

Final Decision

Planning Commission

File number(s): MC 2020-02 Related to DR 2019-05 & EXCP 2020-05

Project name: Allison Way Apartments: Condition EX2 Stacy Allison Way Improvements

Date of decision: April 22, 2021

Applicant: Leeb Architects; attn Doug Hamilton, 308 SW 1st Avenue, Suite 200 Portland,

OR 97204-3567

Civil Engineer/

Surveyor: LEI Engineering & Surveying of Oregon, Attn: Jamie Van Agtmael, PLS, President,

2564 19th Street SE, Salem, OR 97302

Landowner: Stacy Allison Way Holdings, Attn: Eugene Labunsky, 25030 SW Parkway Avenue,

Suite 110, Wilsonville, OR 97070-9816

Site location: 0 Hooper St & 0 Stacy Allison Way NE; Tax Lots 052W14 02000, 2100, & 2300

Summary: The Planning Commission held a public hearing on April 22, 2021 and approved unanimously the application (Type III) revisions to Condition EX2 as staff recommended through the staff report published April 15.

Besides the applicant, no one testified.

The developer requested tweaks to Condition EX2 that lists how to improve Stacy Allison Way as part of the Allison Way Apartments project, which is two phases. Phase 1 includes upgrading Stacy Allison Way north of Hooper Street, and Phase 2 extends the road south of Hooper.

The Commission made the decision because based on WDO 4.02.07 "Modification of Conditions", the Assistant City Attorney advised staff that although the Council had called up the Allison Way Apartments decision and made its own, because the Commission was the original decision-maker, it too was the decision-maker for a Modification of Condition application related to the project.

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

Modified Condition EX2:

EX2. Allison: The City modifies and approves the street exception request as follows regarding improvements and that applies to both phases. Attachment 108, which the applicant submitted February 25, 2021 as Modification of Condition MOC 2020-02 Exhibit G, contains cross sections and site plans that serve as an exhibit to this Condition EX2.

a. Phase 1:

- (1) Curbs, travel lanes, and two-way left turn lane: No change required to placements or widths of these.
- (2) Bicycle lanes: Minimum five (5) ft each. (Existing ones are 6 ft each.)
- (3) Planter strip: Install a planter strip five (5) ft wide, excluding curb width, and landscape with street trees at 1 per 30 ft of frontage, equaling twenty (20) trees along the Phase 1 frontage (instead of 1 per 50 typical). The total number shall be divided evenly between either *Betula pendula* [silver or European white birch] or another *Betula* [birch] species and an evergreen species among any of *Magnolia grandiflora* "Victoria" cultivar [magnolia cultivated for the Pacific Northwest], *Arbutus menziesii* [Pacific madrone], and *Tsuga heterophylla* [Western hemlock]. Ninety-seven percent (97%) of the remainder of the strip shall be medium size category shrubbery to the minimum size at planting per Table 3.06B and at maximum size that maintains conformance with VCA, and at least two (2) distinct openings in the shrubbery that total the remaining area of three percent (3%) shall be lawn grass.
- (4) Sidewalk: Construct a sidewalk as a bicycle/pedestrian path at minimum width of six (6) ft that the City shall allow to overlap the streetside PUE by at least a half (½) ft and as much as four and a half (4½) ft from edge of ROW. If and where sidewalk would need to deflect or meander, such as at driveway A1 or at the northeast corner of Allison & Hooper, it may fully overlap a streetside PUE. Off-street parking stalls that both (a) abut sidewalk or are within 5 ft of sidewalk and (b) are not parallel with sidewalk shall have wheel stops four (4) inches high maximum to prevent overlap of sidewalk.

(5) Striping:

- (a) Bicycle: At the Phase 1 north end where the existing bicycle lane will continue at the north side of driveway A1, at the opening of the bicycle lane the developer shall stripe an *MUTCD*-compliant bicycle lane symbol or symbols.
- (b) Turn: The applicant shall stripe a turn arrow within the existing center left turn lane southbound at Hooper.
- (6) Utilities: Relocate underground/subsurface utilities that would conflict with street trees, such as a potable water line, and surface utilities such as street light poles and boxes to be within either or both of the planter strip and a streetside PUE. Existing covered vaults may be incorporated within altered or additional sidewalk if meeting PW SS&Ds.
- (7) NW side landscaping: The following applies between the project north end and the south end of the existing stormwater detention pond fencing a point approximately 330 ft southwest along Allison ROW from Hooper centerline. The applicant shall plant at least two hundred and forty-eight (248) woody shrubs of large size category as WDO Table 3.06B defines, of one or more evergreen species capable of growing to a mature minimum height of ten (10) ft (preferably *Taxus brevifolia* var. *reptaneta* [English yew reptaneta variant]), and with average o.c. spacing of four (4) ft.

- b. Phase 2 / extension:
 - (1) Lanes, travel: Minimum width twelve (12) ft.
 - (2) Lane, center left turn lane and turn pockets: Width eleven (11) ft.
 - (3) Bicycle lanes: Minimum five (5) ft each.
 - (4) Planter strip: Install a planter strip six (6) ft wide, excluding curb width, and landscape with street trees at 1 per 30 ft of frontage, equaling forty-one (41) trees along the Phase 2 frontage (instead of 1 per 50 typical). The total number shall be divided evenly between *Betula pendula* [silver or European white birch] or another Betula [birch] species and an evergreen species among any of *Magnolia grandiflora* "Victoria" cultivar [magnolia cultivated for the Pacific Northwest], *Arbutus menziesii* [Pacific madrone], and *Tsuga heterophylla* [Western hemlock]. Ninety-five percent (95%) of the remainder of the strip shall be medium size category shrubbery to the minimum size at planting per Table 3.06B and at maximum size that maintains conformance with VCA, and at least six (6) distinct openings in the shrubbery that total the remaining area of five percent (5%) shall be lawn grass.
 - (5) Sidewalk: Construct a sidewalk as a bicycle/pedestrian path at minimum width of eight (8) ft that the City shall allow to overlap the streetside PUE by at least a half (½) ft and as much as four and a half (4½) ft from edge of ROW. If and where sidewalk would need to deflect or meander, such as at driveways A2 and A3 or at the southeast corner of Allison & Hooper, it may farther overlap a streetside PUE. Off-street parking stalls that both (a) abut sidewalk or are within 5 ft of sidewalk and (b) are not parallel with sidewalk shall have wheel stops four (4) inches high maximum to prevent overlap of sidewalk.
 - (6) Median: ... [previously struck by the Planning Commission]
 - (7) Turn areas: At the north, the median shall ... [previously struck by the Commission]
 - (8) NW side landscaping: The following applies between the fencing south end and the south end of extended Allison. The applicant shall plant at least two hundred and fifty-two (252) woody shrubs of large size category as WDO Table 3.06B defines, of one or more evergreen species capable of growing to a mature minimum height of ten (10) ft (preferably *Taxus brevifolia* var. *reptaneta* [English yew reptaneta variant]), and with average o.c. spacing of four (4) ft.:
 - (9) Interim signage: Signed barricades remain required per WDO 3.01.05A.2.b & c. and to PW SS&Ds. The developer shall also install an *MUTCD*-compliant dead-end sign, either W14-1 or W14-2, at the intersection of Allison & Hooper for southbound drivers. The City Engineer may require the developer to install either (a) also at the intersection either a W14-1a or a W14-2a sign to warn drivers turning south from Hooper that Allison ends in the left direction as the arrow within the sign copy would indicate, or (b) a sign or signs serving similar purpose.



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

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

However, for all practical purposes, because this final decision is limited to modifying a condition of approval found in another final decision, the expiration date for the land use approval of the Allison Way Apartments project remains based on the DR 2019-05 & EXCP 2020-05 final decision of November 9, 2020.

Appeals: Per WDO 4.01.11E., the decision is final unless appealed pursuant to Oregon Revised Statutes (ORS), state administrative rules, and WDO <u>4.02.01</u>. The appeal to City Council due date is twelve (12) days from the mailing date of this final decision notice per 4.02.01B.1. A valid appeal must meet the requirements of 4.02.01.

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

Attachment(s):

- A. Planning Commission April 22, 2021 Staff Report Attachment 101A Strikethrough-and-Underline Revision of Condition EX2 (3 pages)
- B. Attachment 108 Exhibit G Cross sections and plan views (submitted February 25, 2021)
- C. DR 2019-05 & EXCP 2020-05 Final Decision and its attachments (November 9, 2020)

Sincerely,

Colin Cortes, AICP, CNU-A

Colin Cortes

Senior Planner

Affirmed,

Charlie Piper, Chair

May 14, 2021

CP/cmc

cc: Chris Kerr, Community Development Director

Dago Garcia, P.E., City Engineer

Ted Cuno, Building Official

Jason Space, GIS Technician

Doug Hamilton, Leeb Architects (applicant)

Jamie Van Agtmael, PLS, President, LEI Engineering & Surveying of Oregon (civil engineer / surveyor)

Eugene Labunsky, West Coast Real Estate Holdings (landowner)

Testifiers (0): n/a

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

Marion County Assessor's Office

Marion County Geographic Information System (GIS)

Marion County Public Works Dept.

Strikethrough-and-Underline Revision of Condition EX2

Note: Bold text is just as it appears in the final decision, while red text indicates revision. (See Attachment 101B for the excerpt of the original condition from final decision document.)

EX2. Allison: The City modifies and approves the street exception request as follows regarding improvements and that applies to both phases: Attachment 108, which the applicant submitted February 25, 2021 as Modification of Condition MOC 2020-02 Exhibit G, contains cross sections and site plans that serve as an exhibit to this Condition EX2.

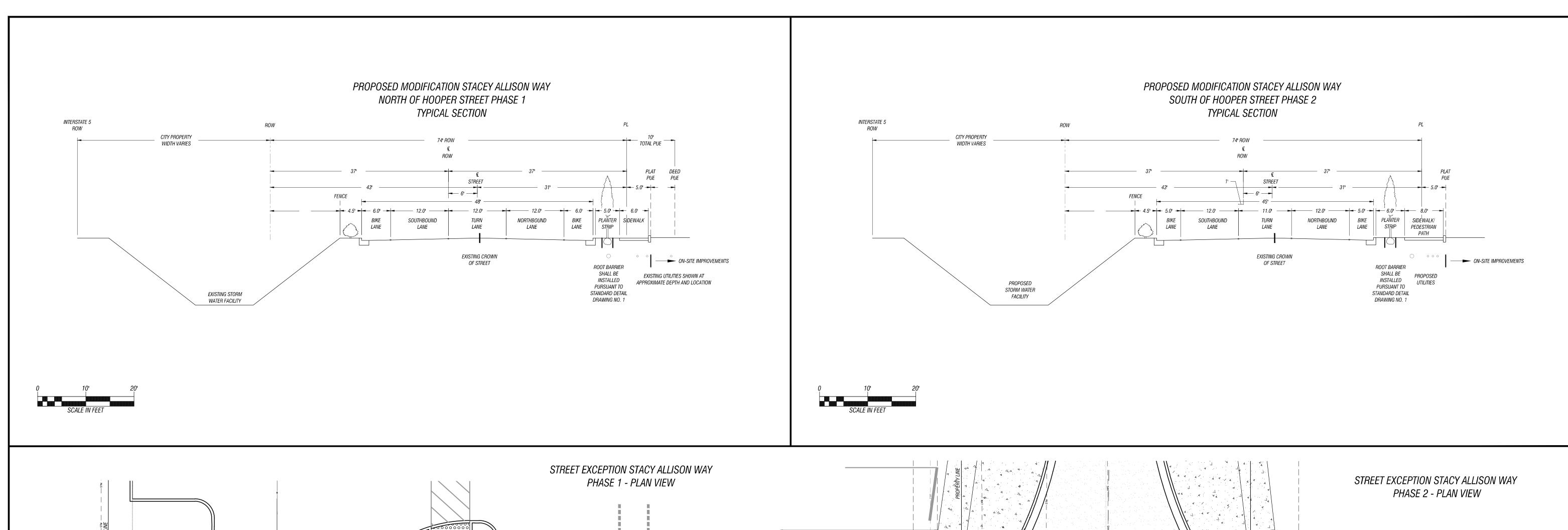
a. Phase 1:

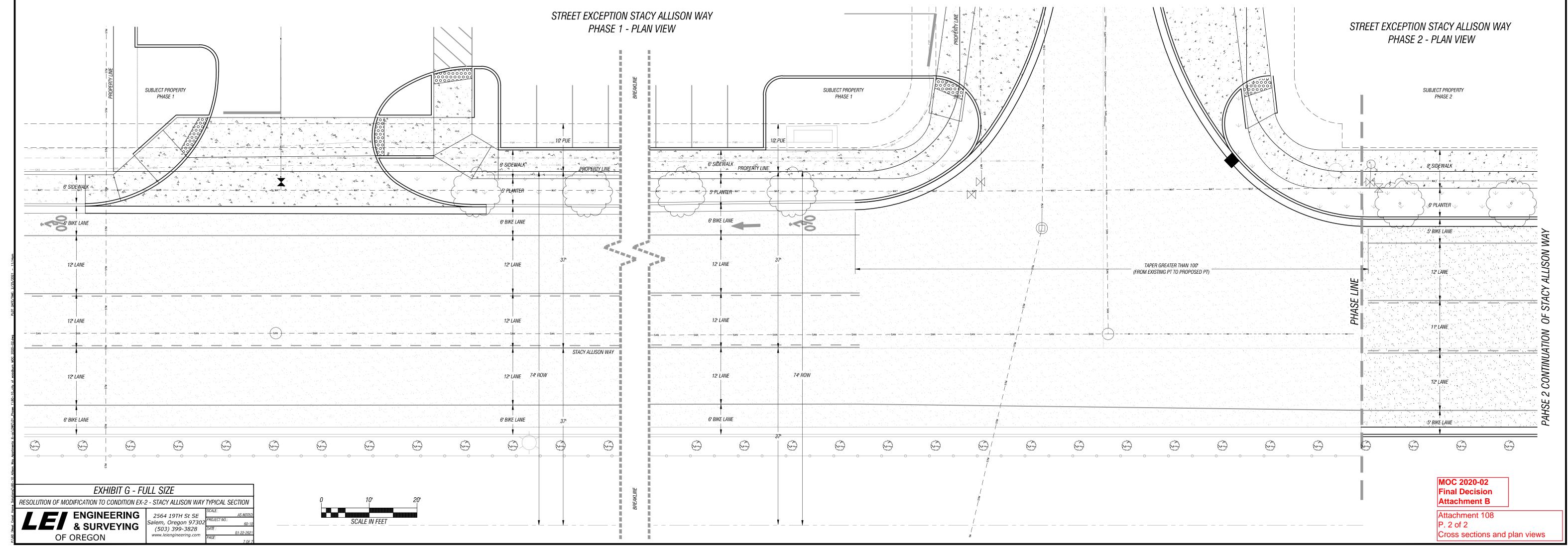
- (1) <u>Curbs, Northbound travel lanes, and two-way left turn lane</u>: <u>Either narrow from twelve (12)</u> to eleven (11) ft, or, restripe the center left turn lane from twelve (12) to eleven (11) and shift the travel lane accordingly. However, were the sidewalk described below within this list were to overlap the PUE by at least one and a half (1½) ft, if the bicycle lane is removed, or by up to four and a half (4½) ft, if the bicycle lane remains, no lane narrowing would be required No change required to placements or widths of these.
- (2) Bicycle lanes: Remove or narrow to Minimum five (5) ft each. (Existing ones are 6 ft each.)
- (3) Planter strip: Install a planter strip six-five (65) ft wide, excluding curb width, and landscape with street trees at 1 per 30 ft of frontage, equaling twenty (20) trees along the Phase 1 frontage (instead of 1 per 50 typical). The total number shall be divided evenly between either Betula pendula [silver or European white birch] or another Betula [birch] species and an evergreen species among any of Magnolia grandiflora "Victoria" cultivar [magnolia cultivated for the Pacific Northwest], Arbutus menziesii [Pacific madrone], and Tsuga heterophylla [Western hemlock]. Ninety-seven percent (97%) of the remainder of the strip shall be medium size category shrubbery to the minimum size at planting per Table 3.06B and at maximum size that maintains conformance with VCA, and at least two (2) distinct openings in the shrubbery that total the remaining area of three percent (3%) shall be lawn grass.
- (4) Sidewalk: Construct a sidewalk as a bicycle/pedestrian path at minimum width of eight-six (86) ft (whether or not a northbound bicycle lane remains) that the City shall allow to overlap the streetside PUE by at least a half (½) ft and as much as four and a half (4½) ft from edge of ROW. If and where sidewalk would need to deflect or meander, such as at driveway A1 or at the northeast corner of Allison & Hooper, it may fully overlap a streetside PUE. Off-street parking stalls that both (a) abut sidewalk or are within 5 ft of sidewalk and (b) are not parallel with sidewalk shall have wheel stops four (4) inches high maximum to prevent overlap of sidewalk.

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- b. Phase 2 / extension:
 - (1) Lanes, travel: Minimum width twelve (12) ft.
 - (2) Lane, center left turn lane and turn pockets: Width eleven (11) ft.
 - (3) Bicycle lanes: Northbound: none; and, southbound, either none or mMinimum five (5) ft each.
 - (4) Planter strip: Install a planter strip six (6) ft wide, excluding curb width, and landscape with street trees at 1 per 30 ft of frontage, equaling forty-one (41) trees along the Phase 2 frontage (instead of 1 per 50 typical). The total number shall be divided evenly between Betula pendula [silver or European white birch] or another Betula [birch] species and an evergreen species among any of Magnolia grandiflora "Victoria" cultivar [magnolia cultivated for the Pacific Northwest], Arbutus menziesii [Pacific madrone], and Tsuga heterophylla [Western hemlock]. Ninety-five percent (95%) of the remainder of the strip shall be medium size category shrubbery to the minimum size at planting per Table 3.06B and at maximum size that maintains conformance with VCA, and at least six (6) distinct openings in the shrubbery that total the remaining area of five percent (5%) shall be lawn grass.
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Final Decision

City Council

File number(s): DR 2019-05, EXCP 2020-05, PP 2019-01, PLA 2019-04, & VAR 2019-04

Project name: Allison Way Apartments

Date of decision: November 9, 2020

Applicant: Leeb Architects; attn Robert Leeb, Principal in Charge & Doug Hamilton, 308 SW

1st Avenue, Suite 200 Portland, OR 97204-3567

Landowner: Stacy Allison Way Holdings, Attn: Eugene Labunsky, 25030 SW Parkway Avenue,

Suite 110, Wilsonville, OR 97070-9816

Site location: 0 Hooper St & 0 Stacy Allison Way NE; Tax Lots 052W14 02000, 2100, & 2300

Summary: First, the Planning Commission held a public hearing on May 28, 2020 and approved by 3-2 vote the consolidated applications package (Type III) with the conditions recommended by staff through the staff report published May 21, except for three revision items:

1. Striking transportation Condition T-BP9 that would have required the Evergreen Path, a bicycle/pedestrian path approximately 350 feet (ft) long within the unimproved Evergreen right-of-way (ROW) and extending from Smith Creek Development Phase 1A Tract 'D" boundary north to the existing Montebello 2 subdivision bicycle/pedestrian path that connects to Baylor Drive at Citadel Street per the image below:



MOC 2020-02 Final Decision Attachment C 2. Revising Street Exception Condition EX2 to omit a landscaped median from the required custom cross section of the Stacy Allison Way extension to maintain a continuous two-way left turn lane along and between Interstate 5 and the approximately 800 ft of site development frontage that has no driveways; and

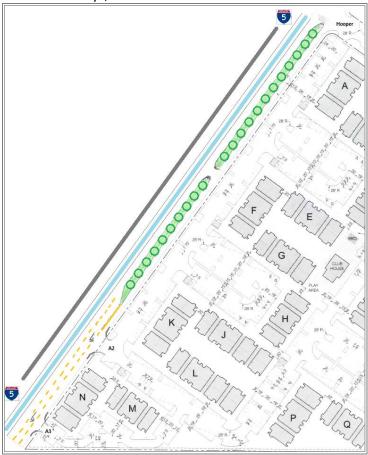


Exhibit EX2b revised June 2 (Median example concept not to scale.)

