COUNCIL BILL NO. 3153

ORDINANCE NO. 2590

AN ORDINANCE ANNEXING APPROXIMATELY 8.62 ACRES OF TERRITORY AT 2145 MOLALLA RD NE INTO THE CITY OF WOODBURN, LOCATED ALONG THE NORTH SIDE OF OREGON HWY 211 EAST OF JUNE WAY, MARION COUNTY, OREGON

WHEREAS, the subject property is owned by Ivanov Investment Group, LLC, of which the registered agent is Kiril Ivanov, and is legally described in Exhibit "A" and mapped in Exhibit "B", which are affixed hereto and by this reference incorporated herein; and

WHEREAS, the subject property is composed of Marion County Tax Lot 051W09B000900; and

WHEREAS, consistent with Oregon Revised Statutes (ORS) 222.111(2) the owner of real property in the territory to be annexed initiated by petition a proposal for annexation, a copy of the petition being on file with the City Recorder (ANX 2019-01); and

WHEREAS, the applicant, Jeff Bolton, Senior Project Manager, Multi/Tech Engineering, obtained written consent from the owner of the territory and has requested annexation of the subject property; and

WHEREAS, the property to be annexed is within the City Urban Growth Boundary (UGB); and

WHEREAS, the property to be annexed is contiguous to the City and can be served with City services; and

WHEREAS, the applicant intends to develop the territory into the Woodburn Eastside Apartments; and

WHEREAS, on October 22, 2020 the Woodburn Planning Commission considered the annexation application and, after a duly advertised public hearing, recommended approval of the annexation; and

WHEREAS, on both January 25 & March 8, 2021, the Woodburn City Council held public hearings, reviewed the record, heard all public testimony presented on said application, and upon deliberation concluded that the proposed annexation meets the applicable approval criteria under City of Woodburn Development Ordinance (WDO) 5.04.01C.; **NOW, THEREFORE,**

THE CITY OF WOODBURN ORDAINS AS FOLLOWS:

Section 1. That the subject property, legally described in Exhibit "A" and mapped in Exhibit "B", is annexed to the City of Woodburn.

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

Approved as to form: _____ 5/24/2021
City Attorney Date

Approved: _____
Eric Swenson, Mayor

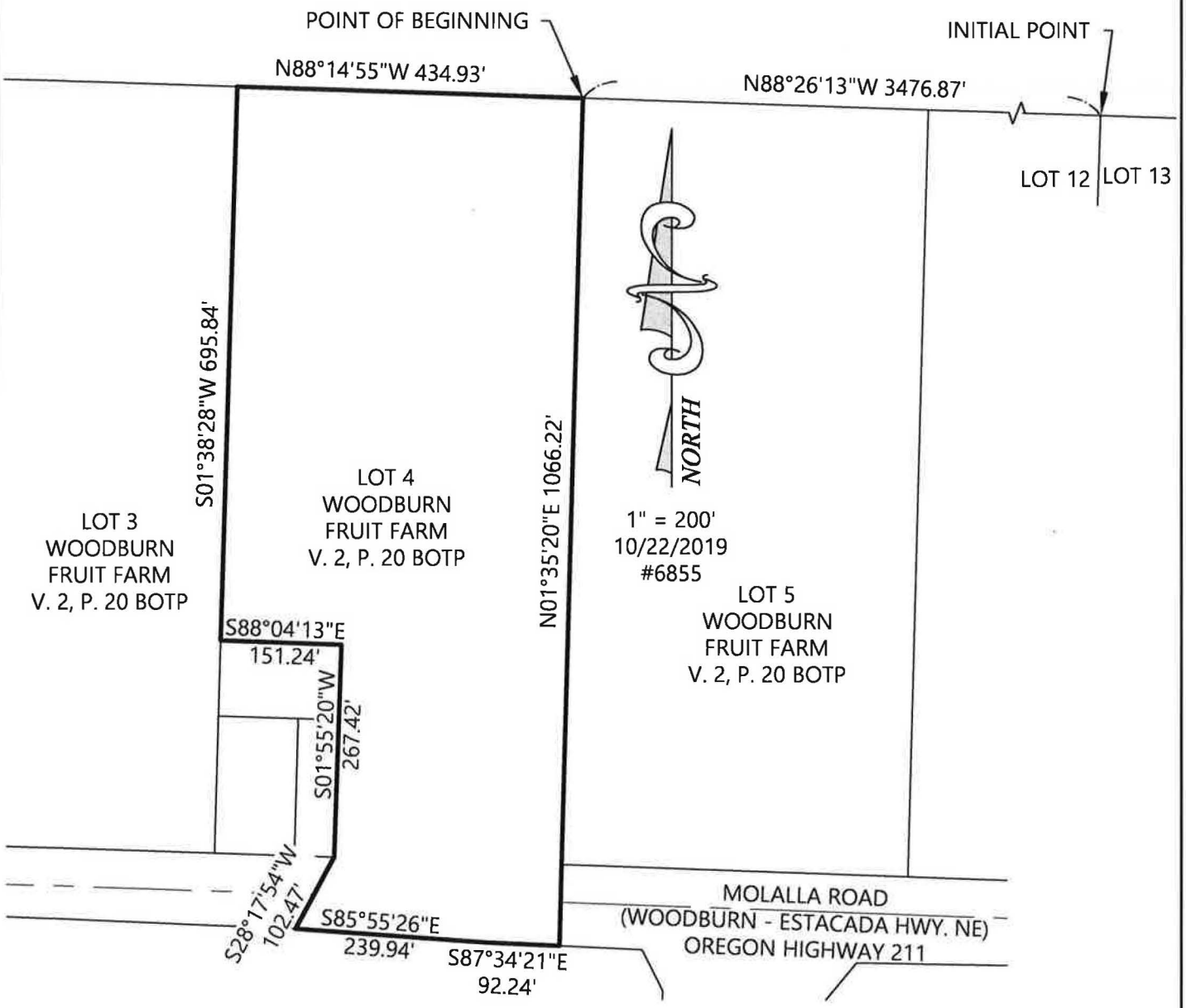
Passed by the Council May 24, 2021
Submitted to the Mayor May 24, 2021
Approved by the Mayor May 24, 2021
Filed in the Office of the Recorder May 27, 2021

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

Exhibit "A"

Commencing at a 1 1/4" Iron Pipe located at the Northeast corner of Lot 12, Woodburn Fruit Farms as recorded in Volume 2, Page 20, Book of Town Plats in Section 9, Township 5 South, Range 1 West, Willamette Meridian, Marion County, Oregon; thence North 88°26'13" West 3476.87 feet to the Northwest corner of Lot 5 of said plat and the True Point of Beginning; thence North 88°14'55" West 434.93 feet to the Northeast corner of Lot 3, of said plat, thence along the east line of said lot South 01°38'28" West 695.84 feet; thence South 88°04'13" East 151.24 feet; thence South 01°55'20" West 267.42 feet to the North Right of Way line of Molalla Road; thence South 28°17'54" West 102.47 feet to the South Right of Way line of Molalla Road (Woodburn-Estacada Highway Northeast) Oregon Highway 211; thence along said Right of Way line the following 2 calls, South 85°55'26" East 239.94 feet; South 87°34'21" East 92.24 feet; thence North 01°35'20" East 1066.22 feet to the True Point of Beginning and containing 9.41 acres more or less.

EXHIBIT B


POINT OF BEGINNING
INITIAL POINT
N88°14'55"W 434.93'
N88°26'13"W 3476.87'
LOT 12
LOT 13
S01°38'28"W 695.84'
N01°35'20"E 1066.22'
NORTH
LOT 3
WOODBURN
FRUIT FARM
V. 2, P. 20 BOTP
LOT 4
WOODBURN
FRUIT FARM
V. 2, P. 20 BOTP
1" = 200'
10/22/2019
#6855
LOT 5
WOODBURN
FRUIT FARM
V. 2, P. 20 BOTP
S88°04'13"E
151.24'
S01°55'20"W
267.42'
S28°17'54"W
102.47'
S85°55'26"E
239.94'
S87°34'21"E
92.24'
MOLALLA ROAD
(WOODBURN - ESTACADA HWY. NE)
OREGON HIGHWAY 211

Analyses & Findings

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

Symbol	*Category*	*Indication*
✔	Requirement (or guideline) met	No action needed
✖	Requirement (or guideline) not met	Correction needed
⊖	Requirement (or guideline) not applicable	No action needed
▲	• Requirement (or guideline) met, but might become unmet because of condition applied to meet separate and related requirement that is not met • Plan sheets and/or narrative inconsistent • Other special circumstance benefitting from attention	Revision needed for clear and consistent records
■	Variance	Request to vary from requirement

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

Table of Contents

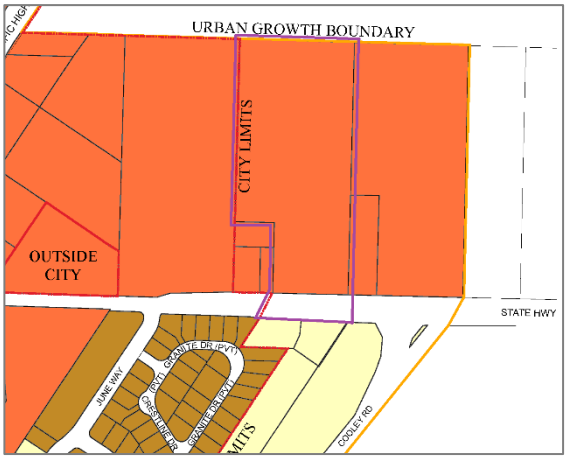
Location

Address(es)	2145 Molalla Rd NE (OR Hwy 211)
Tax Lot(s)	051W09B 000900
Nearest intersection	Molalla & Cooley Rds

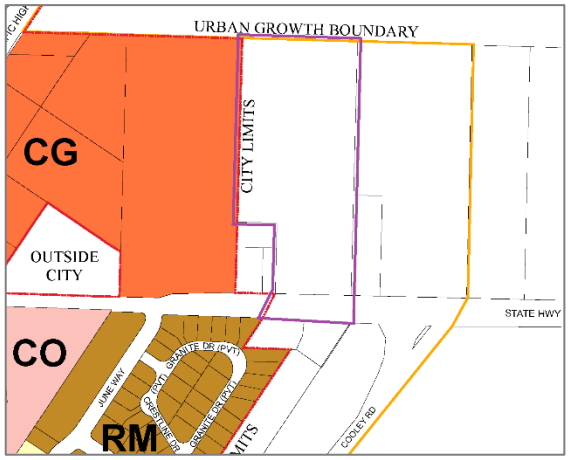
Land Use & Zoning

Comprehensive Plan Land Use Designation	Commercial
Zoning District	Commercial General (CG), upon annexation
Overlay District(s)	None
Existing Use(s)	Vacant following demolition of rural dwelling

For context, the comprehensive plan land use map designations and zoning are illustrated below with excerpts from the City geographic information system (GIS) and the zoning is tabulated further below:



Comprehensive Plan land use map excerpt



Zoning map excerpt

Cardinal Direction	*Adjacent Zoning*
North	No City zoning because not annexed and outside the City urban growth boundary (UGB); MacLaren youth state prison
East	No City zoning because not yet annexed; rural development
South	No City zoning because not yet annexed; would be RS; a rural duplex and a rural house
West	Northerly: CG; undeveloped Southerly: No City zoning because not yet annexed; would be CG; rural house and outbuilding

Statutory Dates

Application Completeness	October 1, 2020
120-Day Final Decision Deadline	January 29, 2020 per Oregon Revised Statutes (ORS) 227.178. (The nearest and prior regularly scheduled City Council date is January 11, 2020.)*

*However, the Assistant City Attorney had counseled staff on January 16, 2018 that an annexation request is not subject to the 120-day deadline for final action per 227.178(8).

Design Review Provisions

The project name is Woodburn Eastside Apartments.

4.01.07 Consolidated Applications

An applicant may request, in writing, to consolidate applications needed for a single development project. Under a consolidated review, all applications shall be processed following the procedures applicable for the highest type decision requested. It is the express policy of the City that development review not be segmented into discrete parts in a manner that precludes a comprehensive review of the entire development and its cumulative impacts.

5.03.02 Design Review, Type III

A. Purpose: The purpose of Type III design review is to ensure that new buildings or additions to existing buildings comply with Land Use and Development Guidelines and Standards of this Ordinance (Sections 2 and 3).

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

1. **Non-residential structures in residential zones greater than 1,000 square feet in the RS, R1S, RM, and P/SP zones.**
2. **Multi-family dwellings not meeting all architectural design guidelines and standards.**
3. **Structures greater than 2,000 square feet in the CO, CG, MUV, DDC, and NNC zones.**
4. **Structures greater than 3,000 square feet in the IP, IL, and SWIR zones.**
5. **For sites with existing buildings in the CO, CG, MUV, DDC, NNC, IP, IL, and SWIR zones; expansions or new buildings that increase lot coverage by more 25%.**
6. **Change of use that results in a greater than 25% increase in required parking.**

Because the proposal is for buildings totaling greater than 2,000 square feet (sq ft) in the CG zoning district, per subsection 3. it requires a Type III Design Review. Additionally, the applicant submitted the Type IV application type of Annexation, which per 4.01.07 cited above elevates the consolidated applications package to the highest level required among the individual application types. The applicant submitted site plans on June 7, 2019 and revised site plans through September 23, 2020 (within Attachment 103). (Staff hosted a pre-application meeting on May 1, 2019.)

✔ The requirement is met.

2.03 Commercial Zones

A. The City of Woodburn is divided into the following commercial zones:
2. The Commercial General (CG) zone is the community's primary commercial area, providing for businesses requiring extensive land intensive outdoor storage and display of merchandise, equipment, or inventory.
B. Approval Types (Table 2.03A)
1. Accessory Uses (A) are allowed outright, subject to the general standards of this Ordinance.
2. Conditional Uses (CU) may be allowed, subject to the general development standards of this Ordinance and conditions of Conditional Use approval.
3. Permitted Uses (P) are allowed outright, subject to the general development standards of this Ordinance.

Uses Allowed in Commercial Zones Table 2.03A		
Use		**Zone**
Accessory Uses (A) Conditional Uses (CU) Permitted Uses (P) Special Permitted Uses (S) Specific Conditional Uses (SCU)		**CG**
E	**Residential**	
4	**Multiple-family dwellings**	**CU[9]**

[9]Except allowed as a permitted use in the Gateway Overlay District and prohibited in the Interchange Management Area Overlay District (Amended by Ordinance 2573, passed June 24, 2019)

The proposed use matches E.4, which is a conditional use. (The subject property is not in either overlay district.)

✔ The requirement is met.

Commercial General (CG) - Site Development Standards Table 2.03C				
Lot Area, Minimum (square feet)				**No minimum**
Lot Width, Minimum (feet)				**No minimum**
Lot Depth, Minimum (feet)				**No minimum**
Street Frontage, Minimum (feet)				**No minimum**
Front Setback and Setback Abutting a Street, Minimum (feet)				**5** [1]
Side or Rear Setback, Minimum (feet)	**Abutting RS, R1S, or RM zone**			**10** [4]
	Abutting CO, CG, DDC, NNC, P/SP, IP, SWIR, or IL zone			**0 or 5** [4, 5]
Setback to a Private Access Easement, Minimum (feet)				**5**
Lot Coverage, Maximum				**Not specified** [2]
Residential Density (units per net acre)	**Minimum**	**Row house**		**12**
		Child care facility, group home, or nursing home		**12**
		Multi-family dwelling	**Stand-alone**	**12**
			In mixed use development	**No minimum**
	Maximum	**Row house**		**24**
		Child care facility, group home, or nursing home		**32**
		Multi-family dwelling	**Stand-alone**	**32**
			In mixed use development	**32**
Building Height, Maximum (feet)	**Primary or accessory structure**	**Outside Gateway subarea**		**70**
		Western Gateway subarea		**50**
		Eastern Gateway subarea		**40**
	Features not used for habitation			**100**

1. Measured from the Special Setback (Section 3.03.02), if any

2. Lot coverage is limited by setbacks, off-street parking, and landscaping requirements.

3. Only allowed in the Gateway Overlay District

4. A house of worship shall be set back at least 20 feet from a property line abutting a residential zone or use.

5. A building may be constructed at the property line, or shall be set back at least five feet.

Lot Dimensions

The CG zoning district has no minimum lot size, width, depth, or street frontage or maximum lot coverage.

Setbacks

Determining setbacks requires first determining what lot lines are front, sides, and rear as 1.02 defines because these influence the applying of setback minimums:

> **1.02 Definitions**
> **…**
> **Lot Line: The property lines forming the exterior boundaries of a lot.**
> - **Front Lot Line:**
>   1. **In the case of an interior lot, a line separating the lot from the street.**
>   2. **In the case of a corner lot, a line separating the lot from the street from the architectural front of the existing or contemplated primary building.**
>   3. **In the case of a flag lot, the lot line which is most nearly parallel to the street that provides access to the interior lot.**
> - **Rear Lot Line:**
>   1. **In the case of an irregular, triangular, diamond, or trapezoidal shaped lot which is narrowest at the rear and has a distance between the side lot lines at the rear of less than ten feet, the rear line for setback purposes shall be an assumed line within the lot ten feet in length, parallel to, and at the maximum distance from, the front lot line; or**
>   2. **In any other case, the lot line opposite and most distant from the front lot line.**
> - **Side Lot Line: Any lot line, which is not a front or rear lot line.**

Based on the definition of front and rear lot lines, south is front, north is rear, and east and west are sides. The building closest to a property line is the common building (leasing office) at 15 ft from front, that is, the right-of-way (ROW).

Because the application materials include cross access easements, the 5-foot setback is applicable. Because all are along the centerlines of drive aisles wider than the easements and with most driveways lined curbing and most with parking stalls, buildings are set back more than 5 ft.

Density

Both the Comprehensive Plan and WDO 1.02 define density. Because they conflict, per state law the Comprehensive Plan definition supersedes. It is found as a footnote to Policy Table 1 (p. 7):

> "The net buildable area of a parcel excludes land dedicated for public rights-of-way or stormwater easements, common open space, and unbuildable natural areas. For example, if a parcel has 10 acres, and 2 acres are removed for streets and 2 acres are within the floodplain / riparian area, then 6 net buildable acres would remain. The range of allowable densities is calculated based on net buildable acres. An acre has 43,560 square feet. Allowable densities may be increased through the discretionary planned unit development review process."

The proposal falls under the residential building type / use of "multi-family dwelling" per 1.02 under "Dwellings … Multiple-Family Dwelling":

"A building on a single lot containing three or more dwelling units. Note: This definition does not include row houses, where attached single-family dwelling units are located on separate lots."

The project is also stand-alone, meaning a conventional apartment complex that includes no other primary uses such as commercial retail and is more suburban in nature than urban.

Therefore, the applicable minimum and maximum densities are 12.0 and 32.0.

