



# Staff Report

**To:** Planning Commission

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

**From:** Dan Handel, AICP, Associate Planner

**Meeting Date:** June 25, 2020 (Prepared June 18, 2020)

**Item:** DR 2019-09, EXCP 2019-05, PAR 2019-02, & VAR 2019-07 "Habitat for Humanity Elm/Young Row Houses" for Tax Lot 051W17BC01100 (an unaddressed lot at the intersection of Young Street and Elm Street)

**Tax Lot(s):** 051W17BC01100

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## Issue before the Planning Commission

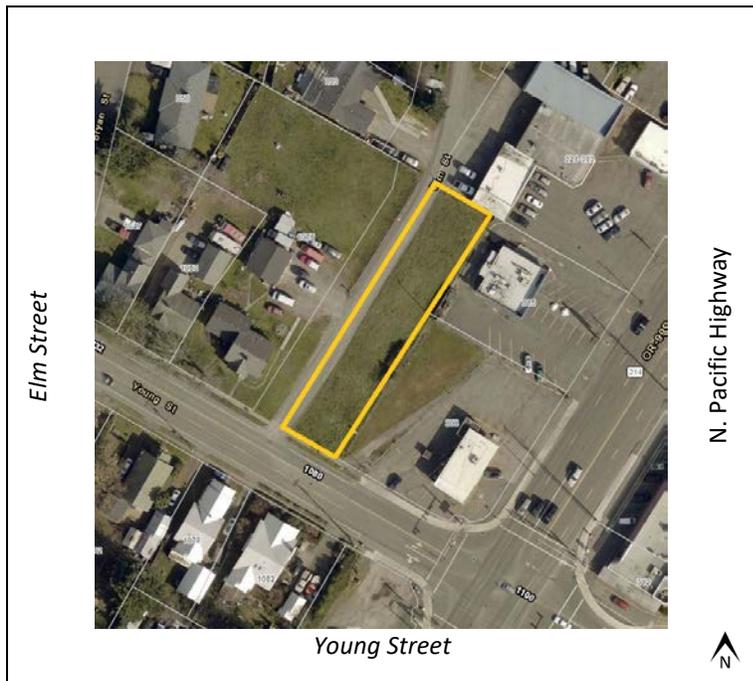
Action on a land use application, Design Review DR 2019-09, Street Exception EXCP 2019-05, Preliminary Partition PAR 2019-02, & Variance VAR 2019-07, in order to divide the subject property into three new lots and construct three attached single-family dwellings (“row houses”).

## Executive Summary

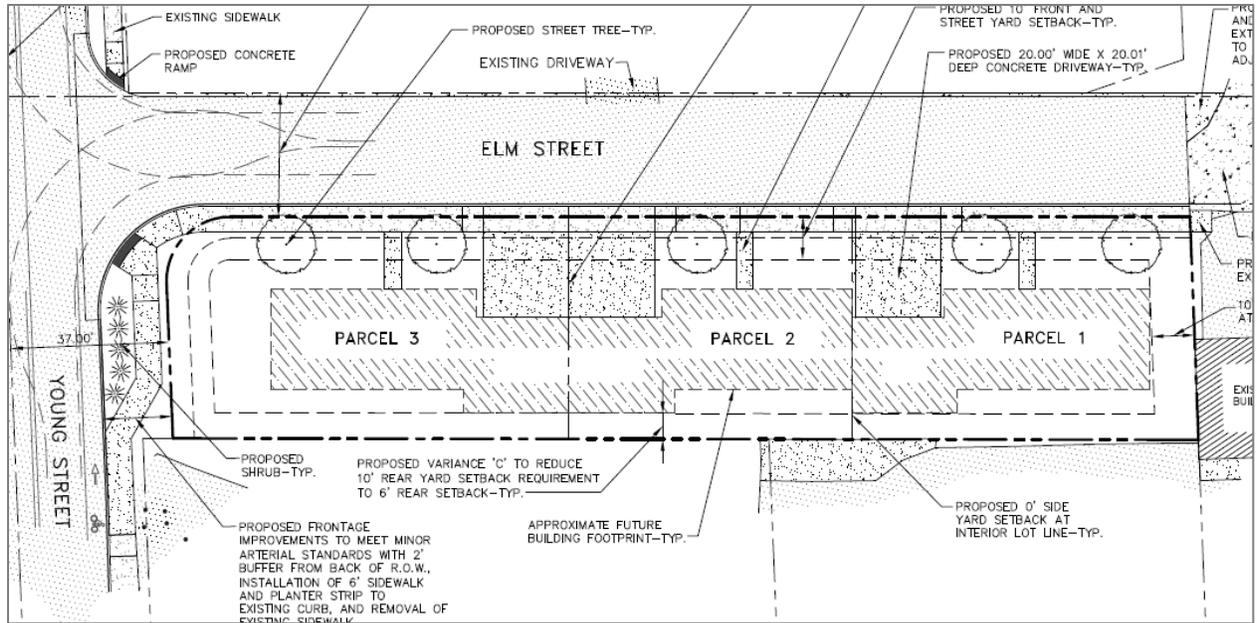
The subject property is a vacant lot located at the intersection of Elm Street and Young Street and within the Mixed Use Village (MUV) zone.

The applicant seeks to partition the lot into three new lots and construct three attached single-family dwellings, one on each new lot. The application package includes a Street Exception request to construct custom right-of-way (ROW) improvements along the Elm Street frontage. The package also includes three Variance requests as outlined below:

1. Request to modify the Average Lot Depth in Table 2.02E from 90 feet (ft) to 50 ft.
2. Request to modify the Minimum Rear Setback in Table 2.03E from 10 ft to 6 ft.
3. Request to modify the Minimum Parking Setback in 3.05.02E.2. from 5 ft to zero ft.



Vicinity Map



Site Plan excerpt



Building Elevations

## Recommendation

Approval with conditions: Staff recommends that the Planning Commission consider the staff report and its attachments and approve the application with the conditions recommended by staff below. The conditions can also be found towards the end of the Analyses & Findings (Attachment 102).

### Recommended Conditions of Approval

#### *General*

G1. Prior to building permit issuance, the applicant shall submit revised plans meeting the conditions of approval to the Planning Division and obtain Division approval.

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

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

- “County” refers to Marion County.
- “ft” refers to feet.
- Parcels “1”, “2”, & “3” are the northerly, middle, and southerly ones respectively, and each may be referred to as “lot”.
- “ORS” refers to Oregon Revised Statutes.
- “PUE” refers to public utility easement.
- “ROW” refers to right-of-way.
- “Street trees” refer to trees that conform to the WDO, including 3.06.03A and Tables 3.06B & C.
- “WDO” refers to the Woodburn Development Ordinance.
- “VCA” refers to vision clearance area as WDO 1.02 and 3.03.06 establish.

G4. Technical standards:

- a. Context: A reader shall not construe a land use condition of approval that reiterates a City technical standard, such as a public works standard, to exclude remaining standards or to assert that conditions of approval should have reiterated every standard the City has in order for those standards to be met.
- b. Utilities: A condition involving altered or additional sidewalk or other frontage/street improvement that would in the field result in displacement or relocation of any of utility boxes, cabinets, vaults, or vault covers does not exempt the developer from having to

move or pay to move any of these as directed by the City Engineer and with guidance from franchise utilities.

G5. Due dates / public improvements:

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

G6. Recordation due dates: The applicant shall apply to the County for recordations of items that the City requires no later than the end of Quarter 3 of 2021, i.e. by September 30, 2021, and shall complete recordations no later than almost three years past, i.e. by June 23, 2023. The due date to complete recordations shall not supersede when recordations are due relative to the building permit stage.

G7. Public Improvements Civil Plan Review: The process by which to receive, review, and approve drawings and other documents related to public improvements required by these conditions of approval may be paired with or incorporated into building permit review, or, if directed by the City Engineer, through a civil engineering plans (CEP) review process led by the Engineering Division. If opting for CEP, the applicant shall not only follow the direction of the Engineer Division, but also take some actions to facilitate tracking by Planning staff and coordination with Engineering:

- a. Cover letter: Upon submitting application to the Engineering Division, simultaneously alert the Planning Division through a cover letter to the attention of the Planning Division referencing the intended or, if known, actual submittal date as well as the project name, project phase, tax lot number(s), street address(es), and the land use / planning / zoning final decision conditions of approval that require the public improvement that is the subject of the civil engineering plans. Referencing conditions may be by quotation or citing the identification numbers (e.g., EX1). Identify the specific sheet (by number) or document page number that illustrates or notes how each subpart of a condition is met.
- b. Contact information: State the applicant's name, company, phone number, e-mail, and desired date for City staff to respond with review comments. The cover letter may include these.
- c. Plan copies: Submit to the attention of the Planning Division at least two plan size copies of plan sets (24 by 36 inches). Within the cover sheet title block(s), include the phrase "civil engineering plans" or "public improvements civil plans". Submit also Adobe PDFs using a fileshare service.

- d. Re-submittal fee: If there are multiple re-submittals, beginning with a third submittal / second revised submittal and continuing with each subsequent submittal, the applicant shall pay through the Planning Division into City general revenue a fee of \$100.

G-PW. Public Works: Follow the attached "Public Works Conditions June 17, 2020" (Attachment 102A).

### *Design Review*

D1. Per WDO 3.06.03A3., revise plans to illustrate and provide one large street tree planted in the Parcel 3 southerly yard within 8 ft of Young Street widened ROW and in conformance with VCA. Large size category at maturity is defined in WDO Table 3.06B. This is due by building permit final inspection.

D2. Per WDO Table 3.06D, construct either a fence or wall along the east (rear) boundary of the subject property. The chosen method of screening shall conform with VCA and the accessory structure provisions of WDO 2.06.02. If opting for a:

- a. Fence, it shall be minimum height of 5 ft, 10 inches, except as otherwise required by the fence height provisions of WDO 2.02.06, and wood treated to be weather-resistant. Cedar is preferred.
- b. Wall, it shall conform to Architectural Wall design provisions of WDO 3.06.06B.

Plans submitted for building permit review shall contain design details and/or drawings indicating how the condition will be met. This condition applies to each of the three parcels and is due by building permit final inspection.

D3. As part of building permit application, the applicant shall illustrate and note on plans conformance with the architectural design requirements of WDO 3.07.02.

### *Street Exception*

The Street Exception request is approved with the following conditions:

EX1. ROW improvements: This condition memorializes the required ROW improvements as modified through this Street Exception request. These improvements shall be completed prior to approval of a Partition Final Plat application to the City.

- a. Elm Street improvements include:
  - Dedication of a public sidewalk access and utility easement along the frontage of each parcel at minimum width of 5 ft,
  - Construction of two 9-ft paved travel lanes with a 1-ft drivable gravel shoulder on the westerly side,
  - Construction of a paved parking lane on the easterly side abutting the development at minimum width of 7 ft, and

- Construction of a 6-inch curb along the edge of pavement, drainage facilities, and a curbtight sidewalk on the easterly side and at minimum width of 5 ft (excluding curb width).
- b. Young Street improvements include:
  - Dedication of 7 ft of ROW,
  - Dedication of a 5-ft PUE,
  - Removal of existing sidewalk, and
  - Construction of new 6-ft landscape strip (inclusive of curb width) and 6-ft sidewalk in conformance with WDO Figure 3.01C Minor Arterial, excepted as otherwise conditioned and as reasonably adapted to transition to adjacent existing public improvements to remain in place.

EX2. Elm Street street trees: Revise plans to illustrate a total of eight small street trees planted in the westerly yards within 8 ft of Elm Street ROW and in conformance with VCA. Small size category at maturity is defined in WDO Table 3.06B. The trees are to be planted such that Parcel 1 has two trees north of and one tree south of its 4-ft walkway, Parcel 2 has one tree north of and one tree south of its 4-ft walkway, and Parcel 3 has two trees north of and one tree south of its 4-ft walkway. This is due by building permit final inspection.

EX3. Young Street landscape strip: The Young Street landscape strip shall be planted with a number of shrubs that match the Plant Unit value of one large street tree. Plant Unit values are per WDO Table 3.06B. Within VCA, shrubs shall be one or more species that do not exceed 3.5 ft in height at maturity. This is due prior to approval of a Partition Final Plat application to the City.