3. Approving variance request 2 regarding parking ratio minimum (WDO Table 3.05A, Residential 1) and setting a minimum average of 1.77 stalls per dwelling. (See Condition V9-2.)

Second, the City Council called up the Commission decision on June 8, 2020 pursuant to Woodburn Development Ordinance (WDO) 4.02.02 and held a public hearings on July 13 and September 14, 2020 that resulted in the Council on September 14 tentatively approving the project per the variance excerpts of the applicant's September 1 letter of testimony that was agenda item Attachment 1 (final decision Attachment 106).

The Council tentative approval results in conditions of approval the same as were in the Planning Commission decision document except that Condition:

1. EX2 is revised such that Stacy Allison Way will have 5-foot bicycle lanes (p. 10);

- 2. V9-2 that establishes the standard of approved Variance request 2 is revised from a parking ratio minimum average of 1.77 stalls per dwelling to an absolute minimum of 1.9 stalls per dwelling (p. 22); and
- 3. V5-3-1 that establishes the standard of approved Variance request 3 is revised from a compact parking maximum of 60% to 25% (p. 18).
- 4. T-BP9 requiring the Evergreen bicycle/pedestrian path is restored (p. 16).

Staff returned to Council on November 9, 2020 with this final decision document for the mayor's signature.

One party testified (besides the applicant). He is listed at the end.

The request was for site development of three lots totaling 19.03 acres into 586 apartments across 23 buildings across Phases 1 & 2 such that the one parcel north/northeast of Hooper Street (5.93 acres) would be 180 apartments across 7 buildings as Phase 1 and the two parcels south/southwest of Hooper (13.1 acres) would have 406 apartments across 16 buildings as Phase 2.

The buildings are three-story walk-ups, conventional for new construction. Each phase has a common building and landscaped and paved common areas.

Regarding street improvements, Phase 1 includes for existing Stacy Allison Way removal of curb-tight sidewalk to install a planter with street trees and construct new, wide sidewalk. Phase 2 includes extension of Stacy Allison Way that relocates the dead-end from Hooper Street south/southwest along Interstate 5 (I-5) to city limits.

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

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

Conditions of Approval:

General

- G1. As part of building permit application, the applicant shall submit revised site plans meeting the conditions of approval and obtain Planning Division approval through sign-off on permit issuance.
- G2. The applicant or successors and assigns shall develop the property in substantial conformance with the final plans submitted and approved with these applications, except as modified by these conditions of approval. Were the applicant to revise plans other than to meet conditions of approval or meet building code, even if Planning Division staff does not notice and signs off on building permit issuance, Division staff retains the right to obtain restoration of improvements as shown on an earlier land use review plan set in service of substantial conformance.
- G3. References: The descriptions below define certain words, phrases, and assumptions in the context of the conditions of approval:
 - "Access way" means an on-site walkway paved at least eight (8) feet wide to serve as a bicycle/pedestrian path to and from sidewalk — or to and from an off-street public bicycle/pedestrian path — and that is ADA-compliant.
 - "ADA" refers to the federal Americans with Disabilities Act of 1990.
 - "Allison" refers to Stacy Allison Way.
 - "A1, "A2", & "A3" driveways refer to the three Allison driveways from north to south. A1 is in Phase 1, and A2 & A3 are in Phase 2.
 - "County" refers to Marion County.
 - "Courtyard" refers to each of five places two in Phase 1 and three in Phase 2 that is a landscaped linear central common area framed by three buildings forming a "U" shape or four buildings enclosing the common area.
 - "Director" refers to the Community Development Director.
 - "EV" refers to electric vehicle.
 - "Evergreen" with a capital "E" refers to Evergreen Road, especially south from OR 214.
 - "ft" refers to feet.
 - "Hooper" refers to Hooper Street.
 - "H1,"H2", "H3," & "H4" driveways refer to the four Hooper driveways clockwise from the northwest. H1 & H2 are in Phase 1, and H3 & H4 are in Phase 2.
 - "Lawson" refers to Lawson Avenue.
 - "Modal share" means the percentage of travelers using a particular type of transportation or number of trips using a type, as examples walking, cycling, riding transit, and driving.
 - "Modal shift" means a change in modal share.
 - "MUTCD" refers to Manual on Uniform Traffic Control Devices of the U.S. Department of Transportation (U.S. DOT) Federal Highway Administration (FHWA).
 - "NE means northeast.
 - "NW" means northwest.
 - "OAR" refers to Oregon Administrative Rules.
 - "o.c." refers to on-center spacing, such as of trees or shrubs.
 - "ODOT" refers to the Oregon Department of Transportation.

- "OR 214" refers to Oregon Highway 214 / Newberg Highway.
- "Oxford" refers to Oxford Street.
- "Parking court" means each of three peninsulas of on-site surface parking extending southeast and framed by a "U" of five buildings. Phase 1 has one and Phase 2 has two.
- "Phase 1" or "Phase I" encompasses Tax Lot 052W14 02300 (Town Center at Woodburn subdivision Lot 9) and the full extents of adjacent Allison and Hooper and the whole of their intersection.
- "Phase 2" or "Phase II" encompasses Tax Lots 052W14 02000 & 2100 (Town Center at Woodburn subdivision Lots 7 & 8) to be consolidated and the full extent of adjacent Allison from Hooper.
- "PLA" refers to property line adjustment.
- "PUE" refers to public utility easement.
- "PW" refers to Public Works (the department) or public works (civil infrastructure) depending on context.
- "Root barrier" refers to that illustrated by PW SS&Ds, <u>Drawing No. 1 "Street Tree Planting New Construction"</u>.
- "ROW" refers to right-of-way.
- "SDCs" refers to system development charges, also known as impact fees.
- "SE" means southeast.
- "Speed table" means a walkway crossing of a drive aisle that: is concrete; with a tabletop that is raised at least four (4) inches above drive aisle grade, at least six (6) ft wide, flat, and stamped or otherwise treated to have a pattern; and, with the vehicular ramps striped in compliance with MUTCD Figure 3B-30, Option A, and with minimum and maximum slope ratios of 1:25 and 1:10 respectively.
- "SS&Ds" refers to PW <u>standard specifications and drawings</u>.
- "Street trees" refer to trees that conform to the WDO, including 3.06.03A and Table 3.06B.
- "SW" means southwest.
- "TSP" means the Woodburn Transportation System Plan.
- "VCA" refers to vision clearance area as WDO 1.02 and 3.03.06 establish.
- "WDO" refers to the Woodburn Development Ordinance.
- "W. Hayes" refers to W. Hayes Street.
- "WTS" refers to the Woodburn Transit System.

G4. Due dates / public improvements:

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

- G5. Recordation due dates: The applicant shall apply to the County for recordations of items that the City requires no later than six (6) months past an anticipated Planning Commission tentative decision date, i.e. by December 30, 2022, and shall complete recordations no later than almost three years past, i.e. by May 25, 2023. The due date to complete recordations shall not supersede when recordations are due relative to the building permit stage.
- G6. Public Improvements Civil Plan Review: The process by which to receive, review, and approve drawings and other documents related to public improvements required by these conditions of approval may be paired with or incorporated into building permit review, or, if directed by the City Engineer, through a civil engineering plans (CEP) review process led by the Engineering Division. If opting for CEP, the applicant shall not only follow the direction of the Engineer Division, but also take some actions to facilitate tracking by Planning staff and coordination with Engineering:
 - a. Cover letter: Upon submitting application to the Engineering Division, simultaneously alert the Planning Division through a cover letter to the attention of the Planning Division referencing the intended or, if known, actual submittal date as well as the project name, project phase, tax lot number(s), street address(es), and the land use / planning / zoning final decision conditions of approval that require the public improvement that is the subject of the civil engineering plans. Referencing conditions may be by quotation or citing the identification numbers (e.g., T-A1). Identify the specific sheet (by number) or document page number that illustrates or notes how each subpart of a condition is met.
 - b. Contact information: State the applicant's name, company, phone number, e-mail, and desired date for City staff to respond with review comments. The cover letter may include these.
 - c. Plan copies: Submit to the attention of the Planning Division at least two plan size copies of plan sets (24 by 36 inches). Within the cover sheet title block(s), include the phrase "civil engineering plans" or "public improvements civil plans". Submit also Adobe PDFs using a fileshare service.
 - d. Re-submittal fee: If there are multiple re-submittals, beginning with a third submittal / second revised submittal and continuing with each subsequent submittal, the applicant shall pay through the Planning Division into City general revenue a fee of \$100.

G-PW. Public Works: Follow the appended Public Works comments (May 19, 2020; Attachment 102A). If conflict arises between implementation of public works conditions and referenced standards in that document with implementation of the remaining conditions in this document, the Assistant City Administrator would arbitrate or mediate based on guidance from legal counsel, the Director, the Public Works Engineering Director, and the City Engineer.

Design Review 2019-05

D1. PUE(s): To meet WDO Figures 3.01D "Service Collector" & G "Local ...", as part of PLA recordation the applicant shall resolve existing easements with newly required easements so as to conform to the streetside PUE minimum width of five (5) ft per WDO 3.02.01B, conform to all other conditions, and follow the direction of the City Engineer per WDO 3.02.01A.

D2. Driveways:

a. Number: To meet WDO 3.04.03B.1 regarding access management, the number of driveways is limited as follows:

ROW	Phase 1	Phase 2
Allison	1 joint (A1)	2 (A2 & A3)
Hooper	2 (H1 & H2)	2 (H3 & H4)

- b. Approach / apron / curb cut: Driveways shall conform to PW SS&Ds, Section 4150.
- c. Traffic control: To meet WDO 3.05.02J:
 - (1) Parking on site: The central and narrowest drive aisle in each of the parking courts and between Buildings P & R shall have one-way traffic to the northwest, and the applicant shall:
 - (a) Stripe on the pavement an arrow at each of the beginning and end of each aisle; and
 - (b) Install at the end of each aisle a do-not-enter sign that complies with *MUTCD* Figure 2B-11, sign R5-1.



(2) Allison: Outbound left turns are prohibited from driveway A3, and the applicant shall install a no left turn sign that complies with *MUTCD* Figure 2B-4, sign R3-2.



- D3. Cross access / joint driveway A1: To meet WDO 3.04.03B, the applicant shall:
 - a. On Tax Lot 052W14 02300 (Town Center of Woodburn subdivision Lot 9; Phase 1):
 - (1) Spur the easterly northeast-southwest drive aisle to the north property line of Tax Lot 052W13 01600 (subdivision Lot 10) at minimum width of twenty (20) ft minimum width between face of curb, and
 - (2) Spur the westerly northeast-southwest drive aisle to the north property line of Tax Lot 052W13 01600 (subdivision Lot 10) at minimum width of twenty (20) ft minimum width between face of curb.
 - b. To meet WDO 3.04.03B.1 & 3, dedicate a public access and utility easement that is to the satisfaction of the Director, revocable only with the concurrence of the Director, and connects the two bulges with driveway A1.
 - c. Have the easement width be either (i) minimum twenty (20) ft and centered on the drive aisle centerlines or (ii) minimum twenty-eight and a half (28½) ft measured southwest from the north lot line.

- d. Have the easement text include a paragraph that states that the delineated easement area serves as a public access easement to the benefit of Lot 10 of the Town Center at Woodburn subdivision plat (Tax Lot 052W13 01600), and such cross access to and from the joint driveway at Stacy Allison Way shall not be revoked without concurrence of the City Community Development Director in conformance with Woodburn Development Ordinance (WDO) 3.04.03B.3. Place such text under a Cross Access & Joint Driveway Easement header.
- D4. Parking signage/striping: To meet WDO 3.05.02J, the applicant shall designate compact stalls "COMPACT" in lettering one (1) foot high minimum and stripe them as such in the field prior to building permit final inspection.
- D5. Parking stall double striping: To meet WDO 3.05.02K, the applicant shall delineate parking stalls with double parallel lines pursuant to Figure 3.05C and stripe them as such in the field prior to building permit final inspection.
- D6. Bicycle parking near main entrance: To meet WDO 3.05.03E, prior to building permit final inspection the applicant shall provide bicycle parking within fifty (50) ft of a main entrance. In the context of a new construction apartment complex with conventional three-story buildings with open stairwells, each apartment building has two main entrances as follows:
 - a. In all apartment buildings except Phase 1 B & C and Phase 2 B, C, J, & L there are four points where a building main wall plane intersects the walkway serving building ground floor entrances and the stairwell to upper floor entrances;
 - b. In Phase 1 Buildings B & C and Phase 2 Buildings B, C, J, & L there are six such points;
 - c. Each building has either (a) two walkways with two points each totaling the four or (b) three walkways with six points total; and so
 - d. The condition shall apply to three points minimum for each of Phase 1 Buildings B & C and Phase 2 Buildings B, C, J, & L and two points minimum for remaining buildings and apply to one point minimum per walkway.
- D7. Patios: Visual separation shall conform to WDO 3.07.05B.1a as follows:
 - a. Pavement: As proposed, patios shall be paved with brick, concrete pavers, or poured concrete.
 - b. Railings/fencing & gate: The outermost edges of patio concrete slabs that do not abut building walls shall have either metal or wood railings or cedar wood fencing at least three (3) ft high. If the latter, then opacity shall be full, but if fencing is higher than the minimum height, it shall be no more than ninety percent (90%) opaque, such as by being fully opaque from grade but from the top having a lattice pattern. The railings or fencing shall have a gated opening at least two (2) ft and four (4) inches wide.
 - c. Height maximum: the railings or fencing maximum height shall be either five (5) ft or, where a patio faces a courtyard, three and a half (3½) ft.
 - d. Shrubbery: Evergreen shrubbery shall line fully the outermost edges of patio concrete slabs, except along the gated opening.

Phasing Plan 2019-01

PP1. Phases / Phasing:

- a. Number and extent: As Condition G3 defines.
- b. Order / ordering: The applicant shall construct Phase 1 first.
- c. Improvements: Improvements within a phase are due by that phase.
- d. Vesting: Construction of Phase 1 shall vest land use / planning / zoning entitlement for Phase 2; but, were the applicant (or successors and assigns) to fail to make use of any of the two provisions of WDO 4.02.04B.1 or 3 to avoid expiration, expiration shall occur upon one of the two following events:
 - (1) The arrival of July 1, 2030; or
 - (2) City adoption of a unified development ordinance replacing the WDO were to have intervened on or between July 24, 2023 and June 24, 2030, approximately 3 to 10 years from the anticipated land use final decision date.

Property Line Adjustment 2019-04

PLA-1. Recording: To meet WDO 5.01.08B.5., upon City approval of the subject PLA, the applicant shall revise the drawing or drawings as needed and record the re-plat (or whatever it is that the County terms it) with the County. The expiration date is per WDO 4.02.04B, and were subsection 2 that refers to "the activity approved in the decision has commenced" to become relevant, that provision would mean recordation of the subject PLA, and to this end the applicant shall apply to Marion County for recordation by December 30, 2022 and complete recordation by May 25, 2023. In any case, the applicant shall record the re-plat prior to both City assignment of street addresses, which would follow the applicant submitting an address assignment request, and building permit application.

Street Exception 2020-05

EX1. Hooper:

- a. Existing improvements: The planter strips, including curb widths, may remain 6½ ft instead of 7 ft, sidewalks may remain 5½ ft instead of 5 ft, and existing curbs may remain in place where not otherwise disturbed by newer improvements.
- b. Curb extensions: The applicant shall construct the proposed four curb extensions that cap the onstreet parking aisles.
- c. Mid-block crossing: The applicant shall construct of the proposed two mid-block crossings of Hooper Street only the southeastern one and shall:
 - (1) Construct it of poured concrete minimum width of eight (8) ft;
 - (2) Stamp or otherwise treat the concrete to have a pattern that drivers would sense tactilely as well as visually.
 - (3) Install ADA-compliant curb ramps and pave connections to the sidewalks.
 - (4) Provide signage and striping per PW SS&Ds, or, if none exist for a given topic, per the direction of the City Engineer. Required signage may include two advance warning signs for drivers; and

- (5) Meet federal or state criteria or guidelines that the City Engineer may establish in writing as standards for the mid-block crossing.
- d. Crosswalk upgrade: Instead of the proposed northwestern of the two proposed mid-block crossings, the applicant shall traffic calm the crosswalk of the southeast leg of the T-intersection of Allison & Hooper. The applicant shall construct a poured concrete crosswalk at minimum width of eight (8) ft and that is either stamped or otherwise treated to have a pattern tactilely that drivers would sense tactilely as well as visually. The applicant shall stripe the crosswalk.
- e. Street trees: The applicant shall plant trees at 1 per 30 ft of frontage, equaling fourteen (14) trees per frontage (instead of 1 per 50 typical, 9 trees per frontage). For up to no more than two (2) of the absolute number of trees required along each frontage (4 total), the applicant may pay a fee in-lieu of \$125 per tree. This fee provision is intended to substitute for the applicant invoking 3.06.03A.3 (Director modification/relocation).

EX2. Allison: The City modifies and approves the street exception request as follows regarding improvements and that applies to both phases:

a. Phase 1:

- (1) Northbound travel lane: Either narrow from twelve (12) to eleven (11) ft, or, restripe the center left turn lane from twelve (12) to eleven (11) and shift the travel lane accordingly. However, were the sidewalk described below within this list were to overlap the PUE by at least one and a half (1½) ft, if the bicycle lane is removed, or by up to four and a half (4½) ft, if the bicycle lane remains, no lane narrowing would be required.
- (2) Bicycle lanes: Remove or narrow to Minimum five (5) ft each.
- (3) Planter strip: Install a planter strip six (6) ft wide and landscape with street trees at 1 per 30 ft of frontage, equaling twenty (20) trees along the Phase 1 frontage (instead of 1 per 50 typical). The total number shall be divided evenly between either *Betula pendula* [silver or European white birch] or another *Betula* [birch] species and an evergreen species among any of *Magnolia grandiflora* "Victoria" cultivar [magnolia cultivated for the Pacific Northwest], *Arbutus menziesii* [Pacific madrone], and *Tsuga heterophylla* [Western hemlock]. Ninety-seven percent (97%) of the remainder of the strip shall be medium size category shrubbery to the minimum size at planting per Table 3.06B and at maximum size that maintains conformance with VCA, and at least two (2) distinct openings in the shrubbery that total the remaining area of three percent (3%) shall be lawn grass.
- (4) Sidewalk: Construct a sidewalk as a bicycle/pedestrian path at minimum width of eight (8) ft (whether or not a northbound bicycle lane remains) that the City shall allow to overlap the streetside PUE by at least a half (½) ft and as much as four and a half (4½) ft from edge of ROW. If and where sidewalk would need to deflect or meander, such as at driveway A1 or at the northeast corner of Allison & Hooper, it may fully overlap a streetside PUE.
- (5) Striping:
 - (a) Bicycle: At the Phase 1 north end where the existing bicycle lane will continue at the north side of driveway A1, at the opening of the bicycle lane the developer shall stripe an *MUTCD*-compliant bicycle lane symbol or symbols.
 - (b) Turn: The applicant shall stripe a turn arrow within the existing center left turn lane southbound at Hooper.

