, including the subject ANX 24-02 & SUB 24-01 Mill Creek II. The findings are the basis for the subdivision conditions of approval regarding how to conform with WDO 3.01.01, 3.01.02, 3.01.03C.1, 3.01.03I, 3.01.04A & B, Figure 3.01C "Minor Arterial", and Note 3.01C.

Regarding Figure 3.01C, Note 3.01C provides for applying a median to an improved segment, and a condition requires median segments in the easterly part of E. Traverse Road, fostering Comprehensive Plan Policies D-1.3 regarding sufficient landscaped area and D-1.5 regarding tree planting as well as the street tree purpose statement of 3.06.03A. (The median would be similar to that in the first segment of E. Traverse Road, which would be found in the nearby subdivision to the east, Mill Creek Meadows at 1490 Brown Street. The City conditioned that subdivision to have such a median in the middle, longest block of E. Traverse Road. The revised civil engineering plan set that the Public Works Department Engineering Division either has issued or is soon to issue as the approved set shows the median in conformance with the condition of approval and with more construction detail that shown during the PUD 22-01 land use review stage.)

#### Part 2-1b: S. Boones Ferry Road

Regarding S. Boones Ferry Road, Transportation System Plan (TSP) Figure 2 "Functional Roadway Classification" designates the segment as Minor Arterial for which the standard cross section is WDO Figure 3.01C "Minor Arterial". The subdivision conditions of approval make explicit conformance with WDO 3.01.03C.1a and Figure 3.01C "Minor Arterial".

#### Part 2-1c: Local Streets

Regarding subdivision internal streets – the local streets – they are local per Transportation System Plan (TSP) Figure 2 "Functional Roadway Classification", and the standard cross section per WDO 3.01.04B.1 is WDO Figure 3.01G "Local Residential …". The subdivision conditions of approval make explicit conformance with WDO Figure 3.01G "Local Residential …". The proposed local street layout or network conforms with WDO 3.01.05A.1, 2, 3, & 5; 3.01.05B.2a; 3.01.05C; & 3.01.05F if platted as proposed and with the conditions of approval.

#### Part 2-1d: Street Stubs (Or, Stub Streets)

The proposed local street layout or network conforms with Comprehensive Plan Policy G-1.3 and WDO 3.01.05B.2a relative to undeveloped rural lands to east, south, west of the subject territory where no public roads exist along adjacent properties other than Brown Street, Belle Passi Road NE, and S. Boones Ferry Road – if platted as proposed and with the conditions of approval, especially regarding Upland and Vail Avenues and what would be future connection east to Brown Street as well as the respectively named avenues in Mill Creek Meadows.

#### Part 2-2: Subdivision Connection Paths / Shortcut Paths

The proposed layout of bicycle/pedestrian tracts conforms with Comprehensive Plan Policies G-1.4 and (regarding the nearby public park in the Boones Crossing Phase 6 subdivision to the westerly north of the subject territory) H-1.4 and WDO 3.01.05A.8 and 3.01.05B.2a & 3 relative to both the long blocks within the subdivision and to undeveloped rural lands to east, south, west of the subject territory where no public roads exist along adjacent properties other than Brown Street, Belle Passi Road NE, and S. Boones Ferry Road – if platted as proposed and with the conditions of approval. It also conforms with 3.01.05C.2-4, 3.01.07A, 3.01.07C, and Table 3.01A row 2 – if platted as proposed and with the conditions of approval, especially regarding path and landscaping improvements per 3.01.07D-G.

Based on the rest of the layout, particularly the tract connecting the Upland Avenue west culde-sac bulb west to S. Boones Ferry Road, the proposed tract connecting the Upland Avenue west cul-de-sac bulb south to the subject territory south boundary is no longer as useful as it was when in the application original submittal both the other tract was lacking and when Vail Avenue lacked a west stub. (The revised submittal then showed both.) The purpose is to have the properties to the west along the road not develop without a walking and cycling connection to the subject Mill Creek II subdivision and a more direct path to the public park in the Boones Crossing Phase 6 subdivision to the westerly north of the subject territory.

ANX 24-02 & SUB 24-01 Schwenke/Vezey Annexation / Mill Creek II subdivision S. Boones Ferry Rd – Staff Report Attachment 102 Page 13 of 37 Staff applies a condition of approval granting the developer the option to omit the bicycle/pedestrian corridor tract between the Upland cul-de-sac bulb at the north and the subject territory boundary at the south (allowing enlargement of Lots 11-13) in exchange for the Boones Ferry and Traverse sidewalks being wider than 6 feet, specifically wide enough to serve as a *de facto* bicycle/pedestrian path for interested but concerned cyclists and would-be cyclists fearful to ride in a bicycle lane along the traffic of a major road.

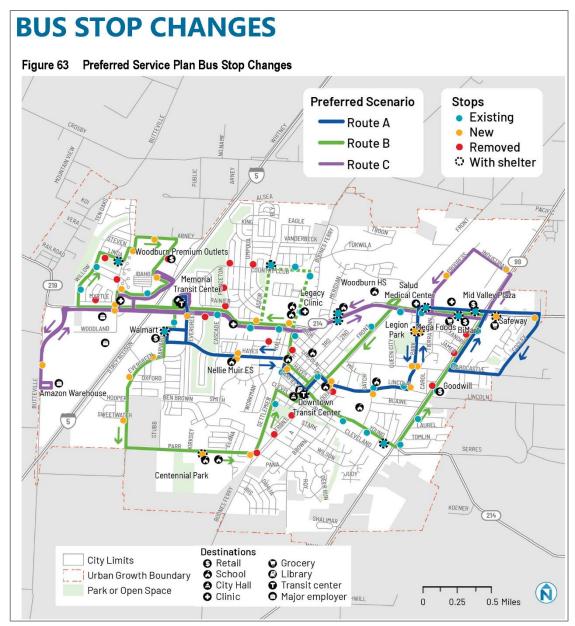
#### Part 2-3: Concrete crossings

The select intersection pedestrian crossing legs proposed as concrete are consistent with examples constructed downtown along First Street and in the Smith Creek development as well as drawn on civil plans and to be constructed in the Mill Creek Meadows subdivision. Their purpose is a means of traffic calming, directing motorist attention to potential conflicts with pedestrians, and they are in keeping with Comprehensive Plan Policy H-3.2. The conditions of approval secure them through subdivision final plat.

#### Part 2-4: Bus Transit

Regarding WDO 3.01.09, staff observes that:

- A. No City bus line or route runs along the site.
- B. Neither the Salem-Keizer <u>Cherriots</u> 10X or 20X routes runs along the site, and no other transit agency is relevant.
- C. The closest is the bus stop at the intersection of S. Front Street, S. Settlemier Avenue, and Parr Road along 151 Parr Rd. This is approximately 0.5 miles from the northwest corner of the subject property at S. Boones Ferry Road and what will be E. Traverse Road, equal to a walk of about 12 minutes or a bicycle trip of about 3 minutes with longer travel times from the subdivision interior.
- D. The bus stop has no shelter.
- E. The City Council adopted the <u>Transit Development Plan (TDP)</u> via Resolution No. 2213 on June 12, 2023, which succeeded the Transit Plan Update (TPU) adopted via Resolution No. 1980 on November 8, 2010.
- F. A TDP key element is on TDP p. 80 as Figure 63 "Bus Stop Changes". The illustration and notes indicate along "Route B" (green line) relocation of the bus stop within the same intersection from the northeast to the southwest corner (from the red dot to the yellow dot). It is not identified among those specifically identified to have a shelter (lacking a dashed line circle around the yellow dot).



Excerpt of TDP Fig. 63 "Bus Stop Changes" (from p. 80)

- G. TDP Fig. 63 does not identify any new bus routes or stops farther south.
- H. The Planning Division Administrative Specialist e-mailed as is routine notice of public hearing to other City staff including the Woodburn Transit Service (WTS) Transit Manager on March 21, 2025, who as of March 31 had not inquired or commented to the case planner / reviewing planner regarding the proposal.
- I. The Public Works Department Engineering Division defers to any of the Planning Division and the WTS regarding transit, and the Public Works comments that are Attachment 102A have no mention of bus transit.

ANX 24-02 & SUB 24-01 Schwenke/Vezey Annexation / Mill Creek II subdivision S. Boones Ferry Rd – Staff Report Attachment 102 Page 15 of 37 Because of the above, Planning staff determined that (1) there would be a weak case in applying WDO 3.01.09 by conditioning bus transit improvements or fees, such as a fee in-lieu of a bus shelter in whole or in part, and (2) that there was no interest by the Transit Manager in applying such; therefore, 3.01.09 is not applicable.

#### Part 2-5: Public Facilities Generally

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 or subdivision 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 (submitted November 12, 2024) addresses the annexation and subdivision provisions. There's no written objection by the Public Works Department to the applicant's narrative.

△ Subdivision criterion 2 is met with the conditions of approval.

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

The site is mostly flat with drainage tending northeasterly and, having been a farm, has no wilderness or landmark natural features and only grass and several trees remaining of which the removal of most and preservation of some staff examines and approves farther below under subdivision criterion 5. A conventional stormwater detention pond ("water quality facility") and attendant stormwater management civil engineering conceptually illustrated by the tentative site plan is enough to address topography as the developer and the Public Works Department Engineering Division will refine after a final land use decision and during civil engineering plan review prior to construction.

✓ Subdivision criterion 3 is met.

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.

Among aerial photography and the application materials, there is no evidence or documentation of any creeks, drainage ways, wetlands, or "unstable areas", which staff takes to mean cliffsides or steep hillsides at risk of landslide, within the subject territory. The applicant's narrative indicates that there are no wetlands (p. 35). Additionally, review of demonstration by the developer that streets and building sites are on geologically stable soil considering the stress and loads defaults to the Public Works Department Engineering Division after a final land use decision and during civil engineering plan review to determine prior to street construction and to the Building Division to determine prior to dwelling permit issuances and during inspections.

Subdivision criterion 4 is not applicable.

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

#### Part 5-2.02: Residential Subdivision Basic Dimensional Standards

Regarding basic subdivision lot dimensional standards (WDO Table 2.02B), and absent the application materials indicating what among the permitted housing types per Table 2.02A of houses and "middle housing" (duplexes, triplexes, quadplexes, cottage clusters, and townhouses) would be developed after subdivision final plat, staff defaults to applying Table 2.02B as if the residential subdivision would develop interior lots with houses, duplexes, or triplexes and corner lots with houses, duplexes, triplexes, or quadplexes, for which the minimum lot areas or lot sizes are 6,000 square feet (sq ft) for interior and 7,000 sq ft for corner. The proposal meets these minimum lot areas with maybe one nonconforming lot – flag Lot 13 – that are more demanding that the minimum lot area for a townhouse of 1,500 sq ft. It remains the responsibility of the developer to plat a given lot at minimum area for the intended permitted housing type as well as to account for minimum setbacks and maximum lot coverage in order to obtain building permit issuance.

The possibly nonconforming lot is flag Lot 13. Table 2.02B and its footnote 1 indicate that flag lot minimum area calculation excludes vehicular shared access easement area. Because as examined later below under this subdivision criterion 5 in relation to access management for flag lots (WDO 3.04.03D.3), Lots 12 & 13 must share a driveway, which in turn necessitates vehicular shared access easement area. Because it's unclear what the size and dimensions of it would be, it might drop the Lot 13 area from 9,381 sq ft to below the minimum (6,000 sq ft).

ANX 24-02 & SUB 24-01 Schwenke/Vezey Annexation / Mill Creek II subdivision S. Boones Ferry Rd – Staff Report Attachment 102 Page 17 of 37 For this reason, staff applies a condition of approval for the developer to resolve through revised plat drawings with a subdivision final plat application.

The situation is similar for remaining dimensional standards: minimum lot widths, minimum lot depths, and minimum street frontage widths. The proposed residential subdivision meets these minimum dimensions.

In the context of state middle housing law as seen in the housing types permitted in the RS zoning district codified in WDO Table 2.02A as well as amended statute, and with the precedent of an approved preliminary subdivision increasing its lot count to add townhouses – planned unit development PUD 22-01 Mill Creek Meadows at 1490 Brown Street – that staff and the Planning Commission approved through a Modification of Conditions (MOC) Type III application through WDO 4.02.07, staff applies a condition acknowledging the context by pre-emptively providing for an administrative means of moderate increase in lot count without the hassle to the developer of additional land use applications, fees, time, and process and the hassle to staff of more than necessary administration, while still requiring conformance with the subdivision lot dimensional standards of Table 2.02B. The intent also is, were the developer to increase lot count moderately for the subdivision final plat application stage, that the condition would induce the developer to do so administratively and diplomatically rather than invoke and force awkward application of middle housing land division statutes to City processes, particularly ORS 92.031.