#### *Preliminary Partition*

PAR-1. Next step: The applicant shall apply to the City for Partition Final Plat Approval per WDO 5.01.06 with materials prepared consistent with ORS 92 and Marion County Surveyor standards. Upon City issuance of a Partition Final Plat Approval pursuant to WDO 5.01.06, the applicant shall record the approved partition with Marion County.

#### *Variance*

- V1. This condition memorializes approved Variance requests. The approved Variances are:
1. WDO Table 2.02E is modified such that the average lot depth requirement is reduced from 90 ft to 50 ft.
  2. WDO Table 2.03E is modified such that the minimum rear setback requirement is reduced from 10 ft to 5 ft.
  3. WDO 3.05.02E.2. is modified such that the parking setback requirement is reduced from 5 ft to zero ft to facilitate a joint driveway.

V2. The developer shall construct rear yard privacy fencing along the common lot lines of Parcels 1 & 2 and Parcels 2 & 3. Fencing shall be a minimum height of 5 ft, 10 inches and wood treated

to be weather-resistant; cedar is preferred. Fencing would extend from the building and connect to the required screening per WDO Table 3.06D and *Condition D2*. Plans submitted for building permit review shall contain design details and/or drawings indicating how the condition will be met. This condition is due by building permit final inspection.

V3. The developer shall differentiate the exterior façade of each dwelling through the use of a unique primary color for exterior façade materials. Plans submitted for building permit review shall contain design details and/or drawings indicating how the condition will be met.

### **Actions**

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

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

If the Planning Commission were to act upon the recommendation, staff would prepare a final decision for approval with the conditions that staff recommends.

### **Attachment List**

101. Tax Map
102. Analyses & Findings
- 102A. Public Works Conditions June 17, 2020
103. Transportation System Plan Figure 2
104. Site plans excerpted

05 1W 17BC

05 1W 17BC  
WOODBURN



MARION COUNTY, OREGON  
SW1/4 NW1/4 SEC17 T5S R1W W.M.  
SCALE 1" = 100'

LEGEND

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

- CORNER TYPES**
- + 1/16TH Section Cor.
  - ⊙ DLC Corner
  - ⊕ 1/4 Section Cor.
  - ⊕ Section Corner

**NUMBERS**

Tax Code Number  
**000 00 00 0**

Acres 0.25 AC      All acres listed are Net Acres, excluding any portions of the taxlot within public ROWs

**NOTES**

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



ATTACHMENT 101

CANCELLED NUMBERS	
400	
700	
1101	
1200	
1300	
2701	
2801	
6000	
6300	
7200	
7200A1	
7601	
8300A1	
8400	
11900	
12000	

DISCLAIMER: THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY



FOR ADDITIONAL MAPS VISIT OUR WEBSITE AT [www.co.marion.or.us](http://www.co.marion.or.us)

PLOT DATE: 1/23/2018

WOODBURN  
05 1W 17BC



# Analyses & Findings

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

<i>Symbol</i>	<i>Category</i>	<i>Indication</i>
✓	Requirement (or guideline) met	No action needed
✗	Requirement (or guideline) not met	Correction needed
⊖	Requirement (or guideline) not applicable	No action needed
▲	<ul style="list-style-type: none"> <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
■	Street Exception or Variance	Request to vary from requirement

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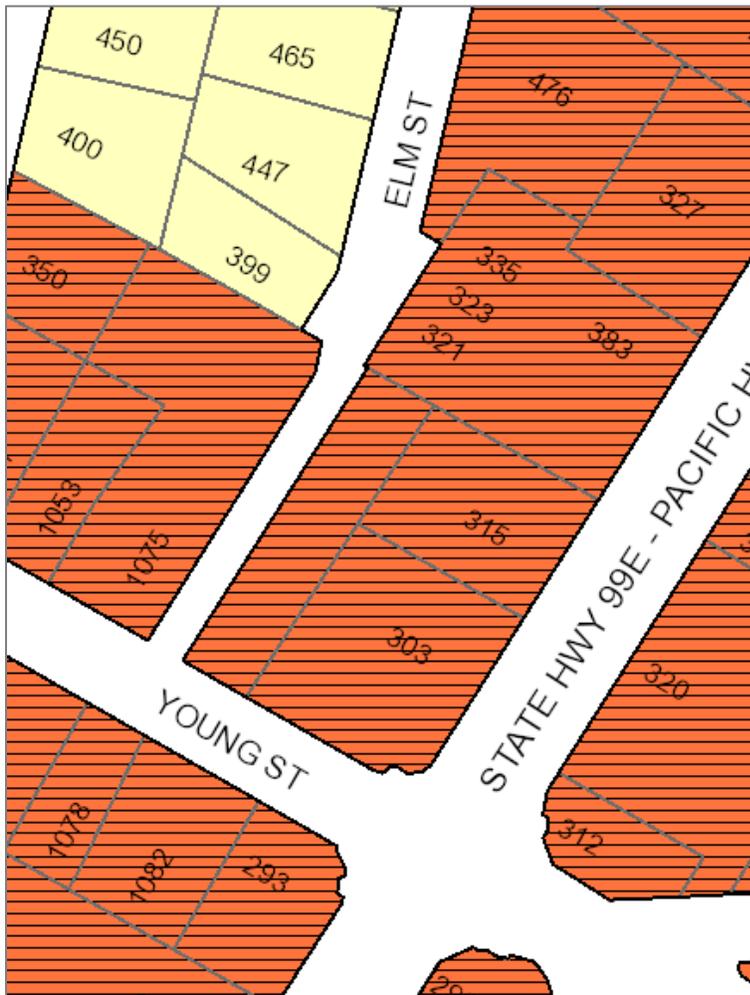
## Location

Address	No assigned address
Tax Lot(s)	051W17BC01100
Nearest intersection	Elm Street & Young Street

## Land Use & Zoning

Comprehensive Plan Land Use Designation	Commercial
Zoning District	Mixed Use Village (MUV)
Overlay District(s)	none
Existing Use(s)	none

For context, the subject property and adjacent zoning are illustrated and tabulated below:



Zoning Map Excerpt

<i>Cardinal Direction</i>	<i>Adjacent Zoning</i>
North	MUV
East	MUV
South	MUV
West	MUV

The subject property is not part of any partition or subdivision plat. The Marion County Assessor describes it as “ANNEXATION NO 84-36 ANNEXATION NO 86-445”, which staff assumes relate to annexation cases in 1984 and 1986. The City adopted its first land division requirements earlier, effective April 16, 1963 as referenced in Woodburn Development Ordinance (WDO) 1.02 “Lot”. Staff surmises that the subject property is a legal lot of record based on the annexations occurring well after the local adoption of land division requirements.

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

### **Statutory Dates**

The application was submitted on August 23, 2019 and deemed complete as of April 17, 2020. Additional materials were submitted through May 29, 2020. The 120-day decision deadline is August 14, 2020.

## Design Review Provisions

### 5.03.02 Design Review, Type III

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

**3. Structures greater than 2,000 square feet in the CO, CG, MUV, DDC, and NNC zones.**

The proposal is a structure greater than 2,000 square feet (sq ft) in the MUV zone, making the DR a Type III review.

✓ The requirement is met.

### 2.03 Commercial Zones

Uses Allowed in Commercial Zones								
Table 2.03A								
Use			Zone					
Accessory Uses (A)	Conditional Uses (CU)	Permitted Uses (P)	DDC	CG	CO	MUV	NNC	
Special Permitted Uses (S)	Specific Conditional Uses (SCU)							
<b>E</b>	<b>Residential</b>							
<b>1</b>	<b>Attached single-family (row houses) dwellings</b>					<b>P</b>	<b>P<sup>2</sup></b>	<b>P</b>
<b>2. Only allowed in the Gateway Overlay District</b>								

### 1.02 Definitions

“Dwellings:

- **Row House: A building containing three or more dwelling units, arranged so that each dwelling unit is located on a separate lot. The building often consists of a series of houses of similar or identical design, situated side by side and joined by common walls.”**

The proposed use is attached single-family dwellings / row houses, a use permitted outright in the MUV zone.

✓ The requirement is met.

Mixed Use Village (MUV) - Site Development Standards Table 2.03E				
Lot Area, Minimum (square feet)	Nonresidential use		No minimum	
	Residential use		Per Table 2.02E <sup>1</sup>	
Lot Width, Minimum (feet)	Nonresidential use		No minimum	
	Residential use		Per Table 2.02E <sup>1</sup>	
Lot Depth, Average (feet)	Nonresidential use		No minimum	
	Residential use		Per Table 2.02E <sup>1</sup>	
Street Frontage, Minimum (feet)	Any use		No minimum	
Front Setback and Setback Abutting a Street, Minimum (feet)			0 – 15 recommended <sup>2</sup>	
Side or Rear Setback, Minimum (feet)	By-right use, group home, or government building	Abutting RS, R1S, RM, P/SP, or CO zone	10 <sup>4</sup>	
		Abutting DDC, NNC, CG, IP, SWIR, or IL zone	15 <sup>4</sup>	
	Conditional use except group home or government building		Per Table 2.02E <sup>1</sup>	
Setback to a Private Access Easement, Minimum (feet)			5	
Lot Coverage, Maximum			Not specified <sup>3</sup>	
Residential Density (units per net acre)	Minimum	Row house		12
		Child care facility, group home, or nursing home		12
		Multi-family dwelling	Stand-alone	12
			In mixed use development	No minimum
	Maximum	Row house		32
		Child care facility, group home, or nursing home		32
		Multi-family dwelling	Stand-alone	32
			In mixed use development	32
Building Height, Maximum (feet)	Primary or accessory structure		35	
	Features not used for habitation		70	
<ol style="list-style-type: none"> <li>1. Site development standards for the RM zone</li> <li>2. Measured from the Special Setback (Section 3.03.02), if any</li> <li>3. Lot coverage is limited by setbacks, off-street parking, and landscaping requirements.</li> <li>4. A house of worship shall be set back at least 20 feet from a property line abutting a residential zone or use.</li> </ol>				

Lot area, lot width, and lot depth are all per Table 2.02E, which is analyzed on the following page. The MUV zone has no minimum street frontage and only a recommended minimum front

setback and setback abutting a street. Table 2.03E does not specify a side or rear yard setback for a by-right use abutting the MUV zone however the Community Development Director has interpreted the Table to most closely match Table 2.03D Commercial Office (CO) – Site Development Standards. Per this interpretation, the side and rear setback is considered as a by-right use abutting the CO zone, which equates to a 10 ft minimum. This introduces a conflict in applying the code. Per Table 2.03A, row houses are permitted outright in the MUV zone. Table 2.03E does not explicitly address how the allowance of row houses in the MUV zone correspond to the application of the side setback along common lot lines, though it is alluded elsewhere in the table to refer to Table 2.02E when considering residential uses. Table 2.02E, through footnote 7, does explicitly state row houses have no side setback along common lot lines. Staff therefore interprets Table 2.02E footnote 7 to apply to row houses in the MUV zone. The plans illustrate a side yard setback of 10 ft between Parcel 1 and the adjacent property to the north (a detached single-family house). The applicant included a Variance request for the rear yard setback; the Variance provisions are addressed later on a following page.

No private access easements are proposed therefore the 5 ft setback does not apply. There is no maximum lot coverage for the MUV zone. Minimum density for row house development is 12 units per acre, maximum is 32 units per acre. The subject property is 0.29 acres, which equates to a minimum density of 3.48 units and rounds down to 3 units. The submitted plans indicate the roof peak will be 14.5 ft high, well below the maximum building height of 35 ft.