Looking to the proposal itself, the proposal involves no environmental constraints such as a creek, wetlands, or remnant old forest, a stormwater easement, or common open space of the kind understood in the context of a planned unit development (PUD) managed by an association that charges maintenance dues, with open space often being in its own platted tract or tracts. (Staff considers apartment complexes as having open space, but that remains a subarea of a platted lot under the direct control of a landlord and property manager, and so open space is not common open space.)

Therefore, obtaining net acreage is as simple as subtracting ROW dedication – and none is proposed or required (as staff later examines for 3.01). The resulting density is:

Acreage	Dwelling units (DUs)	DUs per acre
8.62	220	25.5

The proposed density is 79.8% into the range between 12.0 and 32.0, meeting the density provisions.

Height
The sheets illustrating building elevations note that the 19 apartment buildings are at the height limit as measured per 1.02 "Building Height" and Figure 1.02A, meeting the provision.

✔ The site development provisions are met.

2.05 Overlay Districts

⛔ None would apply upon annexation.

2.06 Accessory Structures

2.06.02 Fences and Walls

C. Height in Non-Residential Zones

1. **In commercial, industrial, or public zones, the maximum height of a fence or wall located in a yard abutting a street shall be 6 feet, relative to the ground elevation under the fence or wall. Fence height may increase to 9 feet once flush with the building face, or 20 feet from**

street right-of-way.

2. **Fences and walls may be constructed in the special setback provided the property owner agrees to removal at such time as street improvements are made.**

D. Fence Materials

1. **Fences and walls shall be constructed of any materials commonly used in the construction of fences and walls, such as wood, stone, rock, or brick, or other durable materials.**
2. **Chain link fences are acceptable as long as the fence is coated and includes slats made of vinyl, wood or other durable material. Slats may not be required when visibility into features such as open space, natural areas, parks and similar areas is needed to assure visual security, or into on-site areas in industrial zones that require visual surveillance.**
3. **For manufacturing, assembly, fabricating, processing, packing, storage and wholesale and distribution activities which are the principle use of a building in industrial districts, the preceding standards apply when visible from, and within 20 feet of, a public street.**

2.06.03 Structures

A. Accessory structures attached to a primary building shall be considered as a portion of the primary building and subject to the same requirements as the primary building.

B. The minimum separation between detached accessory structures and the primary building shall be six feet.

The site plans propose fencing (and free-standing walls for the recycling and trash enclosure). Because the subject property is to be commercially instead of residentially zoned, the stair-stepped maximum heights of fencing and walls are not applicable. The enclosure is at least 6 ft from a building. Fencing can and will meet standards through a fence permit per 5.01.03.

✔ The provisions are met.

2.07 Special Uses

⛔ None apply.

(Note: Staff interprets 2.07.04 Community Club Buildings and Facilities to not apply because a "community club building" [clubhouse] requires its own parking only for stand-alone clubhouses or in the context of residential subdivisions including those that are part of planned unit developments [PUDs], and that apartment complex so-called clubhouses are not subject to the special use.)

3.01 Streets

3.01.02 General Provisions

A. No development shall be approved, or access permit issued, unless the internal streets, boundary streets and connecting streets are constructed to at least the minimum standards set forth in this Section, or are required to be so constructed as a condition of approval.

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

3.01.04B. All public streets under the jurisdiction of the City of Woodburn shall comply with the cross-sections depicted in this Section.

3.01.04C. For local residential streets which are not identified in the Comprehensive Plan, rights-of-way and improvements are determined by the Director at the time of development, based upon the existing and future estimated average daily trips of the development and surrounding development.

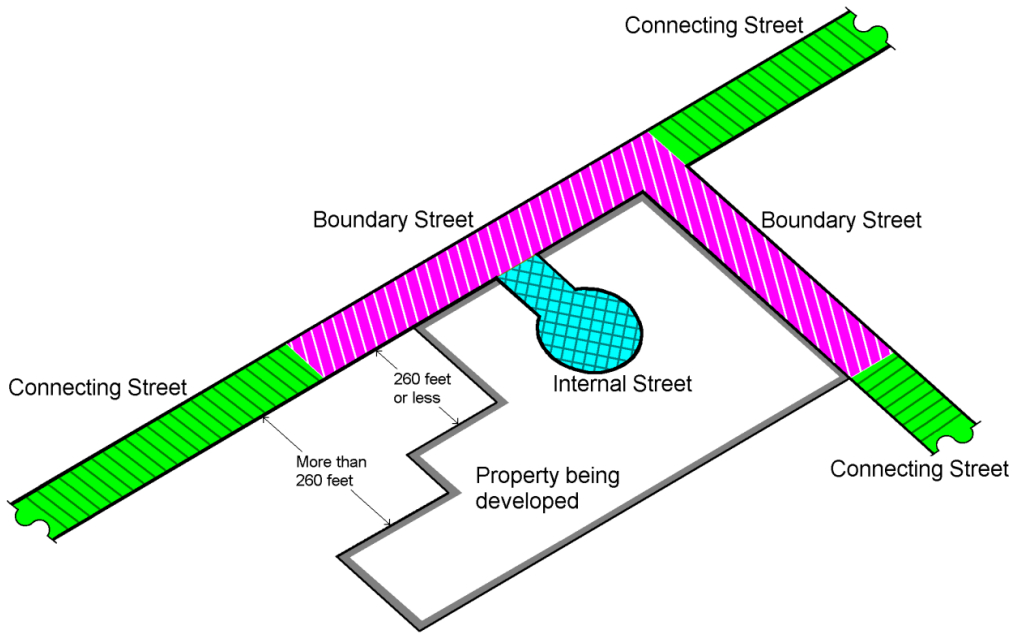


Figure 3.01A – Internal, Boundary, and Connecting Streets

The subject property has one frontage: Oregon Highway 211 (OR 211) also named Molalla Road.

Note: On September 23, 2019, the City Council adopted the 2019 major update of the 2005 TSP via Legislative Amendment LA 2018-01 as Ordinance No. 2575. Because the proposed site development depends on the master/parent application for annexation, staff applies adopted plans and the WDO as they would apply upon an annexation ordinance taking effect – including the TSP 2019 major update.

Per Transportation System Plan (TSP) Figure 2 "Functional Roadway Classification" (Attachment 104), OR 211 is a Major Arterial, which is a rise from the 2005 TSP Figure 7-1 per which it was a Minor Arterial. For a Major Arterial, WDO Figure 3.01B applies:

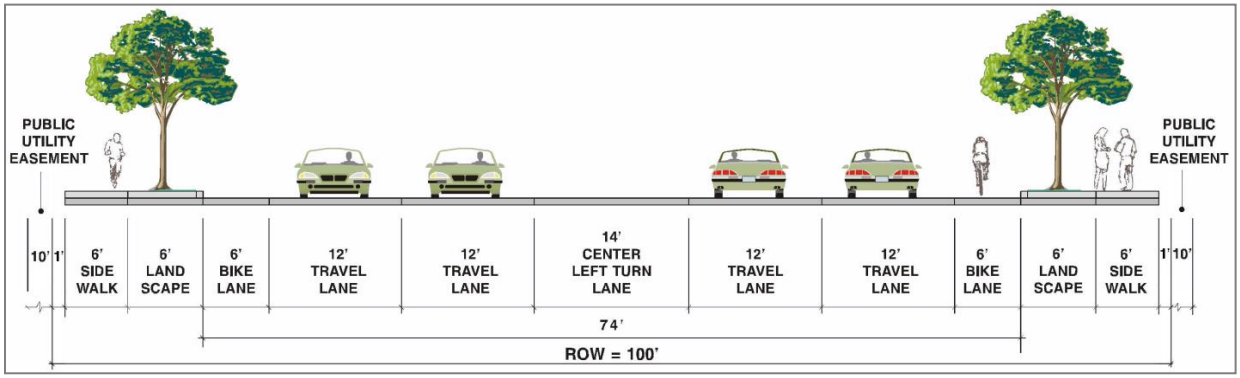


Figure 3.01B – Major Arterial

Frontage/public/street improvements are required to upgrade the frontages to present standards.

ROW

Because the planned ROW is 100 ft (50 ft "half-street", each side of centerline), and the existing ROW varies from about 103 ft at the east to about 95 ft at the west (53 ft from centerline at the east and about 45 ft at the east), variable width dedication is required.

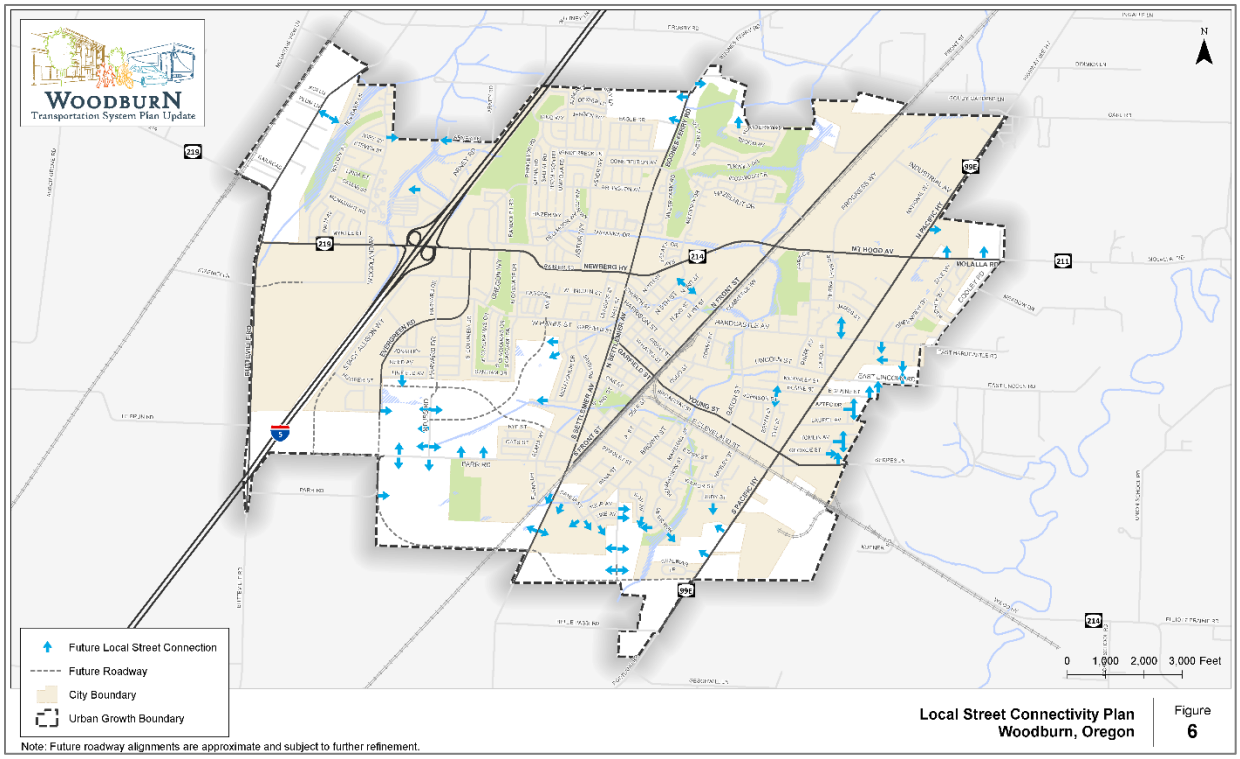
Improvements

OR 211 is a rural road with the frontage having shoulder, stormwater ditch, and no curb, planter strip with street trees, or sidewalk.

Per the conditional use and primarily for aesthetics and to encourage walking and accommodate the majority of local cyclists who staff observes ride on sidewalk because they feel safer that way, staff conditions a planter strip and sidewalk slightly wider than usual and more street trees than usual. Otherwise, the required improvements are the standard ones per Figure 3.01B including a second westbound travel lane and a bicycle lane.

Long-range Planning

TSP Figure 6 "Local Street Connectivity Plan" shows street connections into the northeast area of the urban growth boundary (UGB) that includes the subject property:



TSP Figure 6

There are three blue arrows, one each from Cooley Road, June Way, and U.S. 99E.

For this and additional reasons examined under conditional use criteria, staff conditions a wide public utility easement (PUE) serving as a street reservation for what staff terms Street Corridor "C" (termed for the blue arrow from Cooley Road) for something like either a minor arterial or major collector. The developer's proposal already includes such PUE and places it along the north property boundary, influencing the alignment of a future street extending from Cooley to either or both U.S. 99E and June Way.

⚠ Staff applies *conditions relating to ROW, sidewalk, planter strip, street trees, and Street Corridor "C"* so that the provisions may be met.

3.02 Utilities & Easements

3.02.01

A. The Director shall require dedication of specific easements for the construction and maintenance of municipal water, sewerage and storm drainage facilities located on private property.

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

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

No roadside public utility easement (PUE) exists, and Figure 3.01B requires a 10-ft one.

Additionally, Public Works requires various on-site PUEs for on-site improvements such as fire suppression water lines and fire hydrants, and separate conditions establish a PUE as the tool that begins to implement Street Corridor "C".

⚠ Staff applies a *D condition* for the required roadside PUE and other conditions for other PUEs.

3.02.03 Street Lighting A. Public Streets

The appended Public Works comments (October 13, 2020; Attachment 102A) from the City Engineer identify street lighting as an issue, stating under comment 8, "8. Provide street lighting plan and design for review to the City and ODOT."

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

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

⛔ Because within adjacent ROWs there are no existing electric power line poles to remove (except a wood pole with a lateral line from across OR 211 to serve a demolished house that the developer will remove anyway as part of frontage improvements), the provisions are not applicable.

3.03 Setbacks and Open Space

3.03.02 Special Setbacks

⛔ Because as examined earlier above for 3.01, there will be ROW dedication, the Special Setback – which is a setback to accommodate future street widening – is not applicable.

3.03.03 Projections into the Setback Abutting a Street

A. Chimneys, flues, bay windows, steps, eaves, gutters, sills, pilasters, lintels, cornices, planter boxes and other ornamental features may not project more than 24 inches into the setback abutting a street.

B. Covered, unenclosed porches, extending not more than 10 feet beyond the front walls of the building, shall maintain at least a 10 foot setback from the property line or Special Setback.

C. A balcony, outside stairway or other unenclosed, unroofed projection may not project more than 10 feet into a front setback.

D. Arbors, archways, pergolas and trellises shall be exempt from the setback abutting a street.

…

3.03.04 Projections into the Side Setback

A. Chimneys, flues, bay windows, steps, eaves, gutters, sills, pilasters, lintels, cornices, planter boxes and other ornamental features may not project more than 18 inches into a side setback.

…

3.03.05 Projections into the Rear Setback

A. Chimneys, flues, bay windows, steps, eaves, gutters, sills, pilasters, lintels, cornices, planter boxes and other ornamental features may project not more than 24 inches into the rear setback.

B. A balcony, outside stairway or other unenclosed, unroofed projection may not project more than 10 feet into a rear setback. In no case shall such a projection come closer than 6 feet from any lot line or Special Setback.

…

E. No permitted projection into a rear setback shall extend within ten feet of the centerline of an alley, or of a rear lot line if no alley exists, or within six feet of an accessory structure.

F. Accessory structures are not considered projections into a rear setback, but have separate setback requirements listed in this Ordinance (Section 2.06).

The site plans illustrate no such projections.

✔ The provisions are met.

3.03.06 Vision Clearance Area; Figures 3.03A & B

The proposal includes the required vision clearance areas (VCAs) at driveways.

✔ The provisions are met.

3.04 Vehicular Access

3.04.02 Drive-Throughs

⛔ Because the proposal involves no drive-through, the provisions are not applicable.

3.04.03 Driveway Guidelines and Standards

A. Number of Driveways

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

2. A minimum of two driveways shall be provided in developments with: …

b. 100 dwelling units in multiple-family dwellings (200 if all dwelling units are equipped with automatic fire sprinklers); … .

…

B. Joint Access

1. **Lots that access a Major Arterial, Minor Arterial, or Service Collector should be accessed via a shared driveway.**
2. **A partition, subdivision, or PUD should be configured so that lots abutting a Major Arterial, Minor Arterial, or Service Collector have access to a local street. Access to lots with multiple street frontages should be from the street with the lowest functional classification.**
3. **Every joint driveway or access between separate lots shall be established by an access easement and maintenance agreement to the satisfaction of the Director and revocable only with the concurrence of the Director.**

Access Management

Staff exercises the discretion per subsection B.1, to administer conventional access management. Restricting driveways along OR 211, an arterial class road, and maintaining looped circulation for fire truck and other vehicle access results in the driveway numbers and placements as proposed and a *D* condition memorializes. Additionally, Comprehensive Plan Policy H-2.5 calls for inter-parcel circulation through crossover easements in this context.

Also, the TSP has access management policies in its AM table.

Lastly, the Highway 99E Corridor Plan (2012) emphasizes and describes access management for the corridor, which does include properties not directly on U.S. 99E including along both OR 214 and OR 211, which include the subject property.

Joint Driveway / Public Access Easement

The applicant provided a draft public access easement(s) to the benefit of most adjacent tax lots and to share at least the main driveway if not both driveways. (There are no draft maintenance agreements proposed because the Director has not invoked this provision, and surrounding context is undeveloped, with a rural residence, and the rural yard of a landscaping contractor.)

⚠ In order to secure actual and correct dedication of a public cross access easement or easements that conform to 3.04.03B.3, and to limit driveways to two, staff applies *D conditions*.

Access Requirements Table 3.04A		
		5 or More Dwelling or Living Units, School, or House of Worship [6]
Paved Width of Driveway (feet) [3, 4]	**1-way**	**12 minimum 20 maximum**
	2-way	**24 minimum 30 maximum (Add 8' if a turn lane is provided)**
Curb Flare Radius (feet)		**25 minimum**
Throat Length (feet) [5]	**Major Arterial, Minor Arterial, Service Collector**	**50 minimum**
	Access or Local Street	**20 minimum**
Corner Clearance (feet) Guidelines [1] **(See Figure 3.04B)**	**Access or Local Street**	**30 minimum**
	Service Collector	**50 minimum**
	Minor Arterial	**245 minimum**
	Major Arterial	**300 minimum**
Driveway Separation Guidelines (feet) [1, 2] **(See Figure 3.04B)**	**Driveway on the same parcel**	**50 minimum**
	Access or Local Street	**none**
	Service Collector	**50 minimum**
	Minor Arterial	**245 minimum**
	Major arterial	**300 minimum**
Turnarounds (See Figure 3.04C)	**Access to a Major or Minor Arterial**	**Required**
	Access to any other street	**Requirements per the Woodburn Fire District**

The site plans show the driveways that meet the minimum standards or exceed them where necessary to meet Oregon Fire Code (OFC) Appendix D.

✔ The minimum standards are otherwise met.

3.04.03A. Unused driveways shall be closed.

⛔ Frontage improvements will eliminate the remnant driveway of the demolished rural residence.

3.04.03C. Interconnected Parking Facilities.