#### Part 5-3.01: Frontage/Street Improvements

Regarding frontage/street improvements (WDO 3.01), see earlier above under subdivision criterion 2.

#### Part 5-3.02: PUEs

Regarding streetside public utility easements (PUES; WDO 3.02), because the tentative plat drawing does not delineate any of minimum and maximum widths per WDO 3.02.01B & F.2., there is a condition of approval.

#### Part 5-3.04: Access Management

Regarding access management (WDO 3.04), conditions of approval make explicit that whatever driveways a developer and/or homebuilders would later propose would conform with 3.04.01A.4 & 3.04.03C.1 & 2 (lots along shared rear lanes also known as private alleys), 3.04.03D.1 (joint driveways / shared driveways), 3.04.03D.3 (flag lot share driveways), and (regarding maximum driveway width) Table 3.04A.

The applying of 3.04.03D.1 joint driveway / shared driveway provisions is for the purpose of preserving both street tree planting locations and on-street parking along local streets by having fewer interruptions by driveway approaches, especially for lots approximately 50 feet wide or narrower that are grouped in three block faces within the proposed subdivision. This is:

- A. Per 3.04.03D.1;
- B. Based on the purpose statement in 3.04.03A:

"[T]o reduce driveways interrupting landscape strips and the pedestrian experience along sidewalk, to preserve the appearance of street-facing yards in developments of other than multiple-family dwellings, and to preserve on-street parking where existing or required of development";

That is, what would happen without joint driveway along the narrow lots in a few of the subdivision block faces is that front yards would come to resemble small green patches amid driveways, that what remains of a landscape strip would be a few, isolated pockets as green patches, too few and too small for trees and probably already consumed with street lights and utility pedestals, poles, and vaults, thereby leaving an expanse denuded of public landscaping and being mostly concrete that would feel particularly unpleasant, even hostile, in summer heat;

- C. To provide for reasonable expectation by the City and reasonable ability by a developer to have development of the subdivision actually conform with the street tree minimum ratio per 3.06.063A.1 equal to an average of 1 per 30 feet of block face;
- D. To be in keeping with the opening purpose statement of 3.06, that each landscape strip and street tree, "enhances the beauty of the City, provides shade and temperature moderation, [and] mitigates some forms of air and water pollution";
- E. Foster Comprehensive Plan Policies D-1.3 regarding "sufficient landscaped area ... to create a pleasant living environment" and D-1.5, the latter of which calls for, "landscaping and tree planting to enhance the livability and aesthetics of the neighborhood"; and
- F. To reduce the "urban heat island" effect, thereby being in keeping with the part of 3.04.03A about "pedestrian experience" as well as Comprehensive Plan Goal M-1 about energy conservation – through reduction in resident use of air conditioning (AC) in the home as well as higher tolerance for persons to walk about in lesser heat thanks to more landscaping instead of driving amid more heat because of less landscaping.

Absent such action, and with the usual utility constraints on these and the other blocks that have no alleys resulting from fire hydrants, street lights, and underground potable water and sanitary sewer laterals, these blocks faces with narrow lots (about 50 ft wide each lot) in particular would have very few street trees (and on-street parking stalls) and result in large areas of pavement, lessening the pedestrian experience. Lastly, the reader should consider that a 16-foot wide driveway equals 32.0% of a 50-foot lot width, while such a driveway shared by two lots would equal 16.0%.

Staff emphasizes that the driveway maximum width is applicable to what is termed any of the approach, apron, curb cut, or ramp. Staff predicts that in a given front yard, that is, outside the

ANX 24-02 & SUB 24-01 Schwenke/Vezey Annexation / Mill Creek II subdivision S. Boones Ferry Rd – Staff Report Attachment 102 Page 19 of 37 right-of-way (ROW), there would be garage-fronting pavement wider compared to the width of the driveway concrete apron in the ROW as long as there remains conformance with WDO 3.05.02D.3 regarding "parking pads". The reader may also refer to Ordinance No. 2521 (2014), a general ordinance that prohibits parking on lawns.

#### Part 5-3.06: Significant Tree preservation and removal

Regarding Significant Tree preservation and removal (WDO 1.02, 3.06.07, and 3.06.08), the revised arborist report and related plan sheets submitted through January 30, 2025 illustrate conformance as explained below.

To conform with the Tier 4 (T4) 50% preservation standard applicable to the 100% of Significant Trees (per WDO 3.06.07H.2: 9 trees, Trees 2, 5-7, 9, 12-14, & 24, of which 50% of 4.5 rounds to 5) that don't otherwise meet an exemption or qualify for removal, the developer would have been required to preserve at least one more among Trees 12-14 & 24; but, because of an emergency that the Director recognizes and that the WDO did not anticipate and does not regulate, this is not applicable.

Specifically, all four trees that would be required for the developer to choose from to preserve are all Oregon ash trees (*Agrilus planipennis*), and state of Oregon agriculture and forestry departments acknowledged in 2022 and the City as early as August 2024 acknowledged a spreading infestation statewide, including in Woodburn, of such trees by an insect, the emerald ash borer (EAB), and the policy position of both the state and City are to slow the spread through *ad hoc* proper removals of any ash tree, infected or not, and not to plant new ash trees, that is, that the situation is an emergency. Also, the Director determines that WDO 3.06.07E.3 that allows for more lax administration because of an emergency that results in either City Council or Director recognition, though this provision is under the WDO section for Tier 1 (T1), can be and is invoked for the proposal that is Tier 4 (T4) through Table 3.06T, row 2, and 3.06.07H.

Staff will still charge the usual removal fees per the Planning Division fee schedule, p. 3, and the staff report / final decision Attachment 202, Exhibit 202 tabulates applying the fee schedule to the proposed subdivision tree preservation and removal information in more detail.

Street trees, required anyway and being off private property, don't count as on-property mitigation plantings. Mitigation plantings, which for the proposed subdivision are feasible only in tracts, that the developer will have identified after a land use final decision through civil engineering plan review led by the Public Works Department Engineering Division (PW) and planted by time of subdivision final inspection would not be charged mitigation fees in-lieu, and missing plantings would be charged. If the developer does not address the issue during the final plat stage, staff would charge the total at building permit issuance.

In short, a condition of approval makes explicit for the developer to preserve the Significant Trees that don't qualify for removal per an exemption (WDO 3.06.07B.2 or Tabl3 3.06E) or the removal criteria (Table 3.06T row 2, and 3.06.07H) and that are not ash trees: Significant Trees 5-9 (subject territory SW corner, Lots 17 & 18).

#### Subdivision Criterion 5 Conclusion

In the context of annexation and subdivision with yet no civil engineering plan review or building permit applications for specific driveway approaches and buildings, relatively few sections within WDO Volumes 2 & 3 are applicable. Those that are applicable are met or made to be met through the conditions of approval.

A Subdivision criterion 5 is met with the conditions of approval.

#### Subdivision Conclusion

A The subdivision criteria are met with the conditions of approval.

## **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 consolidates the annexation, zone change, and preliminary subdivision.

# **Recommended Conditions of Approval**

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

#### General

G1. As part of building permit application, as well as any prior submittal that follows land use approval with conditions and that is necessary to demonstrate conformance with said conditions prior to building permit application, the applicant shall submit revised site plans and revised or additional documentation meeting the conditions of approval and obtain Planning Division approval through sign-off on permit issuance. The applicant shall submit a cover letter indicating what specific plans sheets or document page numbers demonstrate how the submittal meets each condition.

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, 4.02.12, and 5.01.06B.1 unless if and where a condition of approval has more restrictive timing. By this condition, there is more restrictive timing: In any case, they are due no later than by Building Division issuance of first certificate of occupancy (C of O), regardless of deferral, if any, that Public Works (PW) might have approved through 3.01.02E. This condition is not deferring to C of O; it is saying that if there were to be PW deferral, then the department could not defer to later than C of O.
- ROW/easements: Correct recordation of required right-of-way (ROW) and public easements is due per WDO 2.01.05A and 5.01.06C.3 – by building permit application. See Note A below.

- c. Where phasing is relevant, building permit issuance means issuance for the phase in which the conditioned improvement is located. Where an improvement spans phases and cannot be functionally divided by phase, it shall be due by the earliest phase.
- d. Where changes to street addresses are necessary, the developer shall apply through the Planning Division for and obtain approval of an <u>Address Assignment Request</u>. This is due prior to building permit application, and if any of property line adjustment, lot consolidation, partition, or subdivision are 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 6 months prior to expiration of the land use approval as WDO 4.02.04B establishes, and shall complete recordations no later than 3 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. Administration:

- a. Conformance: That a land use approval does not reiterate any and each particular detail, provision, requirement, rule, spec, or standard from any of the WDO, other ordinances, resolutions, public works construction code, or department policies does not exempt development from conformance with them.
- b. Copies: Per WDO 2.01.05B, the developer, including any succeeding contractor, shall provide copies of documentation that a City staff person requests regardless if the documentation source is another City staff person or department.
- c. Fees: The developer shall pay fees per Attachment 202.
- d. Inspections: Whether for subdivision or building permit inspections, the developer or contractor shall contact Planning Division staff minimum 3 City business days prior to a desired date of planning and zoning inspection of improvements. This is required and separate from and in addition to the usual building code and fire and life safety inspections. The developer or contractor shall construct, install, or plant all improvements, including landscaping, to the extent necessary to warrant inspection.

Note A: If and where the County does not allow dedication of ROW and grant of public easements through platting or re-platting, then dedication and grant would necessitate a process through Public Works (PW) and City Council acceptance separate from land use approval, which could take several weeks, prior to correct recordation with the County. In this scenario, upon tentative land use approval by the City, contact PW to begin and finish dedication and granting sooner. The City Council meets most second and fourth Mondays, and agenda packet materials are due to the City Recorder by the prior Tuesday at noon.

#### Preliminary Subdivision 24-01

SUB-1. ROW: The following are due by building permit application:

- a. Boones Ferry and Traverse: To conform with WDO Figure 3.01C "Minor Arterial", as part of recordation the developer shall dedicate ROW if and as necessary to result in half-street ROW that is min width 37 ft measured from centerline for both of Boones Ferry and Traverse.
- b. Local streets: To conform with WDO 3.01.04B.1 & Figure 3.01G "Local Residential Street ...", as part of recordation the developer shall dedicate ROW if and as necessary to result in total ROW per street that is uniform min width of 60 ft.

SUB-2. PUE: Along all public major thoroughfares and local streets, if streetside public utility easements (PUEs) do not yet exist, the developer shall grant streetside PUEs conforming with minimum and maximum widths per WDO 3.02.01B & F.2. Note that how subsection F.2 is applicable changes in the context of shared rear lanes (private alleys), and that PW is likely to direct the use of a PUE template. Condition conformance is due the same as per Condition G4b (by building permit application).

SUB-3. Street improvements: The following is due the same as per Condition G4a:

- a. Frontage/street improvements:
  - Boones Ferry and Traverse: The cross sections shall conform with WDO Figure 3.01C "Minor Arterial" & 3.01.03C.1a and as necessary conform with the public works construction code and PW direction. See also condition parts b. & c. below.
  - Local streets: The cross section shall conform with 3.01G "Local Residential Street ..." and as necessary conform with the public works construction code and PW direction.
  - Street stubs: The street stubs as proposed remain required per 3.01.05A.3 & 5, 3.01.05B.2a, 3.01.05C, 3.01.05F (regarding Upland and Vail), and 5.03.10B.1, 3, & 5 and shall have signed barricades as PW administers 3.01.05B.2b & c.

- 4. Concrete crossings: Intersection leg pedestrian crossings that would be concrete amid asphalt per the tentative site plan are the min required and shall be constructed min width 8 ft and as necessary conform with the public works construction code and PW direction. The locations are:
  - Traverse & Crocus, south leg;
  - Traverse & Iris, south leg;
  - Upland & Iris, west leg;
  - Vail & Iris, west leg; and
  - Traverse & Dahlia, south leg.
- b. Traverse sidewalk: The developer has the option to omit the bicycle/pedestrian corridor tract between the Upland cul-de-sac bulb at the north and the subject territory boundary at the south (enlarging Lots 11-13) in exchange for the Boones Ferry and Traverse sidewalks being min width 8 ft. Wider sidewalk shall not narrow the landscape strip. The extra width of planter strip and sidewalk shall either (1) be within additional ROW that accommodates them, or (2) overlap outside ROW into streetside PUE, the PUE or other recorded legal instrument granting public access to the overlap.
- c. Traverse median: Based on TSP Project R29 "South Arterial" (TSP p. 33), WDO Fig. 3.01C and WDO Note 3.01C, and in keeping with Comprehensive Plan Policies D-1.3 regarding sufficient landscaped area and D-1.5 regarding tree planting, the developer shall design and construct a median as follows:
  - 1. Initial specifications:
    - (a) Location: Within the two blocks between Iris and the subject territory east boundary (300 & 400 blocks).

