



City of Woodburn
Community Development

Memorandum

270 Montgomery Street

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Date: February 10, 2022

To: Melissa Gitt, Building Official

Cc: Alyssa Nichols, Permit Technician
Dago Garcia, P.E., City Engineer
Brenda Reiner, Engineering Associate
[vacant], Engineering Technician II
Jeff Bolton, Multi/Tech Engineering

From: Colin Cortes, AICP, CNU-A, Senior Planner *cc.*

Subject: **Building permits 971-21-001105-STR-02 etc. Woodburn Place Apts. Planning Division review of 5th submittal**

Introduction

On behalf of the Planning Division, I reviewed the building permit application materials submitted February 4, 2022 as 5th submittal / 4th revised submittal for conformance with the second review memo and [Annexation ANX 2019-01 land use final decision](#) conditions of approval and notes to the applicant related to Woodburn Place Apartments at 2145 Molalla Road (applicant's job # 6855).

The "[final decision](#)" document with the conditions of approval remains on the [City project webpage](#) or via the City Projects webpage at www.woodburn-or.gov/projects.

The building permit applications are:

| <i>Permit / Accela/ePermitting Record Nos.</i> | | <i>Building</i> |
|--|----------------------|-----------------------------------|
| <i>Before Phasing by Building Division</i> | <i>Phasing</i> | |
| 971-21-000826-STR | 971-21-001105-STR-02 | 1 (common / leasing office / rec) |
| 971-21-000827-STR | 971-21-001108-STR-02 | 2 |
| 971-21-000806-STR | TBD | A |
| 971-21-000807-STR | TBD | B |
| 971-21-000808-STR | TBD | C |
| 971-21-000809-STR | TBD | D |
| 971-21-000810-STR | TBD | E |
| 971-21-000811-STR | TBD | F |
| 971-21-000813-STR | TBD | G |
| 971-21-000815-STR | TBD | H |
| 971-21-000816-STR | TBD | J |
| 971-21-000817-STR | TBD | K |
| 971-21-000814-STR | TBD | L |
| 971-21-000818-STR | 971-21-001102-STR-02 | M |
| 971-21-000819-STR | 971-21-001099-STR-02 | N |
| 971-21-000820-STR | 971-21-001086-STR-02 | P |
| 971-21-000821-STR | 971-21-001083-STR-02 | Q |
| 971-21-000822-STR | 971-21-001080-STR-02 | R |
| 971-21-000823-STR | 971-21-001073-STR-02 | T |
| 971-21-000824-STR | 971-21-001062-STR-02 | U |
| 971-21-000825-STR | 971-21-001059-STR-02 | V |
| 971-22-000133-STR | If applicable, TBD | Gazebo/shelter |
| 971-22-000135-STR | If applicable, TBD | BBQ shelter |
| 971-22-000134-STR | If applicable, TBD | Mail gangbox shelter |

Below is what the applicant needs to do.

Additional Info Needed

Going by the item codes from the first review memo:

Item A1.

- d. Provide PDFs of other easements, particularly the Street Corridor "C" street reservation PUE per Condition D2 and the cross access easement per Condition D4 and final decision Attachment 102A Public Works comments 7 & 13.*

The applicant's response letter indicates that, "The updated easement was approved by Public Works on February 3, 2022 for submittal to the next City Council meeting", the next regularly scheduled meeting being February 14.

Per Condition G4b, unless a condition specifies otherwise, ROW and easement dedications and recordation(s) are due by building permit issuance.

Upon recordation, submit a paper and PDF copy of the recorded document.

A2: ... In the context of Condition G4b, staff cannot yet sign off on building permit issuance.

The frontage/street improvements are not yet constructed. The applicant's last response letter (January 14) indicated that the developer will not complete construction of approved street improvements until "later this spring".

The applicant's latest response letter regarding Condition G4b indicates:

"We worked through this process through a Zoom meeting around mid-September of 2021 through ODOT, City Planning, Engineering & Building Departments. We were approved for building permit issuance, once we had public domestic waterline construction approval which required waterline work in HWY 211 and the onsite waterline with all fire hydrants constructed. We were also required to have full ODOT plan approval and permit issuance ... We were not required to have the frontage/street improvements completed."

The applicant seems to mean a September 1, 2021 meeting among the applicant, ODOT, and Building and Engineering Divisions staff.

Following Community Development Department staff meeting discussion on February 8, the Director confirms that staff doesn't share the applicant's understanding that any staff nullified Condition G4b.

That said, the applicant's misunderstanding seems to result from the Building Official instituting the attached policy that allows phasing of building permits, which allows applicant to divide building foundations construction from project build-out construction.

The Building Official allowed phasing for the Woodburn Place Apartments permits, reflected in the two sets of permit numbers in the table on p. 2.