⛔ Because the proposal is a single, integrated site development for one primary use – multiple-family dwelling – and not like a commercial strip mall, the provision is not applicable.

3.04.04 Improvement Standards

The site plans illustrate pavement that conforms.

✔ The requirement is met.

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

The applicant's traffic impact analysis (TIA; submitted February 19, 2020; p. 5) states under Key Findings that:

> "The proposed development would generate 78 (20 in, 58 out) AM peak hour trips and 99 (61 in, 38 out) PM peak hour vehicle trips. … All study intersections are expected to operate within mobility standards with the addition of the proposed site, with the exception of N Pacific Hwy (99E) / Molalla Road (OR 211). This location exceeds the target mobility standard during the PM Peak hour under the existing, background, and total (with project) analysis scenarios."

The TIA, limiting its conventional analysis to vehicle traffic only, assumed citywide growth in background vehicle traffic through 2021, specifically 1.4% yearly (p. 12).

The TIA studied three intersections:

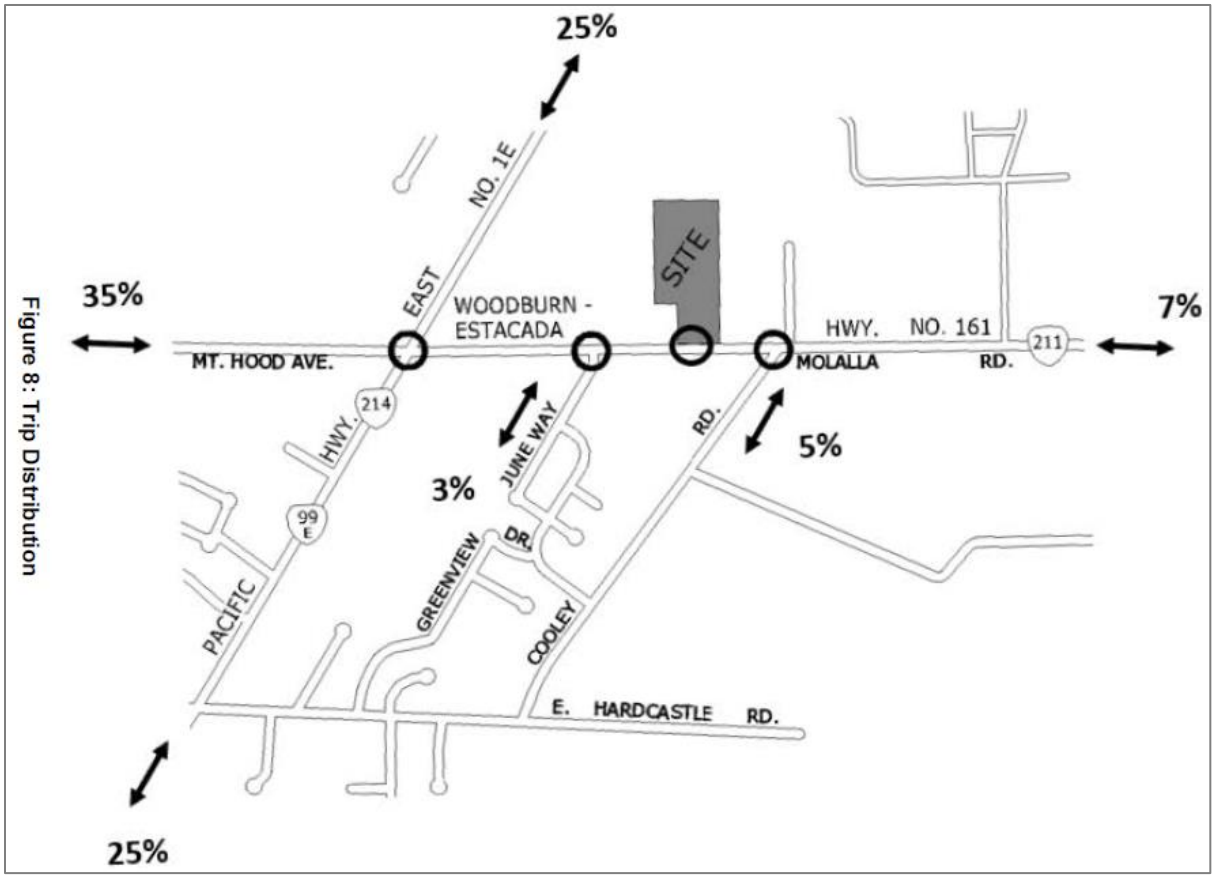


Figure 8: Trip Distribution

TIA intersection locations map adapted from TIA p. 24 Figure 8 Trip Distribution

1. *U.S. 99E & Oregon Highways 211 (Mollala Road) & 214 (Mt. Hood Avenue)*

   Traffic Volume
   This is the one intersection that the traffic modeling predicted to exceed further a vehicle volume over capacity (v/c) maximum ratio established by ODOT. (A v/c of 1.00 means 100% of capacity used.) The ODOT objective is 0.90 v/c, the intersection is trafficked more during the PM peak hour w/ 0.97 v/c (as opposed to the AM peak hour 0.80 v/c), and the site development would raise traffic to 1.00 v/c.

   Crashes
   The intersection is already signalized. (It has red light cameras the City altered earlier in 2020 to serve also as speed cameras.) The intersection also already suffers from a higher than usual crash rate with 77 crashes on record in the five years 2014-2018 (TIA addendum, p. 3). This averages to a crash every 24 days. Among the 77, ODOT rated 3 as "A" meaning severe injury, 42 as either "B" or "C", and 32 as no injury and with property damage only (PDO). Note that because some crashes had two or more of these attributes, the categories don't total 77.

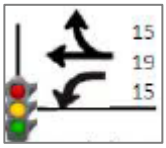
Three crashes involved pedestrians, all described by ODOT as driver failure to yield right-of-way.

Transportation Planning
Looking to the Woodburn Transportation System Plan (TSP; 2019), Table 2, Project R14 (p. 32) contains the description: "Install a second left-turn lane on the southbound approach, install a second receiving lane on the east leg, and update signal timing in coordination with ODOT." The project is ranked medium priority and estimated at $900,000.

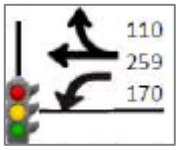
Agency commentary: ODOT
Agency commentary came only from the Oregon Department of Transportation (ODOT; April 6, 2020, pp. 1-2), which suggested as a traffic mitigation improvement widening OR 211 to add a right turn lane for those going west and then turning north onto U.S. 99E.

This capital improvement project is not in the City Transportation System Plan (TSP). At the same time, ODOT made no mention of an east leg receiving lane that TSP R14 mentions. Staff interprets this as ODOT indicating that an improvement to alleviate the over-capacity issue as well as the elevated crash rate is necessary, which could be either the TSP Project R14 improvement or the westbound right-turn-lane improvement that ODOT recently recommended (April 6, 2020). Together, the developer, ODOT, and the City could scope the signal timing study referenced for TSP Project R14 to determine the most appropriate mitigation measure for this intersection.

To estimate the proposal's proportionate share contribution toward the eventual mitigation measure, staff references TIA Figures 9 & 11 that show that the site development generates trips that turn right, more so during the AM peak hour than the PM. During the AM, the modeled existing conditions include 95 trips turning right (before site development), and the site development generating 15 additional trips for 110 right-turns total during the morning rush hour, a 15.8% increase.



Excerpt TIA Figure 9, Box 1 "99E / Molalla Rd"



Excerpt TIA Figure 11, Box 1 "99E / Molalla Rd"

Note: The arrow symbols subtly reflect how there is no right-turn lane from west to north, meaning all vehicles queue together in one through lane to go straight west or turn right north. This means that a better comparison is to combine through and right-turn trips. During the AM, the modeled existing conditions include 95 trips turning right

and 240 straight, totaling 335 (before site development), and the site development generating 15 right and 19 straight additional trips, totaling 34 trips, for 369 total right turn and straight trips during the morning rush hour, 335 + 34 equaling a 10.1% increase. Staff applies this 10.1% as what is termed any of fair share, proportionate share, or proportionate fair share and applies a *transportation automotive (T-A) condition* regarding right turn trips that allows for construction, or if constraints prove too much, what is termed a mitigation fee or fee in-lieu. Because none of ODOT or the developer have (yet) offered a capital improvement cost estimate for a right-turn lane, staff looked at the pricing of projects in the TSP roadway projects table. A back-of-the-envelope verbal estimate by the Public Works Project & Engineering Director on October 14, 2020 was of $1 million. Staff decided to draft a condition that refers to the 10.1% with the absolute number to which it would apply to be determined by date specific. (Staff anticipates that developer testimony to the Planning Commission and subsequent interaction by the developer with staff will give greater definition to the issue prior to a City Council public hearing.)

As noted above, staff pursues funds for a part of TSP Project R14: studying and updating signal timing. Signal timing affects what vehicles can move where when, in other words, allocates right-of-way. Adjusting it might improve traffic, and only a study would confirm either way. Staff recommends expanding the scope of the signal study to determine the appropriate operational and safety mitigation measure for this intersection.

To arrive at a reasonable share of the cost of such a study, the Public Works Project & Engineering Director as late as May 2020 had indicated for DR 2019-05 Allison Way Apartments, which the City conditioned to fund a signal timing study at Oregon Highway 214 & Evergreen Road, that $15,000 would be approximately sufficient for such study. Staff applies the same fee to the similar context for ANX 2019-01 & DR 2019-06 Woodburn Eastside Apartments as a *transportation (T) condition* specifies.

Looking to transportation demand management (TDM), which the consultant's draft report advocated and noted was lacking in the TIA, staff applies conditions to manifest what the term gets at: More access to transit, along with increased walking and cycling, to reduce driving. Staff perceives the situation that the nearby grocery store, Safeway, which is one of only two in Woodburn and part of the large commercial blob at U.S. 99E and OR 211/214 that includes many commercial goods and services including a Starbucks, can attract people to walk and cycle, at least in place of driving on more occasions, if they can see and feel a safe route for themselves and their loved ones. A reasonable walking path from the southwest corner of the subject property to the north entrance of Safeway is almost 1,600 feet, less than 1/3 mile. The City bus stop second-nearest the site, which is also nearest Safeway and is on U.S. 99E northbound next to

1400 N. Pacific Highway, is the most used stop in the entire Woodburn Transportation System (WTS) – but it lacks shelter and bicycle parking, which are priorities per the TSP and the Transit Plan Update (2010). (The bus stop that is nearest the site is on OR 214 westbound at Pacific Plaza strip mall, but is already sheltered. It does lack bicycle parking.)

So, TDM means for the proposed site development primarily sidewalk and any of bicycle lanes and off-street bicycle paths, that is, improvements above and beyond frontage improvements – the developer's "half-street" improvements along the subject property. Staff believes also that conditioning funds to improve transit – both regional commuter bus routes to and from the Portland and Salem metro areas and the City local bus system – could also attract residents to ride the bus, at least in place of driving on more occasions, if regional bus service came into being and local bus service ran earlier and later in the day, was faster, and more frequent.

For transit purposes, staff references the TSP Transit Plan section and its table of projects. The applicant should contribute a proportional share of the costs for start-up of relevant TSP transit projects as noted below.

For these reasons, staff applies *various bicycle/pedestrian (T-B/P) and transit (T-T) conditions*.

2. *Oregon Highway 211 at June Way*

   Because there are no significant effects, and with two crashes on record in the five years 2014-2018 (TIA addendum, p. 3), no mitigation is warranted.

3. *Oregon Highway 211 at Cooley Road*

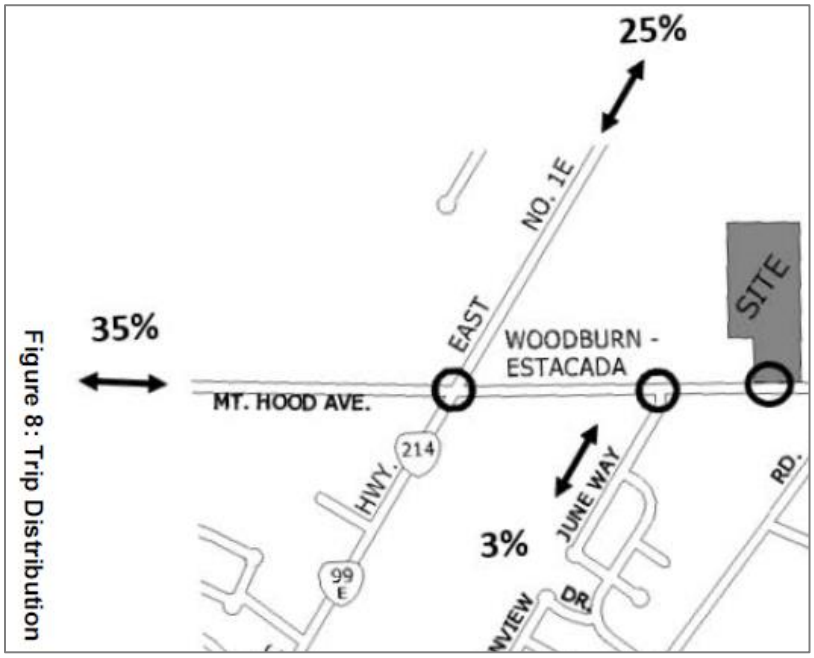
   Because there are no significant effects, and with no crashes on record in the five years 2014-2018 (TIA addendum, p. 3), no mitigation is warranted.

The City contracted with a transportation consultant (from a company other than the one that prepared the applicant's TIA) to review the TIA, rebut or affirm its conclusions, and advise staff. The consultant's draft report (May 18, 2020) confirmed that the neither the TIA nor the application materials identified or proposed to construct or fund any traffic mitigation improvements, and it suggested revision of the TIA to include a safety analysis, i.e, an analysis of vehicle crashes. Upon staff request, the applicant submitted an addendum to the TIA on October 7, 2020 with a safety analysis, the source of the earlier staff citations of crash data.

The TIA, consultant's draft report, and ODOT agency commentary as well as on-the-ground context informed transportation conditions.

Assumptions Regarding Trip Distribution

Per TIA Figure 8 reproduced above and excerpted below, 85% of trips are to and from U.S. 99E & OR 214, the vast majority likely heading to and from the Portland and Salem metro areas because OR 214 continue west to the only interchange with I-5 in the Woodburn area (Exit 271) and the fastest driving route to and from Woodburn and both metro areas.



Northwest excerpt of TIA Figure 8

The TIA fails to specify how the 35% trips distributed to OR 214 pass through the I-5 interchange – that is, what percent goes towards Portland and Salem respectively and what percent remains in Woodburn. See (A) below.

It also fails to specify how the 25% trips distributed to U.S. 99E south of OR 211/211 further distribute – that is, what percent continues to Salem and what percent remains in Woodburn. See (B) below.

DR 2019-05 Comparisons

(A) Based on the DR 2019-05 Allison Way Apartments TIA (May 18, 2020), of the trips that this site development would generate, traffic modeling distributed 60% to the I-5 interchange, composed of 50% towards Portland and 10% towards Salem. The modeling distributed a separate 10% west past the interchange onto OR 219 and into rural Marion County. (The remainders were 20% to OR 214 east away from the interchange, 5% into central Woodburn

away from both the interchange and OR 214, and 5% within the vicinity of that site development.)

Staff applies the same ratios to ANX 2019-01:

Table 1. OR 214 Portland/Salem Trip Distribution Ratios			
DR 2019-05	*Trip Percentages*	*Conversion to Ratios*	*Application of Ratios to ANX 2019-01 OR 214 35%*
Portland	50%	71.4%	x 71.4% = 25.0%
Salem	10%	14.3%	x 14.3% = 5.0%
OR 219/Marion County	10%	14.3%	x 14.3% = 5.0%
Total	70%	100.0%	n/a

Staff concludes that regarding ANX 2019-01, of the 35% of trips distributed to OR 214, 25% relate to Portland metro, 5% to Salem metro, and 5% to rural Marion County west of Woodburn.

(B) Based on the DR 2019-05 TIA, of the trips that this site development would generate, traffic modeling distributed 5% into central Woodburn away from both the interchange and OR 214. Because some trips will go into central Woodburn southwest of U.S. 99E & OR 214, and for staff ease of calculation, staff assumes none of the OR 214 35% stays in Woodburn but in turn assumes 5% of the U.S 99E south trips will, 5% of U.S. 99E south 25% trips equaling 1.3%.

Staff concludes that regarding ANX 2019-01, of the 25% of trips distributed to U.S. 99E south, 23.7% relate to Salem metro and 1.3% to central Woodburn.

Based on the conclusions of both (A) & (B), staff derives refined trip distributions as:

Table AB. Refined Trip Distributions			
Region	*Via*	*Subtotals*	*Totals*
Portland	U.S. 99E north	25.0%	50.0%
	OR 214	25.0%	
Salem	OR 214	5.0%	28.7%
	U.S. 99E south	23.7%	
Woodburn SW of U.S. 99E & OR 214	U.S. 99E south	1.3%	9.3%
Woodburn SE of U.S. 99E & OR 214	June Way, Cooley Rd	8.0%	
West of town (rural Marion County)		5.0%	12.0%
East of town (rural Clackamas County)		7.0%	
All	n/a	100.0%	

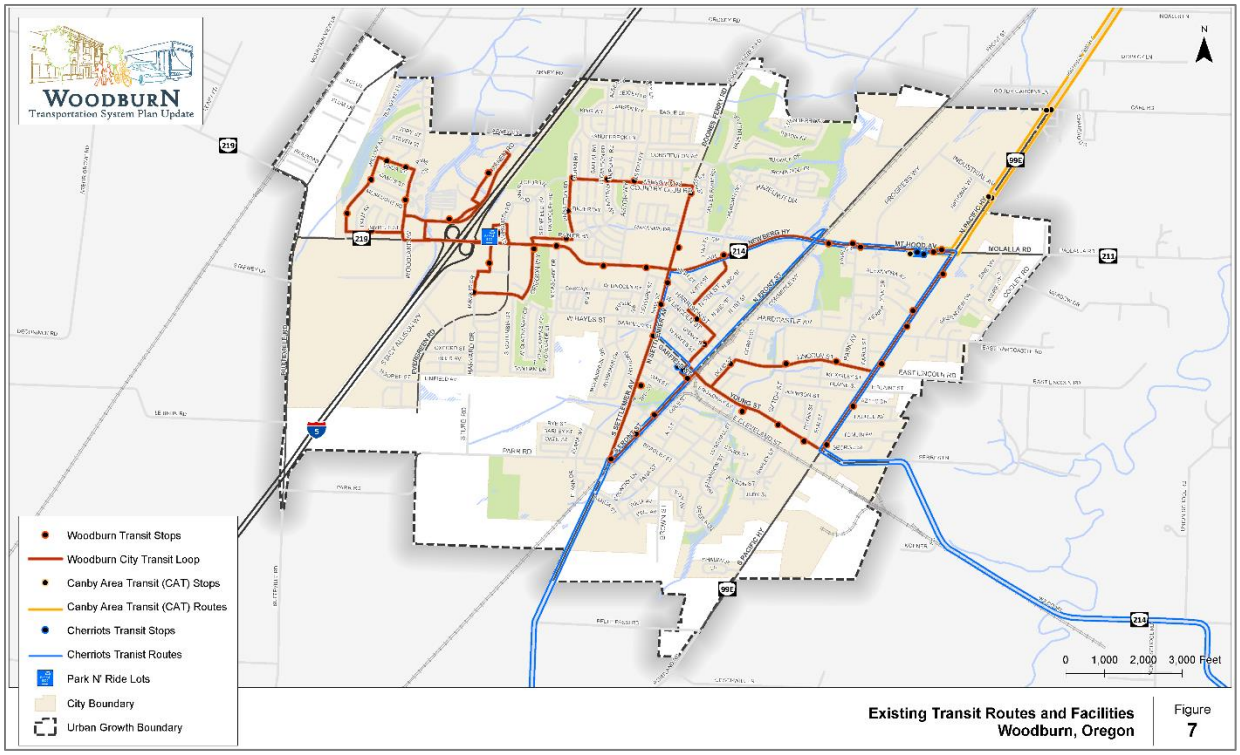
Additional Issues: Walking & Cycling

The draft memo from the consultant who advises staff confirmed that the TIA identified no vehicle trip reduction or transportation demand management (TDM) measures.