- (6) Utilities: Relocate underground/subsurface utilities that would conflict with street trees, such as a potable water line, and surface utilities such as street light poles and boxes to be within either or both of the planter strip and a streetside PUE. Existing covered vaults may be incorporated within altered or additional sidewalk if meeting PW SS&Ds.
- (7) NW side landscaping: The following applies between the project north end and the south end of the existing stormwater detention pond fencing a point approximately 330 ft southwest along Allison ROW from Hooper centerline. The applicant shall plant at least two hundred and forty-eight (248) woody shrubs of large size category as WDO Table 3.06B defines, of one or more evergreen species capable of growing to a mature minimum height of ten (10) ft (preferably *Taxus brevifolia* var. *reptaneta* [English yew reptaneta variant]), and with average o.c. spacing of four (4) ft.

b. Phase 2 / extension:

- (1) Lanes, travel: Minimum width twelve (12) ft.
- (2) Lane, center left turn lane and turn pockets: Width eleven (11) ft.
- (3) Bicycle lanes: Northbound: none; and, southbound, either none or mMinimum five (5) ft each.
- (4) Planter strip: Install a planter strip six (6) ft wide and landscape with street trees at 1 per 30 ft of frontage, equaling forty-one (41) trees along the Phase 2 frontage (instead of 1 per 50 typical). The total number shall be divided evenly between *Betula pendula* [silver or European white birch] or another Betula [birch] species and an evergreen species among any of *Magnolia grandiflora* "Victoria" cultivar [magnolia cultivated for the Pacific Northwest], *Arbutus menziesii* [Pacific madrone], and *Tsuga heterophylla* [Western hemlock]. Ninety-five percent (95%) of the remainder of the strip shall be medium size category shrubbery to the minimum size at planting per Table 3.06B and at maximum size that maintains conformance with VCA, and at least six (6) distinct openings in the shrubbery that total the remaining area of five percent (5%) shall be lawn grass.
- (5) Sidewalk: Construct a sidewalk as a bicycle/pedestrian path at minimum width of eight (8) ft (whether or not there is a northbound bicycle lane) that the City shall allow to overlap the streetside PUE by at least a half (½) ft and as much as four and a half (4½) ft from edge of ROW. If and where sidewalk would need to deflect or meander, such as at driveways A2 and A3 or at the southeast corner of Allison & Hooper, it may farther overlap a streetside PUE.
- (6) Median: ... [previously struck by the Planning Commission]
- (7) Turn areas: At the north, the median shall ... [previously struck by the Commission]
- (8) NW side landscaping: The following applies between the fencing south end and the south end of extended Allison. The applicant shall plant at least two hundred and fifty-two (252) woody shrubs of large size category as WDO Table 3.06B defines, of one or more evergreen species capable of growing to a mature minimum height of ten (10) ft (preferably *Taxus brevifolia* var. *reptaneta* [English yew reptaneta variant]), and with average o.c. spacing of four (4) ft.:
- (9) Interim signage: Signed barricades remain required per WDO 3.01.05A.2.b & c. and to PW SS&Ds. The developer shall also install an MUTCD-compliant dead-end sign, either W14-1 or W14-2, at the intersection of Allison & Hooper for southbound drivers. The City Engineer may require the developer to install either (a) also at the intersection either a W14-1a or a W14-

2a sign to warn drivers turning south from Hooper that Allison ends in the left direction as the arrow within the sign copy would indicate, or (b) a sign or signs serving similar purpose.



Design Review 2019-05: Transportation

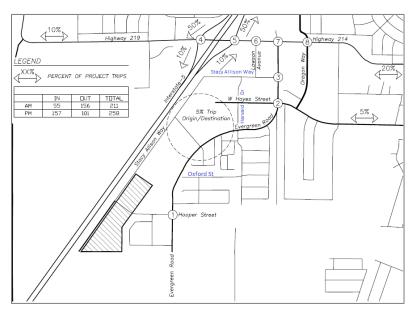


Exhibit T Vicinity map

T-A1. Evergreen & W. Hayes: The developer shall:

- a. Mitigation fee / Fee in-lieu: Pay a mitigation fee or fee in-lieu of \$33,000 to fund a transportation study. This is due by Phase 2, building permit issuance. [TIA]
- b. Evergreen sidewalk west: See Condition T-BP2.

T-A2. <u>Allison & Evergreen</u>: The developer shall pay a mitigation fee or fee in-lieu of \$33,000 to fund a transportation study. This is due by Phase 2, building permit issuance. [TIA]

T-A3. OR 214 & Evergreen: The developer shall pay a mitigation fee or fee in-lieu of \$15,000 to fund a transportation study, specifically to investigate corridor signal timing and coordination adjustments in coordination with ODOT. This is due by Phase 1, building permit issuance. [R10]

T-BP1. Allison & Lawson: The developer shall upgrade the T-intersection so that the south landing of either the east or west leg crosswalk has an ADA-compliant curb ramp and the crosswalk is striped. This is due by Phase 1, building permit issuance.

T-BP2. Evergreen sidewalk west: The developer shall fill in the sidewalk gap along the Evergreen frontage of Tax Lot 052W12C 01600 (601 Evergreen Road). The sidewalk shall be minimum eight (8) feet wide and located no closer than one (1) ft from edge of ROW and no more than six (6) ft from edge of ROW. The developer shall to the extent feasible meander the sidewalk as needed to save existing trees in or partially within existing ROW, upgrade the intersection west leg crosswalk by installing an ADA-compliant north curb ramp, and stripe the crosswalk. This is due by Phase 1, building permit issuance. [P6]

T-BP3. Evergreen sidewalk east: The developer shall fill in the sidewalk gap along the Evergreen frontage of Tax Lots 052W12DC01400 (2333 W. Hayes Street), 052W12DC01200 & 1300, and 052W12DB04400 (2330, 2340, & 2343 Oregon Court). The sidewalk shall be minimum six (6) feet wide and located no closer than one (1) ft from edge of ROW and no more than six (6) ft from edge of ROW. The applicant shall to the extent feasible meander the sidewalk as needed to save existing trees in or partially within existing ROW, upgrade the W. Hayes intersection east leg crosswalk by installing an ADA-compliant north curb ramp, and stripe the crosswalk. This is due by Phase 2, building permit issuance. [P6]

T-BP4. W. Hayes sidewalk: The developer shall fill in the sidewalk gap along the W. Hayes frontage of Tax Lot 052W12C 01600 (601 Evergreen Road). The sidewalk shall be minimum six (6) feet wide. The applicant shall to the extent feasible meander the sidewalk as needed to save existing trees in or partially within existing ROW, including to align sidewalk curb-tight. Within the parameters of this condition, the sidewalk placement shall otherwise reasonably conform to WDO Figure 3.01G, particularly regarding placement relative to centerline and establishing a planter strip with street trees where they can fit. This is due by Phase 2, building permit issuance.

T-BP5. Harvard curb ramp(s): At the T-intersection with W. Hayes, the developer shall install at least one ADA-compliant curb ramp at the west end of either the north or south leg crosswalk, pave new sidewalk minimum six (6) ft wide that connects to existing sidewalk, and stripe the crosswalk. The applicant shall to the extent feasible save existing trees in or partially within existing ROW, including by using returned curbs instead of flares along ramps. This is due by Phase 2, building permit issuance.



Exhibit T-BP North: This exhibit illustrates locations and represents improvements related to Conditions T-BP1 through 5. Sidewalk is in blue dashes and ADA ramps are in yellow trapezoids.

T-BP6. Evergreen sidewalk south: The developer shall fill in the sidewalk gap along the Evergreen frontage of Tax Lot 052W12C 02400 (0 Evergreen Road NE). The minimum width and placement shall conform to WDO Figure 3.01C, and within the planter strip the applicant shall plant at least two (2) street trees with root barriers, one each near Harvard and the driveway and to allow future adjacent site development to add trees to conform fully with the quantity required by WDO 3.06.03A (1 per 50 ft typical). This is due by Phase 2, building permit issuance.

T-BP7. Evergreen / Walmart driveway curb ramp: The developer shall fill in the sidewalk gap along the Evergreen frontage of the pole of the flag lot that is Tax Lot 052W12C 01900 (3002 Stacy Allison Way) and install an ADA-compliant curb ramp at the west side of the driveway. This is due by Phase 2, building permit issuance.

T-BP8. Evergreen curb ramp(s): At the T-intersection with Oxford, the developer shall install at least one ADA-compliant curb ramp at the west end of either the north or south leg crosswalk, pave new sidewalk minimum six (6) ft wide that connects to existing sidewalk, and stripe the crosswalk. The applicant shall to the extent feasible save existing street trees, including by using returned curbs instead of flares along ramps. This is due by Phase 1, building permit issuance.



Exhibit T-BP South: This exhibit illustrates locations and represents improvements related to Conditions T-BP6 through 8. Sidewalk is in blue dashes and ADA ramps are in yellow trapezoids.

T-BP9. Evergreen Path: The developer shall pave an ADA-compliant bicycle/pedestrian path minimum twelve (12) ft wide:

- a. Location: Within the unimproved Evergreen ROW from Points A to B. Point A is the north deadend of the Mill Creek Greenway Trail within the yet-to-be platted Smith Creek Development Phase 1 Tract 'D', and Point B is the east dead-end of the off-street path within the public walkway easement of the Montebello 2 subdivision (2002) that extends from Baylor Drive at Citadel Street and straddles subdivision Lots 139 & 140 (364 & 376 Baylor Drive). (The centerline distance is approximately 350 ft.) The yet-to-be platted Point A is within the larger acreage that as of this writing is Partition Plat 2019-040, Parcel 2 (Tax Lot 052W13 00108).
- b. Pavement: Either asphalt or poured concrete. If asphalt, construction minimums shall include four (4) inches of hot mix (Level 3) above eight (8) inches of one-inch minus crushed aggregate base course.
- c. Widths: The mainline path shall be minimum twelve (12) ft wide, and at its interim north deadend, the spur path that connects west to the public walkway easement shall be minimum eight (8) ft wide, tapering by 1 ft width for every 2 ft of run as it approaches the easement to match the easement width.
- d. Alignment: The mainline path shall be aligned to accommodate shoulders and furniture zones as specified below and such that its centerline is no closer than twenty-five (25) ft from the east boundary of the Evergreen ROW.
- e. Shoulders: The mainline path shall have shoulders minimum two (2) ft each, specifically a strip free of vertical improvements on each trail side. Maximum slope shall be two (2) to one (1) (2:1).
- f. Furniture, tree zones, and amenities / support facilities: The mainline path shall be sited to have zones minimum six (6) ft along each side unencumbered for installation of the support facilities per the following table:

Table T-BP: Evergreen Path Amenities / Support Facilities				
Support	Min.	Placement*	<u>Notes</u>	
<u>Facilities</u>	<u>No.</u>		("min." = minimum; and	
			<u>"sq ft" = square feet)</u>	
<u>Benches</u>	<u>2</u>	Near junction of	Min. bench width is 6 ft. At least	
		mainline and	80.0% of benches shall have	
		spur paths, out	backs.	
		of corridor of	There is a City spec.	
		<u>mainline</u>		
		extension. May		
		<u>be</u>		
		paired/grouped.		
<u>Bicycle</u>	2 (stalls)	Near junction of	Stall size: Minimum 2 ft wide and	
parking		mainline and	6 ft long, asphalt or poured	
		spur paths, out	concrete.	
		of corridor of	Facility: Rack, such as "U" or	
		<u>mainline</u>	wave racks.	
		extension.	There is a City spec "U" rack.	
Dog waste	<u>1</u>	Near junction of	Each includes bag dispenser and	
<u>stations</u>		mainline and	either includes a trash receptacle	
		spur paths, out	or is sited within 10 ft of one.	
		of corridor of	There is a City spec.	
		<u>mainline</u>		
		extension.		
Recycling	1 (pair)	Near junction of	Place pairs near trail and path	
and trash		mainline and	junctions with sidewalk.	
<u>receptacles</u>		spur paths, out	There is yet no City spec; staff	
		of corridor of	recommends the model chosen	
		<u>mainline</u>	by the developer of Smith Creek	
		extension.	Development Phase 1A.	

This is due by Phase 1, building permit issuance. [P49]



Exhibit T-BP10A. Location and Conceptual Alignment

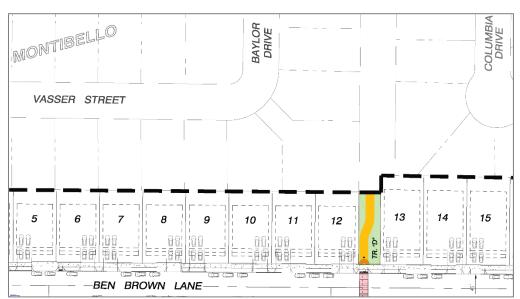


Exhibit T-BP10B. Starting Point Alignment Context: Smith Creek Development Phase 1A Tract "D" (from Stafford Land Co. Exhibit C-8A-1)

T-BP10. BP fee in-lieu option: In order for the City to construct any of the bicycle/pedestrian improvements that Condition T-A1b (Evergreen sidewalk west) and the T-BP conditions above describe, a developer may pay a fee in-lieu as follows:

a. Percentage: Equal to at least one hundred and twenty (120%) of a licensed civil engineer's cost estimate.

- b. Estimate: An estimate shall have construction cost item estimates based on the improvements being bid on as a "Public Works Project" paying prevailing wages. The City Engineer shall review and approve a construction estimate prior to acceptance of a fee in-lieu payment.
- c. Bond/bonding/performance guarantee: If the applicant were to bond, then the above condition subparts a. and b. about percentage and estimate shall apply also to a bond.

T-T. Bus transit fee: The developer shall pay a mitigation fee that is a total of a fixed base amount plus a rate per dwelling of \$208.28. The fixed base amount shall be \$12,510.20 for Phase 1 and \$46,750 for Phase 2. (This condition relates to TSP projects T1, 2, 4, 16, 18 &, TSP Fig. F5, and TPU projects 9, 11, 12, & 20.)

Variance 2019-04

V1-1. Driveway (WDO Table 3.04A):

a. The minimum driveway widths shall be per the table below (instead of 24 feet typical):

Minimum Driveway Width (feet)

, , ,			
One-way Travel		Two-way Travel	
Single Lane	Paired Lanes	Paired Lanes	With Left Turn Lane
10	9 per lane; 18 total	20	30 total

b. The maximum driveway widths shall be per the table below (instead of 38 feet typical):

Maximum Driveway Width (feet)

One-way Travel		Two-way Travel		
Single Lane	Paired Lanes	Paired Lanes	With Left Turn Lane	
11	10 per lane; 20 total	22*	31 total	

^{*}Except 26 ft where required by Oregon Fire Code (OFC) Appendix D

c. The condition applies within ROW, and may apply outside ROW along driveway throat length, so as not to interfere with the drive aisle width provisions of WDO Table 3.05C.

V2-4. Drive aisle (WDO Table 3.05C):

a. The minimum drive aisle widths shall be per the table below (instead of 24 feet typical):

Parking Context	Minimum Drive Aisle Width (feet)		h (feet)
	One-way Travel		Two-way Travel
	Single Lane	Paired Lanes	
Standard or ADA- compliant stalls	18	10 per lane; 20 total	20
Compact stalls	16	9 per lane; 18 total	20
No adjacent stalls	10	9 per lane; 18 total	20

b. The condition applies up to newly dedicated ROW so as not to interfere with the driveway minimum width provisions of WDO Table 3.04A.

V3-5. Curb dimensions, parking area (WDO 3.06.02I): Curb or curbing that delineates on-site walkways and landscaped, parking, and vehicular circulation areas shall have a minimum height and width each of four (4) inches (instead of 6 inches typical).

- a. Speed table: The applicant shall construct a speed table along the walkway crossing nearest and between the Phase 2 clubhouse, play area, and Building R. (See Condition G3 for specifications.)
- b. Wheel stops: Wherever required or proposed, wheel stops shall be four (4) inches high maximum.

V4-6. Architectural Wall (WDO Table 3.06D & 3.06.06):

- a. The property lines subject to the Architectural Wall provisions of Table 3.06D and 3.06.06 are exempt from those provisions.
- b. Landscaping:
 - (1) Along the Phase 2 southeast and east lot lines, the applicant shall landscaped a buffer of minimum width five (5) ft to the minimum planting density of WDO Table 3.06A, row "Buffer yards".
 - (2) The landscaping shall include evergreen shrubbery planted at the large category minimum size per WDO Table 3.06B.
 - (3) The applicant shall include within fifteen (15) ft of the lot lines at least twenty-one (21) trees. The applicant shall add at least four (4) trees of large category per WDO Table 3.06B for a total of 25 trees. The four additional trees shall be in the lawns near Buildings Q & R, within sixty (60) ft of the lot lines, and with one (1) near Building Q and three (3) near Building R. The proposed site perimeter tree closest to the east/northeast corner of Building R shall be changed to a coniferous or evergreen species.
 - (4) Transformer box: Any on-site at-grade electrical transformer box shall be screened with evergreen shrubbery on all sides except the panel door side.
- c. Fence, cedar: Along the two segments of the Phase 2 southeast and east lot lines within six (6) ft of parking stalls that face the lot lines, the applicant shall install a treated cedar wood fence at least five (5) ft, ten (10) inches high and with boards arranged for opacity, except that the highest foot may be mostly opaque lattice pattern. Fence height shall not supersede applicable height limits per WDO 2.06.02.
- d. Lighting: If proposed, exterior light fixtures shall be full cut-off or fully shielded and limited in height as follows:
 - (1) Full cut-off: Exterior lighting fixtures shall be full cut-off or fully shielded models.
 - (2) Heights: As measured to the underside of the fixture:
 - (a) Wall: Exterior wall-mounted fixtures shall be no higher than ten (10) feet above walkway finished grade. (This height limit is not applicable to emergency egress lighting and permanent wall signs allowed through WDO 3.10 were they to have interior illumination.)
 - (b) Parking pole: Exterior pole-mounted fixtures within four (4) feet of or in parking, loading, and vehicular circulation areas shall be no higher than fourteen-and-a-half (14½) feet above vehicular finished grade.
 - (c) Other pole: Remaining exterior pole-mounted fixtures, if any, shall be no higher than twelve (12) feet above grade.

V5-3-1. Compact parking (WDO 3.05.03C):

- a. Percentage: The compact parking maximum as a percentage of the required minimum amount of parking shall be **sixtytwenty-five** percent (**6025**%; instead of 20% typical) and hundred percent (100%) of any amount in excess of the minimum required. For each phase, at least twenty percent (20%) of the minimum amount of stalls shall be compact
- b. Striping: The applicant shall stripe each stall with the word "COMPACT" in lettering one (1) foot high minimum.
- c. Wheel stops: Where used, wheel stops shall be four (4) inches high maximum.