<b>Medium Density Residential (RM) - Site Development Standards</b>			
<b>Table 2.02E</b>			
<b>Lot Area, Minimum (square feet)</b>	<b>Single-family dwelling, child care facility or group home</b>	<b>Interior, flag or cul-de-sac lot</b>	<b>6,000<sup>1</sup></b>
		<b>Corner lot</b>	<b>8,000<sup>2</sup></b>
	<b>Duplex</b>		<b>8,000</b>
	<b>Any other use</b>		<b>Not specified<sup>8</sup></b>
<b>Lot Width, Minimum (feet)</b>	<b>Interior, flag or cul-de-sac lot</b>		<b>50</b>
	<b>Corner lot</b>		<b>80</b>
<b>Lot Depth, Average (feet)</b>	<b>All lots</b>		<b>90</b>
<b>1. Excluding easements for private streets or driveways (See Section 1.02, Lot area)</b> <b>2. Child care facility for 12 or fewer children, group home for five or fewer persons</b> <b>8. The minimum lot dimensions, maximum density, and maximum lot coverage are determined by setbacks, off-street parking, and landscaping requirements.</b>			

As noted in the analysis of Table 2.03E, lot area, lot width, and lot depth are all per Table 2.02E. The subject property is a corner lot and is proposed to be developed with three row houses therefore minimum lot area falls into the “Any other use” category, which has no minimum.

Minimum lot width is 80 ft for corner lots and 50 ft for interior lots. The proposal includes a 3-lot partition, creating one corner lot and two interior lots. As shown in the applicant's preliminary plat drawing, all three lots will exceed their minimum width requirements.

Average lot depth for all three lots is required to be 90 ft however the proposal includes a Variance request to shrink this requirement down to 50 ft. The Variance provisions are covered on a following page.

- The provisions are met except that average lot depth and minimum rear setback are addressed in the Variance provisions on a following page.

## 2.05 Overlay Districts

- ⊖ None apply.

## 2.06 Accessory Structures

- ⊖ None proposed.

## 2.07 Special Uses

- ⊖ None apply.

## 2.08 Specific Conditional Uses

- ⊖ None apply.

## 3.01 Streets

### 3.01.01 Applicability

**A. Right-of-way standards apply to all public streets.**

**B. Improvement standards apply to all public and private streets, sidewalks and bikeways.**

**C. Functional standards are identified in the Woodburn TSP.**

**D. This applies to all development, and is not limited to partitions, subdivisions, multi-family, commercial or industrial construction, or establishment of a manufactured dwelling or recreational vehicle park. Construction of a single-family dwelling or placement of a manufactured dwelling does not, for the purposes of this Section, constitute development, however, in no case can this type of development occur without minimal access as determined by the Director.**

Because the proposal includes a 3-lot partition, it meets the definition for development as outlined in subsection D. and triggers right-of-way and improvement standards of this section.

- ✓ The provisions are met.

### 3.01.02 General Provisions

**A. No development shall be approved, or access permit issued, unless the internal streets, boundary**

DR 2019-09, EXCP 2019-05, PAR 2019-02, VAR 2019-07

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streets and connecting streets are constructed to at least the minimum standards set forth in this Section, or are required to be so constructed as a condition of approval.

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

### 3.01.03 Improvements Required for Development

A. With development, the Internal, Boundary, and Connecting streets shall be constructed to at least the minimum standards set forth below.

#### B. Internal Streets

Internal streets shall meet all standards of WDO and the TSP.

#### C. Boundary Streets

The minimum improvements for a Boundary Street shall be:

1. One paved 11-foot travel lane in each direction;
2. On-street parking on the side of the street abutting the development, if on-street parking is indicated in the TSP;
3. Curb on the side of the street abutting the development;
4. Drainage facilities on the side of the street abutting the development;
5. Street trees on the side of the street abutting the development; and
6. A sidewalk on the side of the street abutting the development.

#### D. Connecting Streets

1. The minimum improvements for a Connecting Street shall be one paved 11-foot travel lane in each direction.

2. Connecting streets shall extend from the boundary street of a development, to the nearest intersection that meets the cross-section and improvement requirements of this Section, or 1,000 feet, whichever is less.

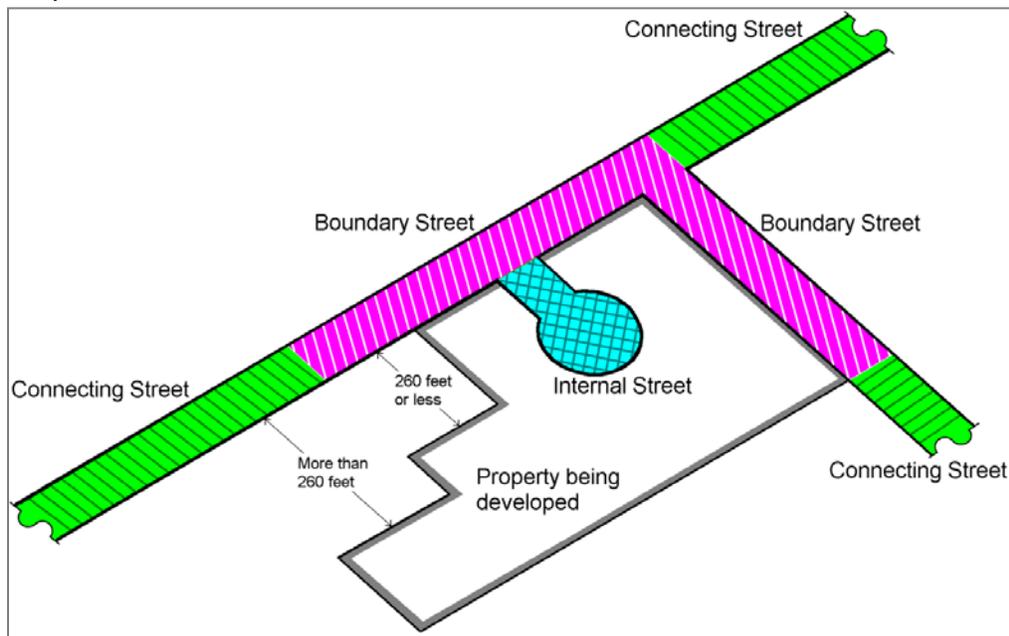
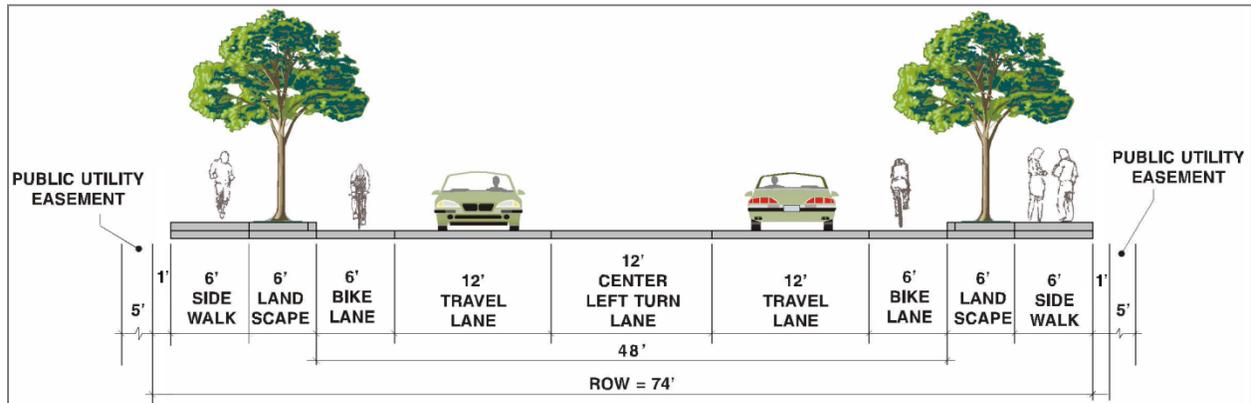


Figure 3.01A – Internal, Boundary, and Connecting Streets

The proposal fronts two public streets, Elm Street and Young Street, which are subject to the standards in this section. A portion of Elm Street, beginning at the intersection with Young Street and heading north about 300 ft beyond the subject property, exists as a gravel road with no sidewalks or street trees. Per 3.01.03A., the minimum requirements for both Boundary Streets and Connecting Streets apply to Elm Street. Young Street meets the minimum requirements for Boundary and Connecting Streets. The proposal includes no Internal Streets.

### 3.01.04 Street Cross Sections

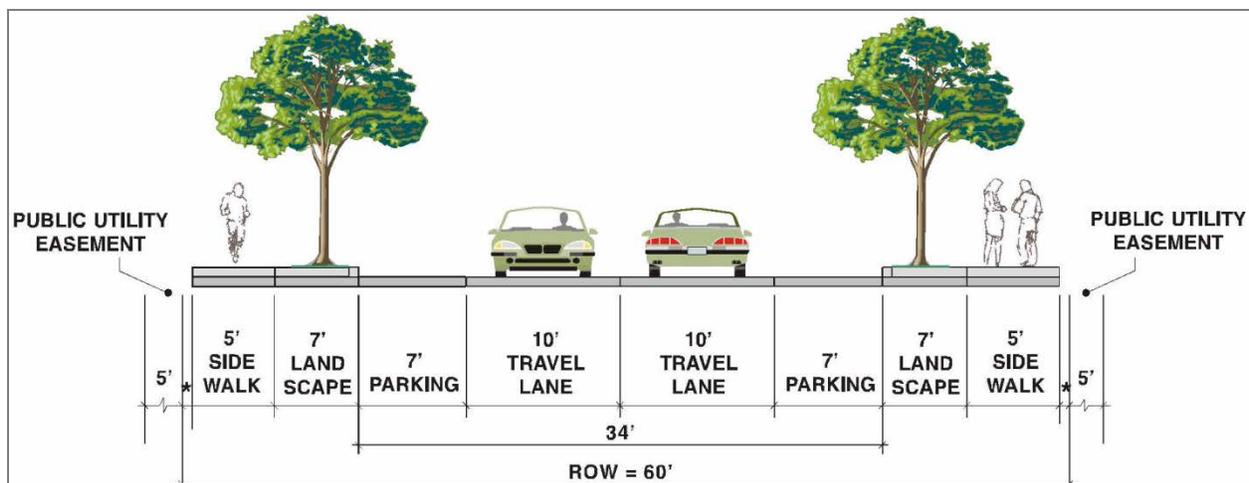


**Figure 3.01C – Minor Arterial**

Transportation System Plan (TSP) Figure 2 classifies Young Street as a Minor Arterial street therefore Figure 3.01C is the default standard cross-section. Existing ROW is 60 ft, 14 ft less than the required 74 ft and equating to a 7-ft half-street deficit. Pavement improvements include two travel lanes, a center left turn lane, and two bike lanes. Additionally, along the frontage of the subject property is 4-ft landscape strip and a 4-ft sidewalk.

To meet the requirements of Figure 3.01C, the applicant is proposing a 7-ft ROW dedication, removal the existing sidewalk, construction of a 6-ft landscape strip and 6-ft sidewalk, and dedication of a 5-ft PUE.

✓ The provisions are met for Figure 3.01C and the required improvements along Young Street.



**Figure 3.01G – Local Residential Street with Parking Both Sides, 60 Foot Right-of-Way**

Transportation System Plan (TSP) Figure 2 classifies Elm Street as a local residential street; Figure 3.01G is the default standard cross-section for local residential streets.

The applicant included an Exception to Street Right-of-Way and Improvement Requirements (“Street Exception”) request to propose custom ROW improvements for Elm Street therefore these requirements are reviewed on a following page.

- The Street Exception provisions for Elm Street ROW improvements are addressed on a following page.

### 3.02 Utilities & Easements

#### 3.02.01 Public Utility Easements

**B. A five-foot wide public utility easement shall be dedicated along each lot line abutting a public street.**

**C. As a condition of approval for development, including property line adjustments, partitions, subdivisions, design reviews, or Planned Unit Developments (PUDs), the Director may require dedication of public utility easements.**

The proposal includes a 5-ft public utility easement along each lot line abutting a public street.

- ✓ The provisions are met.

#### 3.02.03 Street Lighting

##### A. Public Streets

**Public streets abutting a development shall be illuminated with street lights installed to the standards of the City and the electric utility.**

The attached “Public Works Conditions June 17, 2020” from the City Engineer (Attachment 102A) identify street lighting as an issue, stating under condition 8, “In conjunction with the

new public street improvements the applicant shall install street lighting consistent with PGE installation plan option B.”

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

### 3.02.04 Underground Utilities

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

The proposal illustrates all permanent utility services meeting this standard.

✓ The provisions are met.

### 3.03 Setbacks and Open Space

As noted in the review of site development standards in Section 2.03, the proposal complies with all setbacks except the rear setback, which is the subject of a Variance request. The proposed development does not encroach into vision clearance areas.