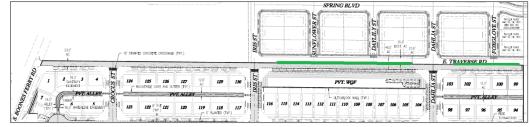


Exhibit SUB-3c. Approximate Locations of Medians (in green)

- (b) Basic mins: Curbed, width min 8 ft and max 10 ft between backs of curbs, and as combined total for both medians min area within curbing of 4,900 sq ft w/ min 19 trees o.c. spacing average of 30 ft. (Min width not applicable to end tapers that transition to left turn lanes at intersections, if any such lanes.)
- (c) Extent/length: For each additional increment of median that is at least 30 ft long, it shall have min 150 sq ft of landscaping min 8 ft wide with min 1 tree.

- (d) Pavement: If each 150 sq ft of landscaping around each tree is min 8 ft wide, the remaining area within the median, if any, may be surfaced with other than landscaping and per PW specs; however, cobbles, gravel, pebbles, and rocks remain prohibited within 1 ft of backs of curbs.
- 2. Additional specifications: Per PW during CEP. For street landscaping, median trees shall conform with the street tree requirements of WDO 3.06.03A, and the developer is prohibited from fee in lieu of more than 3 median trees. Landscape or planter strips shall have area remaining after median tree plantings conform with 3.01.04B, last paragraph, except where and as condition subsection (d) above allows pavement.

#### SUB-4. Street trees:

- a. Cross sections illustrate street trees, which are required per and in conformance with WDO 3.06.03A.
- b. The developer shall establish a street tree plan to which the Planning Division and PW affirm prior to building permit application. This task is due no later than building permit application and may be incorporated into the CEP review process led by PW.
- c. The street tree fee in-lieu amount shall be per Attachment 202.

SUB-5. Bicycle/pedestrian corridors / subdivision shortcut paths:

- a. Per WDO 3.01.07C & Table 3.01A, row 2, the preliminary subdivision bicycle/pedestrian corridor tracts shall remain and continue to conform with the min width of 20 ft. However, the tracts among Lots 33, 34, 54, 55, 78, & 79 may shift locations east-west within their respective blocks as long as both tracts continue to align. As an exception pursuant to Condition SUB-3b, the developer has the option to omit the bicycle/pedestrian corridor tract between the Upland cul-de-sac bulb at the north and the subject territory boundary at the south (enlarging Lots 11-13) in exchange for the Boones Ferry and Traverse sidewalks being wider as described therein.
- b. Per WDO 3.01.07E & F, corridor improvement and landscaping shall conform with WDO interpretation memo INT 22-0608 "Off-Street Public Bicycle/Pedestrian Facility Specifications" (June 8, 2022) or as amended and with the proviso that Part B3c is modified to landscaping min width 8 ft (with other side of path narrowing to 4 ft). Per WDO 3.01.07D, "Class C" is the applicable one. Plan review per 3.01.07G may be incorporated into the CEP review process led by PW. Conformance is due the same per Condition G4a.
- c. Access: Every bicycle/pedestrian corridor tract shall be covered with an easement granting the public bicycle and pedestrian access.

- d. Utilities:
  - Every bicycle/pedestrian corridor tract shall have a PUE min width conforming with 3.02.01C, aligned with the tract side boundary across the path from the widest landscape strip, and minimum extent equal to that of the tract.
  - 2. The developer may provide for access and utilities together in one or more consolidated easements, and PW might require the use of one or more PUE templates. To the satisfaction of PW, the easement(s) shall make explicit that in no case do they imply or require that the City assume maintenance of privately-owned tracts, whether actively or through association devolution.
- e. TCEs:
  - Where bicycle/pedestrian corridor tracts abut the subject territory boundary, and grading within the boundaries of the territory is not possible to have the pavement of a given path reach the boundary, then for each affected tract the developer shall grant one or more temporary construction easements (TCEs) with authority for both the City and the owner of the adjacent property to come onto the applicable affected tract to grade and extend pavement.
  - 2. If and where the developer is unable to determine the TCE necessary width and extent, then the presumptive dimensions would be width equal to tract width and extent equal to 10 ft.
  - 3. Draft submittal to the City is due by final plat, and recordation of the one or more correct TCEs is due the same as per Condition G4b (by building permit application).
  - 4. If either the developer decides to grant the one or more TCEs by conveyance documents separate from the plat, or Note A found at the end of general conditions becomes applicable, then it remains with the developer to budget additional lead time for City staff review.

- SUB-6. Access management:
  - a. Shared rear lanes (private alleys): To conform with 3.04.01A.4 & 3.04.03C.1 & 2, lots adjacent to shared rear lanes (alley-loaded lots) shall have their driveways and parking pads limited to access along the adjacent alley, not only for lots along Boones Ferry and Traverse but also Lots 5, 6, 94-98, & 117-123.

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Exhibit SUB-6a. Alley Access (in blue)

b. Flag lots: To conform with 3.04.03D.3, Lots 12 & 13 shall share a driveway approach / apron / curb cut / ramp. Refer to PW SS&Ds <u>4150</u>-1 & 4 or as amended.



Exhibit SUB-6b. Flag Lot Access (in yellow)

c. Driveways: To conform with Table 3.04A, each residential lot driveway approach / apron / curb cut / ramp along a street shall be max width 16 ft (measured between triangular flares) with max one driveway per lot except if and as conditioned elsewhere for joint or shared access for pairs of lots in which case the max is one driveway per 2 lots. Along shared rear lanes (private alleys), driveways, if any, have no max width. For each shared rear lane (private alley), each driveway at the street shall be max width 16 ft. If the stormwater detention pond tract is to have a driveway, then the max width shall be 10 ft.

d. Joint driveways / shared driveways: Per 3.04.03D.1, among Lots 19-28 along Vail, min 8 (4 pairs of lots) shall share driveway aprons; among Lots 29-41 along Vail, min 10 (5 pairs of lots) shall share driveway aprons; and, among Lots 104-116 along Upland, min 10 lots (5 pairs of lots) shall share driveway aprons. Exhibit SUB-6d below illustrates the subject groups of lots. The max width shall be (1) 16 ft for each of these joint or shared driveways where leading to garage doors each approximately 8-9 ft width (a one-card wide garage) and (2) 32 ft where leading to garage door is 8-9 ft and the other lot garage door is 16 ft (a one-car and a two-car garage). Outside the ROW, each lot driveway / parking pad may be wider by telescoping from the apron as long as there remains conformance with WDO 3.05.02D.3. (Refer also to Ordinance No. 2521 [2014], a general ordinance that prohibits parking on lawns.)



Exhibit SUB-6d. Groups of Lots Subject to Joint Driveways (in green)

e. Lot 13: Because per WDO 3.04.03D.3, Lot 12 & flag Lot 13 must share a driveway, which in turn necessitates vehicular shared access easement area, and because Table 2.02B and its footnote 1 indicate that flag lot minimum area calculation excludes vehicular shared access easement area, it is unclear what the easement area and dimensions of would be along the pole of flag lot 13, it might shrink the Lot 13 area from 9,381 sq ft to less than the minimum area, and the developer shall clarify the situation and make it conforming through revised plat drawings with a subdivision final plat application (FSUB).

SUB-7. Significant Tree preservation and removal: Consistent with the arborist report dated and submitted January 30, 2025, the developer shall:

 Preserve Trees 5-9 (subject territory SW corner, Lots 17 & 18) consistent with the arborist report dated and submitted January 30, 2025 and pursuant to WDO 3.06.08 "Tree Protection During Construction".

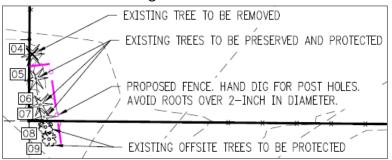


Exhibit SUB-7. Trees 5-9 to Be Preserved

- b. Submit for plan review of tree protection per WDO 3.06.08C.1e due per that section (CEP or building permit application).
- c. Illustrate, note, and plant mitigation plantings per WDO 3.06.07D.2 within subdivision tracts and/or pay fee(s) in-lieu per Attachment 202 and its Exhibit 202.

Advisory: Because several Significant Trees to be removed are Oregon ash (*Agrilus planipennis*), which increasingly in Oregon including Woodburn suffer infestation by emerald ash borer (EAB), the City advises the developer to comply with state of Oregon agency directions about how to stem infestation found at <<u>www.oregoneab.com</u>>.

SUB-8. Stormwater detention pond fencing: If the Stormwater detention pond and/or its tract is fenced or walled, fencing or free-standing walls shall conform through a fence permit per 5.01.10 with max height 3.5 ft along the three streets per WDO 2.06.02A.2, with any gates being up to the same max height. If there is fencing and it is to be chain link, then it shall be coated per WDO 2.06.02D.2 and a color other than black, charcoal, or dark gray.

SUB-9. Documents:

- a. Easements: Recordation shall conform with WDO 2.01.05A, that is, the developer shall accomplish correctly prior to building permit application.
- b. HOA:
  - 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. Topics: The association documents shall in the sections addressing topics that respective City ordinances or WDO sections also address, cite and advise readers to see these public regulations (or as amended): WDO 2.06 (fences and free-standing walls), 2.06.03 (accessory structures), 2.07.02 (boat and recreation vehicle [RV] storage), 2.07.03, 2.07.10 (home occupations or home-based businesses), 2.07.20 (accessory dwelling units [ADUs]), 3.05.02D.3 (no parking in front yards outside driveways), 3.03.06 (sight triangles or vision clearance areas, in relation to fences and free-standing walls), & 3.10 (signage) as well as Ordinance Nos. 1917 (1985; street frontage maintenance and repair), 2084 (1992; burglar alarms), 2136 (1994; chronic nuisance properties) 2225 (1998; that the City and not HOAs regulates and polices its public streets), 2257 (2000; golf carts), 2312 (2002; noise), 2338 (2003; nuisances, junked vehicles), 2424 (2007; street tree removals and replacements), 2434 (2008; animal control), 2521 (2014; parking on unimproved areas), 2577 (2020; camping in public rights-of-way), and 2632 (2024; on-street public parking rules). The City Recorder maintains the Ordinance Compilation webpage. The association documents also shall cite and comply with enrolled Oregon House Bill 2001 (HB 2001) (2019), Sect. 13 (p. 10) or directly the statute that the legislation amended, making the point that a newly constituted association cannot ban "middle housing".
- 3. 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 by final plat application to the City or earlier if ORS 94.565(2) requires.

- c. Plat:
  - 1. E. Traverse Road and Upland and Vail Avenues shall retain their names.
  - 2. The plat labels of square footages of lots and tracts, where in the thousands, shall have commas, e.g. "7982" shall read, "7,982".
  - 3. Tracts, which the preliminary subdivision drawing does not designate, shall be lettered per Exhibit SUB-2 below:



#### Exhibit SUB-9c3. Tract Lettering

- 4. Upon recordation, the developer shall submit to the Director and PW copies of correctly recorded documents per WDO 2.01.05.
- 5. Administrative allowance to increase lot count/number: Relative to WDO 5.01.06B.3 and based on the experience of PUD 22-01 Mill Creek Meadows (1490 Brown Street), this condition grants administrative allowance for the developer to have a moderate increase in the number of lots in a subdivision final plat application (FSUB) compared to SUB 24-01 without necessitating any of City refusal to approve the final plat; City denial of the final plat; application for and City approval of a preliminary subdivision application succeeding SUB 24-01; or, application for and City Council approval of Modification of Conditions (MOC) Type IV through WDO 4.02.07. The purpose is to allow further division and attendant resizing of lots intended for houses or duplexes into lots for townhouses with less hassle for both the City and the developer. The Director would grant the allowance (through subdivision final plat approval) only if the subdivision final plat meets the following restrictions:
  - (a) Each lot continues to be of minimum lot area in conformance with WDO Table 2.02B;
  - (b) Each lot continues to meet the remaining dimensional standards of Table 2.02B, namely minimum width, depth, frontage, and as applicable table footnote 1 regarding flag lots;

(c) Compared to the SUB 24-01 preliminary plat drawing lot count of 130, the total number rises by no more than 34 lots (26%) lots to 164 max. The exhibit below illustrates lots staff envisions as most ready for further division because of shared rear lane / private alley access, the lots serving as the basis for the number 34 derived from assuming 25 ft width for each townhouse lot and 30 ft for each townhouse corner lot and each townhouse group being maximum 4 dwellings as the RS zoning district allows and with 10 ft between groups; however, the exhibit assumptions and specific colored lots are not required to make use of the allowance; and



Exhibit SUB-9c5

(d) The subdivision final plat application includes a plat drawing or site plan as an exhibit coloring what lots are further divided and labeling their changed square footages and dimensions.