V6-3-2. Off-street parking provisions:

- a. Bicycle parking amount and distribution: For each phase unless otherwise specified, the applicant shall provide a minimum number of bicycle parking stalls as follows:
 - (1) At least one (1) per dwelling in each dwelling in the outdoor closet of the balcony or patio in which the applicant shall install a wall-mounted folding or retractable hook designed for the hanging of a bicycle;
 - (2) At least one (1) stall at the base of each building stairwell, with each of these locations having a bicycle parking sign with minimum face dimensions of (1) foot wide by one-and-a-half (1½) feet high;
 - (3) Phase 1: Guest: Excluding outdoor closet and stairwell stalls, a set of at least two (2) stalls within five to fifteen (5-15) ft of Hooper ROW and near or along the access way;
 - (4) Phase 2: Guest: Excluding outdoor closet and stairwell stalls, at least two sets of at least two (2) stalls each, one northwesterly within five to fifteen (5-15) ft of Hooper and one southeasterly within ninety (90) ft of Hooper ROW.
 - (5) Phase 1: Common: Excluding outdoor closet, stairwell, and guest stalls, there shall be at least twenty (20) outdoor stalls. Of these at least four (4) shall be among the clubhouse / leasing office, clubhouse plaza, or barbeque (BBQ) area, and sixteen (16) shall be covered/sheltered.
 - (6) Phase 2: Common: Excluding outdoor closet, stairwell, and guest stalls, there shall be at least fifty-six (56) outdoor stalls. Of these at least four (4) shall among the clubhouse / leasing office, clubhouse plaza, BBQ area and play area, two (2) shall be northeast of Building F and within ninety (90) ft of Allison ROW, two (2) shall be northeast of Building K and within ninety (90) ft of Allison ROW, and thirty-two (32) shall be covered/sheltered.
 - (7) At least two (2) stalls outside and near each apartment building spaced to conform to the 50-foot distance provision of WDO 3.05.03E as applied through a Design Review (D) condition.
 - (8) In no case shall the total number of bicycle parking stalls equal fewer than 1.2 per dwelling, and in no case shall the minimum coverage/sheltering from precipitation of bicycle parking be for fewer than forty-eight (48) stalls excluding outdoor closet and stairwell stalls.
- b. Bicycle standards: Stalls shall conform to City of Portland <u>Title 33</u>, <u>Chapter 33.266.220</u>C (amended 5/24/2018), except that the applicant may ignore subsections C6, C7, & C5c, and that C4b does not apply to the outdoor storage closets for which the minimum stall depth from wall instead shall be four (4) feet minimum. Vertical clearance instead shall be eight (8) feet or, where a stall is under stairs, six (6) feet.
- c. Access ways:

- (1) Phase 1: At least one access way shall remain as proposed that extends from Hooper sidewalk at least one-hundred and fifty (150) ft to the plaza between the clubhouse and the barbeque (BBQ) shelter.
- (2) Phase 2: At least one access way shall remain as proposed that extends from Hooper sidewalk at least five-hundred and fifty (550) ft from to the clubhouse southwest doors / play area.

d. Walkways:

- (1) Courtyards: The applicant shall revise Sheets SP-1 through 3 (Exhibits 10-12; civils) and each Note 6 to illustrate and note the proposed decorative pavement of the segments of courtyard walkways that the landscape plans (Exhibits 38-42) illustrate.
- (2) Drive aisle crossings: The shall revise Sheets SP-1 through 3 (Exhibits 10-12; civils) and install in the field at least six (6) walkway drive aisle crossings not only as striping but also as extensions of poured concrete, listed north to south clockwise:
 - (a) Phase 1, north of Building A
 - (b) Phase 2, north of Building R
 - (c) Phase 2, north of Building P
 - (d) Phase 2, south of Building L
 - (e) Phase 2, east of Building M, and
 - (f) Phase 2, SW of Building K.
- (3) Parking courts: The applicant shall pour concrete or lay concrete pavers to form a pedestrian shortcut up and over the curbed landscaped strip island within each parking court, in order to pass amid groundcover and shrubbery. It shall be roughly aligned at the boundaries of parking stalls, with the side of a landscaped peninsula, and with the nearest walkways that orient northeast-southwest and are between buildings. The minimum width shall be twenty-one (21) inches.
- (4) Building stormwater scuppers shall not dump onto walkways.
- e. EV: As proposed and premised on OAR 918-020-0380 "Electric Vehicle Ready Parking", a minimum of either 36 stalls or three and half percent (3.5%) of minimum required parking—whichever is greater shall be a designated EV stall or stalls and with a charging station or stations, which the landowner may limit to tenant use. Of 36 or more stalls, Phase 1 shall have at least twelve (12) and Phase 2 at least twenty-four (24).
 - (1) Striping: Stripe each stall in lettering 1 ft high minimum "ELECTRIC VEHICLE CHARGING" or similar and also stencil an EV image or logo. Reflect this on revised site plans.
 - (2) Signage: Post at each stall a wall-mounted or pole-mounted sign for "Electric Vehicle Charging Only" or similar and also include an EV image or logo. Use a minimum sign face size of one (1) foot wide by one-and-a-half (1½) feet high. The top of a posted sign is to be between five-and-a-half (5½) and six-and-a-half (6½) feet above vehicular grade. Reflect this on revised site plans including with an elevation detail.
- f. Balconies/patios: WDO 3.07.05B.1 (area/size and narrowest dimension) shall apply as minimum standards, except that for whatever balconies and patios among those proposed exceed these dimensions, their larger areas/sizes and wider narrowest dimensions shall be the minimum standards for those.
- g. Common open space facilities:

- (1) Benches: Install at courtyards, clubhouse plazas, or common lawns at least two (2) Phase 1 benches and at least eight (8) Phase 2 benches. Each bench shall at least six (6) feet wide and with a back. In Phase 2 were 7 benches are proposed, add the eighth bench at the lawn southeast of Building M. Relocate two Phase 2 benches:
 - 1. From NW of Building G to the lawn NE of Building R and roughly in line with the walkway drive aisle crossing; and
 - 2. From NE of Building K to the lawn SE of Building R.
- (2) Clubhouse plazas and BBQ grill shelters: As proposed, build at least one (1) each of a clubhouse plaza and a barbeque (BBQ) grill shelter in each of Phase 1 and 2.
- (3) Administrative minor adjustment by the Director to the above common open space facilities is permissible.

h. Windows:

- (1) Proportion: All windows shall be square or vertically proportioned, except that horizontally proportioned windows are allowed if they have grilles or muntins dividing lights or panes so as to be vertically proportioned.
- (2) Per room: Within apartments, every habitable room abutting a building exterior wall shall have at least one window.
- (3) Insect screens: All operable windows shall have insect screens.

V7-3-3. Public access easement:

- a. Dedication: Regarding the Phase 1 proposed public park in the form of a plaza along Hooper and its related improvements, the applicant as part of re-plat recordation shall dedicate to the City a public access and utility easement encompassing the plaza and some extra perimeter area, specifically with a boundary that follows the centerlines of the walkways to the northwest and northeast that border the plaza and, to the southeast, along the back side of drive aisle curb. The easement shall grant public access during the same hours and subject to the rules and regulations for City parks per Ordinance Nos. 2060 (1991) and 2377 (2004) or as the City may amend ordinances.
- b. Boundary marking: The developer shall mark the public boundary through one of the following two options:
 - (1) Caps: Metal caps that either are or mimic land survey markers, are minimum diameter of three and a quarter (3½) inches, and at a minimum number equal to and with average placement of 1 cap per 10 lineal ft of walkway. There shall be two additional caps along the boundary where it follows the drive aisle curb. The caps shall have the phrases "Open to Public" and "Private Property", and a line as a separator between the two phrases.
 - (2) Plaques: Metal plaques embedded within walkway concrete, aligned with the boundary, and that read "Property beyond Plaque not Dedicated to Public" with text oriented to be read by persons looking away from the plaza. The minimum size shall result from a minimum lettering height of two (2) inches, and the minimum number shall be equal to and with average placement on center of 1 plaque per 20 lineal ft of walkway. There shall be two additional plaques along the boundary where it follows the drive aisle curb.

c. Sign:

The applicant shall install a permanent sign conforming to WDO 3.10 that reads "Plaza Open to Public 7AM - 10PM April - September, & 7AM - 7 PM October - March" with minimum lettering height of two (2) inches. The developer shall place it near the plaza entry that is along the sidewalk and within five (5) to nine (9) ft of ROW.

- (1) If a monument sign type, the sign face area shall be twelve (12) sq ft minimum, with a flat top at least three (3) ft above grade and in the form of a concrete cap at least three (3) inches wide.
- (2) If a pole sign type, the lettering shall be green, and the sign face shall be no lower than three and a half (3½) ft above grade and no higher than five (5) ft and of minimum dimensions of two (2) ft by one-and-a-half (1½) ft.
- d. Due date: These shall be due by Phase 1, building permit issuance.

V8-3-4. Parking management:

- a. Survey: The applicant or any successor and assigns such as a property manager shall collect data about off-street parking usage or allocation and provide it to the City to the attention of the Director.
 - (1) Reporting period: Collect data by each half of a year January through June and July through December. Submit each biannual report by the last City business day in the last month of the next quarter of a year and that is not a federal holiday. (For example, a report for January through June 2022 would be due by September 30, 2022.)
 - (2) First report: The first report shall cover whatever irregular length of time would pass between phase occupancy and the end of the next half of a year ending June or December.
 - (3) Attributes: Collect and report on:
 - (a) Geography: Report numbers divided between Phases 1 & 2 (as defined in Condition G3).
 - (b) The number of off-street spaces/stalls that are available and how many, if any, are closed due to occasional events such as parking area resurfacing, temporary outdoor events, outdoor storage, or the stationing of large trucks or truck trailers.
 - (c) Track stalls and usage by type: regular standard size, regular compact, accessible/ADA/handicap, EV, and any other type (such as those designated for visitors, leasing office employees, staff golf cart, or mail carrier).
 - (d) Collection: The property manager shall do field counts as per condition subpart (4 "field count") below and also provide a separate set of assumed counts based on lease agreements, i.e. what tenant households are allocated a stall or stalls and for what periods, assumed that stalls are occupied as lease agreements describe.
 - (e) Usage: Report how many stalls are used and allocated. For vacant apartments in the context of assumed counts, record stalls associated with vacant apartments as unallocated.
 - (f) If and when a parking area resurfacing project were to happen, provide written notice to the Director of approximate start date and duration, location, and number of stalls involved.
 - (g) Format: Use tables to report by phase absolute numbers and percentages of stall type occupancies. Include phase and sitewide totals.

- (4) Field count: The property manager shall do at least two field counts per reporting period, meaning to travel the project and count in real time occupied and vacant stall types such as by marking a project site plan. Each count shall be on Tuesday, Wednesday, or Thursday that is neither a federal holiday nor within a week (7 days) of a federal holiday. One count shall be daytime starting no earlier than 9:30 a.m. and concluding no later than 4:30 p.m., and one count shall be nighttime starting no earlier than 10:00 p.m. and concluding no later than 12:30 a.m. Report when on a given date the counts were done and how long it took, for example, from 11:30 a.m. to noon.
- (5) Bicycle parking: For outdoor bicycle parking stalls, including those within stairwells but excluding outdoor closets, the property manager shall also do field counts the same way as per condition subpart (4) above and as part of the larger report confirm the total number of existing outdoor bicycle stalls.
- (6) Parking demand management: The reporting that a parking demand management condition requires, if it exists, may be incorporated with the parking usage data collection report.
- (7) Context: In each report, cite the project name, phases, street addresses, master/parent case file number DR 2019-05, and the condition identification(s), state what period the report covers, state the number of vacant apartments and when and how the number was determined given fluctuation over six months, and provide an employee name and direct contact information for questions City staff might have.
- (8) Intent: It is not the express intent of this condition to police property management or punish tenants or management for perceived misuse of parking, but instead without judgment to collect data on how parking is actually used in a conventional large apartment complex.
- (9) Change of ownership: If and when property ownership were to change, the property manager shall pass along record of the conditions of approval to the contract purchaser and successive property manager.
- (10) Expiration: This parking usage/allocation data collection condition becomes optional as of July 1, 2031. If reporting were to cease, the last report for the January to June 2031 period would be due September 30, 2031.

V9-2. Parking ratio minimum:

- a. The minimum ratio shall be by unit type as follows for each:
 - (1) Studio dwelling, 1.0 stall;
 - (2) One-bedroom, 1.0 stall;
 - (3) Two-bedroom, 1.77 stalls; and
 - (4) Three or more bedroom unit type, 4.14;

which would result in an average of 1.771.9 stalls per dwelling based on the unit type mix across both phases.

b. Location: Regarding Phase 1, the applicant may exercise WDO 3.05.02D.1.b. regarding "another site" if that site is Phase 2.

- c. Trial period: Until July 1, 2025, there shall be a trial period in which the Director may receive evidence of a chronic parking overflow problem and choose to investigate, review, and act upon it, including by obtaining the latest documentation of any parking permit system were the property manager to have instituted and be managing such.
 - (1) This condition authorizes the Director to require that the applicant or any successors and assigns apply for and receive approval of a solution to the satisfaction of the Director. The review shall default to a Type II process, but the Director may instead elevation the review to Type III to obtain Planning Commission review and decision.
 - (2) The Director may condition that the applicant or any successors and assigns fulfill the offer made through the revised narrative (submitted March 25, 2020, p. 12; Attachment 106) to contact a car share company and allow a parking space or two to be allocated such a company car or cars for tenant use. (This condition does not supersede WDO 4.02.07 Modification of Conditions.)
- d. EV: The property manager:
 - (1) Shall keep EV stalls available for EVs and plug-in hybrid vehicles and keep conventional gasoline vehicles from parking in them. Priority users shall be tenants and property management company employees; guests/visitors would be secondary.
 - (2) May charge EV stall users for the costs of charging an EV through a charging station, but shall not (a) charge tenants for either simply parking an EV or plug-in hybrid vehicle in an EV stall or for leaving such a vehicle parked without actively charging, and (b) shall charge to recoup costs to the property manager and not generate profit for the property manager. (This does not preclude the property manager contracting with a for-profit company to manage EV charging stations).
 - (3) Regardless of whether tenant demand is less than, meets, or exceeds the sitewide supply of EV stalls, may whether or not the manager expands supply institute a permit system, including a waiting list and assigning a tenant EV to a particular delineated group or zone of stalls, and as part of doing so shall not charge any fee that discriminates among particular EV parking stalls based on the perception of some stalls being more convenient or otherwise desirable than others. "Sitewide" shall mean the combined supplies of Phases 1 and 2, regardless of any division of property management between the two phases.

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

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

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

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

7. Technical standards:

- a. Context: A reader shall not construe a land use condition of approval that reiterates a City technical standard, such as a PW standard, to exclude remaining standards or to assert that conditions of approval should have reiterated every standard the City has in order for those standards to be met.
- b. Utilities: A condition involving altered or additional sidewalk or other frontage/street improvement that would in the field result in displacement or relocation of any of utility boxes, cabinets, vaults, or vault covers does not exempt the developer from having to move or pay to move any of these as directed by the City Engineer and with guidance from franchise utilities.
- 8. Other Agencies: The applicant, not the City, is responsible for obtaining permits from any county, state and/or federal agencies, which may require approval or permit, and must obtain all applicable City and County permits for work prior to the start of work and that the work meets the satisfaction of the permit-issuing jurisdiction. The Oregon Department of Transportation (ODOT) might require highway access, storm drainage, and other right-of-way (ROW) permits. All work within the public ROW or easements within City jurisdiction must conform to plans approved by the Public Works Department and must comply with a Public Works Right-of-Way permit issued by said department. Marion County plumbing permits must be issued for all waterline, sanitary sewer, and storm sewer work installed beyond the Public Right-of-Way, on private property.

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

12. ROW:

- a. Dedication: The Public Works Department Engineering Division has document templates for ROW and easement dedications that applicants are to use.
 - ROW and public utility easement (PUE) dedications are due prior to building permit issuance per Public Works policy.
- b. Work: All work within the public ROWs or easements within City jurisdiction must require plan approval and permit issuance from the Public Works Department. All public improvements construction work must be performed in accordance with the plans stamped "approved" by the City, and comply with the City's Standard Specifications and Standard drawings.
- 13. Franchises: The applicant provides for the installation of all franchised utilities in any required easements.
- 14. Water: All water mains and appurtenances must comply with Public Works, Building Division, and Woodburn Fire District requirements. Existing water services lines that are not going to be use with this new development must be abandoned at the main line. The City performs required abandonment of existing water facilities at the water main with payment by the property owner. All taps to existing water mains must be done by a "Hot Tap" method and by approved City of Woodburn Contractors. The applicant shall install the proper type of backflow preventer for all domestic, lawn irrigation and fire sprinkler services. The backflow devices and meters shall be located near the city water main within an easement, unless approved otherwise by Public Works. Contact Byron Brooks, City of Woodburn Water Superintendent, for proper type and installation requirements of the backflow device at (503) 982-5380.
- 15. Grease Interceptor/Trap: If applicable, a grease trap would need to be installed on the sanitary service, either as a central unit or in the communal kitchen/food preparation area. Contact Marion County Plumbing Department for permit and installation requirements, (503) 588-5147.
- 16. Fire: Fire protection requirements must comply with Woodburn Fire District standards and requirements, including how the District interprets and applies Oregon Fire Code (OFC). Place fire hydrants within the public ROW or public utility easement and construct them in accordance with

Public Works Department requirements, specifications, standards, and permit requirements. Fire protection access, fire hydrant locations and fire protection issues must comply with current fire codes and Woodburn Fire District standards. See City of Woodburn Standard Detail No. 5070-2 Fire Vault. The fire vault must be placed within the public right-of-way or public utility easement.

17. SDCs: The developer pays System Development Charges prior to building permit issuance. Staff will determine the water, sewer, storm and parks SDCs after the developer provides a complete Public Works Commercial/Industrial Development information sheet.

Appeals: Per WDO 4.01.11E., the decision is final unless appealed pursuant to Oregon Revised Statutes (ORS), state administrative rules, and WDO <u>4.02.01</u>. The appeal to City Council due date is twelve (12) days from the mailing date of this final decision notice per 4.02.01B.1. A valid appeal must meet the requirements of 4.02.01.

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

Attachments:

- Planning Commission May 28, 2020 Staff Report Attachment 101. Tax Maps Marked (2 sheets)
- 101A. Town Center at Woodburn Subdivision Plat, Sheet 1 (2004)
- 102A. Public Works Comments May 21, 2020 (2 pages)
- 104. Transportation System Plan (TSP) Figure 7-1 (2005)
- 105. Site plans excerpted (submitted Mar. 25, 2020; 16 sheets)
- 105A. Site plans revised (submitted Sept. 1, 2020; 3 sheets; new attachment)
- 106. Applicant's narrative page 12 (submitted Mar. 25, 2020)
- 107. Applicant's letter (submitted Sept. 1, 2020; 4 pages; new attachment)

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Colin Cortes, AICP, CNU-A

Colin Cortes

Senior Planner

Affirmed,

Eric Swenson, Mayor

CP/cmc

cc: Chris Kerr, Community Development Director

Dago Garcia, P.E., City Engineer

Ted Cuno, Building Official

Jason Space, GIS Technician

Robert Leeb, Principal in Charge, Leeb Architects (applicant)

Doug Hamilton, Leeb Architects (project manager)

Eugene Labunsky, West Coast Real Estate Holdings (landowner)