Staff asks the applicant to confirm that he's requesting:

- (1) Sign-offs for the Building Division to issue the "STR-01" permits for foundations only (see policy p. 2) with the understanding that the division could issue the remaining "PH" and "STR-02" permits upon meeting Condition G4b; and
- (2) That the following be sufficient for sign-offs of the "STR-01" permits, quoted from the applicant's response letter: "... public domestic waterline construction approval which required waterline work in HWY 211 and the onsite waterline with all fire hydrants constructed. We were also required to have full ODOT plan approval and permit issuance ...", that is, minimum utility improvements determined by ODOT and/or the City Public Works Department necessary to sign off on "STR-01" permits.

If (1) is correct, then regarding (2) get from the City Engineer in writing agreement, agreement with clarifications, or denial and forward it.

H. There are no building permit applications submitted for the accessory structures.

Note: Planning staff acknowledge that the additional building permit applications reflected in the table on p. 2 resolve the item.

Attachment(s):

Building Division "Phased Development" policy (Feb. 2022; 3 pages)

Phased Development



Summary:

1. Outlines the predetermined permitting phases for a development.
2. Specifies the fees for the phased submittal process.

Background:

For some construction projects, there may be a need or desire to complete the development in phases. This often means that construction plans will also be submitted to the Building Division in phases. This policy provides information related to phased development and permitting processes.

Policy:

OAR 918-020, and section 106.4.1 of the Oregon Structural Specialty Code authorizes the Building Official to issue phased or partial permits for the construction of a foundation or other parts of the building when adequate information has been submitted to show compliance with the code. In most cases, phased permitted projects are relatively large and complex. However, there are rare occasions when plans for single-family residences need to be submitted in phases. It is important to note that other regulations or impacts such as land use planning, financial security, or complex site constraints may dictate the sequence of development.

The Building Official's approval is required for all phased permit projects via a signed agreement. In general phased permitting may be requested for the following predetermined construction phases in new construction:

- 1) Multi-family residential projects:
 - a) Foundation
 - b) Remainder of project "build-out"
- 2) Commercial and Industrial projects:
 - a) Foundation
 - b) Remainder of project "build-out"

There may be unique situations in which the sequence of submittals would deviate from that listed above. Those situations require prior approval of the Building Official.

In each phase listed above, the construction documents shall provide all of the required information to complete the review of the proposed work under that phase.

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Building Division staff must evaluate if the proposed phasing sequence will comply with other land use approvals or conditions. A signed Phased Development Agreement will be required to be completed for each project and each phase.

Because of the additional staff time needed for processing plans tracking sequential submittals, and coordinating field inspections, review fees for phased development are higher than a standard plan review. The calculation of the plan review and structural permit fees is outlined in OAR 918-050 and the City of Woodburn fee schedule. Fees for phased development submittals will be as follows:

1) Multi-family, Commercial, and Industrial:

(ex. 971-22-000001-PH) Is the Phased Permit number for the entire project. This is the “parent permit” which contains all of the Permit Fees for the project; including system development charges, building permit fees, Public Work fees, Planning fees, State Surcharge, and Construction Excise Tax (fees are different for each project and there could be other fee’s).

(ex. 971-22-000001-STR-01) is the 1st Phased Permit number for the Foundation phase of the project. This is the 1st permit that will be issued in the phased permit process. The applicant will be responsible for payment of the structural “foundation” plan review, a phased application fee, and the phased plan review fee. See the miscellaneous building fees schedule to locate the adopted fee. This is the 1st “child” permit in the phased permit series.

(ex. 971-22-000001-STR-02) is the 2nd Phased Permit number for the Build-Out phase of the project. This is the 2nd and final phased permit that will be issued in the phased permit process. With the payment of the final phase permit the applicant will also be responsible for the payment of the “parent permit” (the –PH permit). The “build-out” permit fees include; the structural “build-out” plan review, a 2nd phased application fee, and the 2nd phased plan review fee. This is the 2nd “child” permit in the phased permit series.

For each of the phases listed above, or any phase approved by the Building Official, the structural permit fee will be based on the valuation of the entire project (100%) and the plan review fee will be the standard 100% of the permit fee; further broken down to a 20% for the

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“foundation” phase and 80% for the “build-out” phase. A phased development plan review fee will be applied to each phased application. Each phase will incur an application fee of \$300 plus a phased development review fee of 20% of the building permit fee, not to exceed \$1,500.

Timing for the Collection of Fees:

For the –PH permit, the associated permit application will reflect the total valuation of the project and will be paid for prior to the issuance of the final phase, “build-out” phase.

For the –STR-01 and -02 permits, the associated permit application will reflect the valuation associated with the corresponding phase. For example; the STR-01 “foundation” phase of the project will reflect 20% of the total valuation and the STR-02 “build-out” will reflect 80% of the total valuation for purposes of plan review fees associated with each phase.