■ The provisions are met except that the minimum rear setback is addressed in the Variance provisions on a following page.

### 3.04 Vehicular Access

#### 3.04.01 Applicability and Permit

##### A. Street Access

Every lot shall have:

1. Direct access to an abutting public street, or

The three parcels created by the partition will have direct access to Elm Street, a public street.

✓ The provision is met.

#### 3.04.03 Driveway Guidelines and Standards

##### A. Number of Driveways

1. For residential uses, the maximum number of driveways per lot frontage shall be one. For purposes of controlling driveway access, every 100 feet of frontage is considered a separate lot frontage.

##### B. Joint Access

2. A partition, subdivision, or PUD should be configured so that lots abutting a Major Arterial, Minor Arterial, or Service Collector have access to a local street. Access to lots with multiple street frontages should be from the street with the lowest functional classification.

The proposal includes partitioning the subject property into three lots and developing each lot with a row house. Each lot will have one driveway accessing Elm Street, a local class street.

✓ The provisions are met.

<b>Table 3.04A Access Requirements</b>		
		<b>1 to 4 Dwellings, Living Units or Individual Lots<sup>6</sup></b>
<b>Paved Width of Driveway (feet)<sup>3,4</sup></b>	<b>1-way</b>	<b>n/a</b>
	<b>2-way</b>	<b>20 minimum 30 maximum</b>
	<b>Manufactured Dwelling Park</b>	<b>10 minimum</b>
<b>Curb Flare Radius (feet)</b>		<b>15 minimum</b>
<b>Throat Length (feet)<sup>5</sup></b>	<b>Major Arterial, Minor Arterial, Service Collector</b>	<b>n/a</b>
	<b>Access or Local Street</b>	<b>n/a</b>
<b>Corner Clearance (feet) Guidelines<sup>1</sup> (See Figure 3.04B)</b>	<b>Access or Local Street</b>	<b>30 minimum</b>
	<b>Service Collector</b>	<b>50 minimum</b>
	<b>Minor Arterial</b>	<b>245 minimum</b>
	<b>Major Arterial</b>	<b>300 minimum</b>
<b>Driveway Separation Guidelines (feet)<sup>1,2</sup> (See Figure 3.04B)</b>	<b>Driveway on the same parcel</b>	<b>22 minimum</b>
	<b>Access or Local Street</b>	<b>none</b>
	<b>Service Collector</b>	<b>50 minimum</b>
	<b>Minor Arterial</b>	<b>245 minimum</b>
	<b>Major arterial</b>	<b>300 minimum</b>
<b>Turnarounds (See Figure 3.04C)</b>	<b>Access to a Major or Minor Arterial</b>	<b>Required</b>
	<b>Access to any other street</b>	<b>Required if the driveway length to the lot located furthest from the street exceeds 150 feet</b>
<p><b>1. The separation should be maximized.</b></p> <p><b>2. Driveways on abutting lots need not be separated from each other, and may be combined into a single shared driveway.</b></p> <p><b>3. Driveways over 40 feet long and serving one dwelling unit may have a paved surface 12 feet wide.</b></p> <p><b>4. Notwithstanding the widths listed in this table, the minimum clearance around a fire hydrant shall be provided (See Figure 3.04D).</b></p> <p><b>5. Throat length is measured from the closest off-street parking or loading space to the right-of-way. A throat applies only at entrances (See Figure 3.05B).</b></p> <p><b>6. Maximum of 4 individual lots can be served from single shared driveway (See Figure 3.01D).</b></p>		

The proposed row houses will each have their own 20-ft wide driveway. Curb flare radius, throat length, corner clearance, and driveway separation standards are all met. No fire turnaround is required because distances from Elm Street do not exceed 150 ft.

✓ The provisions are met.

#### **3.04.04 Improvement Standards**

**The portion of a driveway on private property shall be paved with:**

- A. Portland cement concrete to a minimum depth of six inches, or**
- B. Asphalt concrete to a minimum depth of two inches, or**
- C. Brick or pavers with a minimum depth of two and one-fourth inches.**

The plans indicate all portions of driveway on private property will be Portland cement concrete.

✓ The provision is met.

#### **3.04.05 Traffic Impact Analysis**

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

⊖ No Traffic Impact Analysis (TIA) required.

### **3.05 Off-Street Parking and Loading**

#### **3.05.01 Applicability**

**A. All requirements and standards of Section 3.05 shall apply to any new building or structure constructed after the effective date of the Woodburn Development Ordinance (WDO).**

✓ The proposal is for new construction.

#### **3.05.02 General Provisions**

##### **E. Setback**

- 1. In commercial and industrial zones, the parking, loading, and circulation areas shall be set back from a street a minimum of five feet.**
- 2. Parking, loading, and circulation areas shall be set back from a property line a minimum of five feet, unless there is a shared use agreement to the satisfaction of the Director, verifying shared use between the separate properties.**

The proposal meets all general parking provisions except the setback requirement, which is the subject of a Variance request.

- The provisions are met except that the parking setback requirement is addressed in the Variance provisions on a following page.

**3.05.03 Off-Street Parking**

**A. Number of Required Off-Street Parking Spaces**

1. Off-street vehicle parking spaces shall be provided in amounts not less than those set forth in this Section (Table 3.05A).

2. Off-street vehicle parking spaces shall not exceed two times the amount required in this Section (Table 3.05A).

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

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

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

**F. Garages**

1. For single-family and duplex dwellings,

a. The parking spaces required by this section (Table 3.105A) shall be in a garage or garages.

b. There shall also be an improved parking pad, abutting the garage doorway, for each opposing parking space within the garage. Each parking pad shall have the minimum dimensions of 10 feet wide by 20 feet long.

<b>Off-Street Parking Ratio Standards Table 3.05A</b>	
<b>Use <sup>1, 2</sup></b>	<b>Parking Ratio - spaces per activity unit or square feet of gross floor area</b>
<b>COMMERCIAL / PUBLIC</b>	
<b>1. Dwellings, including manufactured homes</b>	<b>2/ dwelling unit</b>
<p>1. The Director may authorize parking for any use not specifically listed in this table. The applicant shall submit an analysis that identifies the parking needs, and a description of how the proposed use is similar to other uses permitted in the zone. The Director may require additional information, as needed, to document the parking needs of the proposed use.</p> <p>2. There is no required parking ratio for non-residential uses and residential units above first floor commercial uses in the DDC zone (See Section 3.07.07.C.12).</p>	

Accessible Parking Ratio Standards Table 3.05B			
Total Spaces <sup>2,3</sup>	Minimum Total Accessible Spaces <sup>1</sup>	Minimum Van Accessible Spaces	Minimum "Wheelchair User Only" Spaces
1 to 25	1	1	
<ol style="list-style-type: none"> <li>1. "Van Accessible Spaces" and "Wheelchair User Only" are included in "Total Accessible Spaces."</li> <li>2. Facilities providing outpatient services require ten percent of the total number of parking spaces to be accessible spaces.</li> <li>3. Facilities that specialize in treatment or services for persons with mobility impairments require 20 percent of the total number of parking spaces to be accessible spaces.</li> </ol>			

Parking Space and Drive Aisle Dimensions Table 3.05C							
Parking Angle	Type of Space	Stall Width (feet)	Curb Length (feet)	Stripe Length (feet)	Stall to Curb (feet)	Drive Aisle Width (feet)	
						1-way	2-way
A		B	C	D	E	F	G
90°	Standard or Accessible	9.0	9.0	19.0	19.0	24.0	24.0
	Compact	7.5	7.5	15.0	15.0	22.0	
	Car Accessible Aisle	6.0	6.0	19.0	19.0	24.0	
	Van Accessible Aisle	8.0	8.0	19.0	19.0		
<ol style="list-style-type: none"> <li>1. A parking space may occupy up to two feet of a landscaped area or walkway. At least four feet clear width of a walkway must be maintained.</li> <li>2. Space width is measured from the midpoint of the double stripe.</li> <li>3. Curb or wheel stops shall be utilized to prevent vehicles from encroaching on abutting properties or rights-of-way.</li> <li>4. The access aisle must be located on the passenger side of the parking space, except that two adjacent parking spaces may share a common access aisle.</li> <li>5. Where the angle of parking stalls differ across a drive aisle, the greater drive aisle width shall be provided.</li> </ol>							

The proposal is to develop three row house dwelling units. The plans indicate each unit will have a garage with two 90-degree standard stalls and a 20-ft by 20-ft improved parking pad abutting the garage doorway.

✓ The provisions are met.

#### 3.05.04 Off-Street Loading

⊖ The provisions are not applicable.

### 3.05.05 Shared Parking

☐ The provisions are not applicable.

### 3.06 Landscaping

#### 3.06.01 Applicability

The provisions of this Section shall apply:

**B. Single-family and duplex dwellings need comply only with the street tree and significant tree provisions of this Section.**

✓ The proposal is to develop three row house dwelling units, which are considered attached single-family dwellings.

#### 3.06.03 Landscaping Standards

##### A. Street Trees

Within the public street right-of-way abutting a development, street trees shall be planted to City standards, prior to final occupancy.

1. One tree per every entire 50 feet of street frontage shall be planted within the right-of-way, subject to vision clearance area standards and placement of public utilities.
2. Street trees shall be planted according to the property's zoning, and the abutting street's classification in the Transportation System Plan:
  - a. Large trees shall be planted along Major and Minor Arterial streets. Large trees shall also be planted along all streets in the Neighborhood Conservation Overlay District (NCOD), regardless of street classification;
  - c. Small trees shall be planted along all other streets.
3. The Director may modify this requirement, based on physical constraints and existing conditions, including the location of driveways and utilities. Such modification may include relocating the street trees to abutting private property.

Plant Unit (PU) Value Table 3.06B		
Material	Plant Unit (PU) Value	Minimum Size
1. Significant tree <sup>1</sup>	15 PU each	24" Diameter
2. Large tree (60-120 feet high at maturity) <sup>1</sup>	10 PU each	10' Height or 2" Caliper
3. Medium tree (40-60 feet high at maturity) <sup>1</sup>	8 PU each	10' Height or 2" Caliper
4. Small tree (18-40 feet high at maturity) <sup>1</sup>	4 PU each	10' Height or 2" Caliper
5. Large shrub (at maturity over 4' wide x 4' high) <sup>1</sup>	2 PU each	3 gallon or balled
6. Small to medium shrub (at maturity)	1 PU each	1 gallon

Plant Unit (PU) Value Table 3.06B		
Material	Plant Unit (PU) Value	Minimum Size
maximum 4' wide x 4' high) <sup>1</sup>		
7. Lawn or other living ground cover <sup>1</sup>	1 PU / 50 square feet	
8. Berm <sup>2</sup>	1 PU / 20 lineal feet	Minimum 2 feet high
9. Ornamental fence <sup>2</sup>	1 PU / 20 lineal feet	2½ - 4 feet high
10. Boulder <sup>2</sup>	1 PU each	Minimum 2 feet high
11. Sundial, obelisk, gnomon, or gazing ball <sup>2</sup>	2 PU each	Minimum 3 feet high
12. Fountain <sup>2</sup>	3 PU each	Minimum 3 feet high
13. Bench or chair <sup>2</sup>	0.5 PU / lineal foot	
14. Raised planting bed constructed of brick, stone or similar material except CMU <sup>2</sup>	0.5 PU / lineal foot of greatest dimension	Minimum 1 foot high, minimum 1 foot wide in least interior dimension
15. Water feature incorporating stormwater detention <sup>2</sup>	2 per 50 square feet	None
1. Existing vegetation that is retained has the same plant unit value as planted vegetation. 2. No more than twenty percent (20%) of the required plant units may be satisfied by items in lines 8 through 15.		

The subject property fronts two public streets – Elm Street, a local street, and Young Street, a Minor Arterial.

Because the improvements in the Elm Street ROW are subject to a Street Exception request, the required street trees along Elm Street will also be covered in that review on a following page.

- The street tree requirement for Elm Street is addressed in the Street Exception provisions on a following page.