SUB-10. 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 and as follows:

- a. Final Plat: The developer shall apply to the City prior to or no later than on the same date as applying to Marion County for recordation.
- 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:
  - The developer fails to meet subdivision and public improvement requirements, resulting in the City being unable to authorize staff to sign a final plat Mylar by July 1, 2030; or
  - 2. There is no substantial construction as defined in WDO 1.02 by July 1, 2035.

# **Applicant Identity**

Applicant	Icon Construction & Development
Applicant's	Jennifer Arnold, Land Use Planning Department Manager, Emerio Design
Representative	
Landowner(s)	Greg I. Schwenke & Nancy R. Vezey

# 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, & freestanding 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. 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.
- PLA Plat Tracker: Marion County maintains a plat tracking tool at <<u>http://apps.co.marion.or.us/plattracker/</u>>. Use it to check on the status of a recordation request to the County. City staff does not track County plat recordation.
- 6. Technical standards: 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.
- 7. 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 ANX 24-02 & SUB 24-01 Schwenke/Vezey Annexation / Mill Creek II subdivision S. Boones Ferry Rd Staff Report Attachment 102 Page 35 of 37

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.

- 8. Inspection: Whether for subdivision or building permit inspections, the developer or contractor must contact Planning Division staff minimum 3 City business days prior to a desired date of planning and zoning inspection of improvements. This is required and separate from and in addition to the usual building code and fire and life safety inspections. The developer or contractor must construct, install, or plant all improvements, including landscaping, to the extent necessary to warrant inspection. 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.
- 9. Public Works Review: Regarding public infrastructure, consult the Public Works Department Engineering Division about when, where, and how to apply and implement <u>Public Works</u> <u>construction specifications, Standard Drawings, Standard Details</u>, and general conditions of a permit type issued by the Public Works Department. Where the Oregon Dept. of Transportation (ODOT) has jurisdiction over a roadway, consult Public Works about role and process clarification. The <u>Engineering Division</u> can be reached at (503) 982-5240.

10. ROW:

a. Dedication: The Public Works Department Engineering Division has document templates for ROW dedications and grants of easements that applicants are to use.

If dedications and grants are not correctly done prior when a building permit otherwise has become ready to issue, City staff will not sign off on permit issuance until the developer corrects the situation.

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.

Where the Oregon Dept. of Transportation (ODOT) has jurisdiction over a roadway, consult Public Works about role and process clarification. The <u>Engineering Division</u> can be reached at (503) 982-5240.

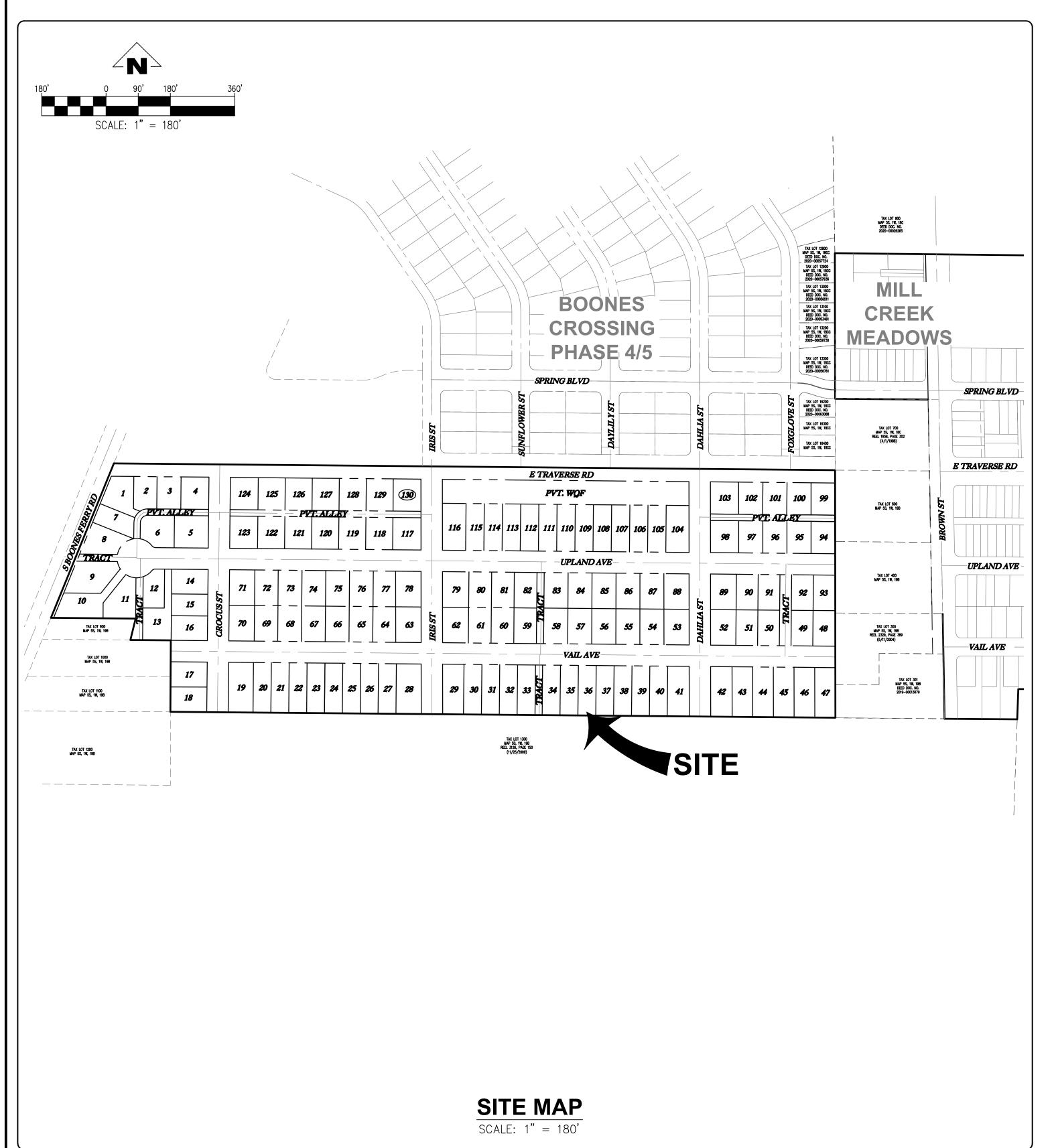
11. Street address assignment: Submittal of building permits for a new subdivision necessitates a <u>street address assignment</u> request, fee payment, and issuance prior to any building permit application. Submit an assignment request some time before delivering a plat Mylar for City signature.

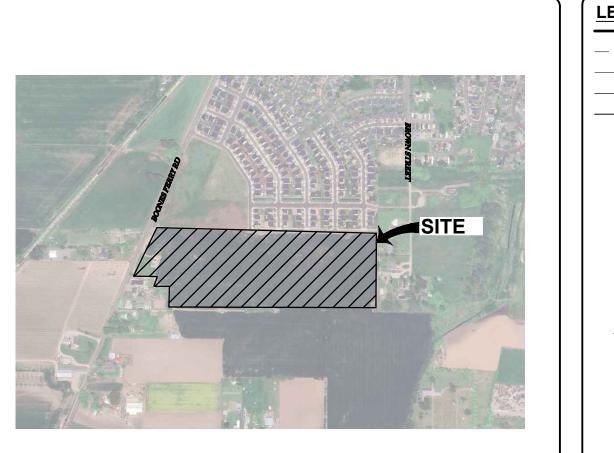
ANX 24-02 & SUB 24-01 Schwenke/Vezey Annexation / Mill Creek II subdivision S. Boones Ferry Rd – Staff Report Attachment 102 Page 36 of 37

- 12. <u>Planning Division fee schedule</u>: Additional fees are or might become applicable per the schedule:
  - Page 2, row "Bond or performance guarantee release or status letter", Applicable to such held by the Planning Division, not any by the Public Works Department Engineering Division. (This usually means bonding through the Planning Division is limited to street trees and/or on-site landscaping.)
  - Page 2, "Civil engineering plan(s) (CEP) review, Planning Division review of Public Works Department permit application materials". The Public Works Department Engineering Division (PW) may do CEP through building permit review instead of a separate process prior to building permit application, depending on department discretion, and were PW to decide such, the Planning Division would assess its CEP review fee on the building permit, avoiding separate invoicing and allowing the applicant to pay the fee along with the other permit fees. If not, the CEP fee would remain due earlier.
  - Page 2, row "Exception to when all public improvements are due / delay or deferral of frontage/street improvements", applicable if a developer obtains Public Works Department Engineering Division (PW) approval of exception (delay/deferral) through WDO 3.01.02E(1) & (2). The fee serves as an exception disincentive. If Planning Division staff see no evidence of improvements under construction or constructed based on the building permit application materials, staff will assume that PW and the developer agreed to deferral and assess the fee on the building permit, avoiding separate invoicing and allowing the applicant to pay the fee along with the other permit fees.
- 13. SDCs: The developer pays system development charges (SDCs) prior to building permit issuance. Engineering Division staff will determine the water, sewer, storm, traffic, and parks SDCs after the developer provides a complete Public Works Commercial/Industrial Development information sheet. The Engineering Division can be reached at (503) 982-5240.

# **BOONES CROSSING ADDITION**

# **130 - LOT SUBDIVISION - TENTATIVE SUBDIVISION IMPROVEMENT TAX MAP 051W19B TAX LOT 600, 700, 800 CITY OF WOODBURN, OREGON**





**VICINITY MAP** SCALE: NTS

32.21 ACRES

600, 700, 800

051W19B

130

RS

SITE DATA

**PROJECT CONTACTS** 

ICON CONSTRUCTION & DEVELOPMENT

WEST LINN, OREGON 97068

GEOTECHNICAL ENGINEER:

CONTACT: HARLAN BOROW

14835 SW 72ND AVENUE

CONTACT: JAMES D. IMBRIE

TRANSPORTATION ENGINEER:

CONTACT: JENNIFER DANZINGER, PE

CENTERLINE CONCEPTS, LAND SURVEYING INC

JENNIFER@LANCASTERMOBLEY.COM

19378 MOLLALA AVE, SUITE 120

PORTLAND, OR 97224

(503) 598-8445 (P)

(503) 941–9281 (F)

LANCASTER MOBLEY

PORTLAND, OR 97024

<u>SURVEYOR:</u>

321 SW 4TH AVE, STE 400

(503) 248-0313 X327 (P)

OREGON CITY, OR 97045

(503) 650-0188 (P)

CONTACT: TOBY BOLDEN, PLS

(503) 657-0406 (P)

GEOPACIFIC

1969 WILLAMETTE FALLS DR, SUITE 260

SITE AREA:

TAXLOT:

TAXMAP:

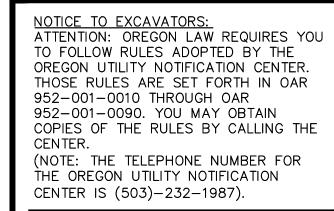
NO OF LOTS:

<u>OWNER:</u>

FUTURE ZONING:

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SITE	Image: System stress       Image: System stress         Image: Syste	<ul> <li>STORM DRAIN MANHOLE</li> <li>SANITARY SEWER MANHOLE</li> <li>CATCH BASIN</li> <li>CLEANOUT</li> <li>WATER METER</li> <li>WATER VALVE</li> <li>FIRE HYDRANT</li> <li>MAIL BOX</li> <li>UTILITY POLE</li> <li>GUY WRE</li> <li>LIGHT</li> <li>COMMUNICATION PEDESTAL</li> <li>ELECTRICAL METER</li> <li>JUNCTION BOX</li> <li>BOLLARD</li> <li>DOWNSPOUT</li> <li>WETLAND FLAG</li> <li>STORM LINE</li> </ul>		EXISTING HEDGE LINE EXISTING WOODEN FENCE EXISTING RAIL FENCE EXISTING CHAIN LINK FENCE PROPOSED STORM LINE PROPOSED SANITARY LINE PROPOSED WATERLINE PROPOSED STORM LATERAL PROPOSED SINGLE WATER METER PROPOSED SINGLE WATER METER PROPOSED STORM MANHOLE PROPOSED CATCH BASIN/AREA DRAIN PROPOSED BLOWOFF PROPOSED BLOWOFF PROPOSED 1' CONTOUR LINE PROPOSED 5' CONTOUR LINE PROPOSED SEDIMENT FENCE	COVER SHEET
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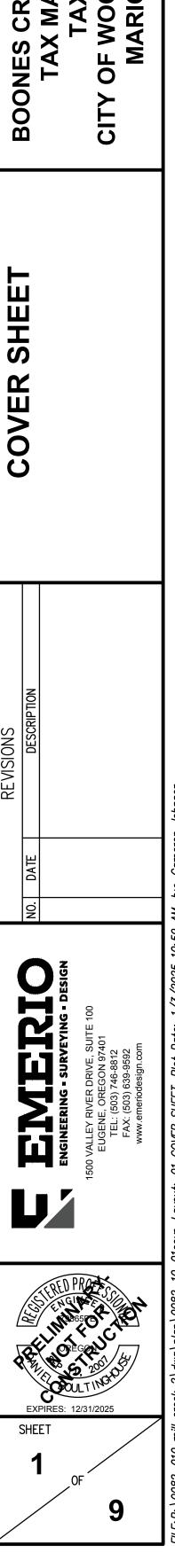
<u>CIVIL ENGINEER:</u> EMERIO DESIGN, LLC 1500 VALLEY RIVER DR, SUITE 100 EUGENE, OR 97401 CONTACT: DANIEL BOULTINGHOUSE, PE (503) 746-8812 (P) (503) 639-9592 (F)



POTENTIAL UNDERGROUND FACILITY OWNERS



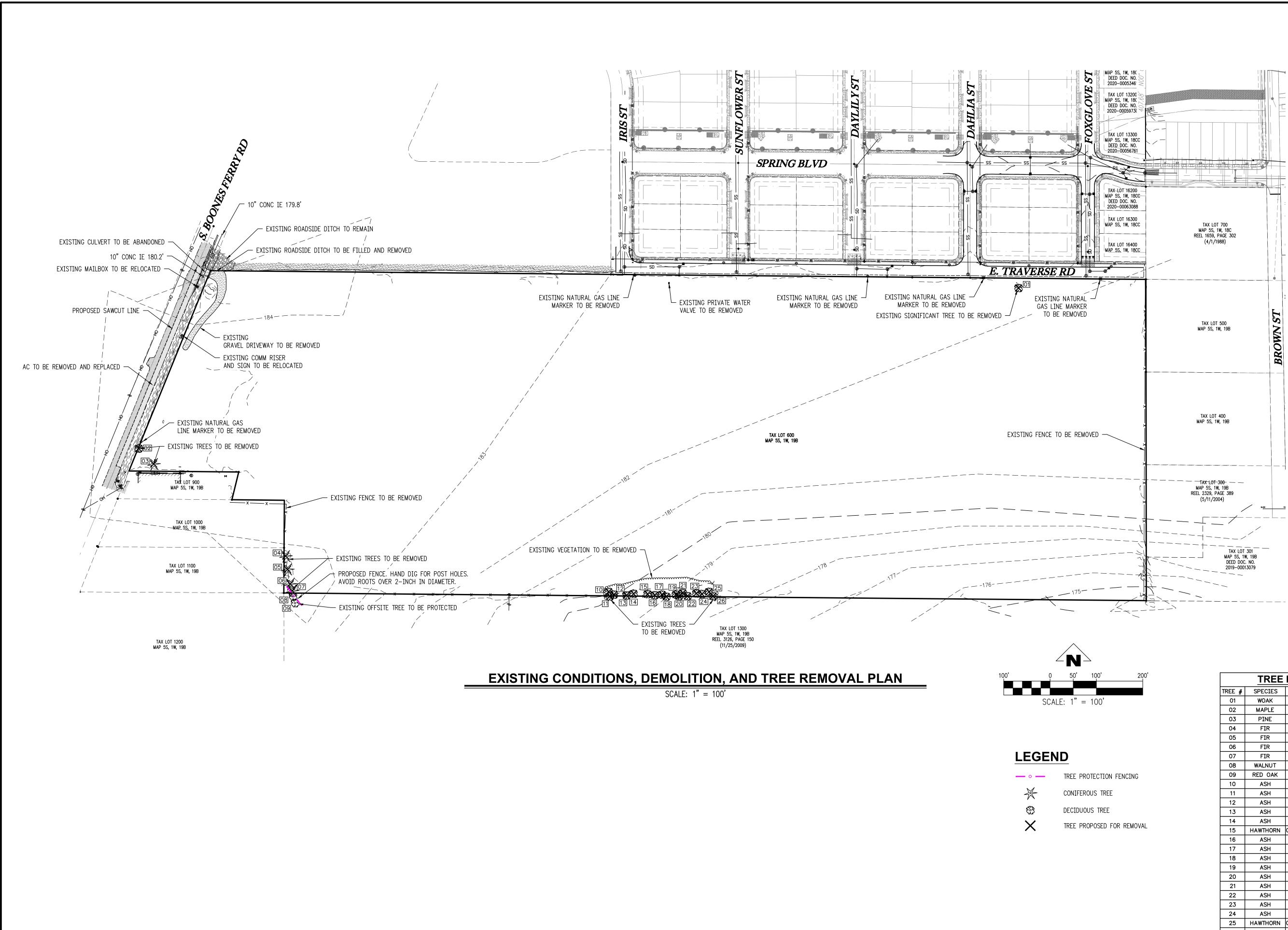
Dig Safely. Call the Oregon One-Call Center DIAL 811 or 1-800-332-2344



NO

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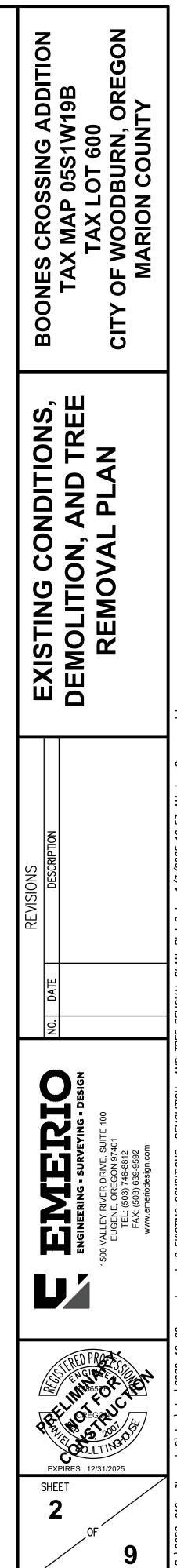
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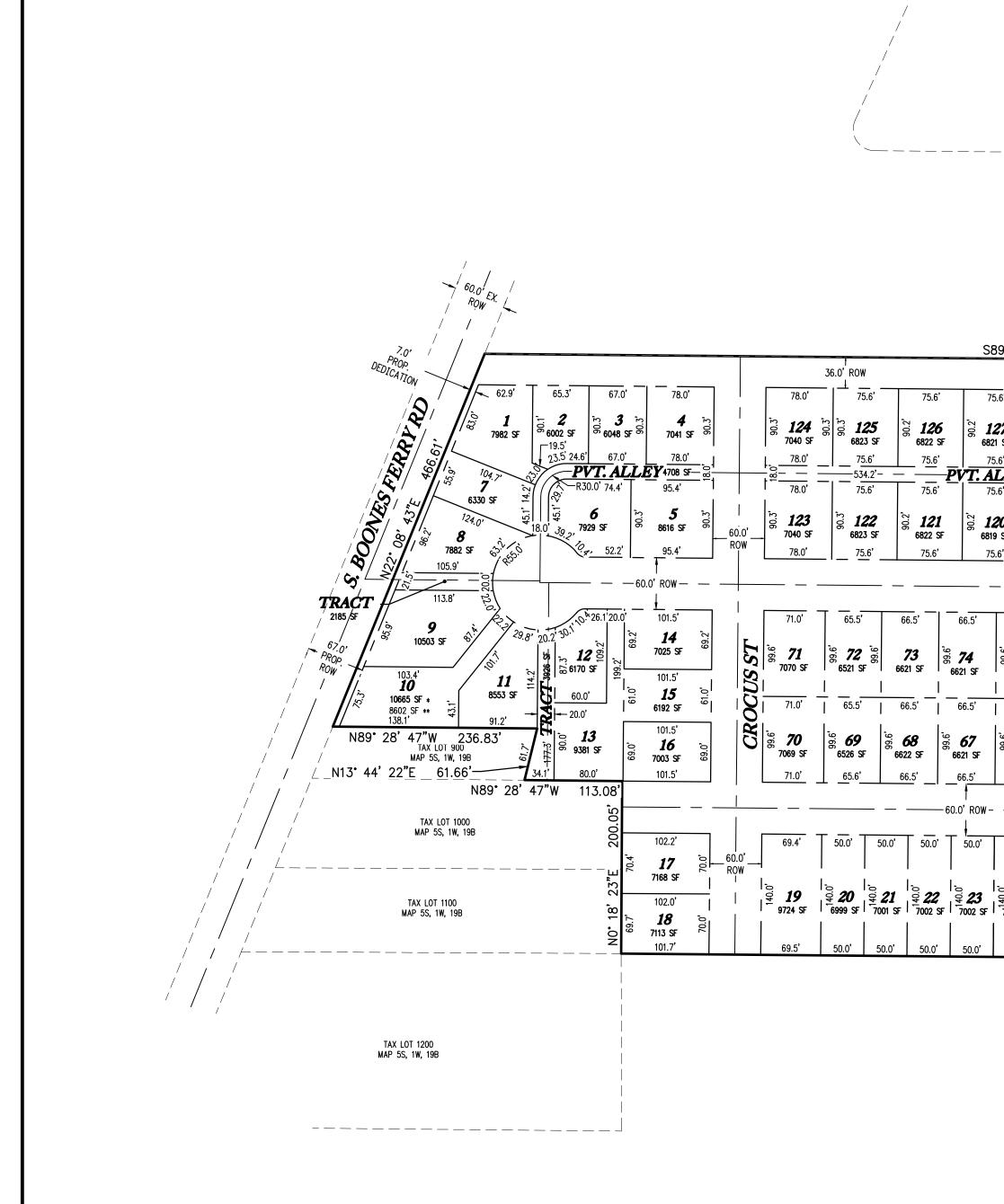