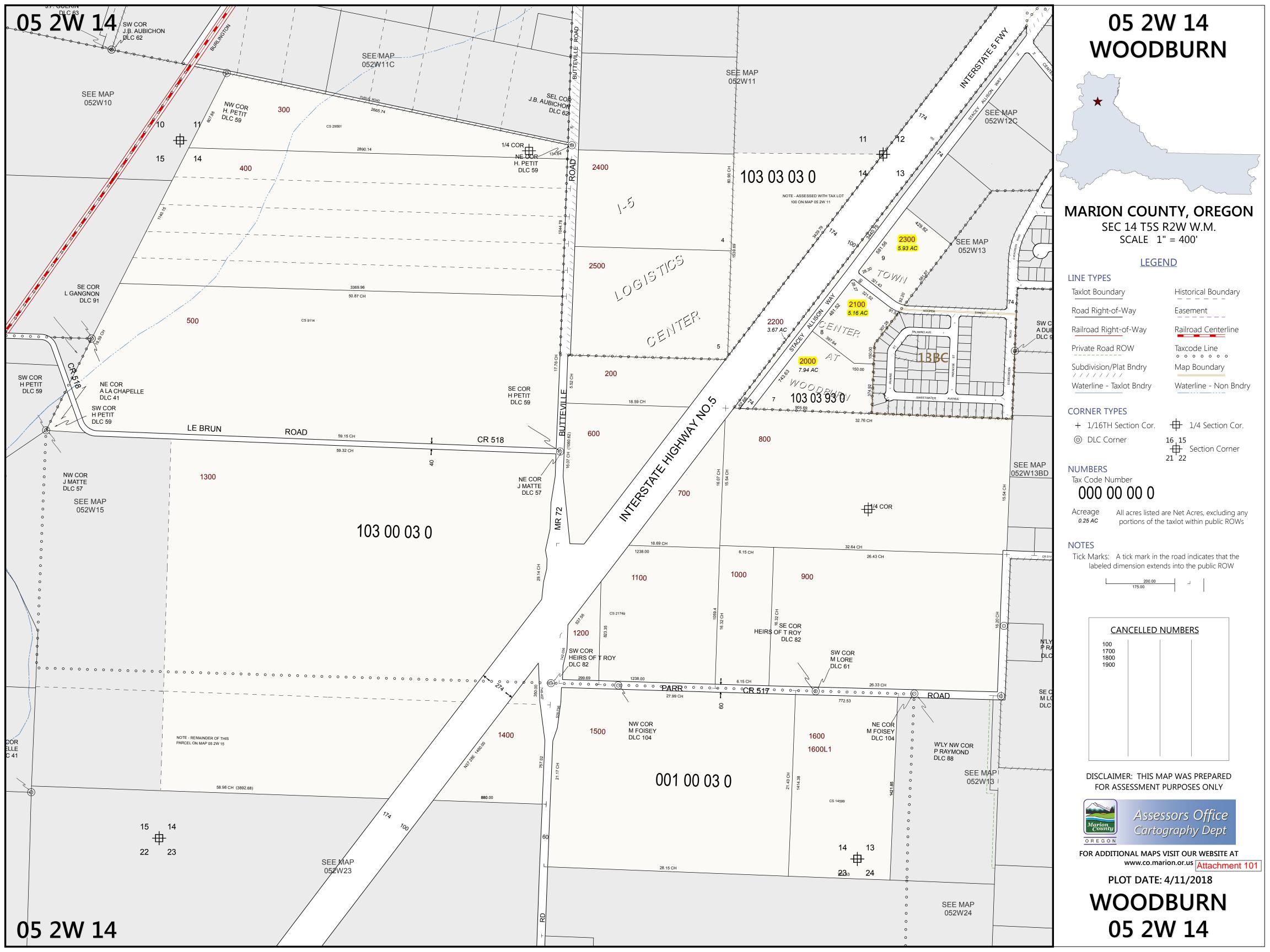
Testifiers (1):

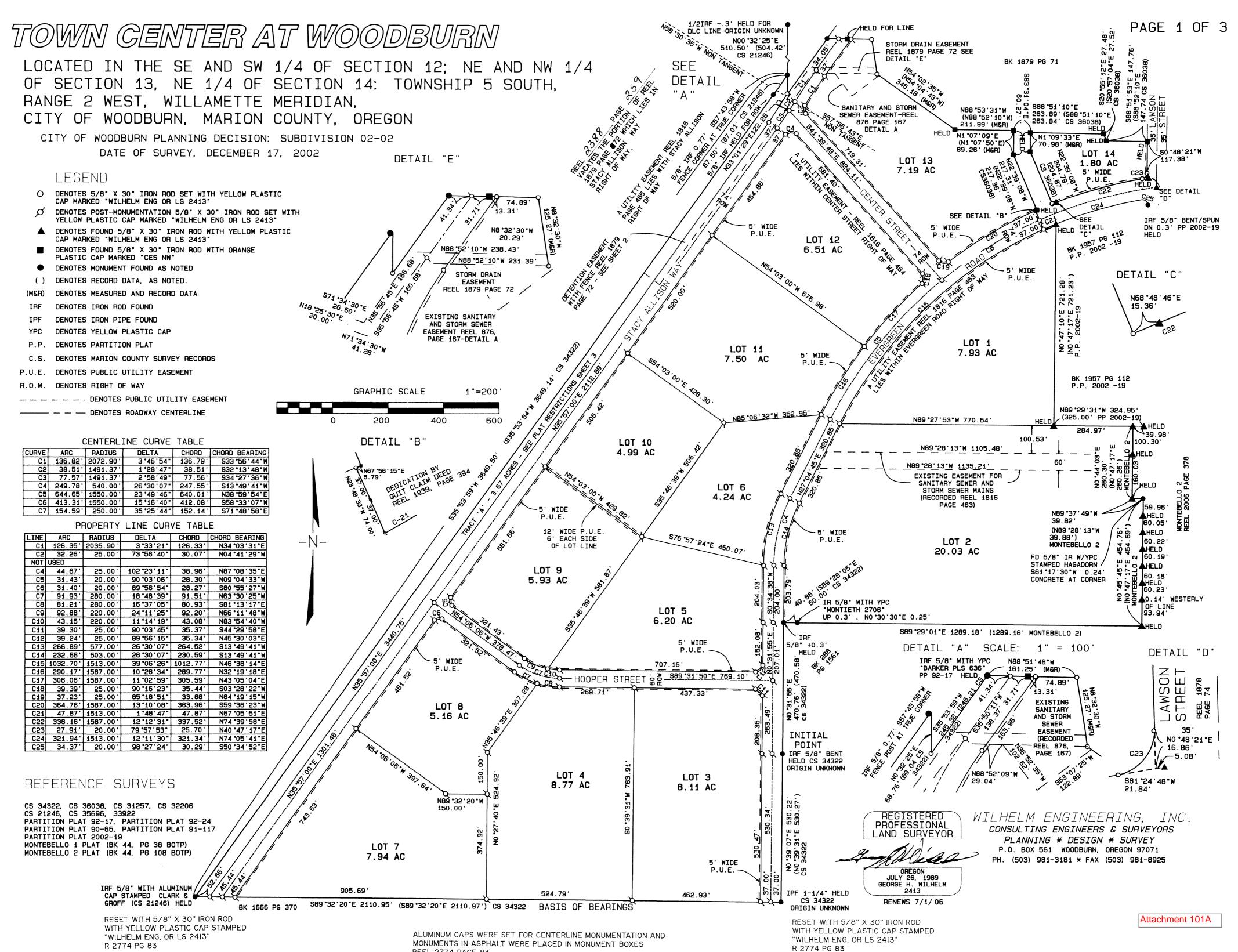
Stephen D. Rippeteau (562 Prairie St, Woodburn, OR 97071-4496)

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

Marion County Assessor's Office

Marion County Public Works Dept.





REEL 2774 PAGE 83



DR 2019-05, PP 2019-01, PLA 2019-0A, VAR 2019-04 Application Materials Dated March 3, 2020 Allison Way Apartments Public Works Conditions

May 21, 2020

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. All facilities to be maintained by the City that are located on private property will require a minimum 16-foot wide utility easement to be conveyed to the City. Utilities of unusual depth or size or with a combination of utilities may require a larger width.
- 3. The applicant, not the City, is responsible for obtaining approval for permits from any local, state and/or federal agencies which may be required.
- 4. The applicant shall provide for the installation of all franchise utilities and shall provide any required easements. All utility services shall be constructed underground.
- 5. 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 form the Public Works Engineering Division prior to installation. Final review of the Civil Plans will be done during the permit application.
- 6. The applicant is require to sign a "Public Improvement Agreement" prior to issuances of a permit to construct public improvements.

Public Right-of-Way and Street Conditions:

- 7. Public Works does not support median planter on Stacy Allison way.
- 8. In conjunction with the new public street improvements on Stacy Allison Way, the applicant shall install street lighting consistent with PGE installation plan option B.
- 9. A Department of Environmental Quality Erosion Control 1200C permit will need to be obtained for this development prior to City issuance of permit.
- 10. If required, a Permit from the Oregon Division of State Lands and US Army Corps of Engineering will need to be obtained to mitigate/delineate any existing wetlands. This shall be obtained prior to issuance of a City permit.

Storm Drainage:



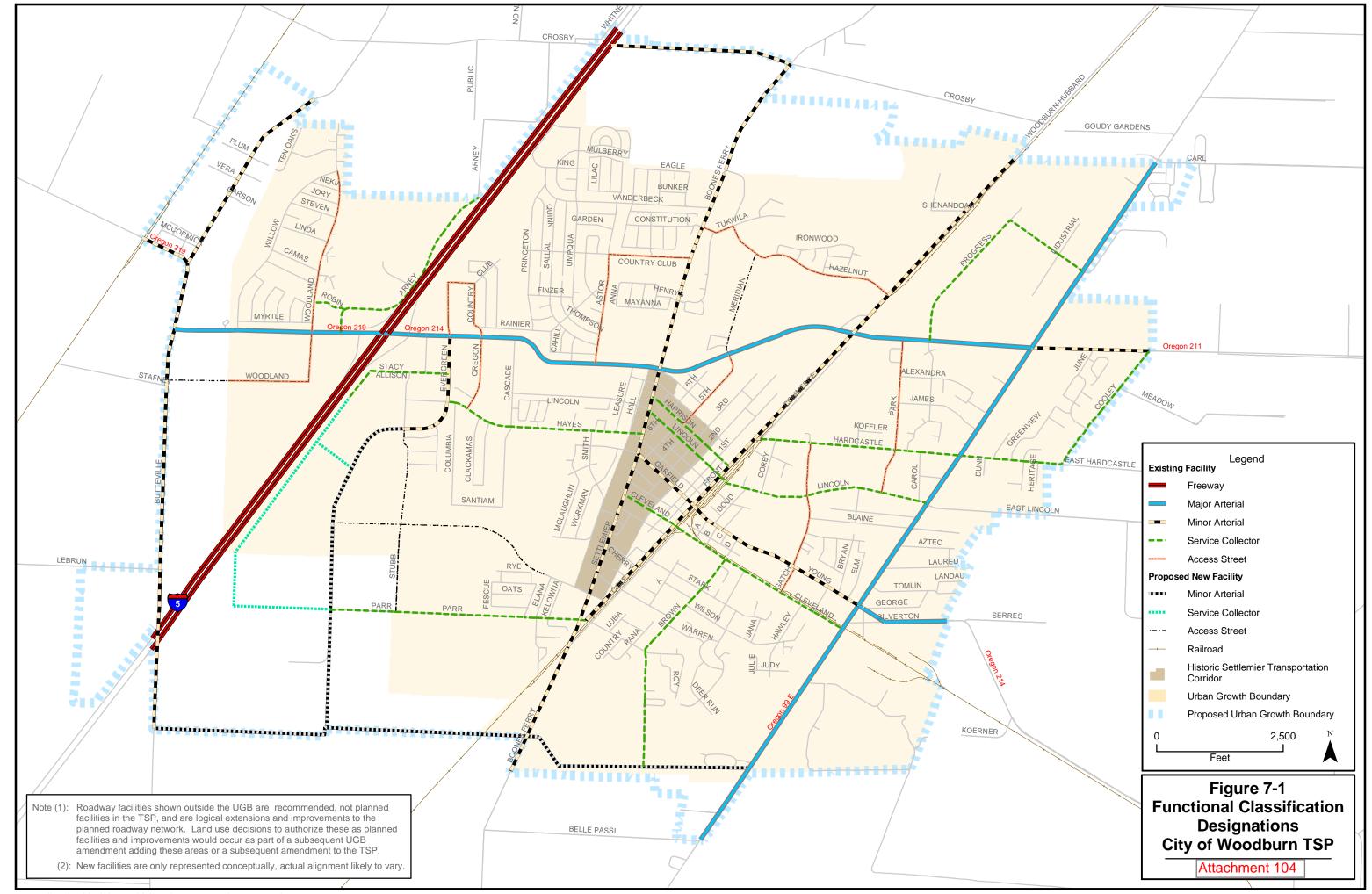
- 11. The storm sewer system and on-site detention for this Development shall comply with the City's Storm Water Master Plan. The Development is part of the drainage basin utilizing a regional detention system located near I-5. A preliminary hydraulic analysis for the storm runoff and the regional detention system has been provided and reviewed by the city. Depending on the timing of future development, additional requirements of both state and City may be required. The additional detention area shall be provided in accordance with the hydraulic analysis as improvements by this project are constructed.
- 12. The regional storm detention shall be sized in accordance with the City Storm Drainage Master Plan.
- 13. Storm pipes that conduct flow directly from the private site to the regional detention facility are considered private lines. The City does not maintain private lines, and the owner of the property retains maintenance responsibility in perpetuity of these private lines.

Sanitary Sewer System:

14. The gravity sewer main shall be design to minimum slope of 0.40 percent for future extension of adjacent properties.

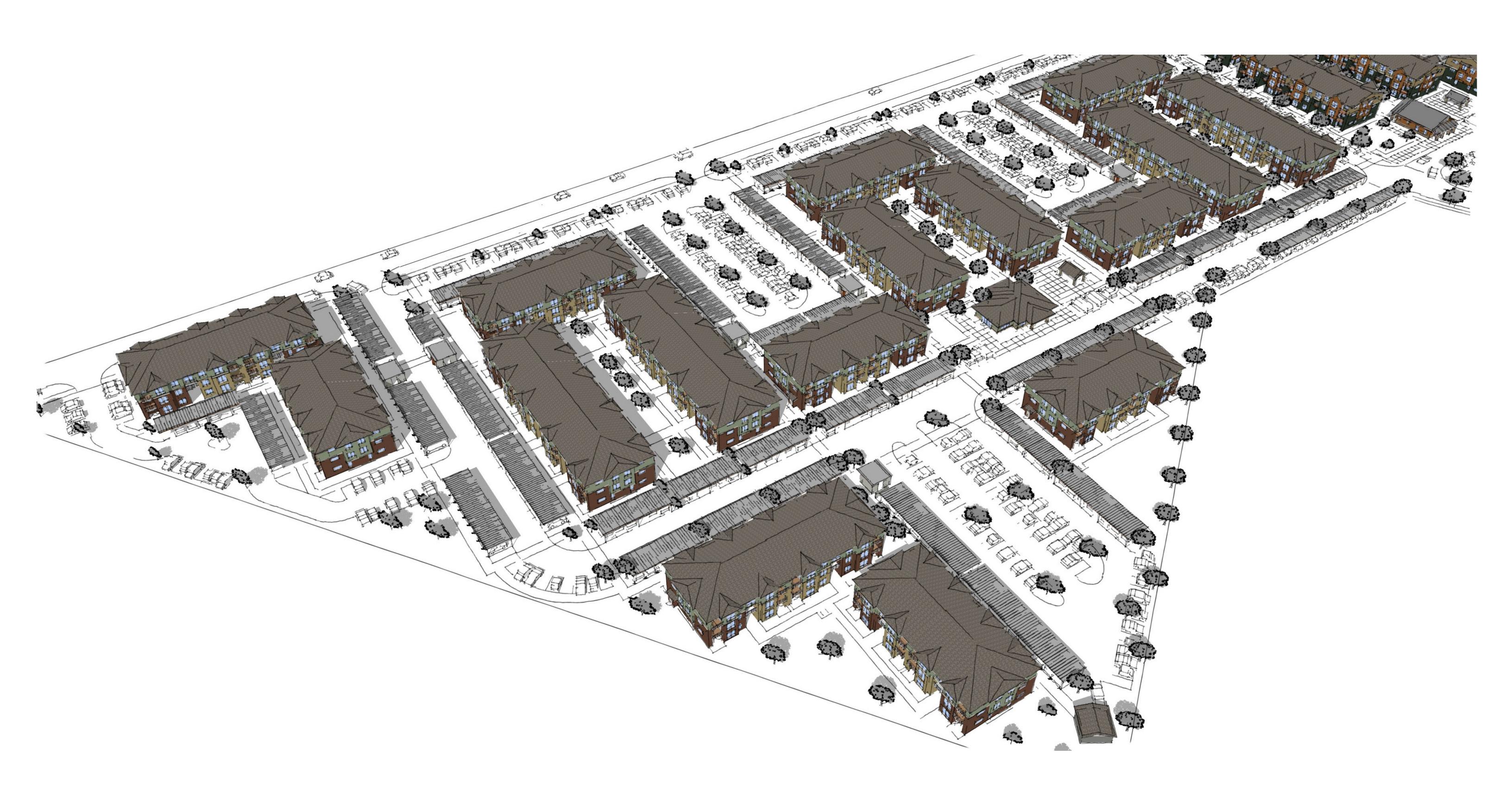
Water system:

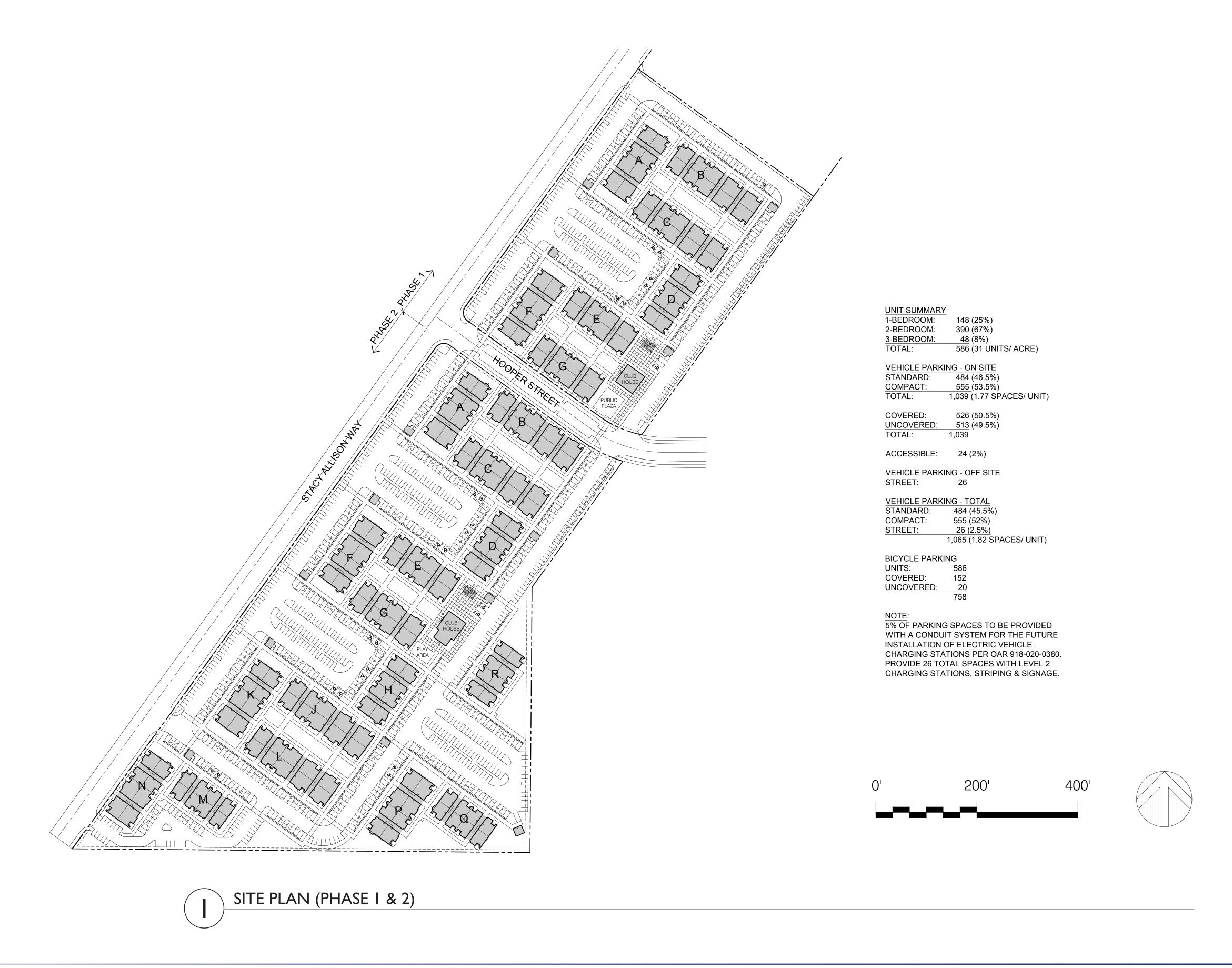
15. The water mains in private properties shall be sized in accordance with future flow and fire protection requirements. Fire hydrant locations and line valves will be determined at the time of development.