In short, under the Conditional Use Provisions section farther below, staff cites Comprehensive Plan policies that – together with the TSP and Transit Plan Update (TPU) projects as described here in the Design Review Provisions section and below in the "Additional Issues: Bus Transit" subsection – advance walking, cycling, and vanpooling. Staff conditions accordingly.

Additional Issues: Bus Transit

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



TSP Figure 7 (2019)

Neither do Salem-Keizer Cherriots nor Canby Area Transit (CAT) serve it.

Below is an analysis of applicable projects from the Transportation System Plan (TSP) 2019 major update, Table 4 "Transit Plan":

Table 2. TSP Projects

Project Number	*Location*	*Responsible Jurisdiction*	*Description*	*Priority*	*Cost Estimate*
T1	Woodburn Fleet	Woodburn Transit/City	Coordinate with Woodburn Transit to deliver service enhancements funded through the STIF: Purchase of Category B and C vehicles (1 each) for use in the City's expanded transit services. (100% funding level 2020-21)	Medium	$5,000
T2	Woodburn Fleet	Woodburn Transit/City	Coordinate with Woodburn Transit to deliver service enhancements funded through the STIF: Purchase a Category B vehicle that will replace the second oldest full-size vehicle in the WTS fleet; will be used for the City's existing local fixed route circulator. (130% funding level 2021)	Medium	$5,000
T4	Woodburn Fixed Route	Woodburn Transit/City	Coordinate with Woodburn Transit to deliver service enhancements funded through the STIF: Modify the existing 60-minute fixed route loop; add an additional 30-minute route that will serve high frequency stops on weekdays (7am-7pm) within the Woodburn city limits. Total additional service will be up to 6,192 revenue hours (FY20-21). (100% funding level 2020-21)	Medium	$5,000
T6	Woodburn Fixed Route	Woodburn Transit	Increase frequency of existing route to 30 minutes	Medium	$0[1]
T16	Woodburn	Cherriots/ City	Coordinate with Cherriots to provide a stop in Woodburn for SMART Route 1X, providing service to WES station in Wilsonville and downtown Salem	Medium	$5,000
T18	City-wide	Woodburn Transit/ Cherriots	Evaluate all bus stops to verify static bus route information signage is visible and accessible and that bike racks are available at major bus stops	Medium	$25,000

1. Project to be funded by others.

(Note: STIF refers to the ODOT Statewide Transportation Improvement Fund.)

Here's how staff determines proportionate fair share. First, staff factors and applies refined trip distribution assumptions from Table AB above. Second, staff factors in that the northeast UGB can have further development and redevelopment. Attachment 105A is an OR 211 Corridor Lot Area and Frontage Spreadsheet ("Spreadsheet") establishing tax lots along the OR 211 corridor and establishes lengths of frontages in feet and lot areas, their percentages of the corridor as a whole, and the respective percentages of the subject property. Each lot also has an average of the area and frontage percentages. Attachment 105B ("Spreadsheet Map") maps the lots.

Staff ignores trip distribution relating to the east of town, rural Clackamas County, and the west of town, rural Marion County. (Note: As of October 2020, Clackamas County is updating its Transit Development Plan and as part of that is considering a new bus line from Estacada via Molalla into Woodburn along OR 211, U.S. 99E, and onto the Woodburn downtown transit center, "service option Estacada, Molalla, and Woodburn on Highway 211.")

A staff table below provides more method details as applied to TSP projects.

Table 3. TSP & Staff Methods			
Project Number	*Description*	*TSP Cost Estimate*	*Method*
T1	Coordinate with Woodburn Transit to deliver service enhancements funded through the STIF: Purchase of Category B and C vehicles (1 each) for use in the City's expanded transit services. (100% funding level 2020-21)	$5,000	Apply 9.3% (from staff Table AB above). From the Spreadsheet, which shows that the area percentage of the subject property equals 16.5%: 16.5% of 9.3% equals 1.5%. $5,000 x 1.5% = $75 Conversion to a rate is: $75 / 220 = *$0.34 per dwelling*.
T2	Coordinate with Woodburn Transit to deliver service enhancements funded through the STIF: Purchase a Category B vehicle that will replace the second oldest full-size vehicle in the WTS fleet; will be used for the City's existing local fixed route circulator. (130% funding level 2021)	$5,000	1. If 130% = $5,000, then 100% = $3,846.15. Apply 9.3%. From the Spreadsheet, which shows that the area percentage of the subject property equals 16.5%: 16.5% of 9.3% equals 1.5%. $3,486.15 x 1.5% = $59.02 Conversion to a rate is: $59.02 / 220 = *$0.27 per dwelling*
T4	Coordinate with Woodburn Transit to deliver service enhancements funded through the STIF: Modify the existing 60-minute fixed route loop; add an additional 30-minute route that will serve high frequency stops on weekdays (7am-7pm) within the Woodburn city limits. Total additional service will be up to 6,192 revenue hours (FY20-21). (100% funding level 2020-21)	$5,000	Apply 9.3%. From the Spreadsheet, which shows that the area percentage of the subject property equals 16.5%: 16.5% of 9.3% equals 1.5%. $5,000 x 1.5% = $75 Conversion to a rate is: $ / 220 = *$0.34 per dwelling*
Project Number	*Description*	*TSP Cost Estimate*	*Method*
T6	Increase frequency of existing route to 30 minutes	$0[1]	Because the TSP table footnote 1, "Project to be funded by others" is vague and unhelpful, staff establishes a method: How much per household does City general revenue invest in transit (excluding farebox recovery and federal and state monies)?

			The fiscal year (FY) 2019-2020 adopted budget establishes general revenue investment of $116,000 (p. 83; account no. 110 “Transit Fund”). The U.S. Census QuickFacts tool reported that across 2014-2018, Woodburn had 7,910 households (HHs) based on data updated 12/19/2019. $116,000 / 7,910 = $14.66 per HH existing. Assume that doubling frequency of the existing route from an hour to 30 minutes would double the general fund investment per HH existing, so $14.66 x 2 = $29.33. Establish a mitigation fee or fee in-lieu of *$29.33 per dwelling.*
T16	Coordinate with Cherriots to provide a stop in Woodburn for SMART Route 1X, providing service to WES station in Wilsonville and downtown Salem	$5,000	Apply (50.0% + 28.7% = 78.7%), because Project T16 relates to both Portland & Salem metro area trip distributions. From the Spreadsheet, which shows that the area percentage of the subject property equals 16.5%: 16.5% of 78.7% equals 13.0%. $5,000 x 13.0% = $650.00 Conversion to a rate is: $650.00 / 220 = *$2.95 per dwelling*.
T18	Evaluate all bus stops to verify static bus route information signage is visible and accessible and that bike racks are available at major bus stops	$25,000	50 existing bus stops are WTS stops. Of these, the Woodburn Memorial Transit Center/Facility already has bike racks, and the DR 2019-05 Allison Way Apts. developer will install bike parking at Stop 11 (along Harvard Drive behind Walmart) at a cost of 25,000 by 49 = $510.20. This leaves 48 stops, and an updated cost of ($25,000 - $510.20) / 48 = *$510.20 per bus stop.* Second, staff identifies through conditions two bus stops roughly equidistant from the ANX 2019-01 site (north and west, or counterclockwise), and the one closest bus stop for east or clockwise travel, where no

			bike parking exists. 3 stops x $510.20 = $1,530.61 total.

Because capital and operational improvements are needed, but beyond bus shelters, further study is needed to determine what the improvements are. In order to induce more transit ridership, staff applies *Condition T-T* specifying how the developer will fund study and/or construct or pay for transit improvements.

Additional Issues: Safety Study Corridor

The TSP 2019 major update Figure 4 "Freight Routes" designates U.S. 99E as "Freight Route" and OR 211 & 214 as "Truck Route", and Figure 5 "Traffic Safety Plan Elements" designates OR 211 & 214 as Safety Study Corridors. Staff applied *transportation bicycle pedestrian (T-BP) conditions* specifying how the developer will construct or fund improvements that contribute to safety along and across OR 211.

Additional Issues: Intercity Bus Transit

These trips are within the areas served by the Wilsonville South Metro Area Transit (SMART) transit agency, TriMet that serves the remainder of the Portland metro area and operates the Westside Express Service (WES) commuter rail line that has a terminal in Wilsonville and connects to the Metropolitan Area Express (MAX) light rail Blue and Red Lines at Beaverton Transit Center, and the Salem metro area Cherriots transit agency.

Having express busses to and from connections with SMART bus, TriMet rail, and Cherriots bus connections during morning and afternoon commutes would induce subject project residents to consider seriously riding these express busses, and were there midday service too, even more so. Additionally, Cherriots contracts with and oversees a vanpool service that serves Woodburn and both metro areas, Valley VanPool.

In addition to the TSP, the City "Transit Plan Update Approved Final Report" (November 8, 2010) per its executive summary (p. ES-1) guides the provision of transit services and facilities in Woodburn through 2030 and supplements the TSP.

Below is an analysis of applicable projects:

Table 4. TPU Projects					
Header	*Service*	*Description*	*Annual Operating Cost Impact*	*Capital Needs*	*TPU Objective Addressed*
11. Provide Peak-Only Intercity Service to Salem and Wilsonville (pp. 10-12 to 10-13)	Fixed Route	New intercity service offering three morning and three evening round trips between Woodburn and downtown Salem (weekday only)	$150,000	$300,000	3.4 (Transit image), 4.4 (Fixed route share), 5.2 (Expanded intercity service)
		New intercity service offering three morning and three evening round trips between Woodburn and WES station in Wilsonville (weekday only)	$130,000	$300,000	
12. Provide All-Day Intercity Service to Salem and Wilsonville (pp. 10-13 to 10-14)	Fixed Route	New midday service operating hourly between Woodburn and downtown Salem (weekday only)	$130,000	None (assumes Strategy 11 implemented first)	3.4 (Transit image), 4.4 (Fixed route share), 5.2 (Expanded intercity service)
		New midday service operating hourly between Woodburn and WES station in Wilsonville (weekday only)	$130,000	None (assumes Strategy 11 implemented first)	
20. Promote Regional Carpool/Vanpool Program (p. 10-19)	[n/a]	Promotion of existing rideshare programs to meet mobility needs that are not easy or cost effective to meet with transit.	[n/a]	[n/a]	5.3 Other travel options

Staff applies the same logic as applied to the TSP projects:

Table 5. TPU & Staff Methods				
Header	*Description*	*Annual Operating Cost Impact*	*Capital Needs*	*Method*
11. Provide Peak-Only Intercity Service to Salem and Wilsonville (pp. 10-12 to 10-13)	Salem	$150,000	$300,000	a. Take capital cost of $300,000. Apply (from staff Table AB above) 28.7%. From the Spreadsheet, which shows that the area percentage of the subject property equals 16.5%: 16.5% of 28.7% equals 4.7%. $300,000 x 4.7% = *$14,100.* b. Take annual operating (O) cost of $150,000 Apply the same logic as per a. above. $150,000 x 4.7% = *$7,050.* c. *$14,100 (C) + $7,050 (O) = $21,150 Salem*
	WES station in Wilsonville	$130,000	$300,000	a. Take capital cost (C) of $300,000. Apply (from staff Table AB above) 50.0%. From the Spreadsheet, which shows that the area percentage of the subject property equals 16.5%: 16.5% of 50.0% equals 8.3%. $300,000 x 8.3% = *$24,900.* b. Take annual operating cost (O) of $130,000 Apply the same logic as per a. above.

				\$130,000 x 8.3% = *\$10,790.* *c. \$24,900 (C) + \$10,790 (O) = \$35,690 Wilsonville* *d. \$21,150 Salem + \$35,690 Wilsonville totals \$56,840* The equivalent rate is \$56,840 / 220 = *\$258.36 per dwelling*
12. Provide All-Day Intercity Service to Salem and Wilsonville (pp. 10-13 to 10-14)	Salem	\$130,000	None (assumes Strategy 11 implemented first)	Take annual operating cost (O) of \$130,000 Apply 28.7%. From the Spreadsheet, which shows that the area percentage of the subject property equals 16.5%: 16.5% of 28.7% equals 4.7%. \$130,000 x 4.7% = *\$6,110*
	WES station in Wilsonville	\$130,000	None (assumes Strategy 11 implemented first)	Take annual operating cost (O) of \$130,000 Apply 50.0%. From the Spreadsheet, which shows that the area percentage of the subject property equals 16.5%: 16.5% of 50.0% equals 8.3%. \$130,000 x 8.3% = *\$10,790* *\$6,110 (O Salem) + \$10,790 (O Wilsonville) = \$16,900 (O both)* The equivalent rate is \$12,480 / 220 = *\$76.82 per dwelling*
20. Promote Regional Carpool/Vanpool Program (p. 10-19)	Valley VanPool	[n/a]	[n/a]	Per the Valley VanPool frequently asked questions (FAQs) webpage, a vanpool (assuming 14 passengers) has a monthly fare of \$90 to \$170. The 80th percentile is \$154. Staff assumes 3% vanpooling as realistic. Assume that studio

				units average 1 commuter, one-bedroom units average 1.5 commuters and two and three-bedroom units have 2 commuters. The unit mix is 28 studio, 42 one-bedroom, 132 two-bedroom, and 18 three-bedroom. The project would have 391 commuters. 3% = 12 commuters. (A van can seat 7 to 15 passengers, so 12 commuters equals a van across the 19 apartment buildings and 220 apartments.) Staff establishes an amount for a one-time vanpool grant fund: $154 monthly fare x 12 commuters = $1,848 Then, x (6 months) = *$11,088.* The equivalent rate is $11,088 / 220 = *$50.40 per dwelling*

As a concluding summary, based on the transportation problems that the TIA documented, the TSP, and the TPU, City objectives are for the development to contribute a fair share towards the objectives of:

- Inititation and continuation of regional express bus service
- Higher frequency service
- Bus shelter purchases
- Installation of bicycle parking where bus stops lack it
- Bus purchase(s)
- Increasing waling and cycling safety along and across OR 211, and
- Vanpooling.

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

3.05 Off-Street Parking and Loading

3.05.02 General Provisions

The site plans illustrate that the proposal meets the general provisions, including provision of wheel shops along head-in parking stalls adjacent to the access ways, i.e. the prime bicycle/pedestrian wide walkway route to and from sidewalk, and most if not all remaining walkways. Staff conditions on-site exterior light fixtures to be full cut-off and limit light encroachment.

3.05.03 Off-Street Parking

3.05.03 Off-Street Parking

A. Number of Required Off-Street Parking Spaces

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

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

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

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

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

E. All uses that are required to provide 10 or more off-street parking spaces and residential structures with four or more dwelling or living units shall provide a bicycle rack within 50 feet of the main building entrance. The number of required rack spaces shall be one space per ten vehicle parking spaces … .

F. Garages …

2. For multi-family dwellings, one-half of the parking spaces required by this Section (Table 3.05A) shall be in a garage or garages.

Off-Street Parking Ratio Standards Table 3.05A	
Use [1]	**Parking Ratio - spaces per activity unit or square feet of gross floor area**
RESIDENTIAL	
1. Dwellings, including manufactured homes	**2/ dwelling unit**
1. The Director may authorize parking for any use not specifically listed in this table. The applicant shall submit an analysis that identifies the parking needs, and a description of how the proposed use is similar to other uses permitted in the zone. The Director may require additional information, as needed, to document the parking needs of the proposed use.	

Accessible Parking Ratio Standards Table 3.05B			
Total Spaces	**Minimum Total Accessible Spaces [1]**	**Minimum Van Accessible Spaces**	**Minimum "Wheelchair User Only" Spaces**
301 to 400	**8**	**[0]**	**1**
501 to 1000	**2% of total**	**[0]**	**1 in every 8 accessible spaces or portion thereof**
1001 or more	**20 plus 1 for each 100 spaces over 1000**	**[0]**	
1. "Van Accessible Spaces" and "Wheelchair User Only" are included in "Total Accessible Spaces."			

The ratio yields (220 dwellings x 2 stalls) = 440 stalls. The site plan (plan sheet SDR4) notes 450 stalls, 10 more than the minimum requirement.

The proposal has compact parking stalls exceeding 20%. The applicant submitted a variance request.

The proposal triggers subsection E. for bicycle parking, which requires (220 / 10) = 22 bike stalls minimum; however, staff requested and the applicant opts to propose more as conditioned, both in the form of outdoor racks and, within each proposed outdoor storage closet – which are accessible from patios and balconies – a retractable hook made for wall-mounted stowage of a bike. A condition specifies details, the main idea being, "build it, and they will come." This means if bicycle parking is plentiful, convenient, and secure, tenants would be more likely to cycle.

Regarding placement with 50 ft of main entrance per subsection E., based on conversations with the applicant, staff understands that each stairwell base will have at least one bicycle parking facility and stall; however, it is not evident on the site plans. For this reason, staff applies a *D condition*.

Garages / Carports
Regarding 3.05.03F.2, carports are permissible in lieu of garages. Relevant definitions are:

> "1.02 Definitions
> Carport: A permanent structure consisting of a roof and supports for covering a parking space which is not completely enclosed.
> Garage: A building, or portion of a building, which is completely enclosed and designed for the storage or parking of a vehicle."