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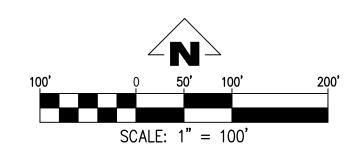
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02	MAPLE	31	REMOVE
03	PINE	6	REMOVE
04	FIR	32	REMOVE
05	FIR	26	REMOVE
06	FIR	30	REMOVE
07	FIR	30	REMOVE
08	WALNUT	10	RETAIN
09	RED OAK	25	RETAIN
10	ASH	16	REMOVE
11	ASH	10	REMOVE
12	ASH	33	REMOVE
13	ASH	30	REMOVE
14	ASH	30	REMOVE
15	HAWTHORN	CLUSTR	REMOVE
16	ASH	30	REMOVE
17	ASH	28	REMOVE
18	ASH	34	REMOVE
19	ASH	24	REMOVE
20	ASH	12	REMOVE
21	ASH	12	REMOVE
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		60.0' ROW -		7 <u>5.6</u> '	79.3'			65.0' 	50.9'	50.9'	50.9	, <u>5</u> 0.9	50.	.9'	50.9'	50.9'	_50.9'	_50.9' 	50.9' LAN		65.0' <b>/E</b>		79.0'	67.	
56.5' <b>74</b> 21 SF	,9.66	.5'	66.5' <b>76</b> 6621 SF	62.5'	71.0' '9; <b>78</b> 7069 SF	99.6'	,9 <u>9</u> 6	74.1'	63.5 <sup>1</sup> 2: <b>8</b>	<b>3</b> 9.5'	63.5' <b>81</b>	63.5'		67.0'		57.0' <b>84</b> 74 SF	67.0'	67.0		67.0' —	70.5'		72.5'	61.0' , <u>2</u> :66 <b>90</b>	
21 Sr 56.5'		.5'	66.5'	63.5'	$\frac{1}{1} \frac{71.0^{\circ}}{71.0^{\circ}}$		IRIS ST	7321 SF	<b>6325</b>	I	6325 SF	63.5'	-  <b>1</b>  -	6674 SF	_ I _	74 SF   	6674 SF 67.2'	6673 :     67.2	5F   (	6673 SF	7020 SF		7166 SF	<u>6069</u> 9 	sf  ິ60 - <u> </u> 
<b>67</b> 21 s 6.5'	F 6621	SF	<b>65</b> 621 SF 66.5'	<sup>5</sup> 66 6372 SF 64.5'	<sup>5</sup> 66 <b>63</b> 7069 St 71.0'	\$9.66 F	IRI 99.6'	5 62 7218 SF 72.0'	ີຮູ້ <b>6</b> 325 63.5	SF	<b>60</b> 5325 SF 63.5'	ີຣ໌ <b>59</b> 6325 SF 63.5'	00 1991' <b>-TR</b>	58 6694 SF 67.4'	66	<b>57</b> 95 SF	6694 SF	<sup>1</sup> .5 6694	SF 0	6694 SF	ີ້ 53 ີ ອ	DAHL	ିଟ୍ଟ <b>52</b> 7065 SF	ີເລີ <b>51</b> 6069 ເ	<b>SF</b> 60
)' R(	•								_ 1 0	<u>'</u>	03.3	<u>03.3</u>			º	7.4'	67 <u>.4'</u>	<u>67.4</u>		67.4' <b>AVE</b>	70.5'	] .  	70.5'	<u>61.0</u> '	
50.0	0' 50.0'	50.0'	50.0'	50.0'	69.3'	60. R0	o'	60.0'	50.0'	50.0'	50.0'		<u>.</u>	50.0'	50.0'	50.0'	50.0'	50.0'	50.0'	50.0'	60.0'		60.0'	57.8'	57.8
7002	3   <sup>7</sup> 0; <b>24</b> SF   <sup>7</sup> 7002	,0  04 <b>25</b>  7002 s	,0 04 64 7002 S	,0  0+ <b>27</b>  5  7002 S	, <sub>0</sub>  ,0 <b>28</b>   9805 S		  40  '	, 2 <b>9</b> 67 8286 SF	<b>30</b> 7002 SF	<sup>0.0</sup> 4 7002 SF	,0;   <b>32</b>   <sup>-</sup> 7002 s	,0 04 F   7002 SF	<b>RACT</b> 280	<b>34</b> 002 SF	0. <b>35</b> 7002 SF	, 07 07 1 7002 SF	,0 0€ 0€ 1 <b>37</b> 1 7002 SF	,0.0 0.0 <b>38</b>   <sup>1</sup> 7002 SF	,₀. ₀. 0. 0. 0. 0. 0. 7002 S	. 	  ,0  0; <b>41</b>  ;0   8512 SF		, 07 1 8403 SF	,1:04 8097 SF	, 07 <b>44</b>   <sup>-</sup> 8097
50.0	o' 50.0'	50.0'	50.0'	50.0'	70.7' N89	• 29' 29	)"W	<sub>58.4</sub> ' 1860.9	<sup>50.0'</sup>	50.0'	50.0'	50.0'	20.0	50.0'	50.0'	50.0'	50.0'	50.0'	50.0'	50.0'	61.6'		60.0'	57.8'	57.8

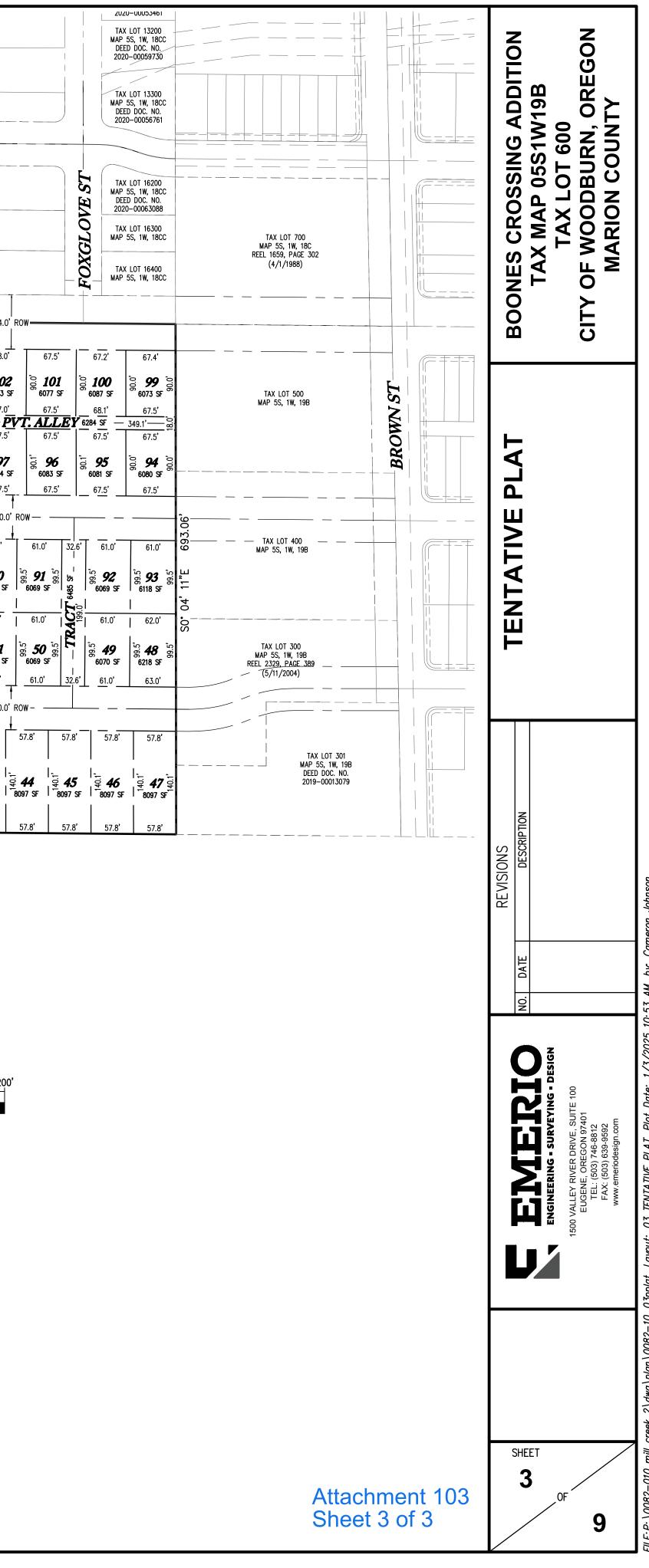
TAX LOT 1300 MAP 5S, 1W, 19B REEL 3126, PAGE 150 (11/25/2009)



### **TENTATIVE PLAT**

SCALE: 1" = 100'

\* TOTAL LOT AREA\*\* TOTAL MINUS FLAG AREA





August 2, 2024

Rick Givens Planning Consultant 28615 SW Paris Ave., Unit 10 Wilsonville, OR 97070

Re: Annexation Certification Subject Property: Marion County Tax Map: 052W19B000600, 052W19B000700 & 052W19B000800

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 wastewater, public storm sewer collection system, and public water 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 Page 1 of 3



1776 Newberg Hwy Woodburn, OR 97071 Bus. Office 503-982-2360 Fax 503-981-5004

July 24, 2024

Rick Givens Planning Consultant 28615 SW Paris Ave., Unit 110 Wilsonville, OR 97070 Cell: (503) 351-8204

Re: Adequate Service Provision

Rick Givens:

I have reviewed the property located immediately south of the Boones Crossing subdivision described as tax lots 600, 700, & 800 of Marion County Assessor's Map 51W19B. Woodburn Fire District (WFD) evaluated the proposed project and has determined that adequate service can be provided by WFD. We will continue to review, evaluate, and comment on other submitted plans as they become available.

If you have any questions or need additional information, please contact me.

Sincerely: James Gibbs Fire Marshal Woodburn Fire District (503) 982-2360 james.gibbs@woodburnfire.com

sent via email



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

July 25, 2024

Rick Givens Planning Consultant

Re: Annexation of the property located on Tax Lots 600, 700, and 800 of Assessor's Map 51W19B

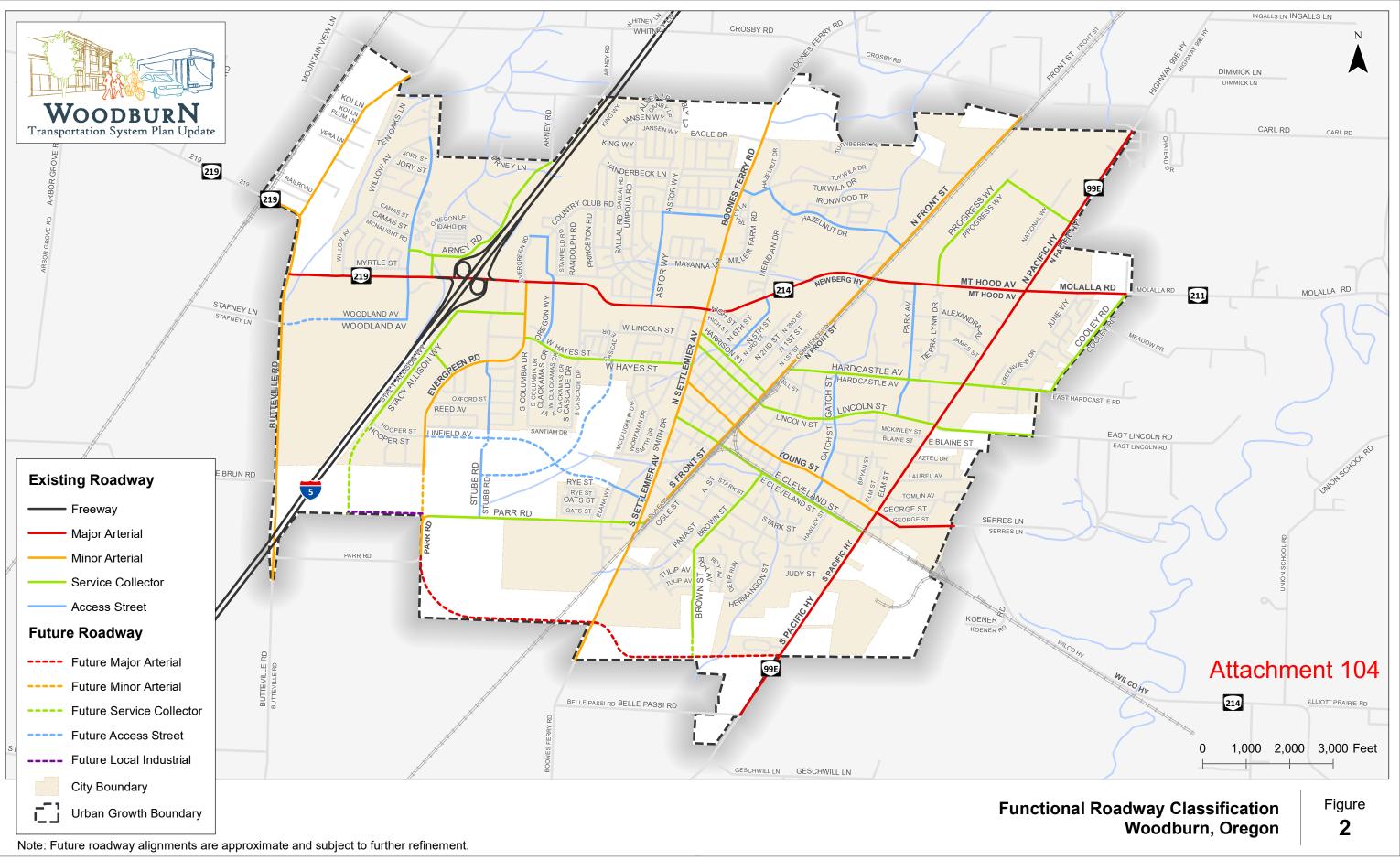
Mr. Givens:

In response to your request, Woodburn School District has determined that your requested annexation located near Boones Ferry Road will impact our schools. Whereas, we do feel we will have capacity to handle the potential increase in attendance, we will defer to the city's traffic and pedestrian analysis to determine if the current infrastructure is sufficient and will not affect the safety of our students and families as they access our sites.