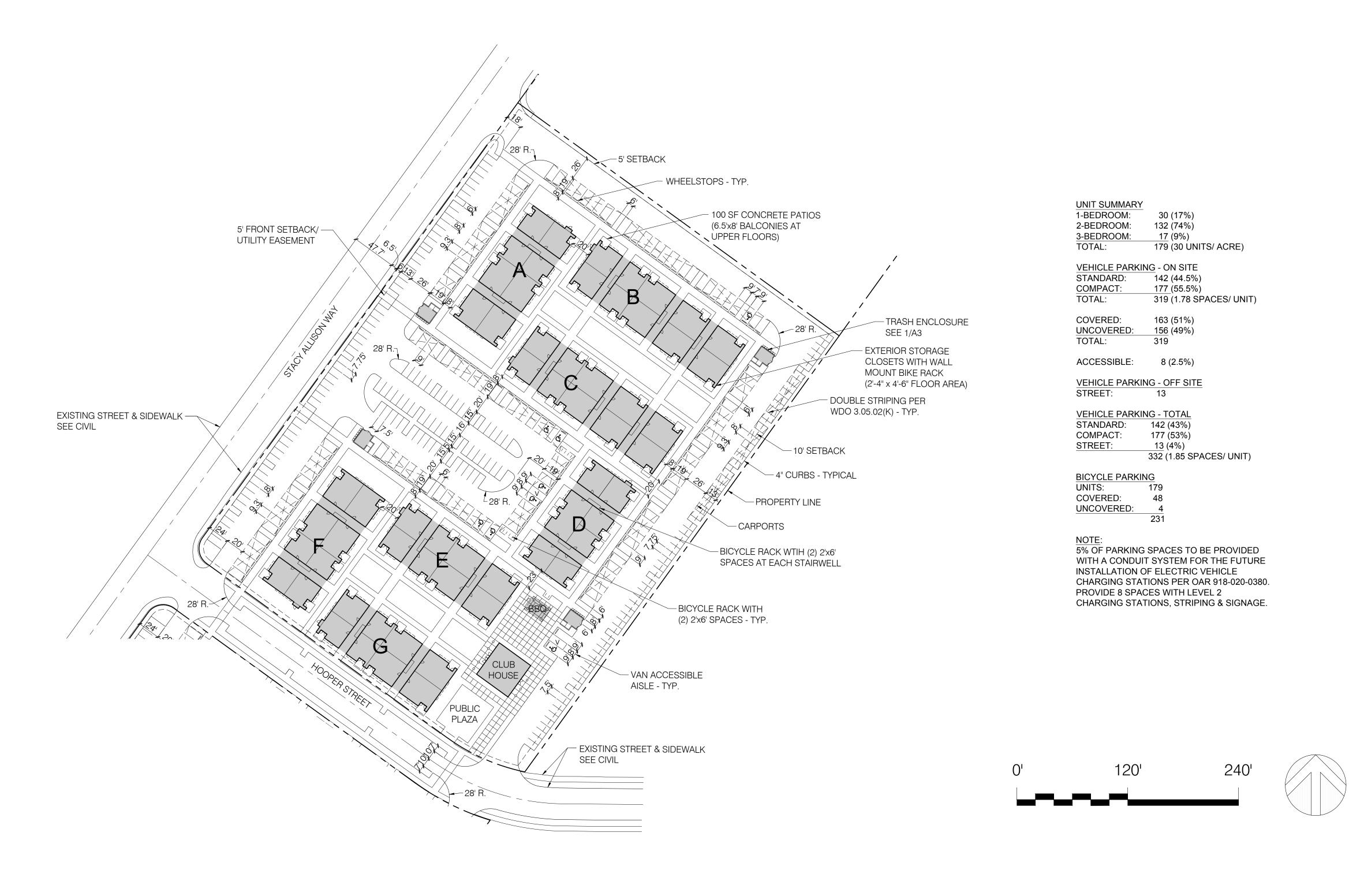






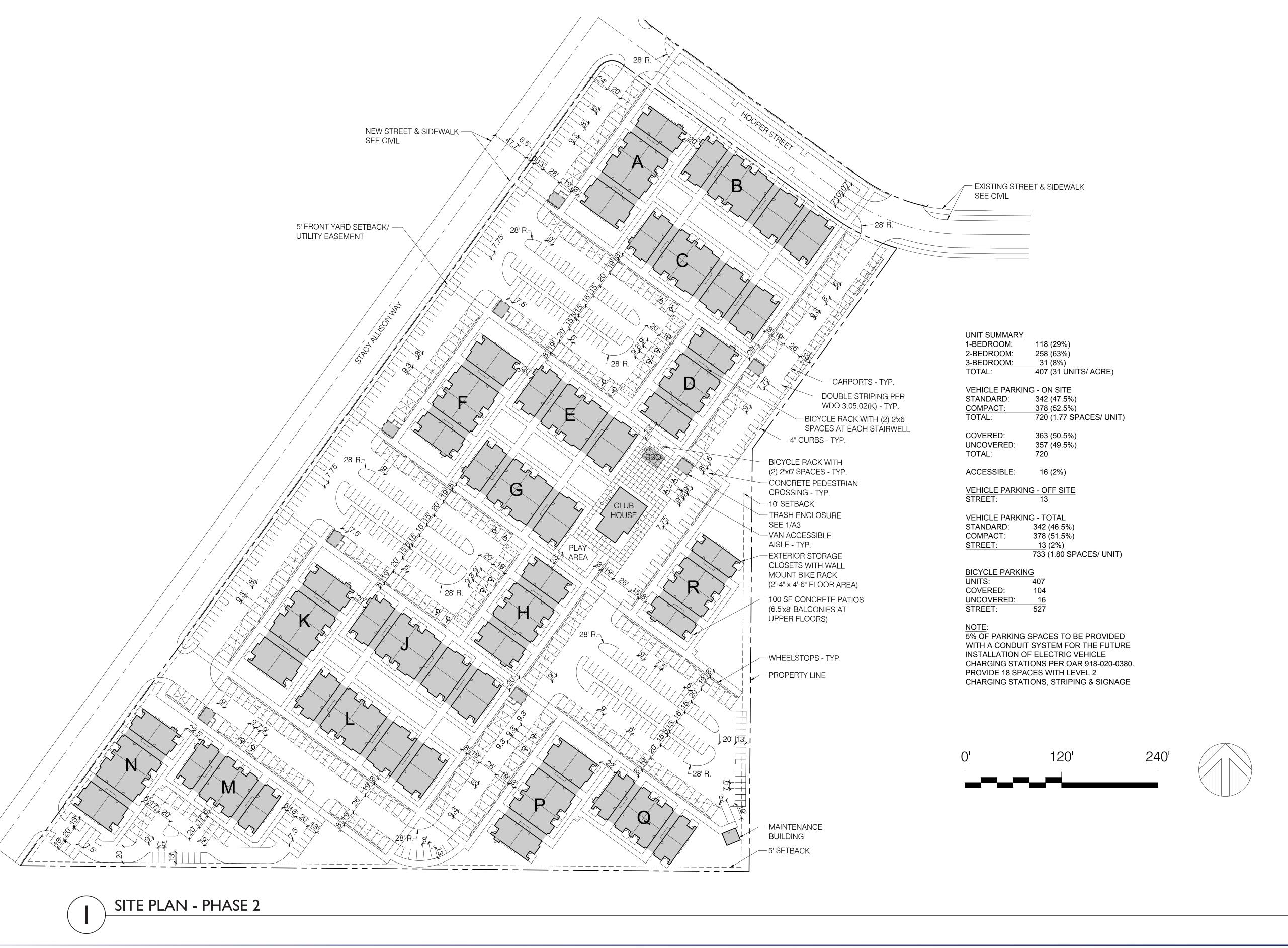






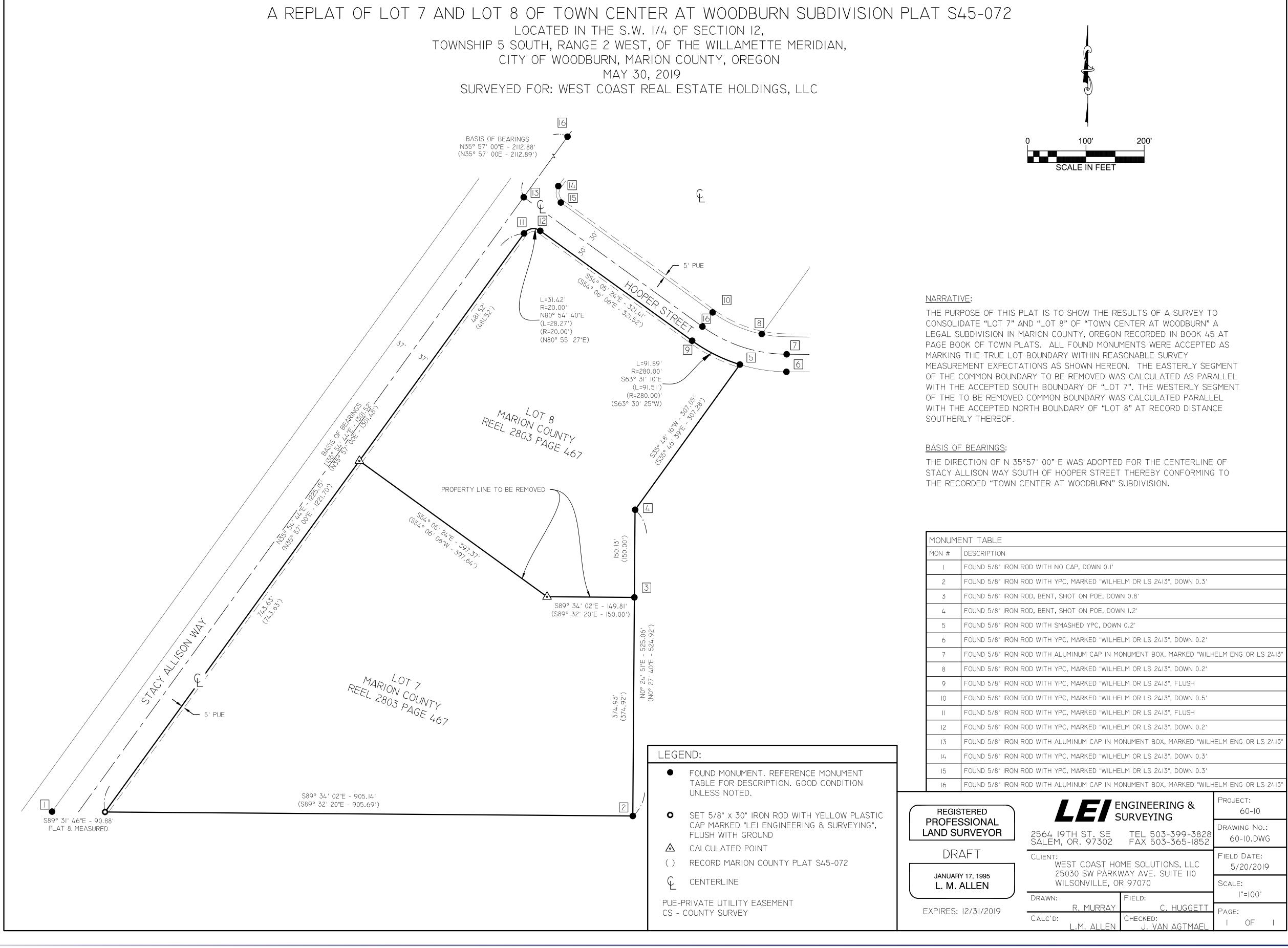


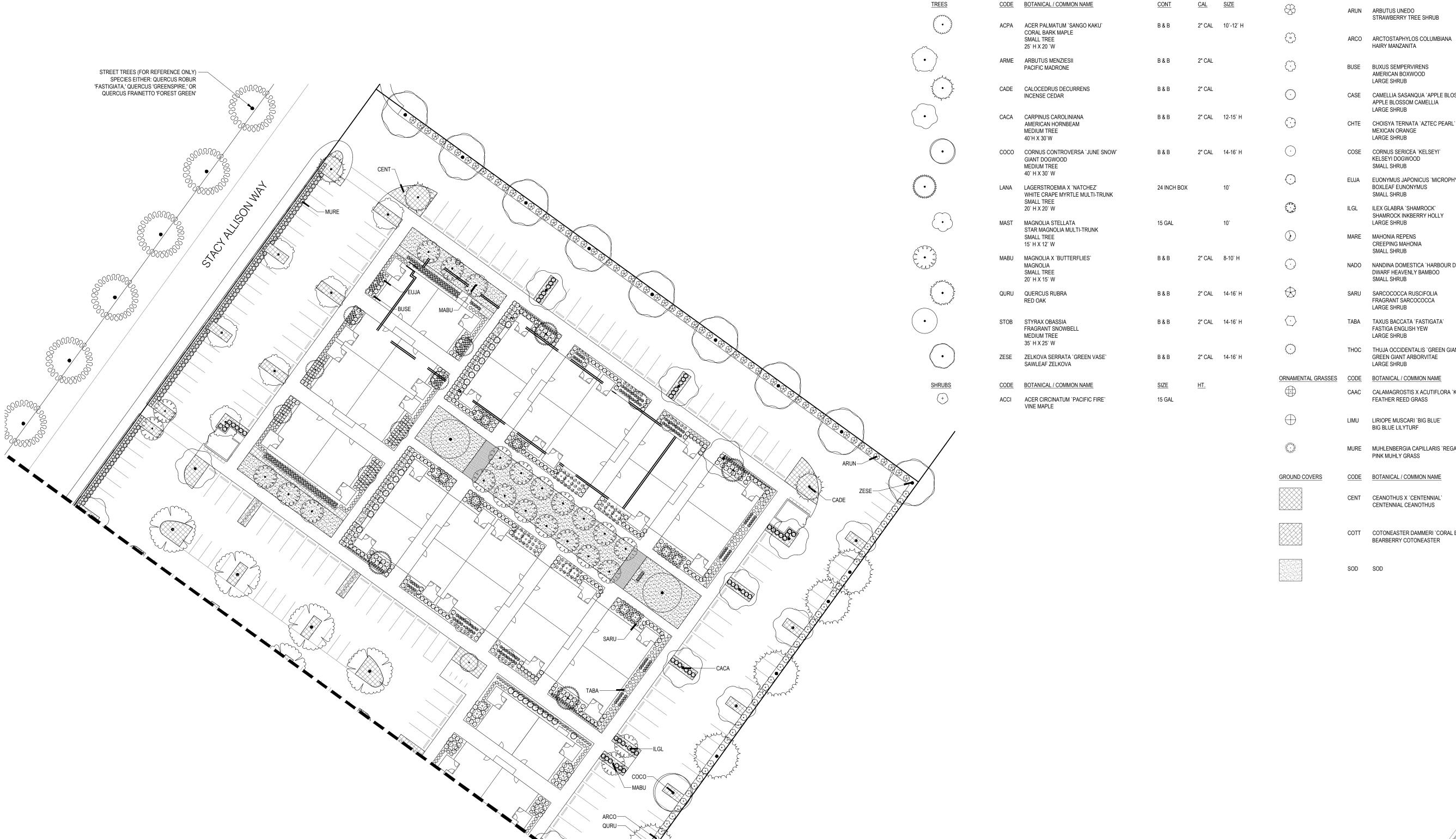




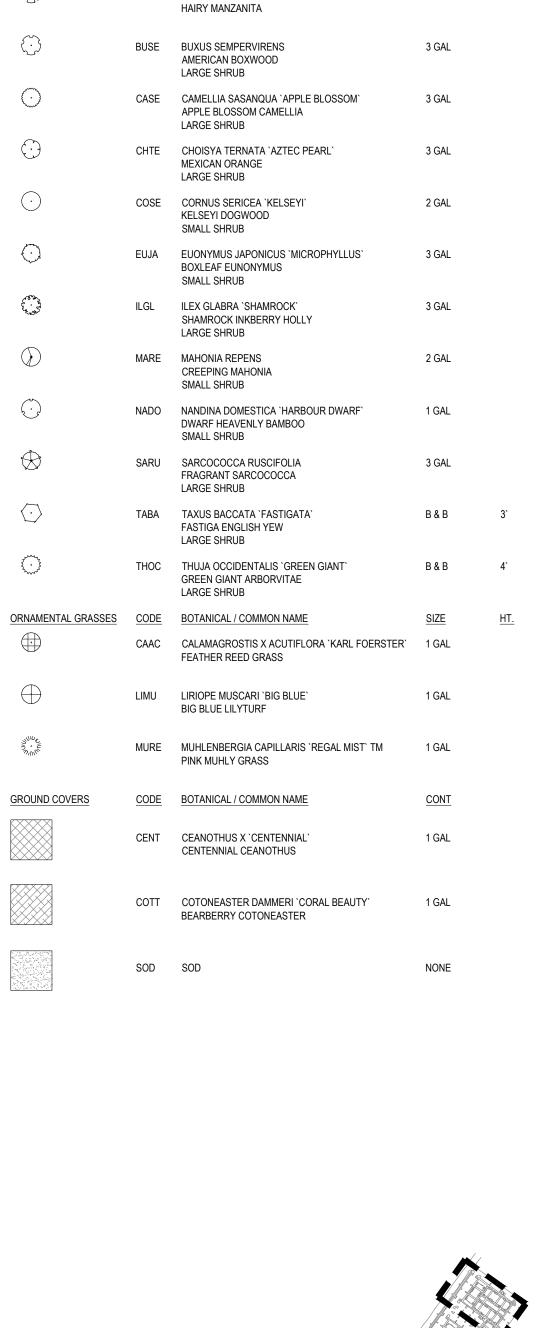
Leeb Architects

V



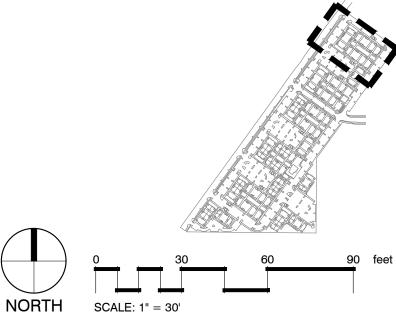


PLANT SCHEDULE L1



5 GAL

5 GAL



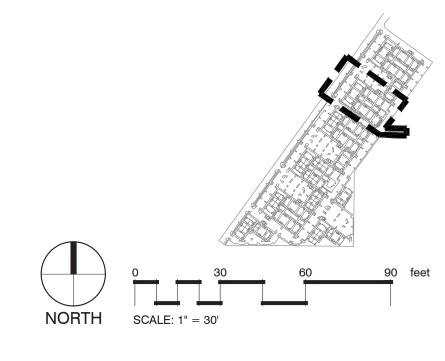
SHAPIRO / DIDWAY

1204 SE Water Ave
Portland, Oregon 97214
t. 503.232.0520
www.shapirodidway.com



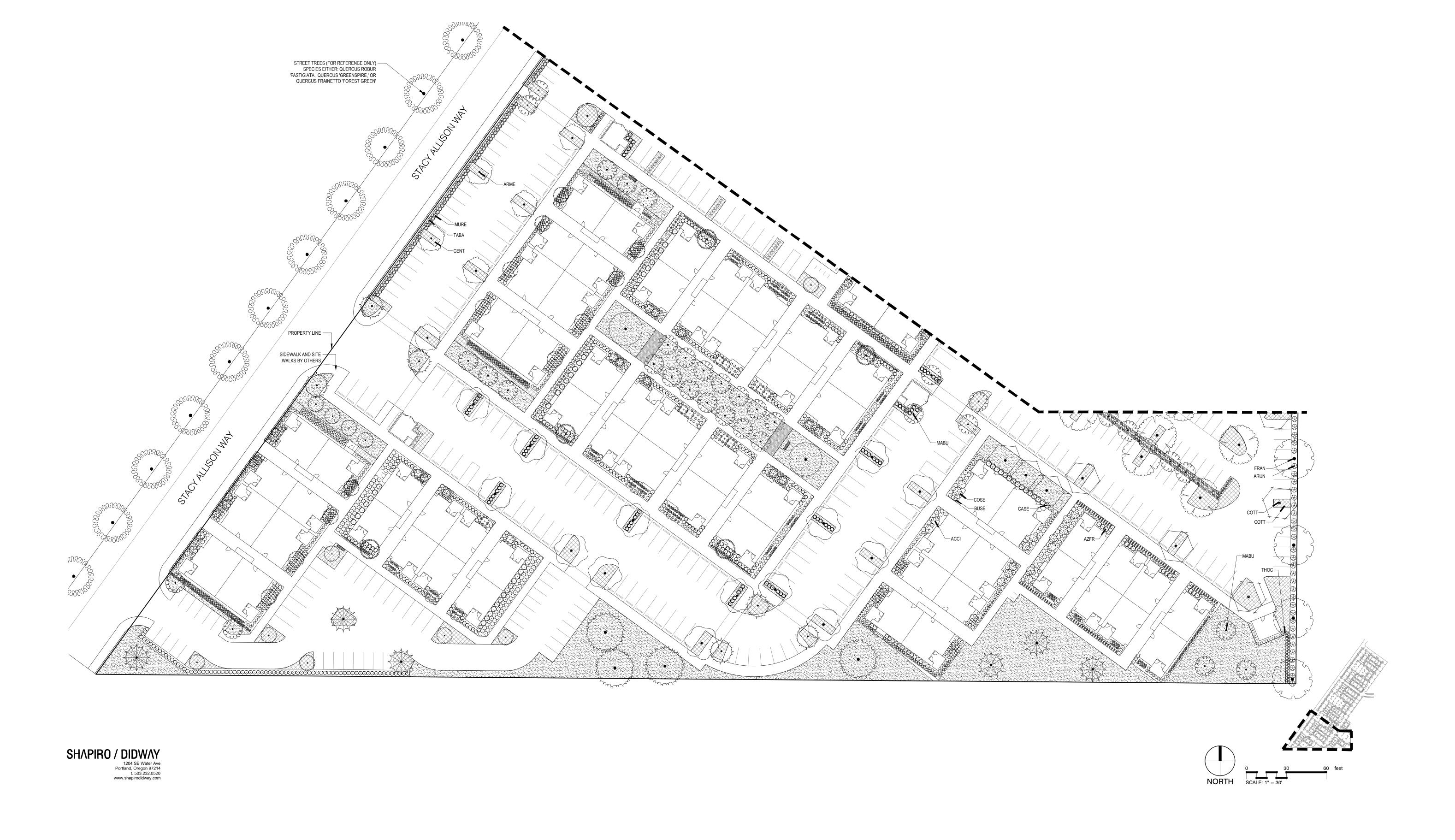
PLANT SCHEDULE L2

(°)	ARCO	ARCTOSTAPHYLOS COLUMBIANA HAIRY MANZANITA	5 GAL		
\odot	BUSE	BUXUS SEMPERVIRENS AMERICAN BOXWOOD LARGE SHRUB	3 GAL		
\odot	CASE	CAMELLIA SASANQUA 'APPLE BLOSSOM' APPLE BLOSSOM CAMELLIA LARGE SHRUB	3 GAL		
\odot	CHTE	CHOISYA TERNATA `AZTEC PEARL` 3 GAL MEXICAN ORANGE LARGE SHRUB			
\odot	COSE	CORNUS SERICEA 'KELSEYI' KELSEYI DOGWOOD SMALL SHRUB	2 GAL		
and the state of t	EUAL	EUONYMUS ALATUS 'COMPACTUS' COMPACT BURNING BUSH LARGE SHRUB	3 GAL		
\odot	EUJA	EUONYMUS JAPONICUS 'MICROPHYLLUS' BOXLEAF EUNONYMUS SMALL SHRUB	3 GAL		
Langer of the second of the se	ILGL	ILEX GLABRA `SHAMROCK` SHAMROCK INKBERRY HOLLY LARGE SHRUB	3 GAL		
\bigcirc	MARE	MAHONIA REPENS CREEPING MAHONIA SMALL SHRUB	2 GAL		
\bigcirc	NADO	NANDINA DOMESTICA 'HARBOUR DWARF' DWARF HEAVENLY BAMBOO SMALL SHRUB	1 GAL		
\otimes	SARU	SARCOCOCCA RUSCIFOLIA FRAGRANT SARCOCOCCA LARGE SHRUB	3 GAL		