Through a past multi-family development project, Woodland Crossing Apartments at 9065 Arney Lane (DR 2017-03), the Community Development Director interpreted that WDO

3.05.03F.2. allows for carports in lieu of garages. Staff applies the interpretation as the Director had:

> "The language in this Section of the WDO seems to indicate that fully enclosed garages are required for even a large multi-family apartment complex that has a parking lot open to the public, such as this one. There is a distinction in the WDO between carports and garages in some areas, but it is not consistent throughout the Code. It's important to note that when garages are required for single-family and duplex developments under the WDO, there is also an accompanying requirement to provide a 'parking pad' outside the garage, a minimum of 20 feet in depth (see the yellow area in the graphic above). This additional area is required to be on private property so that the driver of a car is not backing directly into traffic from their garage. In the case of parking lots – which are typical for commercial centers and multi-family parking areas - the opportunity for this critical 'parking pad' is impossible.
>
> Staff has made an interpretation that the requirement for a garage in the case of multi-family dwelling units in a parking lot is satisfied with carports. This is a reasonable and practical interpretation for a variety of aesthetic and most importantly, safety factors. Having individuals opening garage doors and having cars backing into drive aisles from an enclosed garage would be dangerous and Staff would not approve it. Staff finds that the application meets the criteria and will process a clarification of this particular Code language during the next set of amendments to the WDO."

The applicant proposes carports meeting the coverage provision.

Accessible/ADA/Handicap Parking
The proposal provides ADA-compliant stalls that meet or exceed the minimum provision.

■ *Variance:* Staff addresses the compact parking percentage maximum request further below under the Variance Provisions section.

⚠ To secure a higher minimum amount of bicycle parking, staff applies a condition.

✖ To meet WDO 3.05.03E that bicycle parking be within 50 feet of the main building entrance. Staff applies a *D condition.*

Parking Space and Drive Aisle Dimensions Table 3.05C							
Parking Angle	Type of Space	Stall Width (feet)	Curb Length (feet)	Stripe Length (feet)	Stall to Curb (feet)	Drive Aisle Width (feet)	
						1-way	2-way
A		B	C	D	E	F	G
90°	Standard or Accessible	9.0	9.0	19.0	19.0	24.0	24.0
	Compact	7.5	7.5	15.0	15.0	22.0	
	Car Accessible Aisle	6.0	6.0	19.0	19.0	24.0	
	Van Accessible Aisle	8.0	8.0	19.0	19.0		

1. A parking space may occupy up to two feet of a landscaped area or walkway. At least four feet clear width of a walkway must be maintained.
2. Space width is measured from the midpoint of the double stripe.
3. Curb or wheel stops shall be utilized to prevent vehicles from encroaching on abutting properties or rights-of-way.
4. The access aisle must be located on the passenger side of the parking space, except that two adjacent parking spaces may share a common access aisle.
5. Where the angle of parking stalls differ across a drive aisle, the greater drive aisle width shall be provided.

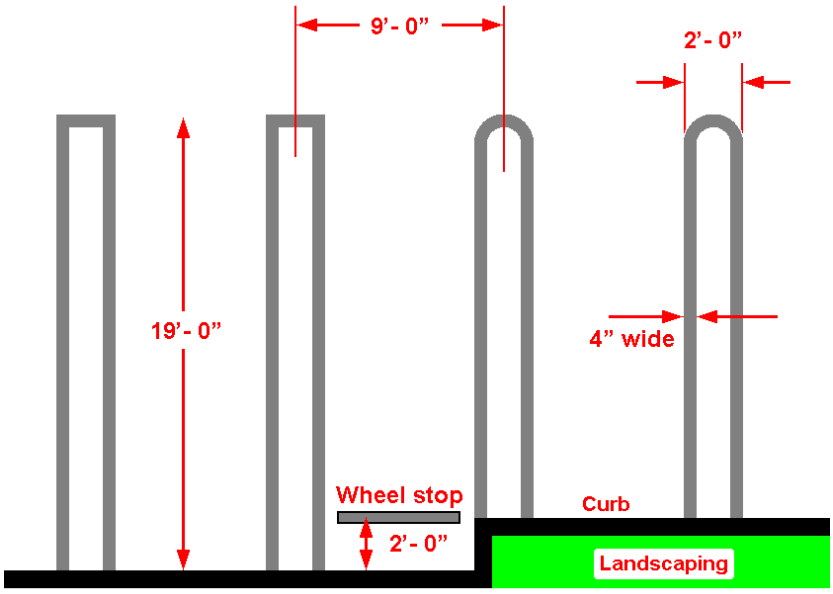


Figure 3.05C - Parking Space Striping

The applicant proposes all stalls, which are all at 90°, to the drive aisle with dimensions, double-striping, and curbing that meet or exceed the minimum.

✔ The requirement is met.

3.05.04 Off-Street Loading

B. The off-street loading facilities shall be on the same lot, or site, as the use or structure they are intended to serve. Required loading spaces and required parking spaces shall be separate and distinct, except that if authorized through a land use decision, a parking area may be used for loading during those times when the vehicle parking area is not in use.

Loading Space Requirements Table 3.05D				
Use and Area (square feet)	**Minimum Number of Spaces**	**Minimum Size of Space (feet)**		
		Width	**Length**	**Height**
Office **0 – 4,999** **5,000 – 41,999** **42,000 or more**	 **0** **1** **2**	**12**	**30**	**14**
Nonresidential uses, except office, in the CO, CG, and NNC zones **0 – 9,999** **10,000 – 41,999** **42,000 – 81,999** **82,000 or more**	 **1** **2** **3** **4**	**12**	**30**	**14**

Because the use is residential, the table is not applicable.

⛔ The provisions are not applicable.

3.05.05 Shared Parking

⛔ The applicant opted not to exercise this option.

3.06 Landscaping

3.06.02 General Requirements

The landscape plan sheets (L1.1-1.3) illustrate and note that the general provisions are met, including irrigation and curbing.

✔ The requirement is met.

3.06.03 Landscaping Standards
A. Street Trees

The applicant proposes street trees that appear to meet the provisions.

⚠ To secure a higher minimum amount of street trees, staff applies a *CU condition*.

B. & Tables 3.06A & B

Planting Requirements Table 3.06A		
Location	**Planting Density, Minimum**	**Area to be Landscaped, Minimum**
Setbacks abutting a street	**1 PU/15 square feet**	**Entire setback excluding driveways**
Buffer yards	**1 PU/20 square feet**	**Entire yard excluding off-street parking and loading areas abutting a wall**
Other yards	**1 PU/50 square feet**	**Entire yard, excluding areas subject to more intensive landscaping requirements and off-street parking and loading areas**
Off-street parking and loading areas	• **1 small tree per 10 parking spaces; or [1]** • **1 medium tree per 15 parking spaces; or [1]** • **1 large tree per 25 parking spaces [1]** **and** • **1 PU/20 square feet excluding required trees [2]**	• **RS, R1S, RSN, RM, RMN, P/SP, CO, CG and MUV zones: 20% of the paved surface area for off-street parking, loading and circulation** • **DDC, NNC, IP, IL, and SWIR zones: 10% of the paved surface area for off-street parking, loading and circulation** • **Landscaping shall be within or immediately adjacent to paved areas**
Common areas, except those approved as natural common areas in a PUD	**3 PU/50 square feet**	**Entire common area**

1. **Trees shall be located within off-street parking facilities, in proportion to the distribution of the parking spaces.**
2. **Required landscaping within a setback abutting a street or an interior lot line that is within 20 feet of parking, loading and circulation facilities may also be counted in calculating landscaping for off-**

Planting Requirements Table 3.06A		
Location	**Planting Density, Minimum**	**Area to be Landscaped, Minimum**
street parking, loading and circulation areas.		

The landscape plans illustrate meeting or exceeding the minimum planting densities, landscaped areas, and trees for the yard types and vehicular areas.

✔ The requirement is met.

Plant Unit (PU) Value Table 3.06B		
Material	**Plant Unit (PU) Value**	**Minimum Size**
1. Significant tree [1]	**15 PU each**	**24" Diameter**
2. Large tree (60-120 feet high at maturity) [1]	**10 PU each**	**10' Height or 2" Caliper**
3. Medium tree (40-60 feet high at maturity [1]	**8 PU each**	**10' Height or 2" Caliper**
4. Small tree (18-40 feet high at maturity) [1]	**4 PU each**	**10' Height or 2" Caliper**
5. Large shrub (at maturity over 4' wide x 4' high) [1]	**2 PU each**	**3 gallon or balled**
6. Small to medium shrub (at maturity maximum 4' wide x 4' high) [1]	**1 PU each**	**1 gallon**
7. Lawn or other living ground cover [1]	**1 PU / 50 square feet**	
8. Berm [2]	**1 PU / 20 lineal feet**	**Minimum 2 feet high**
9. Ornamental fence [2]	**1 PU / 20 lineal feet**	**2½ - 4 feet high**
10. Boulder [2]	**1 PU each**	**Minimum 2 feet high**
11. Sundial, obelisk, gnomon, or gazing ball [2]	**2 PU each**	**Minimum 3 feet high**
12. Fountain [2]	**3 PU each**	**Minimum 3 feet high**
13. Bench or chair [2]	**0.5 PU / lineal foot**	
14. Raised planting bed constructed of brick, stone or similar material except CMU [2]	**0.5 PU / lineal foot of greatest dimension**	**Minimum 1 foot high, minimum 1 foot wide in least interior dimension**

Plant Unit (PU) Value Table 3.06B		
Material	**Plant Unit (PU) Value**	**Minimum Size**
15. Water feature incorporating stormwater detention [2]	**2 per 50 square feet**	**None**
1. Existing vegetation that is retained has the same plant unit value as planted vegetation. **2. No more than twenty percent (20%) of the required plant units may be satisfied by items in lines 8 through 15.**		

The landscape plans illustrate meeting or exceeding the minimum plant unit (PU) standards.

✔ The requirement is met.

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

Architectural Wall

⛔ Because all lots adjacent to the subject property are unincorporated, except for two, they have no City zoning. Regarding the other two, 051W08A004800 & 5100, they are zoned CG, the same zoning as would apply to the subject property following annexation. Therefore, staff interprets that Table 3.06D is not applicable to the site perimeter and so no Architectural Wall is required at the site rear or sides.

Architectural Wall: Recycling and Trash Enclosures

Such enclosures are required per Table 3.06D for any outdoor storage of "refuse and recycling collection facilities …", and the applicant proposes containment through an enclosure.

3.06.05B.
All parking areas, except those for single-family and duplex dwellings, abutting a street shall provide a 42-inch vertical visual screen from the abutting street grade. Acceptable design techniques to provide the screening include plant materials, berms, architectural walls, and depressed grade for the parking area. All screening shall comply with the clear vision standards of this ordinance (Section 3.03.06).

⛔ Because there is no parking closer to OR 211 than the closest building – the common building – the provision is not applicable.

3.06.06 Architectural Walls
B. Design Standards and Guidelines

Architectural Wall: Recycling and Trash Enclosures

The enclosure meets the standards as a plan sheet illustrates.

C. Retaining walls should/shall meet the texture and color requirements of architectural walls in or abutting residential districts, where the texture and color requirements apply to the visible face of the retaining wall.

1.02
Abutting: Touching on the edge or on the line, including at a corner. It shall include the terms adjacent, adjoining and contiguous.
Adjacent: Near, close or bordering but not necessarily contiguous with; adjoining but separated by a right-of-way.

⛔ Because the proposal includes no retaining walls, the provisions are not applicable.

3.06.07 Significant Trees on Private Property

⛔ Because the subject property contains 4 Significant Trees in the southeast front yard, staff conditions their preservation.

3.07 Architectural Design

3.07.06 Standards for Non-Residential Structures in Residential, Commercial and Public/Semi Public Zones
A. The following design guidelines shall be applicable to all non-residential structures and buildings in the RS, RSN, R1S, RM, RMN, CO, CG, and P/SP zones.
B. Architectural Design Guidelines

1. Mass and Bulk Articulation Guidelines

a. Building facades visible from streets and public parking areas should be articulated, in order to avoid the appearance of box-like structures with unbroken wall surfaces.

b. The appearance of exterior walls should be enhanced by incorporating three-dimensional design features, including the following:

(1) Public doorways or passage ways through the building
(2) Wall offsets or projections
(3) Variation in building materials or textures
(4) Arcades, awnings, canopies or porches

2. Materials and Texture Guidelines

a. Building exteriors should exhibit finishes and textures that reduce the visual monotony of bulky structures and large structural spaces. Building exteriors should enhance visual interest of wall surfaces and harmonize with the structural design.

b. The appearance of exterior surfaces should be enhanced by incorporating the following:

(1) At least 30% of the wall surface abutting a street should be glass.

(2) All walls visible from a street or public parking area should be surfaced with wood, brick, stone, designer block, or stucco, or with siding that has the appearance of wood lap siding.

(3) The use of plain concrete, plain concrete block, corrugated metal, plywood, T-111 and sheet composite siding as exterior finish materials for walls visible from a street or parking area should be avoided.

(4) The color of at least 90 percent of the wall, roof and awning surface visible from a street or public parking area should be an "earth tone" color containing 10 parts, or more of brown or a "tinted" color, containing 10 parts or more white.

(5) Fluorescent, "day-glo," or any similar bright color shall not be used on the building exterior.

3. Multi-Planed Roof Guidelines

a. The roof line at the top of a structure should establish a distinctive top to the building.

b. The roof line should not be flat or hold the same roof line over extended distances. Rather, the roof line should incorporate variations, such as:

(1) Offsets or jogs in the plane of the roof;

(2) Changes in the height of the exterior wall for flat roof buildings, including parapet walls with variations in elevation or cornices

4. Roof-Mounted Equipment Guidelines

All roof-mounted equipment, except solar collectors, should be screened from view by:

a. Locating roof-mounted equipment below the highest vertical element of the building, or

b. Screening roof-mounted equipment using materials of the same character as the structure's basic materials

5. Weather Protection Guidelines

All building faces abutting a street or a public parking area should provide weather protection for pedestrians. Features to provide this protection should include:

a. A continuous walkway at least eight feet wide along the face of the building utilizing a roof overhang, arcade, awnings or canopies

b. Awnings and canopies that incorporate the following design features:

(1) Angled or curved surfaces facing a street or parking area

(2) A covering of fabric, or matte finish vinyl

(3) A constant color and pattern scheme for all buildings within the same development

(4) No internal back lighting

6. Solar Access Protection

Obstruction of existing solar collectors on abutting properties by site development should be minimized.

C. Building Location Guidelines

1. Within the prescribed setbacks, building location and orientation should compliment abutting uses and development patterns.

2. The maximum yard abutting a street should be 150 feet.

The site plans and building elevations show largely what the guidelines describe.

✔ The provisions are met.

Conditional Use Provisions

The conditional use per WDO Table 2.03A, header E Residential, row 4 is multiple-family dwellings, specifically the proposed Woodburn Eastside Apartments. (Table footnote 9 about the Gateway and Interchange Management Area Overlay Districts is not applicable to the subject property.)

Conditional Use Criteria

5.03.01 Conditional Use
B. Criteria:

1. The proposed use shall be permitted as a conditional use within the zoning district.

2. The proposed use shall comply with the development standards of the zoning district.

3. The proposed use shall be compatible with the surrounding properties.

Relevant factors to be considered in determining whether the proposed use is compatible include:

a. The suitability of the size, shape, location and topography of the site for the proposed use;

b. The capacity of public water, sewerage, drainage, street and pedestrian facilities serving the proposed use;

c. The impact of the proposed use on the quality of the living environment:

1) Noise;
2) Illumination;
3) Hours of operation;
4) Air quality;
5) Aesthetics; and
6) Vehicular traffic.

d. The conformance of the proposed use with applicable Comprehensive Plan policies; and

e. The suitability of proposed conditions of approval to ensure compatibility of the proposed use with other uses in the vicinity.

CU criteria and factors executive summary

1. The proposed use of multiple-family dwellings is permitted as a conditional use within the CG zoning district.
2. The proposed use does comply with the development standards both as proposed and through conditions of approval.
3. The proposed use shall be compatible with the surrounding properties because …

a. The subject property, a parcel of 8.62 acres that is orthogonal, roughly rectangular, and flat, is sized, shaped, and topographically suited for a conventional new construction apartment complex.

It is located within the Woodburn urban growth boundary (UGB) along a public right-of-way, a road improved to a rural state. The Comprehensive Plan land use map designates the northeastern corner of the UGB, the whole area east of U.S. 99E and north of OR 211, as Commercial. Most land within city limits that is zoned commercial is specifically Commercial General (CG), and most of it is along two corridors: I-5 and U.S. 99E, with bulges near the interchange of I-5 and OR 214 and the intersection of U.S. 99E and OR 214. Much of this land remains undeveloped or underdeveloped, and this is particularly so in the northeastern UGB. This appears to signal a lack of sufficient market demand, while the proposal – coupled with recent applications to the City for at least three other apartment projects that are all on CG-zoned land (DR 2019-03 Pacific Valley Apartments at 1310 N. Pacific Highway, DR 2019-05 Allison Way Apartments at Stacy Allison Way and Hooper Street, and CU 2020-01 Templeton Apartments at 1430 E. Cleveland Street) – indicate stronger demand for multiple-family dwellings. In short, the subject property has public access, sat and sits idle, helps to meet City multiple-family housing need, and is located near the intersection of U.S. 99E and Highways 211 & 214, bringing multiple-family housing and commercial services in close proximity.

b. The capacity of public water, sewerage, drainage, street and pedestrian facilities serving the proposed use for any given facility is either sufficient or will be after the developer upgrades either as conditioned or as the Public Works Department directs at the permit stage. The applicant's annexation narrative (pp. 2-3) states:

> "The developer is responsible for the cost of extension of improved water, sewer and storm drainage facilities necessary to serve the site. Internal development of public and private facilities necessary to serve the development will occur at the building permit review stage. Applicable state or federal permits are required to be obtained for issuance of building or construction permits from the City."

c. Regarding the impact of the proposed use on the quality of the living environment:

1) Noise:

None from the site development; but, to protect residents from the noise of what will remain more a highway than a street, staff conditions more street trees than usual in a planter strip wider than usual, and additional buffer space is provided through the preserved Significant Tree grove that the developer is

conditioned to preserve, the grove being in the southeast front yard. The clubhouse being in the central front yard as the building closest to OR 211 also helps to buffer the apartment buildings.

2) Illumination:

Staff applies a "dark sky" condition to limit exterior lighting fixtures to be full cut-off or fully shielded (from being seen above a horizontal plane at the fixture) and to limit their mounting heights.

3) Hours of operation:

Because the proposal is an apartment complex, and so there are no commercial, industrial, or institutional uses, there are no hours of operation to regulate except that of the leasing office, and for that there's no compelling reason to do so.

4) Air quality:

Staff applies conditions for on-site electric vehicle (EV) parking and charging, additional trees both in the planter strip and on-site, lots of bicycle parking, an on-site bicycle pedestrian path, a wider sidewalk as a public bicycle pedestrian path, and extension west of sidewalk to a point where a crossing of OR 211 can reach existing City sidewalk. EVs directly help air quality, and the remaining conditions serve as transportation demand management (TDM) by inducing residents to drive less often, especially for nearby destinations in the commercial area around the intersection of U.S. 99E & OR 211, and with fewer driving trips comes better air quality. For very local air quality, staff conditions that all operable windows have insect screens, so that residents feel free to open windows, be it to drive out stagnant or humid air or bring in fresh air, without also bringing in pests like fruit flies, flies, and stinging insects.