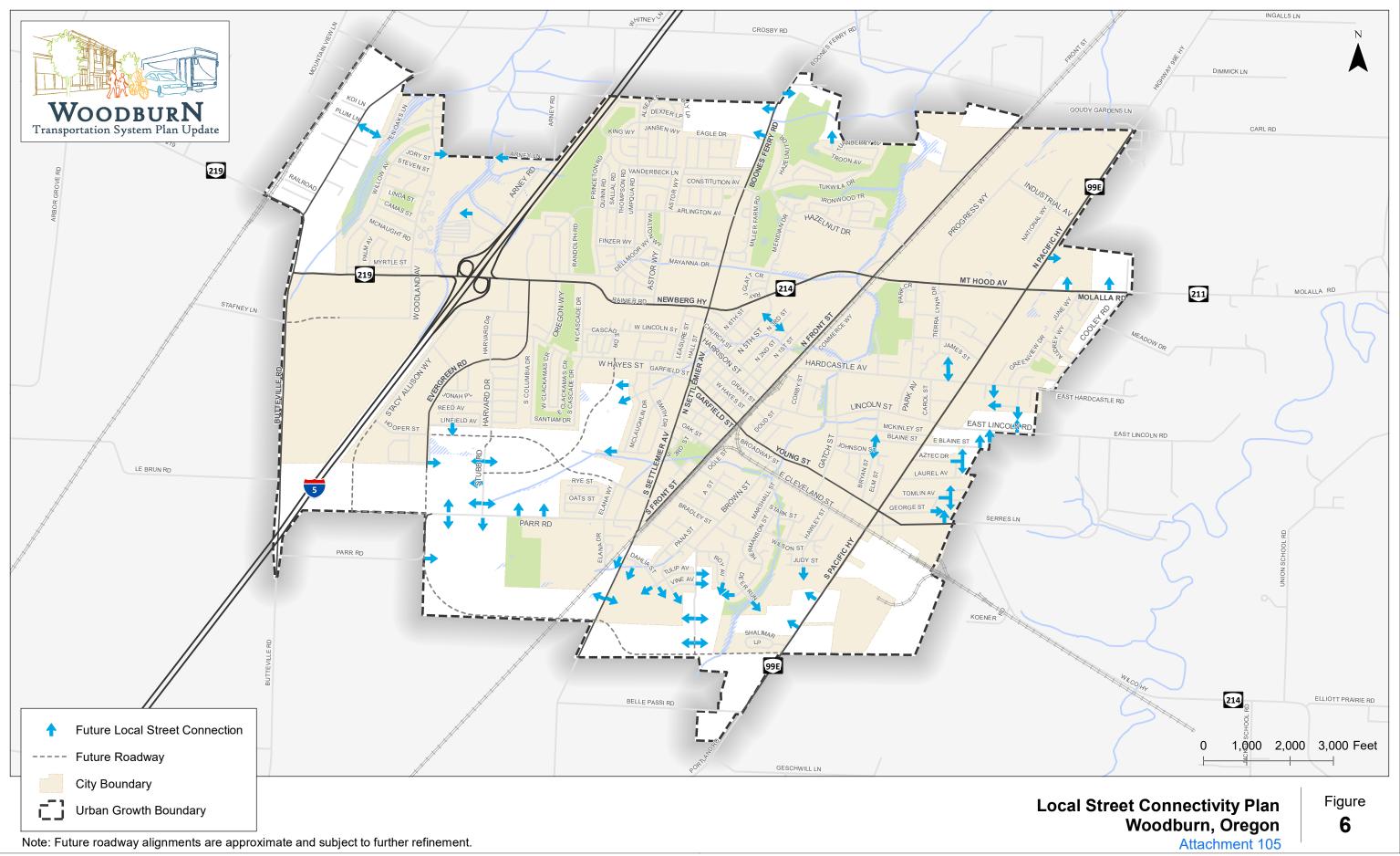
Sincerely,

Casey Woolley Director of Safety, Operations, and Communications Woodburn School District

Page 1 | 1 Attachment 103A Page 3 of 3



Woodburn TSP Update



# ANX 24-02 Mill Creek II Subdivision (Tax Lots 051W19B000600 [primary], 700, & 800):

### 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.
- "Boones Ferry" refers to S. 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 as PW decides either (1) precedes either building permit application or issuance, or (2) is the same as the building permit review process.
- "County" refers to Marion County.
- "Crocus" refers to Crocus Street.
- "C of O" refers to building certificate of occupancy.
- "Dahlia" refers to Dahlia Street.
- "Director" refers to the Community Development Director.
- "exc." means excluding.
- "FOC" refers to face of curb.
- "ft" refers to feet.
- "GFA" refers to gross floor area.
- "Iris" refers to Iris Street.
- "max" means maximum.
- "min" means minimum.
- *"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.

ANX 24-02 & SUB 24-01 Mill Creek II Tax Lots 051W19B000600 (primary), 700, & 800 - Staff Report / Final Decision Attachment 201 Page 1 of 3

- "OR 99E" refers to Oregon Highway 99E, which is Pacific Highway.
- "ORS" refers to Oregon Revised Statutes.
- "PU" refers to plant unit as WDO Table 3.06B describes.
- "PUE" refers to public utility easement, whether along and abutting public ROW ("streetside" PUE as WDO 3.02.01B describes) or extending into or across the interior of private property ("off-street" PUE as WDO 3.02.01C describes).
- "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, <u>Drawing No. 1 "Street Tree Planting</u> <u>New Construction"</u>.
- "ROW" refers to right-of-way.
- "RPZ" refers to root protection zone, which WDO 1.02 defines.
- "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 <u>Drawing No. 1 "Street Tree</u> <u>Planting New Construction"</u>.
- "Substantial construction" is what WDO 1.02 defines.
- "SW" means southwest.
- "Tax Lot 600" means 051W19B000600, which has no address.
- "TCE" refers to temporary construction easement.
- "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."
- "TDP" means the <u>Transit Development Plan</u> dated June 2023 adopted by Resolution No. 2213 June 12, 2023.
- "Tot." means total.
- "Traverse" refers to the name of E. Traverse Road, the TSP Project R29 "South Arterial" (TSP p. 33) which became named in its first segment through PUD 22-01 Mill Creek Meadows subdivision platting of 1490 Brown Street (final subdivision application FSUB 24-01).
- "TSP" means the Woodburn Transportation System Plan (TSP).
- "UGB" refers to the urban growth boundary.
- "Upland" refers to Upland Avenue.

ANX 24-02 & SUB 24-01 Mill Creek II Tax Lots 051W19B000600 (primary), 700, & 800 - Staff Report / Final Decision Attachment 201 Page 2 of 3

- "WDO" refers to the <u>Woodburn Development Ordinance</u>.
- "WFD" refers to the independent Woodburn Fire District.
- "WTS" refers to the Woodburn Transit Service or Woodburn Transit System.
- "w/" means with.
- "w/i" means within.
- "w/o" means without.
- "Vail" refers to Vail Avenue.
- "VCA" refers to vision clearance area (sight triangles) as WDO 1.02 and 3.03.06 establish or as a specific condition establishes.

# ANX 24-02 Mill Creek II Subdivision (Tax Lots 051W19B000600 [primary], 700, & 800):

#### Attachment 202: 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

- 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, 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 24-02 & SUB 24-01 Mill Creek II subdivision 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 <u>webpage</u>.

#### Part B. Fee Table

	onditioned Fees	1			-
Condition	Fee Туре	Amount	Context	Timing <sup>1</sup>	Staff
Reference					Tracking:
G6c	Street tree fee in-lieu, median street tree fee in-	\$950 per tree.	For one or more street trees	Building permit issuance	
through	lieu		omitted during civil		
this			engineering plan review		
Attachment			(CEP) or missing during		
202, SUB-			subdivision and/or building		
3c, SUB-4			inspection(s).		
G6c	Significant Trees: removal fees	\$32,100	Refer to Exhibit 202 for	Building permit issuance	
through			calculations. The exhibit is		
this			based on the Planning		
Attachment			Division fee schedule,		
202, SUB-7			header "Significant Tree		
			fees", subheader Tier 4 (T4).		
G6c	Significant Trees: mitigation fees	\$11,200 (total	If the applicant opts for fee	Building permit issuance	
through		fee in lieu of	in lieu of any number of		
this		all 17	mitigation plantings, refer		
Attachment		mitigation	to Exhibit 202 for guidance, which is based on WDO		
202, SUB-7		plantings)			
			3.06.07D.2 and the Planning Division fee schedule,		
			header "Significant Tree		
			fees", subheader Tier 4 (T4).		
			lees, sublieader fiel 4 (14).		
			Staff would proceed		
			assuming total payment of		
			fees in-lieu up front as part		
			of building permit issuance <sup>1</sup> .		
			Plantings, which are feasible		
			in subdivision tracts, that		
			the developer identified		
			post land use through civil		
			engineering plan review led		
			by PW and planted by time		

ANX 24-02 & SUB 24-01 Mill Creek II Tax Lots 051W19B000600 (primary), 700, & 800 - Staff Report / Final Decision

Condition	<i>Fee Туре</i>	Amount	Context	Timing <sup>1</sup>	Staff
Reference					Tracking.
			of subdivision final		
			inspection would not be		
			charged, and missing		
			plantings would be charged.		
			If the developer does not		
			address the issue during the		
			final plat stage, staff would		
			charge the total at building		
			permit issuance.		
			Street trees, required		
			anyway and being off		
			private property, don't		
			count as on-property		
			mitigation plantings.		

<sup>1</sup>For building permit issuance, by default this means the first dwelling or structural permit for projects with multiple such permits, except if and as the Director authorizes the developer's written request to invoke attachment Part A.3 above.

<sup>2</sup>Refer to <u>Planning Division fee schedule</u> for fees relating to civil engineering plan (CEP) review; inspections; bond / bonding / performance guarantee deferring street improvements beyond building permit issuance; and bond release letter.

[General ledger (GL) account 363-000 3678 "Developer Contributions".]

#### ANX 24-02 Mill Creek II Subdivision (Tax Lots 051W19B000600 [primary], 700, 800): Attachment 202, Exhibit 202: Significant Tree Removal and Mitigation Fees Calculations