\bigcirc	TABA	TAXUS BACCATA `FASTIGATA` FASTIGA ENGLISH YEW LARGE SHRUB	B & B	3`	
0	THOC	THUJA OCCIDENTALIS `GREEN GIANT` GREEN GIANT ARBORVITAE LARGE SHRUB	B & B	4`	
ORNAMENTAL GRASSES	CODE	BOTANICAL / COMMON NAME	SIZE	HT.	
	CAAC	CALAMAGROSTIS X ACUTIFLORA 'KARL FOERSTER' FEATHER REED GRASS	1 GAL		
\bigoplus	LIMU	LIRIOPE MUSCARI `BIG BLUE` BIG BLUE LILYTURF	1 GAL		
3010 E	MURE	MUHLENBERGIA CAPILLARIS `REGAL MIST` TM PINK MUHLY GRASS	1 GAL		
3	PEAL	PENNISETUM ALOPECUROIDES 'HAMELN' HAMELN DWARF FOUNTAIN GRASS SMALL GRASS	1 GAL		
GROUND COVERS	CODE	BOTANICAL / COMMON NAME	CONT		SPACIN
	CENT	CEANOTHUS X 'CENTENNIAL' CENTENNIAL CEANOTHUS	1 GAL		24" o.c.
	SOD	SOD	NONE		

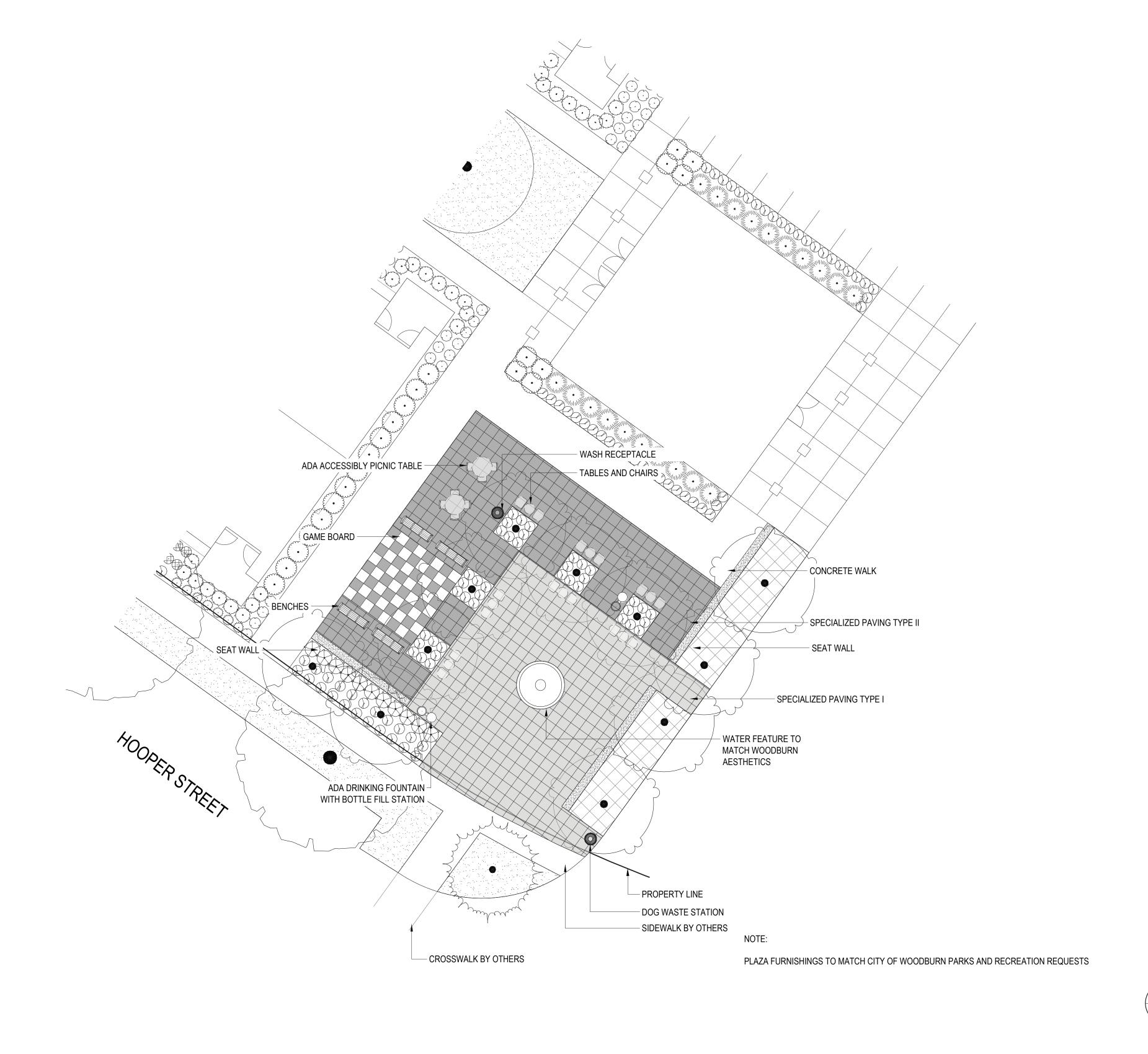






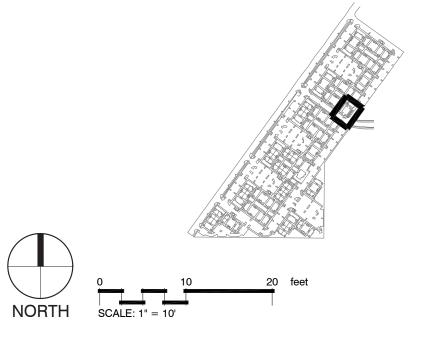






SHAPIRO / DIDWAY

1204 SE Water Ave
Portland, Oregon 97214
t. 503.232.0520
www.shapirodidway.com







0' 20'

39'
AVG. HT.

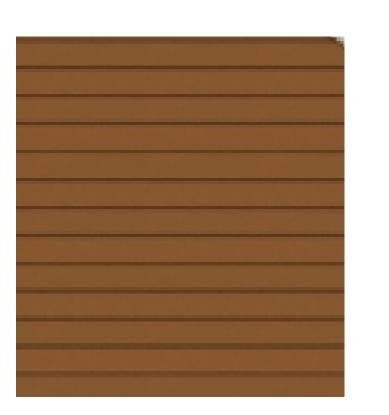
TYPICAL END ELEVATION

BUILDING A, E, F, G - ELEVATION

20'



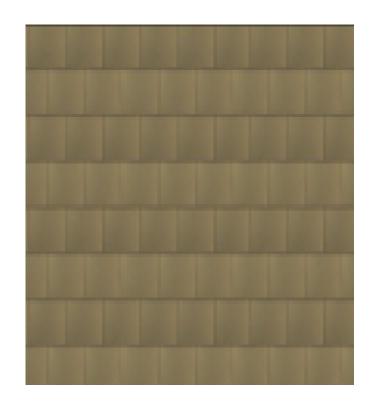
ENLARGED ELEVATION - TYPICAL BUILDING



MATERIAL-I
FIBER CEMENT LAP SIDING
RED/ORANGE



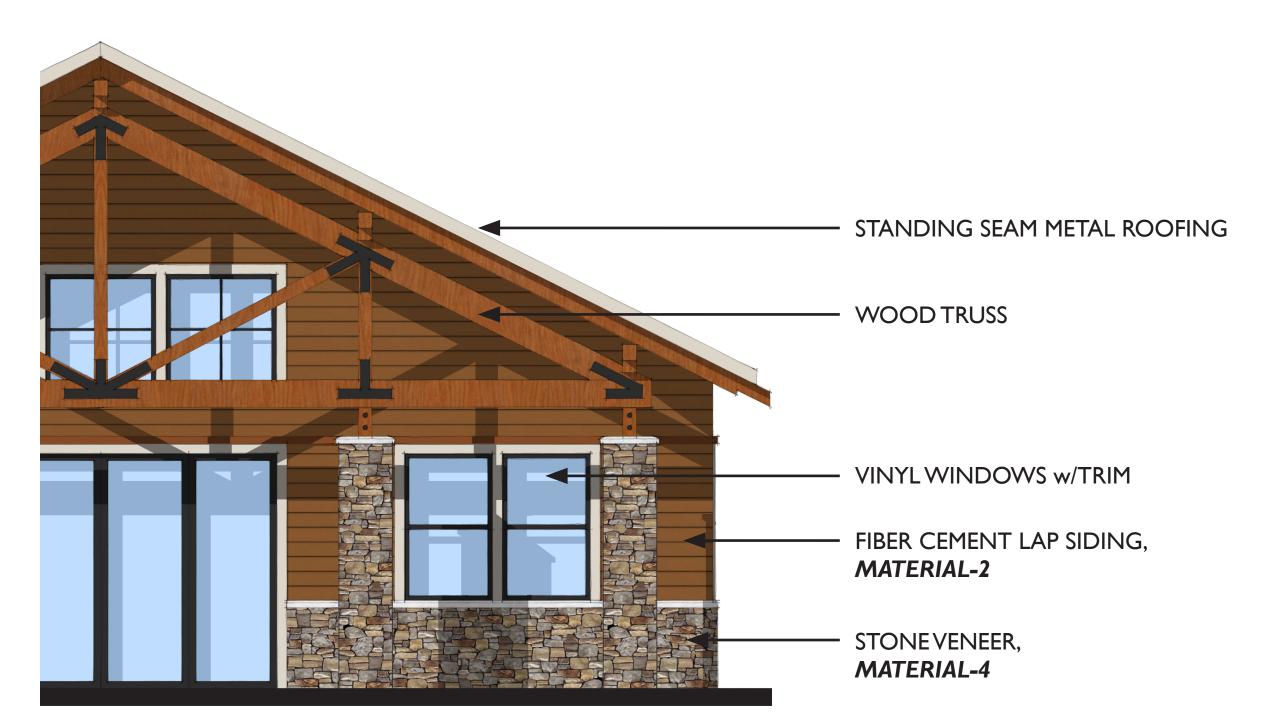
MATERIAL-2
FIBER CEMENT LAP SIDING
DARK GREEN



MATERIAL-3
FIBER CEMENT STRAIGHTEDGE SHINGLE SIDING
TAN



MATERIAL-4
STONE VENEER
VARIEGATED



ENLARGED ELEVATION - CLUBHOUSE



2 TYPICAL END ELEVATION

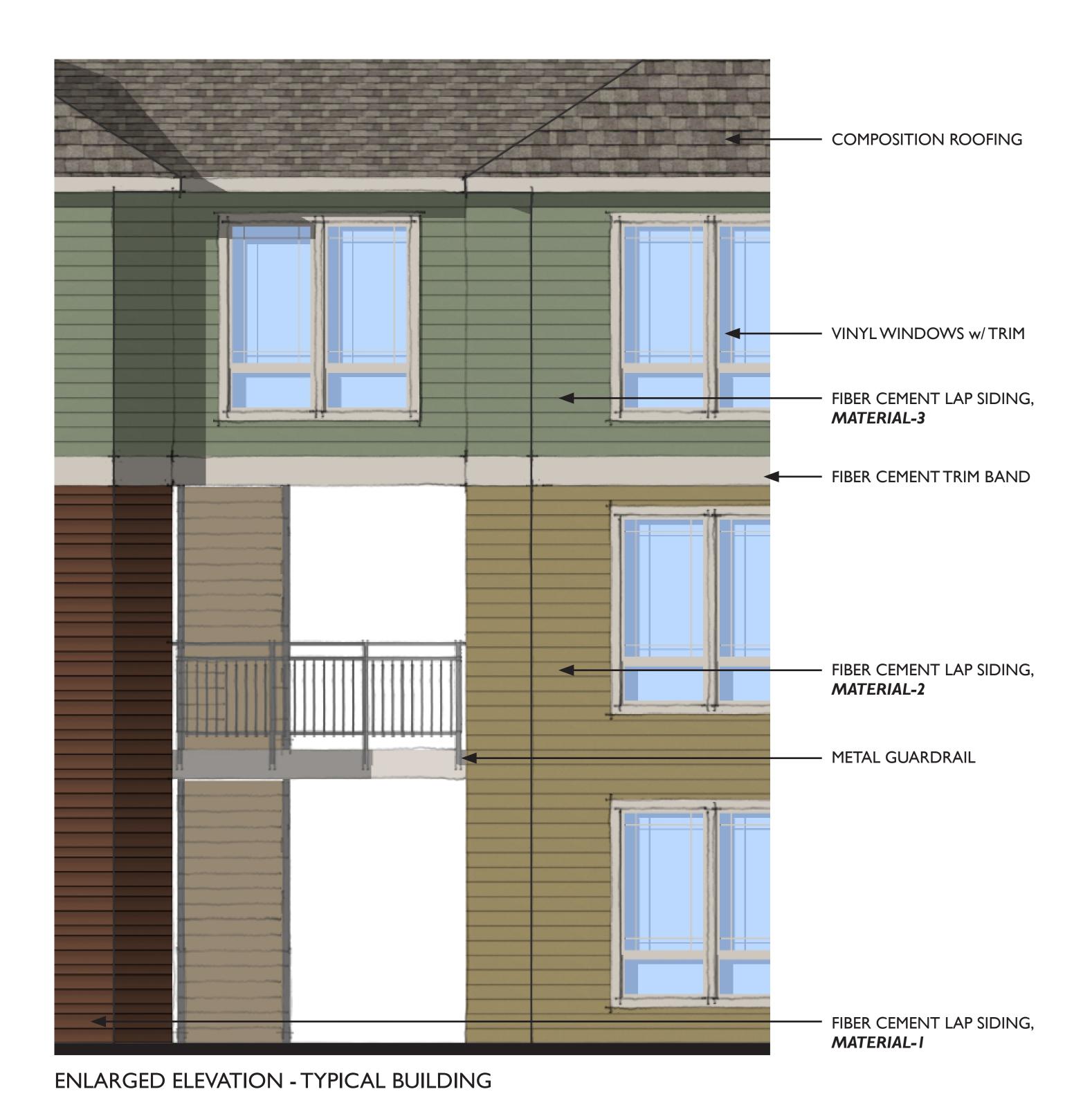
36'-1"
AVG.HT.