5) Aesthetics:

Staff applies conditions for aesthetics mostly at the site plan scale (instead of the building scale), mostly to bring buildings and common area closer together and to place surface parking away and along the site perimeter. Staff also conditions the common building to have lots of windows facing OR 211 and on the façade with the main entrance, and for buildings generally to have a window at every typical room next to an outside wall. The common building and 19 apartment buildings are arranged on three distinct "blocks" or "islands" of landscaping

defined and surrounded by drive aisles and driveways. This, with the conditioned on-site bicycle pedestrian path serving as the central spine of the site plan, helps residents find their way within the complex. Staff conditions more street trees than usual in a planter strip wider than usual. A condition sets as standard the larger patios and balconies the site plans propose above and beyond the WDO and interprets an unclear WDO provision about how to delineate a patio space from common open space by requiring shrubbery with either fence or railings and either of those having simple gates.

6) Vehicular traffic.

Staff applies conditions relating to:

- Mitigating the effect of additional vehicle trips generated by the site development through any of off-site improvements, transportation study, and/or fees in-lieu.
- Inducing more walking, cycling, bus ridership, and vanpooling instead of driving, including through off-site improvements, mitigation fees to improve regional and local bus transit, lots of bike parking and a bicycle/pedestrian path on-site, and vanpooling funds.
- Surveying on-site parking usage for staff to better understand how parking is used in conventional new construction apartment complexes;
- Granting the Community Development Director authority to require the property manager to implement a car share service with one or two dedicated parking spaces on site; and
- Limiting driveways to two and reducing conflict points among turns into and out of OR 211 traffic by limiting the east driveway (D2) to one-way outbound only.

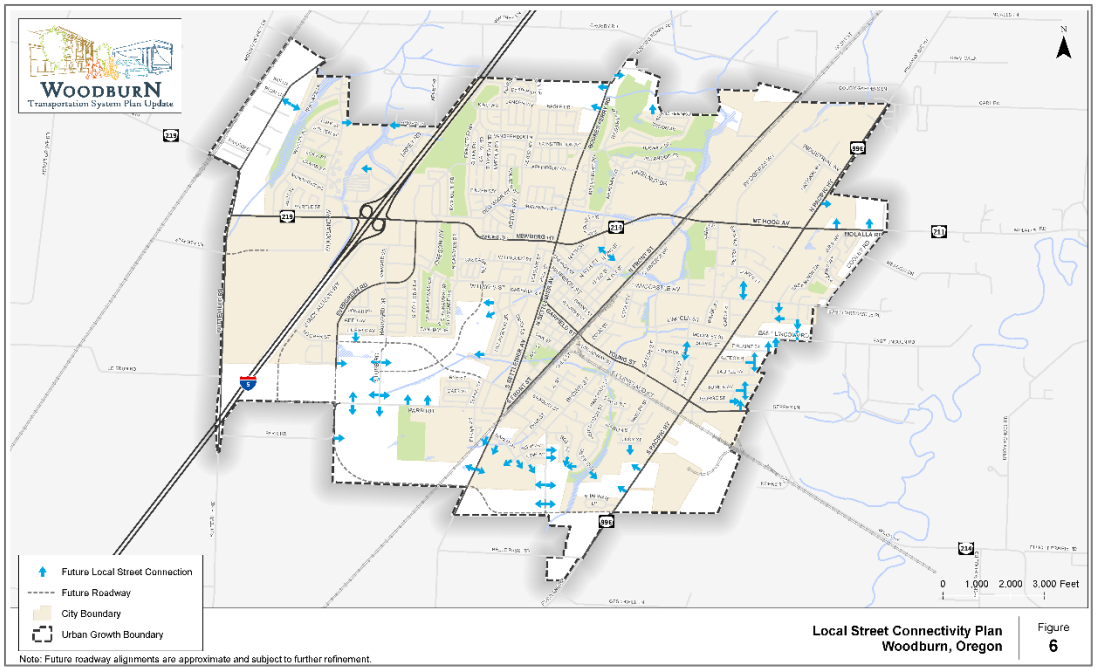
d. Regarding the conformance of the proposed use with applicable Comprehensive Plan policies, staff addresses this factor through both factor c. above ("impact of the proposed use" with six subfactors 1) through 6) and this factor d.:

Policy	*Page No.*	*What Related Conditions Address*
D-1.3	14	Creative design, sufficient landscaped area and open space, and residential higher density near jobs, shopping and potential transit services – specifically requiring perimeter parking overhangs to shrink pavement, more and greater variety of trees, tree preservation, an on-site bicycle/pedestrian path, a wide sidewalk as a public bicycle/pedestrian path, and a wide planter strip with more than usual street trees.
D-1.5	14	Creative design, slow moving traffic, and landscaping and tree planting to enhance the livability and aesthetics of the neighborhood – specifically on-site bicycle/pedestrian path speed tables and markings of drive aisle crossings.
G-1.1	27	Expansion areas of the City are served by public facilities and services with adequate capacity. Consideration of proposals that vary from City capacity standards and facility master plans shall include mitigating measures determined to be appropriate the Public Works Department – specifically to improve surface and subsurface improvements and allow walkers and cyclists to span the distance from improved frontage across OR 211 to existing sidewalk and improved City street network.
G-1.3	28	Provide an interconnected street system to improve the efficiency of movement by providing direct linkages between origins and destinations – specifically to provide in the northeast UGB area north of OR 211 and east of U.S. 99E a future street that would connect Cooley Road and either or both June Way and U.S. 99E and that would be ROW sufficient for a minor arterial or major collector. For the subject property, reservation of a segment of Street Corridor "C" begins to implement both G-1.3 and Transportation System Plan (TSP) Figure 6 (2019; Attachment 106) and influences the overall alignment of a street.
G-2.3	33	Use annexation to guide shape and pattern of development – specifically raise urban design quality of on-site development above and beyond the WDO through the CU application type and get better than usual frontage improvements as well as link the subject property to the nearest City improvements with surface and subsurface improvements to allow walkers and cyclists to span the distance from improved frontage across OR 211 to existing sidewalk and improved City street network.
H-1.1	33	Develop an expanded intracity bus transit system that provides added service and route coverage to improve the mobility and accessibility of the transportation disadvantaged and to attract traditional auto users to use the system – specifically by conditioning construction and/or fees to improve regional and local bus service and local bus shelters and bicycle parking.

Policy	*Page No.*	*What Related Conditions Address*
H-1.2	33	Encourage alternative travel options between Woodburn, Portland and Salem by implementing a carpool/vanpool parking program and coordinating WTS with other regional service provided by Cherriots Regional and Canby Area Transit – specifically by conditioning fees to improve regional and local bus service (per the TSP and the Transit Update Plan of 2010) and to fund a time-limited vanpool subsidy for a modest percentage of future households within the development.
H-1.3	34	Develop a low stress network of bicycle lanes and routes that link major activity centers such as residential neighborhoods, schools, parks, commercial areas and employment centers. Identify off-street facilities in City greenway and park areas. Ensure all new or improved collector and arterial streets are constructed with bicycle lanes – specifically conditioning lots of on-site bike parking, duly requiring frontage improvements, and also conditioning a wide sidewalk as a public bicycle/pedestrian path, a wide planter strip with more than usual street trees, and off-site extensions of bike lane and sidewalk to connect the frontage along and across OR 211 to existing City street and sidewalk.
H-1.4		Develop a comprehensive network of sidewalks and off-street pathways. Identify key connections to improve pedestrian mobility within neighborhoods and link residential areas to schools, parks, places of employment and commercial areas. Ensure all new collector and arterial streets are constructed with sidewalks. Specifically, to do so by conditioning lots of on-site bike parking, duly requiring frontage improvements, and also conditioning a wide sidewalk as a public bicycle/pedestrian path, a wide planter strip with more than usual street trees, and off-site extensions of bike lane and sidewalk to connect the frontage along and across OR 211 to existing City street and sidewalk. These are all to raise the attractiveness, ease, safety, and potential cyclists' perception of safety of cycling.
H-1.5		Maintain adequate intersection and roadway capacity on the key east-west and norths south arterials, in this case U.S. 99E and OR 211, both by conditioning construction and/or fees for automotive improvements but also by implementing Street Corridor "C" as examined above for Policy G-1.3 and by requiring improvements that induce more walking, cycling, and bus ridership to and from the site development.
H-2.2		Maintain and enhance new east-west and north-south collector/minor arterial streets within the City to relieve traffic demands on OR 214 & 211 and U.S. 99E -- specifically by implementing Street Corridor "C" as examined above for Policy G-1.3.

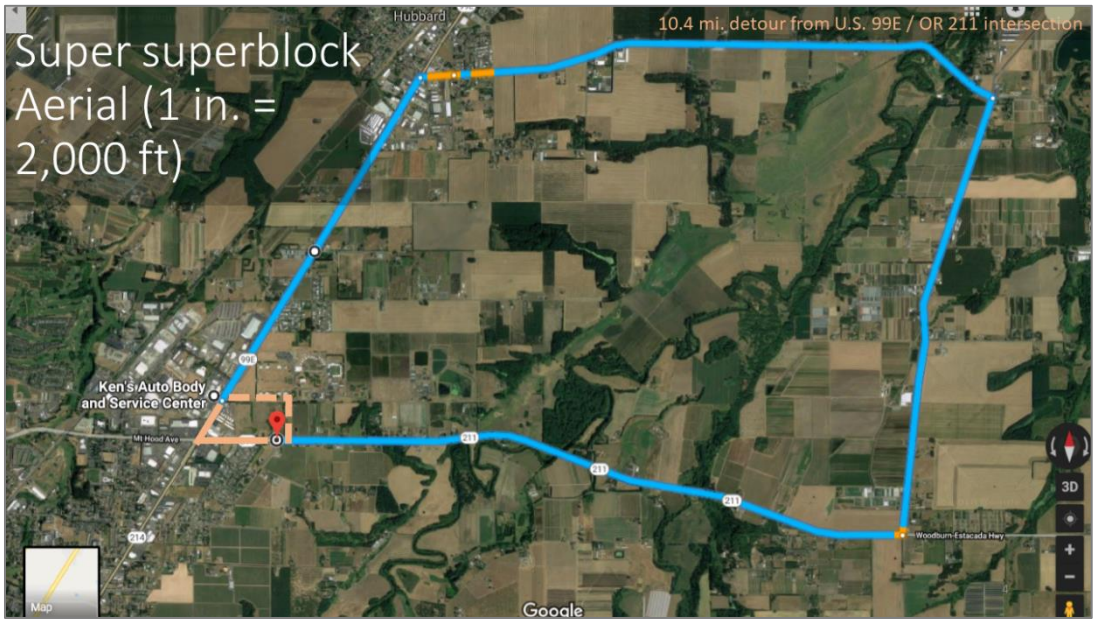
Policy	*Page No.*	*What Related Conditions Address*
H-2.3		Encourage multi-model transportation options, including park-and-ride facilities, carpooling, and use of transit services – specifically by conditioning lots of bike parking on site, allowance for the Community Development Director to require that he property manager have a car share service – this having a basis also in TSP Projects TDM 1, 2, & 3 – and construction and/or fees to improve walking, cycling, bus ridership, and vanpooling.
H-2.5		Provide inter-parcel circulation through crossover easements– specifically by conditioning accordingly.
H-3.1		Continue coordination with ODOT to improve safety on state facilities within the City and citywide access management strategies – specifically by conditioning to allow for fees in lieu of construction, more than one way to construct an improvement, and for ODOT and/or the City Engineer to make decisions for the developer about which way to construct an improvement and how.
H-3.2		Implement strategies to address pedestrian and bicycle safety issues, specifically for travel to and from local schools, commercial areas, and major activity centers – specifically by as examined above for Policies D-1.3, G-1.1, G-2.3, H-1.3, H-1.4, & H-2.3.
H-5.1		Implement, where appropriate, a range of potential Transportation Demand Management (TDM) strategies that can be used to improve the efficiency of the transportation system by shifting single-occupant vehicle trips to other models and reducing automobile reliance at times of peak traffic volumes – specifically as examined above for Policies D-1.3, D-1.5, G-1.1, H-1.1, H-1.2, H-1.3, H-1.4, & H-2.3.
M-1.2		The City shall increase its commitment to energy conservation, including alternative energy vehicles, increased recycling, and reduction in out-of-direction travel – specifically Policies and conditioning the development to have a number of electric vehicle (EV) parking stalls with charging stations.

Below are images providing further context for Street Corridor “C” in relation to Comprehensive Plan Policies G-1.3 and H-2.2:



TSP Figure 6

As examined under the Design Review Provisions section for 3.01, TSP Figure 6 calls for street connections among U.S. 99E and OR 211 at Cooley Road and June Way.



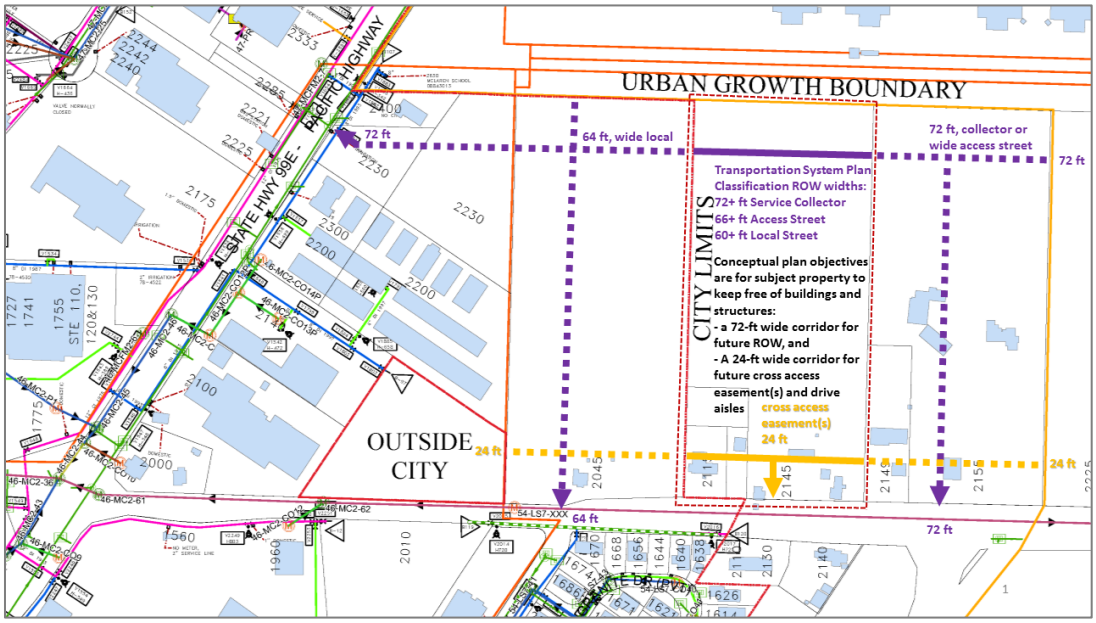
"Superblock" exhibit staff produced for Pre-App PRE 2019-01 that was February 13, 2019
(Note: Ignore the scale indication within the image.)

The superblock exhibit shows that looking beyond the UGB, the subject property is part of a gigantic superblock through which there are no streets or rural roads such

that the only alternative to passing along U.S. 99E and OR 211 through their intersection is a 10.4-mile detour.

Regional street network exhibit staff produced for Pre-App PRE 2019-01 that was February 13, 2019; (Note: Ignore the scale indication within the image.)

The exhibit shows all lots in the northeast UGB must access either U.S. 99E or OR 211.



Northeast UGB street concept staff produced for Pre-App PRE 2019-01 that was February 13, 2019; (Note: Ignore the scale indication within the image.)

In the exhibit, solid purple is the segment on the subject property of what staff later termed Street Corridor "C", dashed purple indicates a sensible way to connect the three blue arrows that TSP Figure 6 shows, solid yellow line indicates provision on public cross access easements on the subject property (except that the thinner north-south yellow line most to the east actually is the UGB), and dashed yellow line indicates public cross access easements on more lots along OR 211. (Background colored lines represent subsurface utilities and bluish-gray polygons are building footprints.)

From the beginning, staff advised the applicant based on the above concept that staff drafted to bring greater detail to blue arrows of TSP Figure 6. The concept is of course a diagram and not at the detailed level of a site plan, civil engineering plan, or construction drawing.

e. Regarding the suitability of proposed conditions of approval to ensure compatibility of the proposed use with other uses in the vicinity, staff addresses these under other provisions through which staff introduces given issues and their related conditions of approval.

Capacity of public facilities

The City Engineer through Attachment 102A did not identify any deficiencies of or threats to public infrastructure in regards to factor b. of the third CU criterion – subsection B.3b – and the proposal indicates that the applicant will have constructed required street improvements, details to be determined in concert with ODOT as well as the City Engineer.

Illumination

A lighting condition addresses the illumination factor c. of the third CU criterion – subsection B.3c(2) – for altered and additional exterior fixtures in order to prevent light encroachment into ROWs and adjacent residentially zoned property as well as light pollution – glaring into others' eyesight. (WDO 3.05.02L and Ordinance No. 2338, Section 5A Light Trespass regulate aspects of exterior lighting, but fail to regulate fixture cut-offs or shielding as well as mounting heights.

✔ The conditional use criteria are met. Staff recommends approval with conditions of the request.

Variance Provisions

The variance application is for one request to raise the compact parking percentage maximum (3.05.03C)

The applicant submitted narrative text addressing the criteria.

Variance Criteria

5.03.12 Variance

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

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

1. Strict adherence to the standards of this ordinance is not possible or imposes an excessive burden on the property owner, and

2. Variance to the standards will not unreasonably impact existing or potential uses or development on the subject property or adjacent properties.

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

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

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

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

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

2. Development consistent with the request will not be materially injurious to adjacent properties. Factors to be considered in determining whether development consistent with the variance [is] materially injurious include, but are not limited to:

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

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

3. Existing physical and natural systems, such as but not limited to traffic, drainage, dramatic land forms or parks will not be adversely affected because of the variance.
4. Whether the variance is the minimum deviation necessary to make reasonable economic use of the property;
5. Whether the variance conflicts with the Woodburn Comprehensive Plan.

Variance Request: Compact Parking Percentage Maximum

3.05.03C

The applicant's sole variance request is to raise the maximum from 20%. Because the applicant's variance narrative (submitted September 2, 2020; p. 2) specifies 37.78%, but the applicant's cover letter of September 2, 2020 (p. 2, Item CCC) specifies 38.78%, staff goes by the 38.78% figure and rounds it to 39% for simplicity, to provide a little civil engineering tolerance for site plan refinement for the building permit stage, and to facilitate administering the variance. The narrative states:

> "Due to density requirements and pedestrian path requirements, additional compact parking stalls were needed in order to meet parking and design standards for this project. … The variance will not impact the existing or potential uses or development. … Providing additional compact parking allows the development to provide more then [*sic*] adequate parking spaces."