The subject property has approximately 51.79 ft of frontage along Young Street, requiring one Large street tree. Planning staff has received direction from Public Works staff that a public water line runs underneath the location of the landscape strip and no street trees are to be planted over it. Staff therefore exercises 3.06.03A.3. and adds *Condition of Approval D1* to plant the required large street tree on the abutting private property along Young Street.

- ▲ The provision is met with *Condition D1* to plant one large street tree in the Parcel 3 southerly yard abutting Young Street.

### 3.06.05 Screening

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

Screening Requirements Table 3.06D	
<b>N = No screening required      F = Sight-obscuring fence required      W = Architectural wall required</b> <b>D = Architectural wall, fence, or hedge may be required in the Design Review process</b>	
Adjacent properties – zone or use that receives the benefit of screening 	<b>CG or MUV zone</b>
Property being Developed – must provide screening if no comparable screening exists on abutting protected property 	
CG or MUV zone	D
Single-family dwelling, duplex, child care facility, or group home	N <sup>7</sup>
2. Six to seven feet in height 7. Child care facility for 12 or fewer children, group home for five or fewer persons.	
<b>General notes:</b> 1. Screening is subject to height limitations for Vision Clearance Areas (Section 3.03.06) and adjacent to streets (Section 2.01.02). 2. No screening is required where a building wall abuts a property line. 3. Where a wall is required and is located more than two feet from the property line, the yard areas on the exterior of the wall shall be landscaped to a density of one plant unit per 20 square feet.	

### 3.06.06 Architectural Walls

A. This Section shall apply to required architectural walls in all zoning districts.

B. Design Standards and Guidelines

1. An architectural wall shall meet the texture, color, and articulation requirements on the face away from the proposed development.
2. An architectural wall should meet the texture, color, and articulation requirements on the face toward the proposed development.
3. An architectural wall shall have a minimum three inch horizontal articulation of at least one linear foot of the wall of intervals not more than 40 feet; and
4. An architectural wall shall have a minimum six inch vertical articulation of at least one linear foot of the wall of intervals not more than 40 feet.
5. An architectural wall shall incorporate at least two colors.
6. An architectural wall shall have an earth tone coloration other than grey on at least eighty percent (80%) of the surface.

**7. An architectural wall shall be architecturally treated with scoring, texture, or pattern on at least eighty percent (80%) of the surface.**

Table 3.06D provides two paths to consider screening requirements for the proposal. The first path considers the subject property's zoning and the zoning of adjacent properties, resulting in the option to require screening in the form of an architectural wall, fence, or hedge. The second path considers the type of development and the zoning of adjacent properties and results in no required screening. In cases of conflict such as this, staff uses discretion in determining how to proceed.

Because the proposal is residential development that would abut commercial uses along a State highway, staff adds *Condition of Approval D2* to require a fence or architectural wall along the east (rear) property line of the subject property (each of the three lots created by the partition). This provides a visual and aural barrier for the future residents of the row houses.

Note: The applicant has indicated willingness to construct an architectural wall per the design standards outlined in 3.06.06B.

▲ The provision is met with *Condition D2* to construct a fence or architectural wall along the east (rear) property line of the subject property.

### **3.06.07 Significant Trees on Private Property**

⊖ The proposal does not include removal of any significant trees.

## **3.07 Architectural Design**

### **3.07.01 Applicability of Architectural Design Standards and Guidelines**

**A. For a Type I review, the criteria of this Section shall be read as "shall" and shall be applied as standards. For a Type II or III review, the criteria of this Section shall be read as "should" and shall be applied as guidelines.**

### **3.07.02 Single-Family Dwellings, Duplexes and Manufactured Dwellings on Individual Lots in Pre-existing Developments**

#### **A. Applicability**

**This Section shall apply to all new single-family dwellings, duplexes and manufactured dwellings on individual lots in subdivisions and Planned Unit Developments, approved on or before August 12, 2013 and in partitions.**

**Manufactured dwellings have different standards for roofing; otherwise, all standards in this Section apply to manufactured dwellings. The term "dwelling" includes single family, duplexes and manufactured dwellings.**

#### **B. Roof Standards**

##### **1. Pitch**

**Site-built dwellings shall have a minimum roof pitch of 4:12. Manufactured dwellings shall have a minimum roof pitch of 3:12.**

##### **2. Material**

Roofing material shall be composition shingles, clay or concrete tile, metal, cedar shingles or shakes. Composition shingles shall be architectural style, with a certified performance of at least 25 years.

### 3. Eaves

Eaves of a dwelling unit or garage shall provide a minimum 12-inch projection.

### C. Exterior Finish

The exterior finish of a dwelling shall have the appearance of either horizontal or vertical lap siding, shakes, batt and board, stone, shingles, brick or stucco. Where horizontal lap siding is used, it shall appear to have a reveal of three to eight inches. Plain concrete, corrugated metal, plywood and press board shall not be used as exterior finish material.

### D. Garage

1. Single-family dwellings, duplexes, and manufactured dwellings shall have a garage.
2. The facade containing the vehicular entrance for an attached garage shall either:
  - a. Face away from the street frontage of the main pedestrian entry of the dwelling, at an angle of at least 90 degrees, or
  - b. Comprise less than half the lateral dimension of the total facade facing a street, or
  - c. Comprise no more than 65 percent of the total facade of the structure facing the street, including second stories, dormers, and eyebrows.

### E. Main Pedestrian Entrance

1. The main pedestrian entrance of each dwelling, excluding dwellings on flag lots and manufactured dwellings, shall face the street.
2. The main entrance to each dwelling shall have either:
  - a. A covered porch, at least 48 square feet in area, with a minimum dimension of six feet on at least one side; or
  - b. A recessed entry, at least 24 square feet in area, with a minimum dimension of four feet on at least one side.

F. At least 15 percent of the facade wall surface of a dwelling facing a front lot line shall be windows, excluding roofs and non-habitable wall area under the end of a roof, and excluding the garage.

### G. The front of the dwelling shall either contain:

1. An articulated roof line, incorporating more than one pitch or elevation of the ridge line that is visible in the front elevation, excluding a porch; or
2. A gable, dormer, eyebrow, off-set roof line or other vertical, architectural extension of the building at least 36 inches above the eave; or
3. An off-set line in the facade of the building of at least 36 inches and ten feet in length, excluding a recessed pedestrian entrance or porch.

The proposal is a Type III review for three row house dwelling units, which are considered attached single-family dwellings. The plans show generally what the provisions call for and staff adds *Condition of Approval D3* to ensure conformance prior to building permit issuance.

▲ The provisions are met with *Condition D3* ensure conformance with the architectural requirements of 3.07.02 prior to building permit issuance.

## 3.07.08 Mixed Use Village (MUV) Zone

### A. Applicability and Procedure

**The following design guidelines and standards shall be applicable to all buildings in the Mixed Use Village (MUV) zone that include a non-residential use, whether or not residential uses are included in the structure.**

- The proposal does not include a non-residential use therefore the provisions do not apply.

### **3.09 Planned Unit Developments**

- The proposal does not include a planned unit development.

### **3.10 Signs**

- The proposal does not include any signage.

## Street Exception Provisions

### 5.03.03 Exception to Street Right of Way and Improvement Requirements

**A. Purpose:** The purpose of a Type III Exception is to allow a deviation from the development standard required for the functional classification of the street identified in the Transportation System Plan. Street exceptions are processed in conjunction with a development proposal that is a Type III application.

**B. Criteria:**

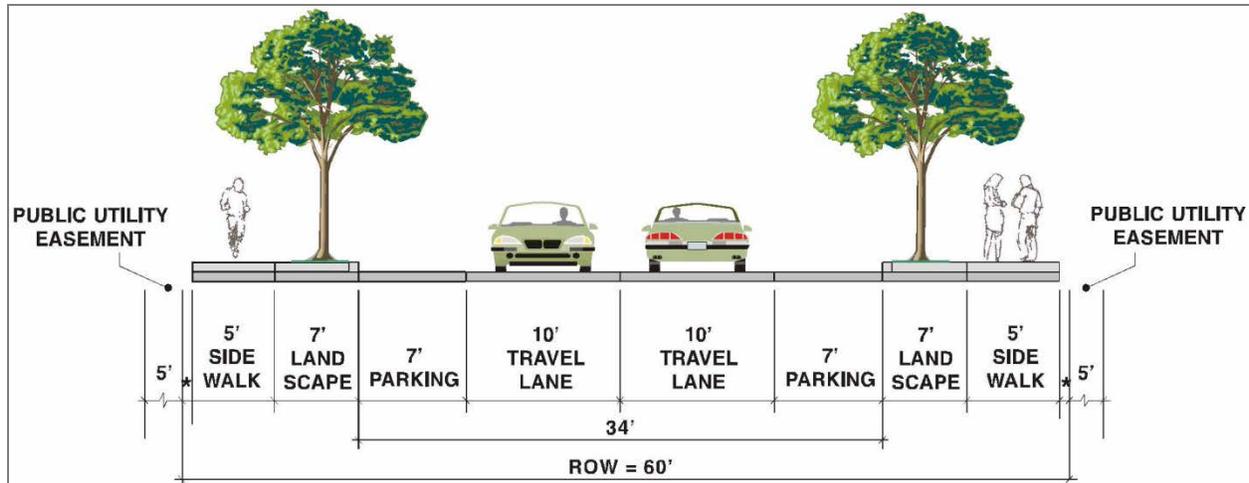
1. The estimated extent, on a quantitative basis, to which the rights of way and improvements will be used by persons served by the building or development, whether the use is for safety or convenience;
2. The estimated level, on a quantitative basis, of rights of way and improvements needed to meet the estimated extent of use by persons served by the building or development;
3. The estimated impact, on a quantitative basis, of the building or development on the public infrastructure system of which the rights of way and improvements will be a part; and
4. The estimated level, on a quantitative basis, of rights of way and improvements needed to mitigate the estimated impact on the public infrastructure system.

**C. Proportionate Reduction in Standards:** An exception to reduce a street right of way or cross-section requirement below the functional classification standard may be approved when a lesser standard is justified based on the nature and extent of the impacts of the proposed development. No exception may be granted from applicable construction specifications.

**D. Minimum Standards:** To ensure a safe and functional street with capacity to meet current demands and to ensure safety for vehicles, bicyclists and pedestrians, as well as other forms of non-vehicular traffic, there are minimum standards for right of way and improvement that must be provided to meet the standards of this Ordinance (Section 3.01). Deviation from these minimum standards may only be considered by a variance procedure.

The Street Exception application is a corollary request the Design Review and Preliminary Partition applications. Functionally, a Street Exception is akin to an adjustment or variance but specific to right-of-way (ROW) improvements. In return for granting a Street Exception request, the City applies conditions to secure public benefits.

The subject property fronts two public streets – Elm Street, a local class street, and Young Street, a Minor Arterial class street. Because the proposal meets the definition for development as outlined in 3.01.01D., ROW improvements are required for both streets. The standard improvements required for Elm Street are per Figure 3.01G, while Young Street improvements are per Figure 3.01C.



**Figure 3.01G – Local Residential Street with Parking Both Sides, 60 Foot Right-of-Way**

*Elm Street*

The portion of Elm Street abutting the subject property is currently a gravel street approximately 20 ft wide with no sidewalk or street trees. Total ROW width at this location is 29 ft. Per Figure 3.01G and the minimum improvements required for Boundary and Connecting Streets outlined in 3.01.03C. and D., the proposal includes the following Boundary Street improvement requirements for Elm Street:

- ROW dedication to achieve 30-ft half-street ROW width from street centerline,
- 5-ft public utility easement (PUE) dedication along the subject property’s frontage,
- Two 11-ft paved travel lanes,
- One 7-ft paved parking lane on the side of the street abutting the development, and
- 6-inch curb, drainage facilities, 6.5-ft landscape strip with street trees, and 5-ft sidewalk on the side of the street abutting the development.

The proposal also includes the Connecting Street improvement requirement to continue the two 11-ft paved travel lanes north roughly 300 ft to existing pavement.

The applicant’s Street Exception request modifies the requirements outlined above to the following:

- No ROW dedication along Elm Street,
- 5-ft PUE dedication along the subject property’s frontage,
- Two 9-ft paved travel lanes with a 1-ft drivable gravel shoulder on the westerly side,
- One 7-ft paved parking lane on the easterly side abutting the development,
- 6-inch curb, drainage facilities, and 5-ft curbtight sidewalk on the easterly side abutting the development, and
- No continuation of the paved travel lanes north to existing pavement.