BUILDING A, E, F, G, K, N, P - ELEVATION

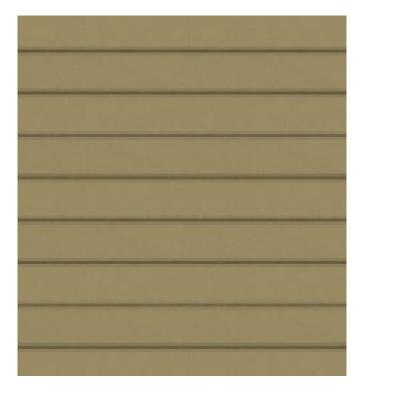
, 20'

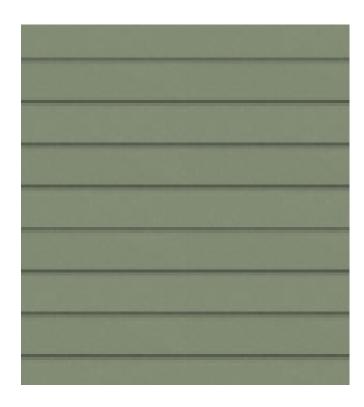
TYPICAL END ELEVATION

0' 20



MATERIAL-I
FIBER CEMENT LAP SIDING
BROWN







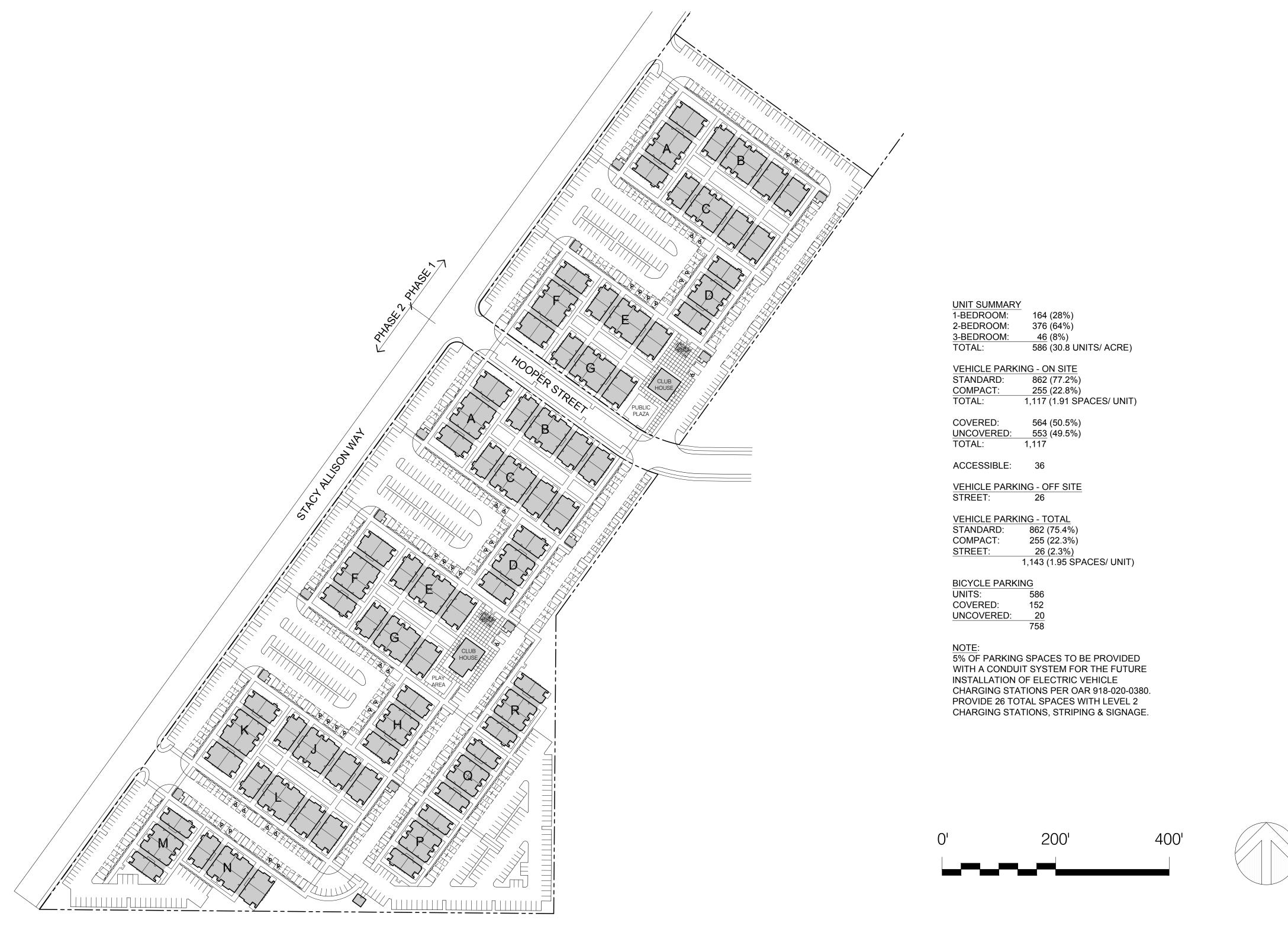
MATERIAL-2
FIBER CEMENT LAP SIDING
YELLOW

MATERIAL-3
FIBER CEMENT LAP SIDING
GREEN

MATERIAL-4
BRICK VENEER
YELLOW

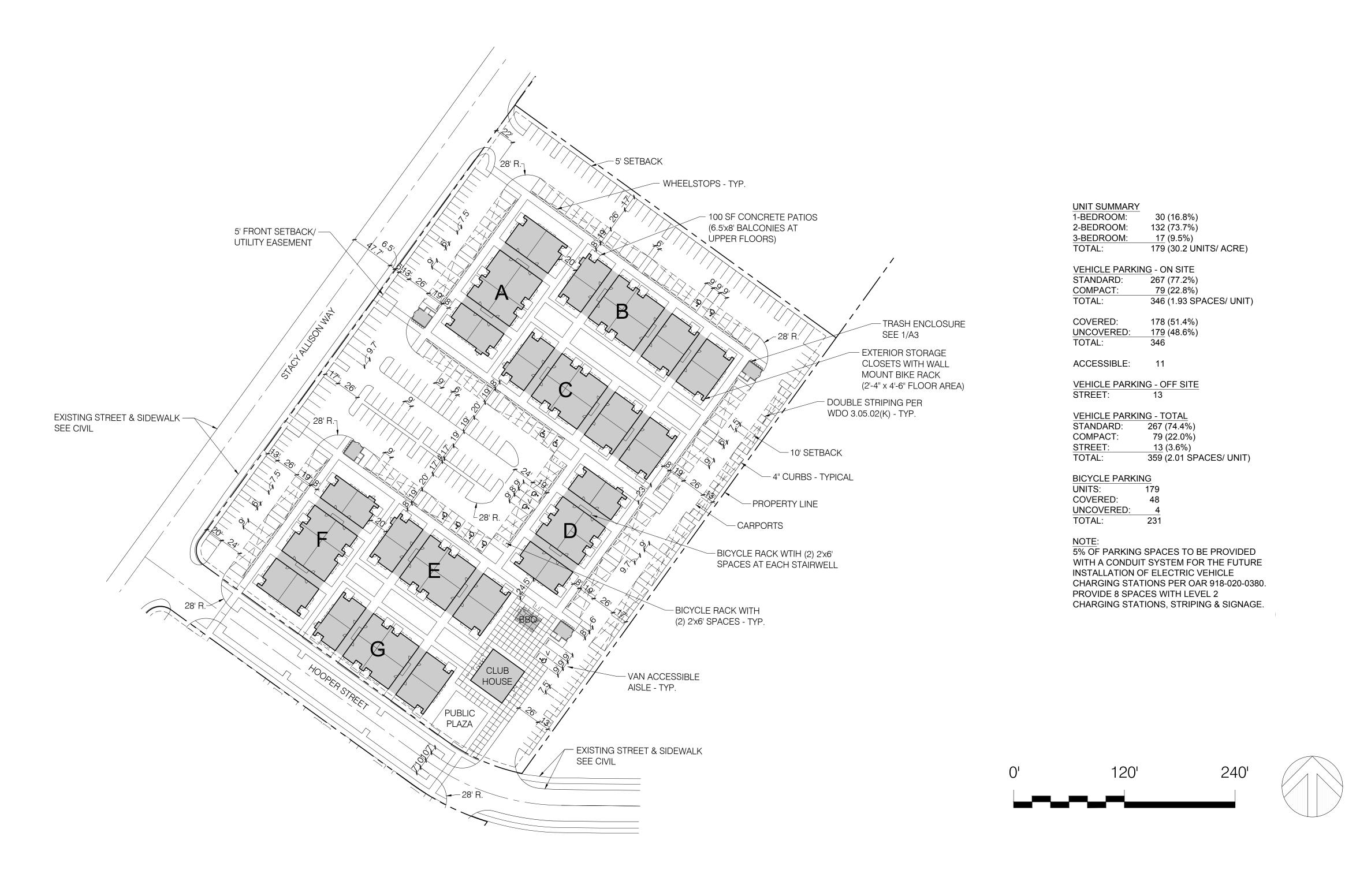


ENLARGED ELEVATION - CLUBHOUSE

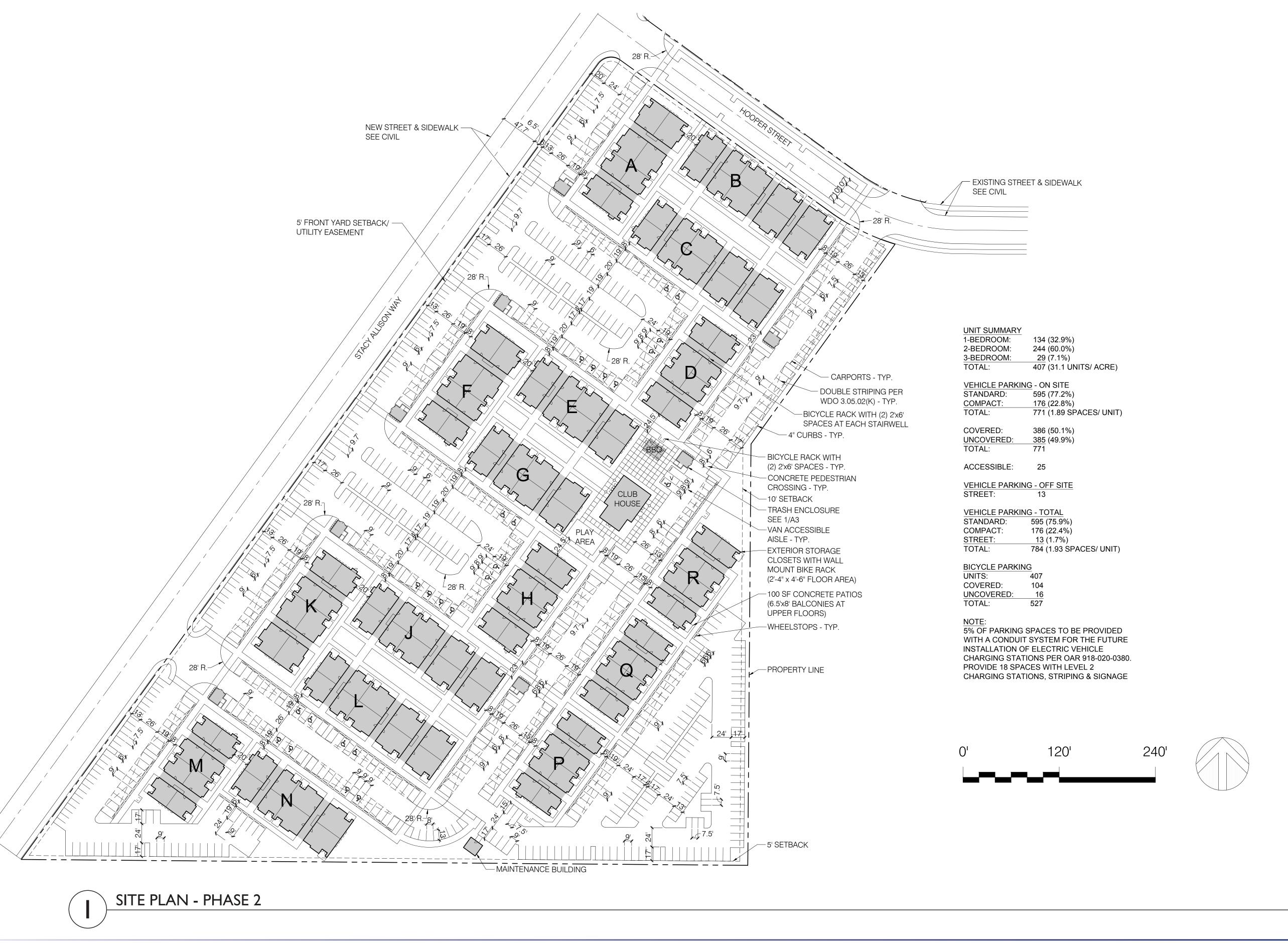




Attachment 105A







Leeb Architects

West Coast Home Solutions

	transportation is the Salem-Keizer Cherriots 10x which runs along Portland Road NE to Salem with a stop at the Woodburn Transit Center, less than two miles away. This will reduce the need for a car as many people will commute to these neighboring cities for work. The property management will require parking permits in order to park onsite. Each vehicle that doesn't have a permit will be towed eliminating non-resident parking. The maximum allowed parking for 2 and 3-bedroom units will be 2 cars per unit. The management will also enforce only 1 car per unit for each 1-bedroom unit. By only allowing 1 car for each 1-bedroom unit that would allow exactly 2.03 cars per unit for each of the other 2 and 3-bedroom units. Additionally, the development team accounts for an average 5% vacancy in the rental property, which could leave anywhere from 30-60 parking spots available. To further support this variance, bicycle parking is proposed well in excess of code requirements (see Section 3.05.03(E) above) and, if needed, the property management team would be willing to contact Zip Car and allow a parking space or two allocated to Zip cars for
	tenant use.
Variance #3	Section 3.05.03(C) – Compact Parking Percentage
	Requires: A maximum of 20 percent of the required vehicle parking spaces may be satisfied by compact vehicle parking spaces.
	Proposed: 60 percent
	<u>Criteria #1</u> : A 20% compact parking ratio precludes meeting minimum off-street parking ratios to achieve housing density and affordability goals desired for the zone.
	<u>Criteria #2</u> : Adjacent properties will not be affected by the proposed compact parking ratios.
Variance #4	Table 3.05(C) – Drive Aisle Width
	Requires: The required width for a 90° 2-way drive aisle is 24'.
	Proposed: Drive aisle widths are proposed as follows:
	One-way Travel
	Standard or ADA compliant stalls: 18'
	Compact stalls: 16'
	Two-way Travel
	All stalls: 20'
	<u>Criteria #1</u> : 24' drive aisles preclude meeting minimum off-street parking ratios and housing density and affordability goals desired for the zone.

Attachment 106



Leeb Architects



308 SW First Avenue Suite 200 Portland Or 97204 Phone 503.228.2840 leebarc.com

01 September 2020

Mayor Swenson & Woodburn City Council c/o Chris Kerr, Community Development Director City of Woodburn Community Development Department 970 N. Cascade Drive Woodburn, OR 97071

Reference: DR 2019-05, PLA 2019-04, PP 2019-01 & VAR 2019-04 "Allison Way

Apartments" for Tax Lots 052W14 020000, 2100, & 2300 (three

undeveloped, unaddressed lots along Stacy Allison Way); Accela record

no. 971-19-000094-PLNG

Subject: Proposed Land Use Review Revisions

Dear Mayor Swenson and Councilors,

In response to comments received during the 7/13/20 Woodburn City Council Meeting, please find the attached revisions to the Allison Way Apartments land use review narrative, exhibits and additional supporting documents for your consideration. The proposal has been revised as follows:

- 1. The five main courtyards were narrowed to provide as much parking as possible. Ground floor patios are now located 2' into the 5' Hooper Street setbacks as permitted by WDO 3.03.03E. Because these setbacks also serve as 5' public utility easements, the City Engineer has provided conditions of approval for the 8 patio encroachments.
- 2. The ratios of compact spaces and parking spaces per unit were revised to meet zoning code requirements as closely as possible. Parking was increased from 1.77 to 1.9 spaces per unit and compact spaces were reduced from 53.5% overall to 25%.
- 3. Drive aisles are 24 feet minimum at all locations except 20 feet as indicated at the three main parking lots facing Stacy Allison Way (see new Exhibit 61).
- 4. The southernmost driveway on Stacy Allison Way was removed to reduce traffic conflicts and to increase on-site parking.
- 5. The unit mix of a few building types were changed slightly (more 1-bedroom units) but the total unit count is unchanged.
- Although the landscape plans are not included in this resubmittal, staff will review all applicable landscaping requirements of the zoning code and Condition of Approval V4-6 Architectural Wall during the plan review process.



Three parking variances were the subject of the most discussion at the last Council meeting. The revised proposal still requests the three variances, but now provides parking much closer to what is required by the zoning code:

PARKING VARIANCES:

1. Parking Ratio (WDO Table 3.05A)

Required: 2 spaces per unit.

Proposed: 1.9 spaces per unit.

2. Compact Parking (WDO Table 3.05.03C)

Required: 20% maximum. Proposed: 25% maximum.

3. Drive Aisle Width (WDO Table 3.05C)

Required: 24 feet minimum.

Proposed: 24 feet minimum except 20 feet at 25% of stalls maximum.

Staff attached the following Conditions of Approval to mitigate the parking variance requests. Because these conditions are above and beyond what is required by the zoning code, we feel they justify granting the requested variances:

PARKING CONDITIONS OF APPROVAL:

1. Bike Parking (WDO Section 3.05.03E)

Required: One space per ten vehicle parking spaces, with a maximum of 20 rack spaces: 1117 vehicle spaces/ 10 = 112 spaces minimum required.

Condition of Approval (V6-3-2a & b): 1.2 spaces per unit = 704 spaces minimum.

Proposed: 758 spaces.

2. Electric Vehicle Ready Parking (OAR 918-020-0380)

Required: Not adopted by the City of Woodburn. Requires the installation of an electrical conduit system and electrical service for the <u>future</u> installation of electric vehicle charging stations at 5% of parking spaces. The installation of the electric vehicle charging stations is not required.

Condition of Approval (V6-3-2e): Full installation of 36 electric vehicle charging stations.

Proposed: As conditioned.



3. Public Plaza

Required: Not required.

Condition of Approval (V7-3-3): An approximately 3,000 sf public access easement and public park is to be provided in Phase 1 with landscaping, signage, pavement, seat walls, benches, drinking fountains, bicycle racks, trash receptacles and an ornamental fountain as requested and specified by staff.

Proposed: As conditioned. To address Woodburn's lack of parks in the southwestern area of the city, the applicant has voluntarily agreed to provide an access easement and a public plaza with amenities benefitting the neighborhood on a portion of the site that would otherwise be dedicated to required vehicle parking.

4. Parking Management

Required: Not required.

Condition of Approval (V8-3-4): The applicant is to collect data regarding off-street parking usage and provide half-yearly reports to the City of Woodburn through July 1, 2031.

Proposed: As conditioned. The applicant has voluntarily agreed to provide these reports to aid the City in its analysis of how parking is used in conventional large apartment complexes.

Condition of Approval D7 for railings or fencing at ground floor patios is also requested to be removed. The condition is not a zoning code requirement and does not support any of requested variances.

GROUND FLOOR PATIO CONDITION OF APPROVAL

Private Open Space (WDO Section 3.07.05B1a.2)

Required: Ground level private open space <u>should</u>/shall* be visually and physically separated from common open space, through the use of perimeter landscaping or fencing.

*For Type III reviews, these requirements are to be read as "should" and are applied as guidelines only:

Condition of Approval (D7):

- a. Pavement: As proposed, patios shall be paved with brick, concrete pavers, or poured concrete.
- b. Railings/fencing & gate: The outermost edges of patio concrete slabs that do not abut building walls shall have either metal or wood railings or cedar wood fencing at least three (3) ft high. If the latter, then opacity shall be full, but if fencing is higher than the minimum height, it shall be no more than ninety



- percent (90%) opaque, such as by being fully opaque from grade but from the top having a lattice pattern. The railings or fencing shall have a gated opening at least two (2) ft and four (4) inches wide.
- c. Height maximum: the railings or fencing maximum height shall be either five (5) ft or, where a patio faces a courtyard, three and a half (3½) ft.
- d. Shrubbery: Evergreen shrubbery shall line fully the outermost edges of patio concrete slabs, except along the gated opening.

Proposed: Perimeter landscaping at ground floor patios as suggested by the zoning code guideline. The developer would prefer to avoid the management and maintenance issues associated with ground floor railings and gates.

The applicant and design team have worked closely with planning and engineering staff to follow their direction and provide everything that has been requested. West Coast Home Solutions is dedicated to making this a successful project that will benefit residents, the neighborhood and the City of Woodburn.

We hope the revisions to our proposal address your concerns and you agree that the conditions of approval justify the requested variances. We thank you for pushing us to create a better project and look forward to making it happen!

Sincerely, Leeb Architects

Doug Hamilton