What the applicant means is that in order for the development to lessen driving, encourage walking and cycling, and provide residents and visitors – particularly the young and the elderly – a sense of safety from cars, staff persuaded the developer to propose an on-site bicycle/pedestrian path, the "pedestrian path" to which the applicant refers. Second, staff persuaded the developer to maximize site area available for landscaping, including tree preservation and additional trees, and common area improvements.

Staff emphasizes that compact parking has no effect on the parking ratio minimum, and adds that the proposed development exceeds the minimum with 10 excess stalls. Staff concurs also that the variance would not harm the development itself or adjacent properties.

⚠ The variance criteria are met with a Variance condition or conditions.

Annexation Provisions

Because the proposal is for annexation, per 5.04 it requires a Type IV review with City Council decision. The applicant submitted application materials on June 7, 2019 and revised and additional materials through October 7, 2020 (excerpted within Attachment 103).

5.04.01 Annexation

A. Purpose: The purpose of this Type IV review is to provide a procedure to incorporate contiguous territory into the City in compliance with state requirements, Woodburn Comprehensive Plan, and Woodburn Development Ordinance.

B. Mandatory Pre-Application Conference: Prior to requesting annexation to the City, a Pre-Application Conference (Section 4.01.04) is required. …

C. Criteria:

1. Compliance with applicable Woodburn Comprehensive Plan goals and policies regarding annexation.

2. Territory to be annexed shall be contiguous to the City and shall either:

a. Link to planned public facilities with adequate capacity to serve existing and future development of the property as indicated by the Woodburn Comprehensive Plan; or

b. Guarantee that public facilities have adequate capacity to serve existing and future development of the property.

3. Annexations shall show a demonstrated community need for additional territory and development based on the following considerations:

a. Lands designated for residential and community uses should demonstrate substantial conformance to the following:

1) The territory to be annexed should be contiguous to the City on two or more sides;

2) The territory to be annexed should not increase the inventory of buildable land designated on the Comprehensive Plan as Low or Medium Density Residential within the City to more than a 5-year supply;

3) The territory proposed for annexation should reflect the City's goals for directing growth by using public facility capacity that has been funded by the City's capital improvement program;

4) The site is feasible for development and provides either:

a) Completion or extension of the arterial/collector street pattern as depicted on the Woodburn Transportation System Plan; or

b) Connects existing stub streets, or other discontinuous streets, with another public street.

5) Annexed fulfills a substantial unmet community need, that has been identified by the City Council after a public hearing. Examples of community needs include park space and conservation of significant natural or historic resources.

b. Lands designated for commercial, industrial and other uses should demonstrate substantial conformance to the following criteria:

1) The proposed use of the territory to be annexed shall be for industrial or other uses providing employment opportunities;

2) The proposed industrial or commercial use of the territory does not require the expansion of infrastructure, additional service capacity, or incentives that are in excess of the costs normally borne by the community for development;

3) The proposed industrial or commercial use of the territory provides an economic opportunity for the City to diversify its economy.

D. Procedures:

1. An annexation may be initiated by petition based on the written consent of:

a. The owners of more than half of the territory proposed for annexation and more than half of the resident electors within the territory proposed to be annexed; or

b. One hundred percent of the owners and fifty percent of the electors within the territory proposed to be annexed; or

c. A lesser number of property owners.

2. If an annexation is initiated by property owners of less than half of property to be annexed, after holding a public hearing and if the City Council approves the proposed annexation, the City Council shall call for an election within the territory to be annexed. Otherwise no election on a proposed annexation is required.

E. Zoning Designation for Annexed Property: All land annexed to the City shall be designated consistent with the Woodburn Comprehensive Plan, unless an application to re-designate the property is approved as part of the annexation process.

F. The timing of public improvements is as follows:

1. **Street dedication is required upon annexation.**
2. **Dedication of public utility easements (PUE) is required upon annexation.**
3. **Street improvements are required upon development.**
4. **Connection to the sanitary sewer system is required upon development or septic failure.**
5. **Connection to the public water system is required upon development or well failure.**
6. **Connection to the public storm drain system is required upon development.**

Regarding subsection B., staff hosted the pre-application conference (Pre-App PRE 2019-08) on May 1, 2019.

The applicant submitted a revised annexation narrative dated October 24, 2019 that includes a request that the City designate the annexed territory with the Commercial General (CG) zoning district.

Regarding the criteria of subsection C.:

4. The City Comprehensive Plan, Section G. Growth Management and Annexation contains annexation policies on pp. 30-31. The annexation criteria in the WDO already reflect the goals, including efficient City services.

   First, the territory to be annexed is within the Woodburn Urban Growth Boundary (UGB). The premise of a UGB is to define an area feasible for the City to provide services to greenfield development over approximately 20 years as described in the Comprehensive Plan. So, in this way the annexation of territory within the UGB is consistent with the comp plan.

   Second, the territory also is adjacent to infrastructure that development can make use of or extend into the territory to develop it:
   - Roads and street: Molalla Road (Oregon Highway 211) borders to the property to the south, providing a means of access. The annexation legal description and its map Exhibit B include the right-of-way (ROW) adjacent to the site.
   - Transit: Along Parr Rd, the City and other agencies could run transit vehicles.
   - Potable water, sanitary sewer, and stormwater sewer: These are adjacent or nearby, and as the Public Works Department Directs at the permit stage, the developer will upgrade and extend them as necessary to provide laterals to the site development and for these upgraded and extended utilities to accommodate the demands of the development.
   - Other: Other franchise utility providers attend to such utilities as electric power, cable television and internet, natural gas, and cellular wireless telephony, often using existing or extended ROWs.

5. The territory is contiguous to the City. Per the comp plan and with implementation through the WDO, upon development of the territory the City would require improvements that guarantee that public facilities have adequate capacity to serve such development.

   The Public Works Department identified no impediments to serve the development that would not be resolved at the permitting stage.

   Additionally, the applicant's narrative (pp. 2-3) states:

   > "The developer is responsible for the cost of extension of improved water, sewer and storm drainage facilities necessary to serve the site. Internal development of public and private facilities necessary to serve the development will occur at the building permit review stage.

Applicable state or federal permits are required to be obtained for issuance of building or construction permits from the City."

Staff concurs.

6. Examining the considerations under subsection b. because the Comprehensive Plan land use map designates the territory Commercial, and the territory is to be designated with the Commercial General (CG) zoning district consistent with both the applicant's request and Comprehensive Plan Policy Table 1:

    a. The applicant's narrative (p. 4) states:

    "The territory being annexed is not for industrial uses. However, the site will be annexed into the City with a CG zone designation that will allow commercial development on the site. The subject property will provide a location for commercial and residential uses. The subject property is currently underutilized and by developing the site the proposal will improve the economic viability of the location. The site is currently unproductive. Redevelopment contributes to the economic base of the urban area. The site will offer economic diversification because it will provide for the expansion of new residential development."

    Staff concurs.

    b. The applicant's narrative (p. 4) states:

    "All necessary and appropriate public services and facilities essential for development will be provided to this property at levels that are adequate to serve the proposed use. The developer is responsible for the cost of extension of improved water, sewer and storm drainage facilities necessary to serve the site. Internal development of public and private facilities necessary to serve the development will occur at the building permit review stage."

    Staff concurs.

    c. The applicant's narrative (p. 4) states:

    "The subject property is currently underutilized and by developing the site the proposal will improve the economic viability of the location. Redevelopment contributes to the economic base of the City. The site will offer economic diversification because it will provide for the expansion of new residential development."

    Staff concurs.

(Note that although the consolidated application package includes a Design Review [DR] to develop an apartment complex that seems inconsistent with CG zoning, as examined farther below in the Conditional Use Provisions section, multiple-family dwellings are a conditional use in the CG zoning district, and a CU application is included within the package.)

Annexation of the subject territory demonstrates substantial conformance with the criteria.

Regarding D., the applicant obtained the requisite written consent and such that no election is needed.

Regarding E., the applicant confirms the proposal includes no request to amend the Comprehensive Plan land use designation or upon annexation to designate the territory with City a zoning district other than CG. (Pursuant to Comprehensive Plan Policy Table 1, CG, Downtown Development and Conservation (DDC), and Commercial Office (CO) are the only three zoning districts that implement the Commercial designation.)

Regarding F., the applicant need not address subsection 1. because the territory to be annexed includes adjacent ROW and because the public improvements including ROW and public utility easement (PUE) dedications that F. describes are addressed through Design Review (DR), i.e. the site plan review process, instead of annexation itself.

✔ The criteria are met.

Recommended Conditions of Approval

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

General

G1. As part of building permit application, 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 nine (9) feet wide to serve as a bicycle/pedestrian path, also known as a multi-use path, to and from sidewalk – or to and from an off-street public bicycle/pedestrian path – and that is ADA-compliant and not gated.
- "ADA" refers to the federal Americans with Disabilities Act of 1990.
- "apt" refers to apartment.
- "D1 & "D2" driveways refer to the two driveways from west (main) to east (secondary).
- "County" refers to Marion County.
- "Director" refers to the Community Development Director.
- "EV" refers to electric vehicle.
- "exc." means excluding.
- "ft" refers to feet.
- "grove" refers to the cluster of four Significant Trees as WDO 1.02 defines in the southeast front yard.
- "max" means maximum.
- "min" means minimum.
- "Modal share" means the percentage of travelers using a particular type of transportation or number of trips using a type, as examples walking, cycling, riding transit, and driving.
- "Modal shift" means a change in modal share.

- "MUTCD" refers to *Manual on Uniform Traffic Control Devices* of the U.S. Department of Transportation (U.S. DOT) Federal Highway Administration (FHWA).
- "NE means northeast.
- "NW" means northwest.
- "OAR" refers to Oregon Administrative Rules.
- "o.c." refers to on-center spacing, such as of trees or shrubs.
- "ODOT" refers to the Oregon Department of Transportation.
- "OR 211" refers to Oregon Highway 211 / Molalla Road.
- "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.
- "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, Drawing No. 1 "Street Tree Planting New Construction".
- "ROW" refers to right-of-way.
- "SDCs" refers to system development charges, also known as impact fees.
- "SE" means southeast.
- "Speed table" means an access way or 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 9 ft wide for an access way or 6 ft wide for a walkway, flat, and scored, stamped, or otherwise treated (such as with bricks or pavers) 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.
- "sq ft" refers to square feet.
- "SS&Ds" refers to PW standard specifications and drawings.
- "Street Corridor 'C'" refers to a conceptual alignment of a street that implements TSP Figure 6 Local Street Connectivity Plan (2019), which through three blue arrows indicates street extensions into the northeastern area of the UGB east of U.S. 99E and north of OR 211, one each from U.S. 99E, June Way, and Cooley Road. The conceptual alignment as a street with 72 ft of ROW extends Cooley Road – hence the letter "C" – northwesterly towards the subject property, west across the north end of the subject property, and continuing west to U.S. 99E. The corridor refers to both the alignment and a public easement that reserves the segment of the corridor on the subject property ("reservation") while allowing construction of private surface improvements other than buildings – and other than structures like carports and trash enclosures – and their use for an indefinite time.
- "Street trees" refer to trees that conform to the WDO, including 3.06.03A and Tables 3.06B & C.
- "SW" means southwest.

- "TPU" means the Transit Plan Update Approved Final Report dated November 8, 2010.
- "TDM" refers to transportation demand management, which means according to the TSP (p. 82), "a policy tool as well as a general term used to describe any action that removes single occupant vehicle trips from the roadway during peak travel demand periods", and according to Wikipedia as of October 13, 2020, "the application of strategies and policies to reduce travel demand, or to redistribute this demand in space or in time."
- "TSP" means the Woodburn Transportation System Plan (TSP).
- "UGB" means urban growth boundary.
- "Walkway" refers to what would otherwise be called sidewalk except the paved walking surface is on private property outside of any of ROW or an easement granting public access.
- "WDO" refers to the Woodburn Development Ordinance.
- "WTS" refers to the Woodburn Transit System.
- "VCA" refers to vision clearance area as WDO 1.02 and 3.03.06 establish or as a specific condition establishes.

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 Address Assignment Request.

b. By issuance: Unless a condition specifies otherwise, ROW and easement dedications and recordation(s), construction of frontage/street improvements, and construction of off-site, park, and other public improvements are due by building permit issuance. Where phasing is relevant, building permit issuance means issuance for the phase in which the conditioned improvement is located.

G5. Recordation due dates: The applicant shall apply to the County for recordations of items that the City requires no later than six (6) months prior to expiration of the land use approval as WDO 4.02.04B establishes, and shall complete recordations no later than three years past the land use "final decision" date. The due date to complete recordations shall not supersede when recordations are due relative to the building permit stage.

G-PW. Public Works: Follow the appended Public Works comments (October 13, 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.

CU1. Frontage/street improvements: These shall be:

a. Planter strip: 8 ft wide min, exc. curb dimension.
b. Street trees: 1 per 30 ft of frontage, equaling 10 trees per frontage. For up to no more than one of the min trees required along the frontage, the developer may pay a fee in-lieu of $125 per tree. This fee provision is intended to substitute for the applicant invoking WDO 3.06.03A.3 (Director modification/relocation).
c. Sidewalk: 8 ft wide min, which may overlap the PUE with granting of public access via either the PUE or separate easement, and with the gap between its east dead-end and the OR 211 shoulder connected diagonally with pavement.

CU2. Tree preservation:

a. ROW: Street improvements, including both frontage and off-site improvements, shall preserve any existing alive trees, including through meandering sidewalk.
b. On-site: Development shall preserve the grove.

CU3. Access way & walkways:

a. Access way: It shall be:
   (1) Extent: Extend as proposed (via land use review Sheets SDR1, 4, & 5) most of the subject property depth at least as far north as the south side of the northernmost east-west drive aisle and follow a route among the common building, grove, and 12 min of the apt buildings.
   (2) Decorative paved areas: At least 1,500 sq ft of access way shall be either paved with any of decorative bricks or pavers or paved with concrete that is scored, stamped, or otherwise treated to have a pattern. (The intent is for the developer to apply this to the proposed three circular bulges along the access way and excludes the square footage of unpaved holes in the doughnut shapes of these areas.)
   (3) Speed table: Each crossing of a drive aisle shall be a speed table as a General (G) definitions condition specifies.
   (4) Trees: At each of the landings on the south side, a landscaped island 8 ft wide min between insides of curbing and extending 14½ ft min, exc. curb dimension. Each island shall have a tree. Along the length of the access way within 6 ft of the west edge, 19 trees min.
   (5) VCA: Each crossing shall have two small VCAs, one each at the north landing, east side and the south landing, west side. The VCA triangles shall measure from 6 by 6 ft from the intersecting edges of access way and drive aisle, and no parking stall shall overlap VCA.
b. Walkways: 6 ft wide min, excepting the walkway north of the pool, the walkway southeast of the trash enclosure, and walkways from any of emergency exit / employee-only mandoors or a maintenance shed. Exceptions shall be 4 ft wide min. Walkway crossings of drive aisles shall be zebra-striped. The developer shall install at least 2

crossings not only as striping but also as extensions of poured concrete: the west crossing of each of the middle and south east-west drive aisles.

CU4. Common area improvements: They shall include:

a. Benches: 12 min, each 6 ft wide min, and 75.0% min with backs. A concrete or masonry seat wall may substitute for a backless bench for each segment that is 6 ft wide min, 1½ ft high and deep min, and includes a cap of smoother concrete. Place 8 min benches along the access way preferably near the major deflections, 2 min in or near the grove, and 1 min at the common building. Benches shall be set back 1½ ft min from edge of access way or walkway.
b. Picnic benches: 2 min, each square. 1 min ADA-compliant (with one of the four sides omitting a bench seat) on a paved pad. Place 1 min in the shelter.
c. BBQ: As proposed, a barbeque (BBQ) grill.
d. Patio: As proposed, a patio adjacent to the common building.
e. Shelter: At least one gazebo, pavilion, or shelter with narrowest dimension of 12 ft, 288 sq ft min, ceiling height 10 ft min, and placed near the grove.
f. Path: A bark dust or wood chip path 3 ft wide min shall connect the access way from near the common building through the grove to the walkway along the east north-south drive aisle.

Administrative minor adjustment by the Director to common area improvements is permissible.

CU5. Trash enclosure: Shall include a separate pedestrian entrance 3 ft, 4 inches wide min. If gated, the gate shall be a push gate that either swings into the enclosure or in both directions.

CU6. Balconies and patios: WDO 3.07.05B.1 (area/size and narrowest dimension) shall apply as min 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 min standards for those:

a. Patios: 8 ft min narrowest dimension and 96 sq ft min.
b. Balconies: 8 ft min narrowest dimension and 80 sq ft min.

Parking

CU7. Maximizing available parking for residents:

a. Mail carrier stall: The proposed stall designated for mail carrier parking shall be available for resident parking on official postal holidays, Sundays, and remaining days outside the hours of 8 a.m. to 6 p.m. A sign 1½ by 1 ft min shall note the range of hours when a space is limited to mail carrier parking and specify that it is available for resident parking outside the specified hours.
b. Visitor parking: If the developer or property management company were to designate and mark a number of parking spaces as leasing office visitor parking, then the spaces

shall be available for resident parking before and after office hours. A sign 1½ by 1 ft min shall note the range of hours when a space is limited to visitor parking, for example 10 a.m. to 6 p.m., and specify that it is available for resident parking outside the specified hours.

Landscaping

CU8. Bark dust: 5.0% max of landscaped area may be bark dust.

CU9. Evergreen: 4 min of trees new to the site. The 4 shall be 1 min of the following coniferous or evergreen species:

Cedar, Western Red	Madrone, Pacific
Douglas-Fir	Oak, Oregon White
Fir, Grand	Pine, Ponderosa; and
Hemlock, Western	Yew, Pacific

CU10. Front yard trees: The front yard shall have a loose row of trees that complements the row of street trees. 9 min, placed at an approximate average o.c. spacing of 1 per 30 ft of frontage, and with trees new to the site placed at least 4 ft from edge of sidewalk and 20 ft max from ROW.

CU11. Overhang / wheel stops:

a. Overhang: In parking aisles along the rear and sides of the subject property, standard size stalls shall overhang curbing and landscaping by 1 ft min, as WDO Figure 3.05C allows up to 2 ft max.
b. Wheel stops: Wheel stops anywhere within the site development shall be 4 inches high max.

CU12. Parking area trees:

a. Each parking aisle shall have between the ends of the aisle at least one landscaped island that is 6½ ft wide min between insides of curbing and extends 14½ ft min, exc. curbing, into aisles with perpendicular or angled stalls and at least 7½ ft, exc. curbing, into aisles with parallel parking. A drive aisle with parking on both sides has two parking aisles, and the access way crossing landscaped islands conditioned elsewhere do not count towards this condition.
b. Each island shall have a tree.