The layout of the proposed improvements results in the sidewalk encroaching into private property approximately 2.5 ft. To address this, the applicant is proposing a modified 5-ft PUE that incorporates public sidewalk access.

In general, staff supports the Street Exception request. The required improvements add up to a total width of 41 ft whereas existing ROW width is 29 ft. This would force the applicant to dedicate 12 ft of ROW along the frontage, resulting in a lot depth of 39.79 ft and making an already-difficult property to develop significantly more challenging. The proposed improvements largely follow the standard requirements, modified to fit into the existing ROW, and would greatly increase the functionality and safety for all modes of transportation.

Because the proposed custom cross-section does not include a landscape strip, staff adds *Condition of Approval EX2* to require eight small street trees planted on private property along the Elm Street frontage. The trees are to be planted such that each of the three parcels has one tree north of and one tree south of its 4-ft walkway, with Parcels 1 and 3 both having a third tree.

#### *Young Street*

As noted in the review of 3.01, the applicant is proposing the standard improvements required for Young Street. Staff noted in the review of 3.06.03 that Public Works Department policy does not allow for street trees to be planted in a landscape strip when a public water main runs beneath it. Because the landscape strip cannot be planted with the required large street tree, staff adds *Condition of Approval EX3* to require the landscape strip be planted with a number of shrubs that match the Plant Unit value of the large street tree.

▲ The provisions are met with *Conditions EX2* and *EX3*.

## Preliminary Partition Provisions

### 3.08 Partitions and Subdivisions

All partitions and subdivisions shall comply with the standards of [ORS Chapter 92](#) and the Woodburn Development Ordinance.

This staff report does not address the requirements of ORS 92 separately, because they are addressed through the review of WDO sections or addressed by the applicant either as part of the final partition or upon development applications. This report establishes compliance or non-compliance with applicable WDO provisions. However, for clarity for future staff, staff cites two statutory provisions relating to preliminary land divisions about (1) what regulations apply as time passes and (2) when a decision expires:

“92.040 Application for approval of subdivision or partition; tentative plan; applicability of local government laws. ...

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

(3) A local government may establish a time period during which decisions on land use applications under subsection (2) of this section apply. However, in no event shall the time period exceed 10 years, whether or not a time period is established by the local government. [Amended by 1955 c.756 §7; 1973 c.696 §7; 1983 c.826 §8; 1989 c.772 §5; 1995 c.812 §9; 2005 c.22 §71]”

Item (2) is not applicable because the proposal is for partition, not subdivision.

Regarding (3), WDO 4.02.04B establishes such a time period, which does not exceed 10 years.

In order to realize the proposed partition, the applicant needs to a) obtain Partition Final Plat Approval per 5.01.06 and b) record a final plat. Staff adds Condition PAR-1 to memorialize this.

▲ The provisions are met with *Condition PAR-1* to memorialize the next steps in completing a partition.

### 5.02.05 Partition, Preliminary Approval

**A. Purpose:** The purpose of this Type II review is to ensure that partitions - the dividing of a single lot into 3 or less lots within one calendar year - comply with this Ordinance, with the Land Use and Development Standards and Guidelines (Sections 2 and 3), and applicable Oregon State Statutes.

**B. Criteria:** Preliminary approval of a partition requires compliance with the following:

- 1. The preliminary partition complies with all applicable provisions of this ordinance.**
- 2. 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 any adjoining land.**
- 3. The proposed partition is served with City streets, water, sewer and storm drainage facilities with adequate capacity.**
- 4. That the partition takes into account topography, vegetation and other natural features of the site.**
- 5. That adequate measures have been planned to alleviate identified hazards and limitations to development:**
  - a. For regulatory wetlands, these shall be the measures required by the Division of State Lands.**
  - b. For unstable areas, demonstration that streets and building sites are on geologically stable soil considering the stress and loads to which the soil may be subjected.**

As examined elsewhere throughout this staff report, the proposal complies with B.1. except where street exception and variance requests are included or where conditions of approval are applied to achieve conformance.

Regarding B.2., the proposal partitions the subject property in order to develop three row houses, which are allowed outright in the MUV zone. Additionally, staff notes here that the property has sat undeveloped for a significant amount of time, likely due in part to its size constraints and the existing condition of Elm Street.

Regarding B.3., the proposed development will be served by City utilities, either with existing facilities or through upgrades made by the applicant.

Regarding B.4., the subject property is virtually flat and devoid of wilderness or other natural features.

Regarding B.5., staff identifies no hazards or limitations to the development. 5.a. and b. are not applicable because no wetlands exist on the subject property, the ground is virtually flat, and there is no evidence of unstable soil.

✓ The provisions are met.

## Variance Provisions

### 5.03.12 Variance

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

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

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

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

1. The variance is necessary to prevent unnecessary hardship relating to the land or structure, which would cause the property to be unbuildable by application of this Ordinance. Factors to consider in determining whether hardship exists, include:

a. Physical circumstances over which the applicant has no control related to the piece of property involved that distinguish it from other land in the zone, including but not limited to, lot size, shape, and topography.

b. Whether reasonable use similar to other properties can be made of the property without the variance.

c. Whether the hardship was created by the person requesting the variance.

2. Development consistent with the request will not be materially injurious to adjacent properties.

Factors to be considered in determining whether development consistent with the variance materially injurious include, but are not limited to:

a. Physical impacts such development will have because of the variance, such as visual, noise, traffic and drainage, erosion and landslide hazards.

b. Incremental impacts occurring as a result of the proposed variance.

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

4. Whether the variance is the minimum deviation necessary to make reasonable economic use of the property;

5. Whether the variance conflicts with the Woodburn Comprehensive Plan.

The applicant included three variance requests:

1. Request to modify the Average Lot Depth in Table 2.02E from 90 ft to 50 ft (Table 2.03E states that average lot depth is per Table 2.02E).
2. Request to modify the Minimum Rear Setback in Table 2.03E from 10 ft to 6 ft.
3. Request to modify the Minimum Parking Setback in 3.05.02E.2. from 5 ft to 0 ft.

The applicant included the first Variance request, modifying average lot depth, because the property as it exists does not meet the standard requirement. The following excerpt is from the applicant's narrative (page 28) submitted March 18, 2020:

*"Young Street is classified as an Arterial Street, therefore, the proposed single-family lots must be oriented towards Elm Street, which is classified as a Local Street. Since the adjacent property to the east of the site is already developed with a commercial use, it is not feasible for the property owner to acquire additional land when meeting the average minimum lot depth standard."*

Staff concurs with the applicant and notes that this is a textbook example of why the Variance process exists. Marion County Assessor records indicate the property is associated with two annexation cases, seemingly from the 1980s, and the applicant came into ownership of the property on March 18, 2018. The applicant had no control or influence of the property's configuration; the property appears to be a relic of the time prior to its annexation into City limits. Such a lot configuration would not be allowed in a new subdivision or partition today.

The Variance request is related to the property's existing lot depth and would not have any materially injurious impacts to adjacent properties nor would it adversely affect existing physical and natural systems. The proposed deviation is the minimum necessary to make reasonable economic use of the property. The comprehensive plan does not identify minimum lot dimensions for the MUV zone.

✓ The provisions are met for Variance request 1.

The applicant included the second Variance request, modifying the minimum rear setback, due to the property's shallow depth. The following excerpt is from the applicant's narrative (page 28) submitted March 18, 2020:

*"Although Table 2.03E does not specify required side and rear setback standards for the MUV zone, City staff has interpreted that 10-ft. perimeter setbacks are required for the proposed development. Due to the shallow depth of the site, the applicant is requesting approval of Variance 'C' to reduce the minimum rear yard setback requirement from 10-ft. to 6-feet. [...] The plan demonstrates that after accommodating a 20-ft. setback between the back of the sidewalk and the garage face, and also accounting for the depth of the garage, only 6-ft. is available to the east property line. As such, if the full 10-ft. rear yard setback were required, it would not be feasible to develop the townhome units with garages."*

Staff concurs with the applicant and recommends reducing the setback value to 5 ft instead of 6 ft. Similar to the first Variance request, the applicant had no control or influence over this

property's configuration. Additionally, the MUV zone did not exist until 2012 when the WDO was amended via Ordinance 2492, well after this property was annexed. In this case, the 10-ft rear (east) setback requirement imposes an excessive burden when combined with the garage and paved parking pad requirements for single-family dwellings (per 3.05.03F1.a. & b.). Reducing the setback to 5 ft retains a buffer between the adjacent properties to the east while providing some room for any on-the-ground adjustments that might occur during construction.

Approval of this Variance request would not create materially injurious impacts to adjacent properties nor would it adversely affect existing physical and natural systems. The proposal is for three single-story row house dwellings, a use permitted outright in the MUV zone. The request would have *de minimis* visual and aural impacts on the adjacent properties to the east, which are occupied by commercial retail and food service uses. The flow of traffic is not impacted by the request. Any impacts to drainage are mitigated through the proposed stormwater swales that would be constructed in each parcel's front yard. The surrounding land is flat thus there is no erosion or landslide hazard.

Approval of this request would bring development, in the form of affordable housing, to a site that has sat undeveloped for a long time and would extend public ROW improvements where they do not currently exist. The request is the minimum deviation necessary to allow the proposal to move forward and does not conflict with the Comprehensive Plan, which does not delve into such details of site development.

In supporting the request to reduce the rear yard setback, staff adds two conditions. *Condition of Approval V2* requires the developer to construct privacy fencing in the rear yards of each Parcel in order to create some semblance of a private back yard for future residents. *Condition of Approval V3* requires the developer to differentiate each dwelling's primary exterior façade color such that each dwelling has a unique primary color. This is to reduce the visual monotony of the structure as seen from the street and from adjacent properties.

▲ The provisions are met for Variance request 2 with *Conditions V2* and *V3*.

The applicant included the third Variance request, modifying the minimum parking setback, because the WDO provision does not account for the allowed use of row houses in the MUV zone. As noted in the review of Table 2.03A, row houses are permitted outright in the MUV zone (a commercial zone) but 3.05.02E.1. requires a parking setback of 5 ft in commercial zones.

Staff supports this Variance request because this uncertainty/conflict is completely out of the applicant's control. Visual and aural impacts are not relevant because the use is permitted outright in the zone. Allowing driveways to abut each other will maximize street parking by consolidating curb cuts as much as possible, a positive impact to traffic flow. Any impacts to drainage are mitigated through the proposed stormwater swales that would be constructed in each parcel's front yard. The surrounding land is flat thus there is no erosion or landslide

hazard. The request is the minimum deviation necessary to allow the proposal to move forward and does not conflict with the Comprehensive Plan, which does not delve into such details of site development.

✓ The provisions are met for Variance request 3.

## Recommended Conditions of Approval

### *General*

G1. Prior to building permit issuance, the applicant shall submit revised plans meeting the conditions of approval to the Planning Division and obtain Division approval.

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

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

- “County” refers to Marion County.
- “ft” refers to feet.
- Parcels “1”, “2”, & “3” are the northerly, middle, and southerly ones respectively, and each may be referred to as “lot”.
- “ORS” refers to Oregon Revised Statutes.
- “PUE” refers to public utility easement.
- “ROW” refers to right-of-way.
- “Street trees” refer to trees that conform to the WDO, including 3.06.03A and Tables 3.06B & C.
- “WDO” refers to the Woodburn Development Ordinance.
- “VCA” refers to vision clearance area as WDO 1.02 and 3.03.06 establish.

G4. Technical standards:

- a. Context: A reader shall not construe a land use condition of approval that reiterates a City technical standard, such as a public works standard, to exclude remaining standards or to assert that conditions of approval should have reiterated every standard the City has in order for those standards to be met.
- b. Utilities: A condition involving altered or additional sidewalk or other frontage/street improvement that would in the field result in displacement or relocation of any of utility boxes, cabinets, vaults, or vault covers does not exempt the developer from having to move or pay to move any of these as directed by the City Engineer and with guidance from franchise utilities.