									t Tree Removal and Mitigation Fees Calculation NNX 24-02 & SUB 24-01					\$ 1,200.00 Per inch \$	· · ·	1
ee No.	Common Name	Scientific Name	DBH <sup>1</sup> (in)	Single DBH <sup>2</sup> (in)	C-Rad <sup>3</sup> (ft)	Health Condition <sup>4</sup>	Structural Condition <sup>4</sup>	Significant Tree Status <sup>5</sup>	Comments	Treatment	Condition for removal	Replacement tree requirement	Class	Fee Mitigation (no. of ne trees)		tigation fees in lieu of plantings
1	Oregon white oak	Quercus garryana	40	40	25	poor	very poor	Y	DBH estimated, significant 6' by 4' open wound on north side of trunk with fungal conk observed, branch dieback, one-sided, not suitable for preservation	remove	dying/structurally unsound	1	Т	\$ 6,000.00 2	\$	1,900.00
2	bigleaf maple	Acer macrophyllum	31	31	15	poor	poor	Y	diameter taken at 1' above ground level, fused codominant leaders with inclusion, north leader entirely dead, top dieback	remove	development	1	S	\$ 1,200.00 1	\$	500.00
3	Ponderosa pine	Pinus ponderosa	6	6	5	good	good	Ν		remove	< 24" DBH	n/a	n/a	\$ - 0	\$	-
4	Douglas-fir	Pseudotsuga menziesii	32	32	0	dead	dead	Y		remove	development	1	S	\$ 1,200.00 1	\$	500.00
5	Douglas-fir	Pseudotsuga menziesii	26	26	15	fair	fair	Y	stunted growth, thin, stressed	retain	development	1	S	\$ - 0	\$	
6	Douglas-fir	Pseudotsuga menziesii	30	30	25	good	good	Y		retain	development	1	S	\$ - 0	\$	-
7	Douglas-fir	Pseudotsuga menziesii	30	30	25	good	good	Y		retain	development	1	S	\$ - 0	\$	-
8	English walnut	Juglans regia	10	10	10	fair	fair	N	offsite tree, suppressed, one-sided	retain	n/a	n/a	n/a	\$ - 0	\$	-
9	northern red oak	Quercus rubra	18,12,12	25	20	good	fair	Y	offsite tree, three codominant leaders, location approximate, DBH estimated	retain	n/a	n/a	S	\$ - 0	\$	-
10	Oregon ash	Fraxinus latifolia	10,10,8	16	10	good	fair	N	DBH estimated, location approximate, inaccessible,multi-stem, one-sided, suppressed	remove	< 24" DBH	n/a	n/a	\$ - 0	\$	-
11	Oregon ash	Fraxinus latifolia	8,6	10	8	good	fair	N	DBH estimated, location approximate, inaccessible, inaccessible, multi-stem, one- sided, suppressed	remove	< 24" DBH	n/a	n/a	\$ - 0	\$	-
12	Oregon ash	Fraxinus latifolia	18,16,16,16	33	25	fair	poor	Y	DBH estimated, location approximate, inaccessible, multi-stem, dead leader	remove	development	1	S	\$ 1,200.00 1	\$	500.00
13	Oregon ash	Fraxinus latifolia	25,16	30	20	fair	poor	Y	DBH estimated, location approximate, inaccessible, inclusion, trunk decay, epicormic branches	remove	development	1	S	\$ 1,200.00 1	\$	500.00
14	Oregon ash	Fraxinus latifolia	30	30	18	fair	fair	Y	DBH estimated, location approximate, inaccessible, ivy, epicormic growth	remove	development	1	S	\$ 1,200.00 1	\$	500.00
15	oneseed hawthorn	Crataegus monogyna	cluster	cluster	10	good	fair	Ν	DBH estimated, location approximate, inaccessible, multi-stem cluster	remove	< 24" DBH	n/a	n/a	\$ - 0	\$	-
16	Oregon ash	Fraxinus latifolia	30	30	10	poor	poor	Y	DBH estimated, location approximate, inaccessible, thin, dead branches	remove	dying	1	S	\$ 1,200.00 1	\$	500.00
17	Oregon ash	Fraxinus latifolia	20,20	28	15	poor	very poor	Y	DBH estimated, location approximate, inaccessible, codominant leaders, trunk decay, large dead, dying from top down	remove	dying	1	S	\$ 1,200.00 1	\$	500.00
18	Oregon ash	Fraxinus latifolia	34	34	10	very poor	very poor	Y	DBH estimated, location approximate, inaccessible, inaccessible, 80% dead, dead top	remove	dying	1	S	\$ 1,200.00 1	\$	500.00
19	Oregon ash	Fraxinus latifolia	10,9,9,9,12,10	24	15	very poor	very poor	Y	DBH estimated, location approximate, inaccessible, 90% dead, dying from top down	remove	dying	1	S	\$ 1,200.00 1	\$	500.00
20	Oregon ash	Fraxinus latifolia	12	12	0	dead	dead	N	DBH estimated, location approximate, inaccessible	remove	dead	n/a	S	\$ 1,200.00 1	\$	500.00
21	Oregon ash	Fraxinus latifolia	12	12	0	dead	dead	N	DBH estimated, location approximate, inaccessible	remove	dead	n/a	S	\$ 1,200.00 1	\$	500.00
22	Oregon ash	Fraxinus latifolia	50	50	20	poor	poor	Y	DBH estimated at ground level, location approximate, inaccessible, multi-stem, dead branches	remove	dying	1	Т	\$ 7,500.00 2	\$	1,900.00
23	Oregon ash	Fraxinus latifolia	13,13	18	12	good	fair	N	DBH estimated, location approximate, inaccessible, codominant leaders, one-sided	remove	< 24" DBH	n/a	n/a	\$ - 0	\$	-
24	Oregon ash	Fraxinus latifolia	36	36	15	fair	poor	Y	DBH estimated, location approximate, inaccessible, thin, dead branches	remove	development	1	Т	\$ 5,400.00 2	\$	1,900.00
25	oneseed hawthorn	Crataegus monogyna	cluster	cluster	12	good	fair	N	DBH estimated, location approximate, inaccessible, inaccessible, multi-stem cluster	remove	< 24" DBH	n/a	n/a	\$ - 0	\$	-
26	oneseed hawthorn	Crataegus monogyna	cluster	cluster	12	good	fair	N	DBH estimated, location approximate, inaccessible, inaccessible, multi-stem cluster	remove	< 24" DBH	n/a	n/a	\$ - 0	\$	-

Per Ordinance No. 2622 (2024), Planning Division Fee schedule, p. 3, Tier 4 (T4).

	150	500	950
s S:	Class T:		

Plantings, which are feasible in subdivision tracts, that the developer identified post land use through civil engineering plan review led by PW and planted by time of subdivision final inspection would not be charged, and missing plantings would be charged. If the developer does not address the issue during the final plat stage, staff would charge the total at building permit issuance.

Street trees, required anyway and being off private property, don't count as on-property mitigation plantings.



Azenda Item

- 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: Award of Construction Contract for the Boones Crossing Park Project

#### RECOMMENDATION:

Award a construction contract for the Boones Crossing Park Project to the lowest responsible and responsive bidder, GT Landscape Solutions in the amount of \$1,070,276.13, with an additional \$107,000.00 for contingency, and authorize the City Administrator to sign the Agreement.

#### BACKGROUND:

In 2000, the City of Woodburn granted final land use approval for the development known as Boones Crossing PUD, situated along South Boones Ferry Road. This PUD was originally intended to occur in 3 phases of development and include dedication of certain park land with improvements. However, the project was subsequently broken into six smaller development phases and only two were completed prior to the economic downturn of the Great Recession. Following recovery of the economy, property owners and developers for later phases of the PUD and the City convened to negotiate and re-"vest" land use approvals for the remaining Phases (3-6) of the development. As a result of the negotiations, the City secured the dedication of three acres of park land, generally located between the boundaries of Phases 5 and 6 of the PUD.

After the completion of Phases 4 and 5 of the Boones Crossing Development, City staff initiated the development process for Boones Crossing Park. This involved hiring Dougherty Landscape Architects (DLA) to facilitate community listening sessions and gather input from residents regarding their preferences for the neighborhood park. Invitations were mailed to all addresses within a halfmile radius of the park location, resulting in two planning sessions attended by over 40 participants.

Based on this community feedback, DLA provided a conceptual design for the three-acre park, which includes a walking trail, an accessible playground, a

picnic shelter, a basketball court, and open lawn spaces. Upon finalizing the concept designs, a cost estimate determined the project funding would need to be diversified.

Recognizing that funding this project through Park System Development Charges would impose a significant financial burden on the Park SDC fund, City staff applied for the Oregon Parks and Recreation Department Local Government Large Grant in February 2024. This grant application was in the amount of \$1,396,334.00, with the City required to contribute a matching amount of \$698,167.00 (50%). In July 2024, the city received notification of approval from the Oregon State Parks Department, awarding the City \$698,167.00 in Local Government Grant funds for the completion of the Boones Crossing Park project. City Council approved the grant agreement in February of 2025.

This project is included in the approved FY 24/25 budget, and amenities provided include a playground, basketball court, picnic shelter, landscaping, irrigation, and walking trails. Two alternates were selected for this project; these alternates include fill dirt for the site that was originally planned to be provided by outside developers. Frontage improvements along Iris St. were selected as part of the scope, as they fit within the project budget.

Bids were opened May 1, 2025. Six (6) responsible and responsive bids were received as follows, with base bids and the addition of alternates 3 (fill dirt) and 4 (Iris St. frontage improvements):

GT Landscape Solutions	\$1,070,276.13
Knife River Corporation	\$1,234,681.76
The Saunders Company	\$1,276,878.50
N8 Holmlund	\$1,288,021.29
Western United Civil Group	\$1571,763.52
First Cascade	\$1,754,037.00

The Engineer's estimate for the project was \$1,100,000.00 - \$1,200,000.00.

#### DISCUSSION:

This project will complete one of the final phases of the Boones Crossing development and will provide a significant outdoor amenity to the surrounding neighborhood and the community at large.

The contract award is in conformance with public contracting laws of the State of Oregon as outlined in ORS Chapter 279C for the construction of public improvements and the public contracting regulations of the City of Woodburn. Therefore, staff is recommending the contract be awarded.

#### FINANCIAL IMPACT:

The subject project is identified in the adopted fiscal year 2024/25 budget and funded by the Oregon State Parks Local Government Grant Funds and matching funds from Park SDCs.



Agenda Item

- TO: Honorable Mayor and City Council (acting in its capacity as the Local Contract Review Board) through City Administrator
- FROM: Curtis Stultz, Public Works Director
- SUBJECT: Award of Construction Contract for the replacement of the Supervisory Control and Data Acquisition (SCADA) at the Wastewater Treatment Plant

#### **<u>RECOMMENDATION</u>**:

Award the construction contract for the Wastewater Treatment Plant SCADA Replacement Project to the lowest responsible and responsive bidder, Taurus Power and Controls, in the amount of \$86,858.00. Staff recommends approving an additional \$5,000 for this project as a contingency for potential change orders that may arise during construction totaling \$91,858.

#### BACKGROUND:

The project will focus on replacing the obsolete SCADA software and computers at the Woodburn Wastewater Treatment Plant (WWTP). The SCADA computers are running windows 2000 which is no longer supported. There are three SCADA computers running Wonderware. The Current system communicates with the plant PLC network through Alen Bradley's Data Highway Plus (DH+) protocol so DH+ to Ethernet converters for each computer are required.

Bids for the Project were publicly opened April 30, 2025. Only one (1) bid was received, and the results are as follows:

Taurus Power and Controls	\$86,858.00
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The Engineer's Estimate for the project was: \$70,000.

#### DISCUSSION:

The contract award is in conformance with public contracting laws of the State of Oregon as outlined in ORS Chapter 279C, and the laws and regulations of the City of Woodburn.

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

#### FINANCIAL IMPACT:

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The subject project is identified in the adopted fiscal year 2024/25 Budget and funded by the Sewer Capital Construction Fund (Fund 465)



Agenda Item

#### TO: Honorable Mayor and City Council through City Administrator

- FROM: Chris Kerr, Community Development Director
- SUBJECT: Council Briefing of Planning Commission approval of a Modification of Conditions for the US Market Gas Station and related to the number of fuel pumps at 2115 Molalla Rd (MOC 25-01)

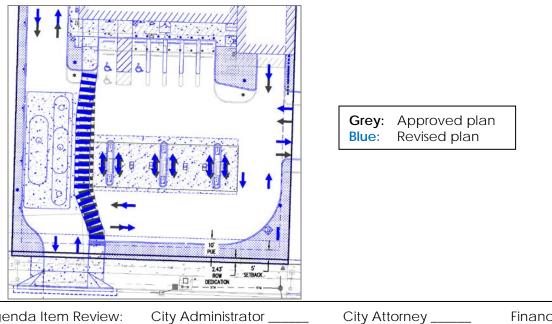
#### **RECOMMENDATION:**

Staff recommends that the City Council take no action on this item and provides this summary pursuant to Woodburn Development Ordinance (WDO) Section 4.02.07. The Council may call up this item if desired and, by majority vote, initiate a review of the Planning Commission decision.

#### BACKGROUND:

The subject property is located at 2115 Molalla Rd. The property is zoned CG and is within 200 feet of residentially zoned property.

The proposal is to modify the approved conditional use (CU 24-01) for a gas station, office space, and convenience store to increase the proposed six (6) fuel pumps by an additional six (6), for twelve (12) pumps in total.



Agenda Item Review: City Administrator \_ The Planning Commission held a public hearing on April 24, 2025, and unanimously approved the proposed Modification of Condition(s) (Type III) with the condition(s) recommended by staff through the staff report published April 16, 2025. No one testified besides the applicant.

#### DISCUSSION:

n/a

#### FINANCIAL IMPACT:

n/a

Attachment(s):

None.



Agenda Item

#### To: Honorable Mayor and City Council through City Administrator

From: Chris Kerr, Community Development Director CK, Heidi Hinshaw, Associate Planner

Subject: Council Briefing on a Design Review application for a food truck pod at 237 N. Front St. (DR 25-03)

#### Recommendation:

Staff recommends that the City Council take no action on this item and provides this summary pursuant to <u>Woodburn Development Ordinance (WDO)</u> Section 4.02.02. The Council may call up this item if desired and, by majority vote, initiate a review.

#### Background:

On April 21, 2025, Staff approved a Design Review application for a food cart pod with two food carts at 237 N. Front Street. The property is zoned Downtown Development and Conservation (DDC), and the building on one half of the lot was built in 1914. The existing building has been vacant for some time, and the applicant plans to open a coffee shop and someday a brewery there. The existing building will provide the required seating and accessible restrooms. No appeals the project have been received as of the date of this memo.

Additional application materials are found via the <u>DR 25-03</u> project webpage.

A site plan for the two food carts is shown on the next page.

Honorable Mayor and City Council May 12, 2025 (Briefing of Staff Approval DR 25-03 KBRON Food Cart Pod) Page 2