G5. Due dates / public improvements:

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

DR 2019-09, EXCP 2019-05, PAR 2019-02, VAR 2019-07

Staff Report

Attachment 102

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final subdivision, final partition, or property line adjustment and building permit application, the applicant shall submit and obtain approval of an Address Assignment Request.

- b. By issuance: Unless a condition specifies otherwise, ROW and easement dedications and recordation(s), construction of frontage/street improvements, and construction of off-site, park, and other public improvements are due by building permit issuance.

G6. Recordation due dates: The applicant shall apply to the County for recordations of items that the City requires no later than the end of Quarter 3 of 2021, i.e. by September 30, 2021, and shall complete recordations no later than almost three years past, i.e. by June 23, 2023. The due date to complete recordations shall not supersede when recordations are due relative to the building permit stage.

G7. Public Improvements Civil Plan Review: The process by which to receive, review, and approve drawings and other documents related to public improvements required by these conditions of approval may be paired with or incorporated into building permit review, or, if directed by the City Engineer, through a civil engineering plans (CEP) review process led by the Engineering Division. If opting for CEP, the applicant shall not only follow the direction of the Engineer Division, but also take some actions to facilitate tracking by Planning staff and coordination with Engineering:

- a. Cover letter: Upon submitting application to the Engineering Division, simultaneously alert the Planning Division through a cover letter to the attention of the Planning Division referencing the intended or, if known, actual submittal date as well as the project name, project phase, tax lot number(s), street address(es), and the land use / planning / zoning final decision conditions of approval that require the public improvement that is the subject of the civil engineering plans. Referencing conditions may be by quotation or citing the identification numbers (e.g., EX1). Identify the specific sheet (by number) or document page number that illustrates or notes how each subpart of a condition is met.
- b. Contact information: State the applicant's name, company, phone number, e-mail, and desired date for City staff to respond with review comments. The cover letter may include these.
- c. Plan copies: Submit to the attention of the Planning Division at least two plan size copies of plan sets (24 by 36 inches). Within the cover sheet title block(s), include the phrase "civil engineering plans" or "public improvements civil plans". Submit also Adobe PDFs using a fileshare service.
- d. Re-submittal fee: If there are multiple re-submittals, beginning with a third submittal / second revised submittal and continuing with each subsequent submittal, the applicant shall pay through the Planning Division into City general revenue a fee of \$100.

G-PW. Public Works: Follow the attached "Public Works Conditions June 17, 2020" (Attachment 102A).

### *Design Review*

D1. Per WDO 3.06.03A3., revise plans to illustrate and provide one large street tree planted in the Parcel 3 southerly yard within 8 ft of Young Street widened ROW and in conformance with VCA. Large size category at maturity is defined in WDO Table 3.06B. This is due by building permit final inspection.

D2. Per WDO Table 3.06D, construct either a fence or wall along the east (rear) boundary of the subject property. The chosen method of screening shall conform with VCA and the accessory structure provisions of WDO 2.06.02. If opting for a:

- a. Fence, it shall be minimum height of 5 ft, 10 inches, except as otherwise required by the fence height provisions of WDO 2.02.06, and wood treated to be weather-resistant. Cedar is preferred.
- b. Wall, it shall conform to Architectural Wall design provisions of WDO 3.06.06B.

Plans submitted for building permit review shall contain design details and/or drawings indicating how the condition will be met. This condition applies to each of the three parcels and is due by building permit final inspection.

D3. As part of building permit application, the applicant shall illustrate and note on plans conformance with the architectural design requirements of WDO 3.07.02.

### *Street Exception*

The Street Exception request is approved with the following conditions:

EX1. ROW improvements: This condition memorializes the required ROW improvements as modified through this Street Exception request. These improvements shall be completed prior to approval of a Partition Final Plat application to the City.

- a. Elm Street improvements include:
  - Dedication of a public sidewalk access and utility easement along the frontage of each parcel at minimum width of 5 ft,
  - Construction of two 9-ft paved travel lanes with a 1-ft drivable gravel shoulder on the westerly side,
  - Construction of a paved parking lane on the easterly side abutting the development at minimum width of 7 ft, and
  - Construction of a 6-inch curb along the edge of pavement, drainage facilities, and a curbtight sidewalk on the easterly side and at minimum width of 5 ft (excluding curb width).
- b. Young Street improvements include:
  - Dedication of 7 ft of ROW,
  - Dedication of a 5-ft PUE,
  - Removal of existing sidewalk, and

- Construction of new 6-ft landscape strip (inclusive of curb width) and 6-ft sidewalk in conformance with WDO Figure 3.01C Minor Arterial, excepted as otherwise conditioned and as reasonably adapted to transition to adjacent existing public improvements to remain in place.

EX2. Elm Street street trees: Revise plans to illustrate a total of eight small street trees planted in the westerly yards within 8 ft of Elm Street ROW and in conformance with VCA. Small size category at maturity is defined in WDO Table 3.06B. The trees are to be planted such that Parcel 1 has two trees north of and one tree south of its 4-ft walkway, Parcel 2 has one tree north of and one tree south of its 4-ft walkway, and Parcel 3 has two trees north of and one tree south of its 4-ft walkway. This is due by building permit final inspection.

EX3. Young Street landscape strip: The Young Street landscape strip shall be planted with a number of shrubs that match the Plant Unit value of one large street tree. Plant Unit values are per WDO Table 3.06B. Within VCA, shrubs shall be one or more species that do not exceed 3.5 ft in height at maturity. This is due prior to approval of a Partition Final Plat application to the City.

#### *Preliminary Partition*

PAR-1. Next step: The applicant shall apply to the City for Partition Final Plat Approval per WDO 5.01.06 with materials prepared consistent with ORS 92 and Marion County Surveyor standards. Upon City issuance of a Partition Final Plat Approval pursuant to WDO 5.01.06, the applicant shall record the approved partition with Marion County.

#### *Variance*

- V1. This condition memorializes approved Variance requests. The approved Variances are:
- a. WDO Table 2.02E is modified such that the average lot depth requirement is reduced from 90 ft to 50 ft.
  - b. WDO Table 2.03E is modified such that the minimum rear setback requirement is reduced from 10 ft to 5 ft.
  - c. WDO 3.05.02E.2. is modified such that the parking setback requirement is reduced from 5 ft to zero ft to facilitate a joint driveway.

V2. The developer shall construct rear yard privacy fencing along the common lot lines of Parcels 1 & 2 and Parcels 2 & 3. Fencing shall be a minimum height of 5 ft, 10 inches and wood treated to be weather-resistant; cedar is preferred. Fencing would extend from the building and connect to the required screening per WDO Table 3.06D and *Condition D2*. Plans submitted for building permit review shall contain design details and/or drawings indicating how the condition will be met. This condition is due by building permit final inspection.

V3. The developer shall differentiate the exterior façade of each dwelling through the use of a unique primary color for exterior façade materials. Plans submitted for building permit review shall contain design details and/or drawings indicating how the condition will be met.

## 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. Signage: The approval excludes any signage, which is subject to WDO 3.10 and the permit process of 5.01.10.
3. 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.
4. 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.
5. Stormwater management: The storm sewer system and any required on-site detention for the development must comply with the City Storm Water Management Plan, Public Works storm water practices and the Storm Drainage Master Plan.
6. Public Works Review: Staff performs final review of the civil plans during the building permit stage. Public infrastructure must be constructed in accordance with plans approved by the City, as well as current Public Works construction specifications, Standard Drawings, Standard Details, and General Conditions.
7. Franchises: The applicant provides for the installation of all franchised utilities and any required easements.

8. 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.
9. 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.
10. 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.
11. SDCs: The developer pays System Development Charges prior to building permit issuance. Staff will determine the water, sewer, storm and parks SDCs after the developer provides a complete Public Works Commercial/Industrial Development information sheet.
12. Trees: Care for and maintenance of any trees planted on private property is the sole responsibility of the property owner. Removal of trees on private property is per WDO 3.06.07 and might require application for and approval of a Significant Tree Removal Permit.



**DR 2019-09, EXCP 2019-05, PAR2019-02, VAR 2019-07**  
**Habitat for Humanity Elm/Young Row Houses**  
**Tax Lot 051W17BC01100**

June 17, 2020

**LAND USE CONDITIONS**

General Conditions:

1. Building permits shall not be issued prior to constructing public right-of-way infrastructure, including the construction of streets, water, sanitary sewer and storm drainage facilities, and private utilities as determined by the Planning Division and the Public Works Engineering Division.
2. This project requires that applicant to sign an "Improvement Agreement" for all work in existing and future right-of-way prior to issue a Public Works permit. See attached "Improvement Agreement \_ Sample".
3. All utility easements and right-of-way dedication shall be recorded prior to final acceptance of proposed public improvements.
4. The applicant, not the City, is responsible for obtaining approval for permits from any local, state and/or federal agencies which may be required.
5. The applicant shall provide for the installation of all franchise utilities and shall provide any required easements. All utility services shall be constructed underground.
6. Prior to construction of any portion of the street and facilities to be maintained by the City, the applicant shall provide to the Woodburn Public Work Engineering Division civil plans prepared by a registered engineer for the required public infrastructure. In accordance with Ordinance No 1795, permits shall be obtained for construction of the public infrastructure from the Public Works Engineering Division prior to installation. Final review of the Civil Plans will be done during the permit application.
7. The applicant is require to sign a "Public Improvement Agreement" prior to issuances of a permit to construct public improvements.
8. In conjunction with the new public street improvements the applicant shall install street lighting consistent with PGE installation plan option B.
9. If required the applicant shall obtain a 1200C permit from the Department of Environmental Quality prior to City issuance of a public improvement permit.
10. The storm sewer system and on-site detention for this Development shall comply with the City's Storm Water Master Plan.

**ATTACHMENT 102A**

**IMPROVEMENT AGREEMENT  
NAME OF PROJECT**

**NAME OF DEVELOPER/OWNER.**, being the owners of the land of the \_\_\_\_\_ to be platted as the “**NAME OF PROJECT**” to the City of Woodburn, Marion County, Oregon, hereby declare our binding intent to comply with the conditions of approval as established by Woodburn Planning Commission **NAME OF PROJECT**, Marion County Deed Records.

We further agree to the Following:

1. Provide performance/subdividers bond in the amount of 120% of the construction cost prior to permits being issued. Base of the construction cost provided, in the amount of \$XXXXXX.00 the bond amount would then need to be \$XXXXXX
2. We shall pay all right-of-way fees for all improvements which are to be maintained by the city as per ordinance #1795.
3. All construction work shall be performed in accordance with the plans stamped “Approved by the City”.
4. This agreement provides a right-of-entry to the job site to City Employees/Staff when the Subdivision Plat has not been approved or recorded.
5. Provide to the city, one set of reproducible and digital as-built drawings upon completion.
6. Provide street lighting in accordance with a street lighting plan approved by the city and conforming to Portland General Electric OPTION B installation plan.
7. Provide the required infrastructure for city water and sewer service, franchised utility service, to each lot created by this subdivision. Submit the proper plans and easements to the city for review and approval.
8. All utility easements and right-of-way dedications shall be recorded prior to final acceptance of proposed public improvements.
9. Upon completion, provide city a one-year maintenance bond in the amount of 10% of the construction cost for all city maintained facilities constructed.
10. Upon completion, the engineer of record shall certify that all the improvements have been constructed in accordance with the approved plans, city standard and specifications, **and other Agencies requiring approvals and permits**. All required inspections and testing reports shall be verified and certified by the Engineer of record. At the end of the project provide to the City a copy of the daily constructions inspections reports.
11. Final acceptance of proposed public improvements will be evaluated after construction is completed and final subdivision plat is properly recorded.

**NAME OF APPLICANT / CASE No.**

BY: \_\_\_\_\_  
Name,  
Developer

CORPORATE ACKNOWLEDGEMENT

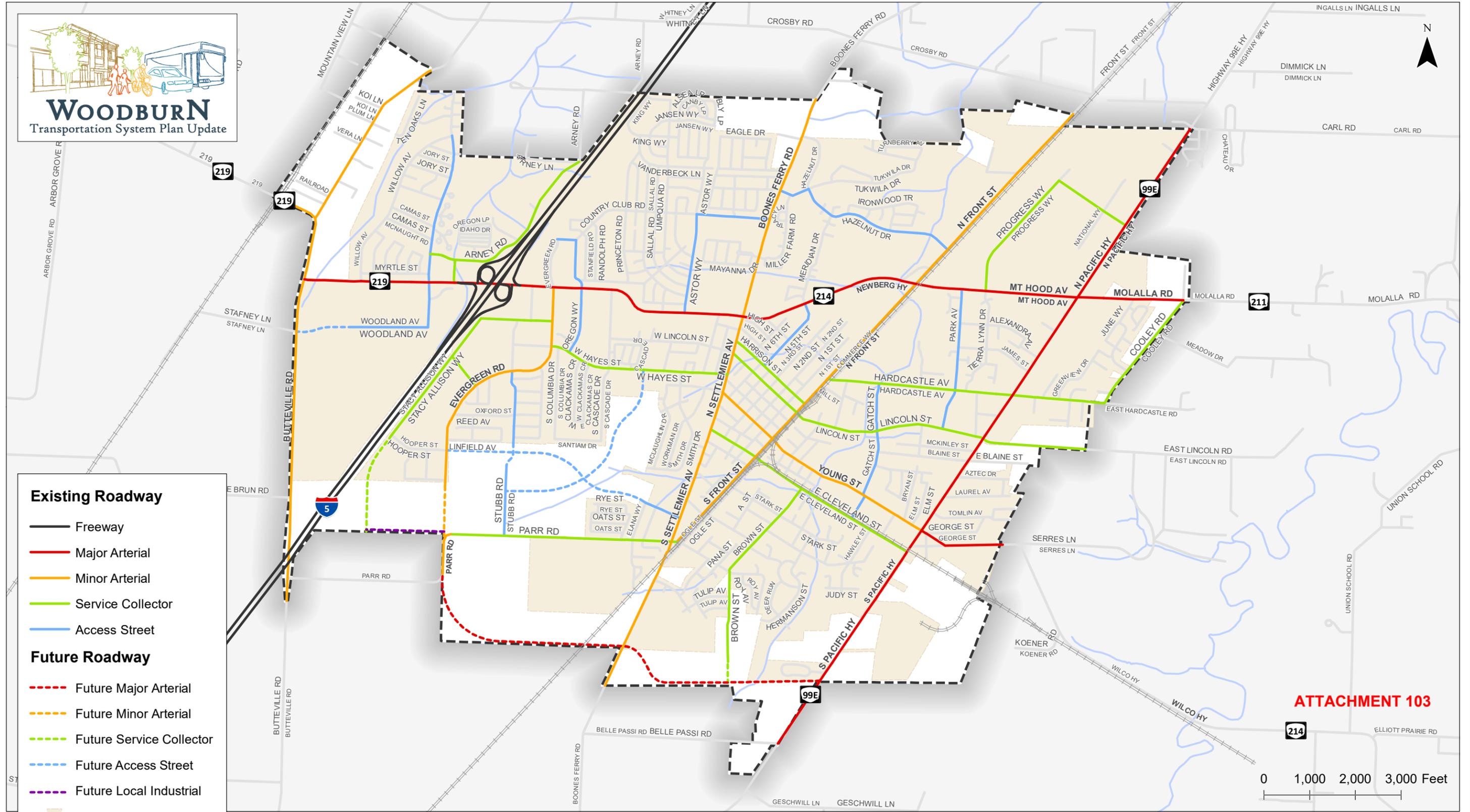
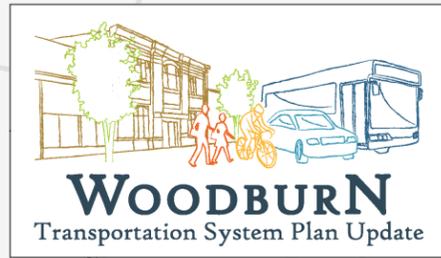
STATE OF OREGON, County of \_\_\_\_\_) ss.

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_ 2018 by \_\_\_\_\_, a limited liability company 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: \_\_\_\_\_

SAMPLE



**Existing Roadway**

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

**Future Roadway**

- Future Major Arterial
- Future Minor Arterial
- Future Service Collector
- Future Access Street
- Future Local Industrial

City Boundary

Urban Growth Boundary

**ATTACHMENT 103**



**Functional Roadway Classification  
Woodburn, Oregon**

**Figure  
2**

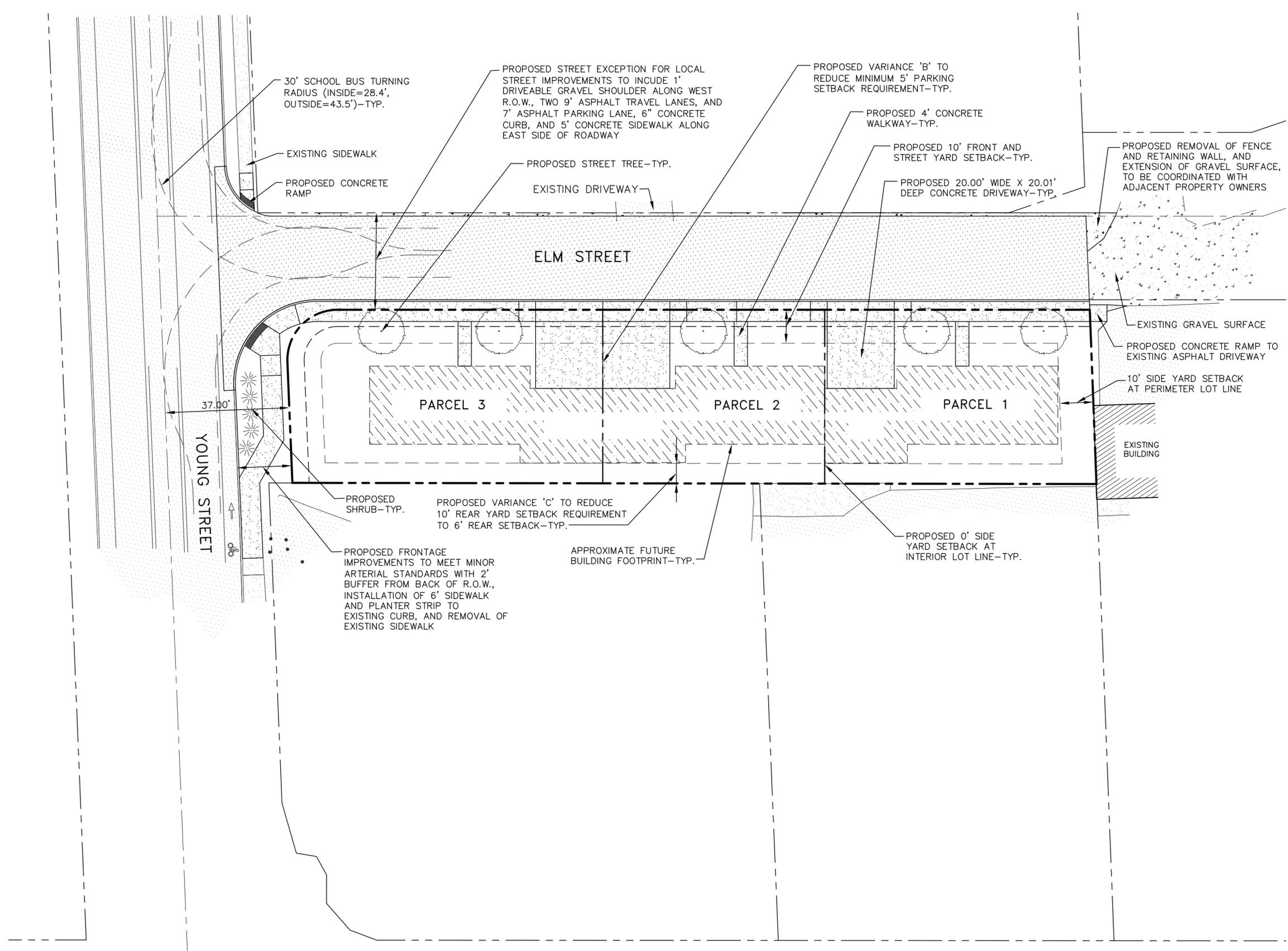
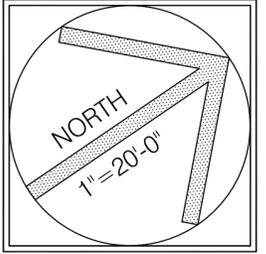
Note: Future roadway alignments are approximate and subject to further refinement.

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

H:\1212\1071 - Woodburn TSP Update\GIS\TSP02 Functional Roadway Classification.mxd - mmcormick - 5:25 PM 9/18/2019







CITY OF WOODBURN LAND USE APPLICATION:  
**ELM STREET TOWNHOMES**  
 TAX LOT 1100 OF TAX MAP 051W17BC  
 MARION COUNTY, OREGON

PRELIMINARY  
 SITE PLAN

MAY 18, 2020  
 REVISIONS

- △
- △
- △

STATE HWY 99E - PACIFIC HWY

**ATTACHMENT 104**  
**EXHIBIT C**



**AAI** aaihan associates, inc.  
**ENGINEERING**  
 4875 SW Griffith Drive | Suite 300 | Beaverton, OR | 97005  
 503.620.3030 tel | 503.620.5539 fax | www.aaieng.com

**HABITAT FOR HUMANITY  
 ELM-YOUNG ROW  
 HOUSING**  
 WOODBURN, OREGON

SHEET TITLE  
**SITE PLAN**  
 DATE: 11/13/19  
 DRAWN: TSH  
 CHECKED: JWM  
 REVISIONS:

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 SHEET NUMBER

**C1.0**

JOB NUMBER: A19226.10

**SHEET NOTES**

- SEE SHEET C0.1 FOR GENERAL SHEET NOTES.
- SEE ARCHITECTURAL PLANS FOR ADDITIONAL SITE INFORMATION.
- THE CONTRACTOR SHALL HAVE A FULL SET OF THE CURRENT APPROVED CONSTRUCTION DOCUMENTS INCLUDING ADDENDA ON THE PROJECT SITE AT ALL TIMES.
- THE CONTRACTOR SHALL KEEP THE ENGINEER AND JURISDICTION INFORMED OF CONSTRUCTION PROGRESS TO FACILITATE SITE OBSERVATIONS AT REQUIRED INTERVALS. 24-HOUR NOTICE IS REQUIRED.

**(X) CONSTRUCTION NOTES**

- INSTALL DRIVEWAY PER DETAIL 4150-3/C4.0
- INSTALL ADA RAMP PER DETAIL ODOT DETAIL RD756 ON SHEET C4.0
- INSTALL SIDEWALK PER DETAIL 4150-8/C4.0
- INSTALL CURB AND GUTTER PER DETAIL 4100-1/C4.1
- INSTALL SWALE, SEE SHEET C3.0 FOR INFORMATION
- INSTALL ASPHALT SURFACE PER DETAIL 4200-1/C4.2
- INSTALL CURB PER DETAIL 4100-2/C4.1

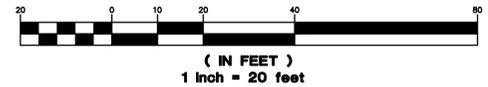
**LEGEND**

PROPERTY LINE	
CONCRETE SIDEWALK SURFACING	
ASPHALT SURFACING	
SWALE	

NORTH



GRAPHIC SCALE



**ATTACHMENT 104  
 EXHIBIT D**

PLANT SCHEDULE							TOTAL PLANT UNITS
SHRUBS	CODE	QTY	BOTANICAL NAME	COMMON NAME	SIZE		
	BG	7	BUXUS X 'GREEN MOUNTAIN' 2 PLANT UNITS	GREEN MOUNTAIN BOXWOOD	1 GAL.		14 PU
	FG	3	FOTHERGILLA GARDENII 1 PLANT UNIT	DWARF FOTHERGILLA	1 GAL.		3 PU
GROUND COVERS	CODE	QTY	BOTANICAL NAME	COMMON NAME	SIZE	SPACING	
	FL	78	FRAGARIA CHILOENSIS 'LIPSTICK' 1 PLANT UNIT PER 50 SF	BEACH STRAWBERRY	---	18" o.c.	1.5 PU