CU13. Screening: Evergreen hedge or shrubbery shall be screen at-grade electrical and mechanical equipment along their sides, excepting the side intended for technician access.

CU14. Bicycle parking:

a. Amount and distribution on site: The developer shall provide bicycle parking as follows:
   (1) Outdoor closets (220): 1 stall min per dwelling in each dwelling in the outdoor closet of the balcony or patio in which the developer shall install a wall-mounted folding or retractable hook designed for the hanging of a bicycle;
   (2) Outdoors (242): 242 stalls min outdoors, outside of patio and balcony closets. 2 stalls min within 10 to 15 ft of ROW (as guest parking), and 62 min along the access way;
   (3) Stairwells (37 to 74): The developer may meet some of the outdoors min by placing 1 stall min at the base of each building stairwell, with each of these locations having a bicycle parking sign 1½ by 1 ft min;
   (4) Guest: Of the stalls outdoors 2 stalls min within 10 to 15 ft of ROW and along or near the access way;
   (5) Front: 2 stalls min outside each apt building spaced to conform to the 50-foot distance provision of WDO 3.05.03E as applied through a Design Review (D) condition – and in addition to and more specifically than that condition, also near the front of each building. The diagram below illustrates what "near the front" means:

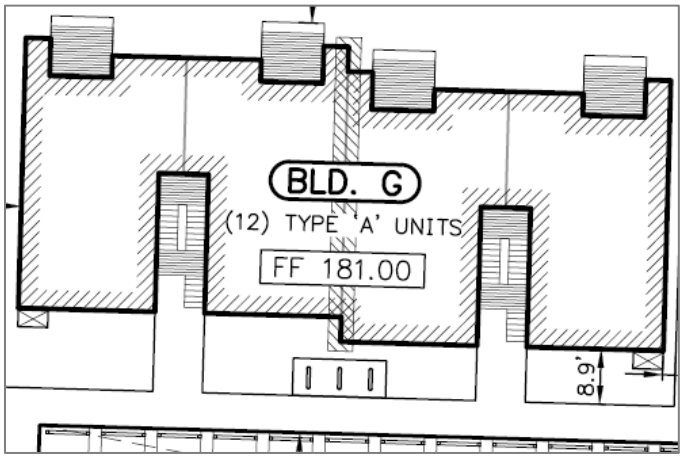


Exhibit Example Building Context

The diagram below represents the exhibit example building context.:

n/a	n/a			n/a
n/a	Corner	Back	Corner	n/a
	Left side	Building	Right side	
	Corner	Front	Corner	
Meets*	Meets "Front" condition			Meets*

Exhibit Example Building Context

*Stalls partially in a left or right "Meets" area would count as if they were fully in such area.

(6) In no case shall the total number of bicycle parking stalls equal fewer than 1.1 per dwelling, which equals 242 stalls, and in no case shall the min coverage/sheltering from precipitation of bicycle parking be for fewer than 120 stalls exc. outdoor closet and stairwell stalls.

b. Bicycle standards: Stalls shall conform to City of Portland Title 33, Chapter 33.266.220C (amended 2/01/2017, of which staff has a copy), except that the applicant may ignore subsections C6, C7, & C5c, and that C4b does not apply to the outdoor storage closets for which the min stall depth from wall instead shall be 4 ft min. Vertical clearance instead shall be 8 ft min or, where a stall is under stairs, 6 ft min.

c. Cover/shelter: 50.0% min of bicycle parking outdoors shall be covered or sheltered from the elements. Bicycle parking within patio and balcony closets and building stairwells do not count towards this requirement.

CU15.

a. Lighting: If proposed, exterior light fixtures shall be full cut-off or fully shielded and limited in height as follows:
   (a) Full cut-off: Exterior lighting fixtures shall be full cut-off or fully shielded models.
   (b) Heights: As measured to the underside of a fixture:
      a. Wall: Exterior wall-mounted fixtures shall be 8 ft max 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 4 ft of or in parking, loading, and vehicular circulation areas shall be 14½ ft high max above vehicular finished grade.
      c. Other pole: Remaining exterior pole-mounted fixtures, if any, shall be 10 ft high max above grade.
   (c) Front yard: The common building south elevation is limited to one exterior wall-mounted fixture, and the first 20 ft of front yard are limited to one pole-mount.
   (d) Any on-site permanent signage shall also be subject to (a).

CU16. Window area: The common building west elevation, which is the building front, shall have 30.0% min window area and the south elevation, which faces OR 211, 21.5% min, both through transparent glass.

CU17. Parking management: This shall be as follows:

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 ANX 2019-01 and child case file number CU 2019-04, 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.

CU18. Buildings: It shall be:

a. 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 apts, every habitable room abutting a building exterior wall shall have min one window.
   (3) Insect screens: All operable windows shall have insect screens.
b. Scuppers: Any building rainwater scuppers shall not to dump onto the pavement of an access way or walkway.

CU19. EV: Electric vehicle parking shall be as follows:

a. Number: Influenced by OAR 918-020-0380 “Electric Vehicle Ready Parking” and as proposed, a minimum of either 9 stalls or 2.0% of minimum required parking– whichever is greater – shall be a designated EV stall or stalls and with a Level 2 or higher charging station or stations, which the landowner may limit to tenant use.
b. Placements: In 3 groups min, and with group distribution of 2 groups min in the south east-west drive aisle and a group min in the middle east-west drive aisle.

c. Striping: Stripe each stall in lettering 1 ft high min “ELECTRIC VEHICLE CHARGING” or similar and stencil of an EV image or logo.
d. Signage: Post at each stall a wall-mounted or pole-mounted sign for “Electric Vehicle Charging Only” or similar and include an EV image or logo. Each sign 1½ by 1 ft min with top of a posted sign between 5½ and 6½ ft high max above vehicular grade.
e. Management/operations: 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) 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.

Design Review 2019-06

D1. ROW: To meet WDO Figure 3.01B, as part of recordations and regarding OR 211, the applicant shall dedicate (a) variable width ROW resulting in half-street ROW that is uniform 50 ft wide min measured from road centerline, and (b) along the ROW a PUE 10 ft min.

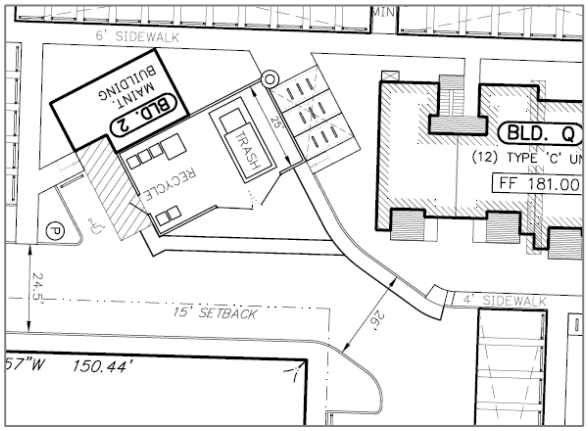
D2. Street corridor: To meet WDO 3.01, as proposed as part of recordations and regarding Street Corridor “C”, the developer shall dedicate a PUE of 82 ft min width across the north end of the subject property, and shall revise the draft easement text to contain:

a. In the body or an Exhibit C, a description that the easement serves to implement Woodburn Comprehensive Plan Policy H-2.2 and Transportation System Plan (TSP) Figure 6 (2019) by reserving on the subject property a segment of Street Corridor “C” for a future street that would connect Cooley Road and either or both June Way and U.S. 99E and that would be ROW of 72 ft width with remainder 5-ft PUEs along the south side or both sides; and
b. One instance min of the phrase "street reservation and public utility easement" in any of the title, body, map Exhibit B, or an Exhibit C.

D3. Driveways:

c. Number: To meet WDO 3.04.03B.1 regarding access management, the number of driveways shall be limited as follows:
   (1) D1, 32 ft wide max; and
   (2) D2 and its throat being one-way exit-only, 12 ft wide max, and with a do-not-enter sign that complies with *MUTCD* Figure 2B-11, sign R5-1 placed at a location within the ROW or PUE as ODOT directs.

d. Approach / apron / curb cut: Driveways shall conform to PW SS&Ds, Section 4150, unless overridden by ODOT choosing to apply its standards.
e. Traffic control: To meet WDO 3.05.02J: As proposed, a striped walkway near and to the trash enclosure shall delineate the edge of the min drive aisle width, the delineated width being 24 min and 26 max, to discourage over-swing by turning drivers.



D4. Cross access: To meet WDO 3.04.03B, the developer shall:
a. Extend a drive aisle stub to the property line along each of the following properties:

Tax Lot	*Address*	*Description*
051W09B000700	2155 Molalla Rd NE	Ashland Brothers Landscapes, Inc.
051W09B000800	2149 Molalla Rd NE	Lin rural residence
051W09B001000	none	Carson-Jeske rural residence extra rear yard
051W08A005200	2045 Molalla Rd NE	Undeveloped church property

b. At the interface of a property line and a drive aisle stub, fixed obstructions including curbing is prohibited. (The developer may instead place signed barricades atop the pavement.)
c. To meet WDO 3.04.03B.1 & 3, establish a public access easement and private maintenance agreement to the satisfaction of the Director and revocable only with the

concurrence of the Director.

d. The public access easement shall grant public access to and from Highway 211 via at least the western driveway if not both driveways.
e. The easement width shall be minimum twenty (20) feet, centered on driveway and drive aisle centerlines, and span between the driveway(s) and each of the drive aisle stubs.

D5. Parking striping: The developer shall:

a. Signage/striping: To meet WDO 3.05.02J, designate compact stalls "COMPACT" in lettering one 1 ft high min.
b. Double striping: To meet WDO 3.05.02K, delineate parking stalls with double parallel lines pursuant to WDO Figure 3.05C.

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 Building U 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. A Building U there are two such points;
c. Each building has either (a) two walkways with two points each totaling the four or (b) one walkway with two points total; and so
d. The condition shall apply to three points min for all except Building U, one point min for Building U, 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 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 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 2 ft and 4 inches wide.
c. Height maximum: the railings or fencing maximum height shall be either 5 ft or, where a patio faces the access way, 3½ ft.
d. Shrubbery: Evergreen shrubbery shall line fully the outermost edges of patio concrete slabs, except along the gated opening.

Design Review 2019-06: Transportation

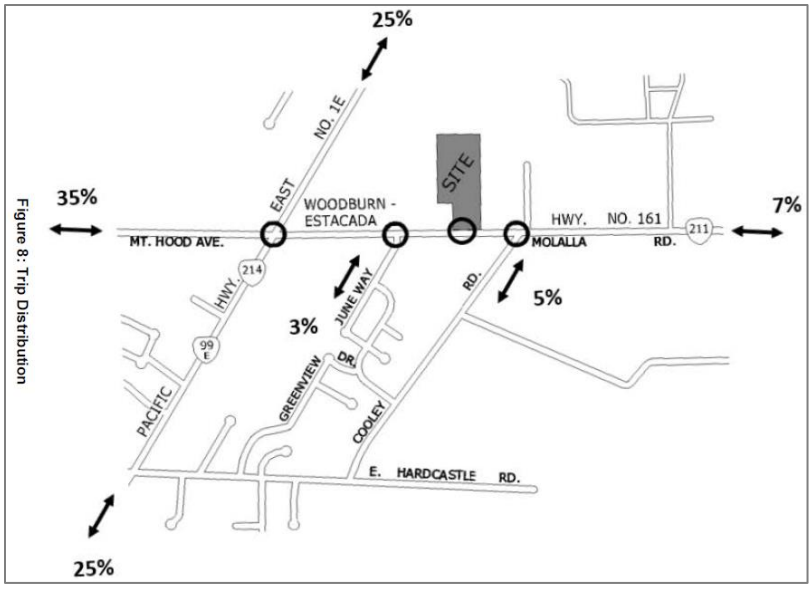


Figure 8: Trip Distribution

Exhibit T Vicinity map

T-A1. U.S. 99E & OR 211/214:

a. Signal timing: The developer shall pay a mitigation fee or fee in-lieu of $10,000 to fund a transportation study, specifically a study of signal timing, appropriate mitigation of the operational (mobility) deficiency and elevated crash rate, and related details in coordination with ODOT. [TIA & TSP R14]

b. Mitigation for Operational and safety deficiencies: this proposal exacerbates existing and projected mobility/volume-to-capacity deficiencies as well as an existing elevated crash rate. The applicant shall contribute a proportionate share contribution toward a mitigation project to alleviate these deficiencies. There are two options for this mitigation, one from the TSP, the other from ODOT agency commentary (April 6, 2020) on the TIA:
   (1) Add a southbound left-turn lane on Highway 99E and a short-length receiving lane on Molalla Road; or
   (2) Reconfigure the westbound approach at the intersection to provide a dedicated right-turn lane or pocket that leads to Highway 99E northbound through one of the following.

c. As this intersection is under ODOT jurisdiction, the agency would need to approve of the appropriate mitigation project in concert with the City Engineer. The forum for this decision would be the signal study noted in Condition T-A1(a). The approved mitigation project shall determine civil engineering details such as channelization, signal modification(s), length, width, placement relative to centerline, markings, ADA-compliant sidewalk/pedestrian crossing improvements and street tree preservation.

d. To determine the applicable mitigation fee or fee in-lieu for a proportionate fair share of the mitigation project, the trip contribution method described above yields an estimated 10.1% contribution of this project to the mitigation project's total cost. The signal study

could address the need to determine the estimate cost of the mitigation project, or the applicant has the option to provide their own estimate based on a study drafted by a licensed civil engineer, advised upon by ODOT, and agreed to by the City Engineer prior to building permit application.

e. The developer shall forward a cost estimate with cover letter and contextual documents to the City Engineer and courtesy copy the Director no later than either (i) 5 City business days following the date the City Council authorizes the Mayor or Council President to the sign the land use "final decision" document, or (ii) the effective date of the ANX 2019-01 annexation ordinance. The City Engineer shall choose (i) or (ii) for the developer and identify such in writing to the developer and courtesy copy the Director.

T-BP1. Sidewalk connection / off-site extension: To further TDM through walking, in addition to the required half-street sidewalk, the developer shall do one of the following:

a. Extend sidewalk at 6 ft width min west to the east leg of the T-intersection of OR 211 & June Way, approximately 425 ft distance, and at a point aligned with the east leg, the sidewalk shall turn south and meet the roadway;
b. Install a mid-block crossing from the frontage sidewalk, or from a short west extension of said sidewalk, south to existing sidewalk along the south side of OR 211, and with the crossing conforming to PW SS&Ds unless overridden by ODOT choosing to apply its standards; or
c. A combination of a. and b. whereby the length of the sidewalk per a. would shorten in relation to how far east of June Way the developer would install a mid-block crossing.
d. If the developer were to opt for b., and were either ODOT or City written or drawn public works standards not to exist yet be necessary to establish to administer b., then the developer and City shall default to these improvement elements:
   (1) At both ends of the crossing, an ADA-compliant transition between sidewalk and roadway;
   (2) White striping in the form of either two parallel bars or as zebra stripes;
   (3) The type, number, and placements of signage compliant with the MUTCD for a mid-block crosswalk; and
   (4) That either ODOT or the City Engineer may require either or both (i) installation of a street light or lights in addition to those required as part of frontage improvements, and/or (ii) that the crossing be actuated or semi-actuated. [TSP Fig. 5]

T-BP2. Crosswalk installation: To further TDM through walking, the developer shall upgrade the east leg of the T-intersection of OR 211 & June Way into a marked crosswalk and one that conforms to PW SS&Ds, unless overridden by ODOT choosing to apply its standards.

a. Either ODOT or the City Engineer may require either or both (1) installation of a street light at or near the north end of the crossing, and/or (2) that the crossing be actuated or semi-actuated.

b. Were either ODOT or City written or drawn public works standards not to exist yet be necessary to establish to administer this condition, then the developer and City shall default to these improvement elements:
   (1) At the north end, an ADA-compliant transition between sidewalk and roadway;
   (2) White striping in the form of either two parallel bars or as zebra stripes; and
   (3) The type, number, and placements of signage compliant with the *MUTCD* for a crosswalk along the leg of an intersection.
c. There shall result a physical change to existing pavement and/or striping serving as an obvious indication for most pedestrians, cyclists, and drivers.
d. Regarding a Condition T-BP1 for sidewalk connection / off-site extension, were the developer to opt for its part b. or c., then this Condition T-BP2 would not apply. [TSP Fig. 5]

T-BP3. Bicycle lane off-site extension: To further TDM through cycling, the developer shall do one of the following:

a. Widen the off-site sidewalk, which a separate condition requires, into a bicycle/pedestrian path 8 ft wide min;
b. Extend the bicycle lane at 6 ft wide min (per WDO Figure 3.01B) west to the east leg of the T-intersection of Highway 211 & June Way and to the north end of that crosswalk, approximately 425 ft distance. The developer shall add roadway pavement to accommodate both a bicycle lane and either (1) whatever ODOT establishes as road shoulder min width or (2) a buffered bicycle lane such that the lane is min 2 ft away from the edge of travel lane, and towards the west where both the shoulder and ROW narrow, then the developer may taper the buffer to a close; or
c. Pay a fee in-lieu of $113,000.
   [TSP B16]

T-BP4. Wayfinding: To further TDM, the developer shall do one of the following:

a. Install 2 min devices, such as signage, that provide wayfinding to bicycle routes, multi-use paths, parks, schools, and other essential destinations. If the developer were to opt for signage and assuming pole signage, sign face min dimensions shall be 2 ft by 1 ft and the placements shall be one at or near the junction of the access way and sidewalk and one at the T-intersection of OR 211 & June Way. (Note: The developer may mimic the typical wayfinding signage the City approved for the Mill Creek Greenway as Smith Creek Development [ANX 2017-05] adapted from the City of Tualatin, Oregon greenway trail system signage which it in turn had adapted from the Regional Trails Signage Guidelines of The Intertwine Alliance, a trails coalition in the Portland metro area.)
b. Pay a fee in-lieu of $3,000. [TSP B40 “wayfinding”/P62]

T-T1. Bus transit and vanpool fee: To further TDM through bus transit and vanpooling, the developer shall pay a mitigation fee that is a rate per dwelling of $368.41. [This condition

relates to TSP projects T1, 2, 4, & 16, TDM1, TSP Fig. F5, and TPU projects 1, 2, 3, 11, 12, 13, 15, & 20.]

T-T2. Bus stop bicycle parking: To further TDM through bus transit, the developer shall at each of the following WTS bus stops provide for bicycle parking to the specs specified by the Assistant City Administrator or designee by either (1) installing a bicycle rack in a 6 by 4 ft min concrete pad or (2) paying a fee in-lieu of $510.20:

a. U.S. 99E northbound (Express Stop 2) adjacent to Tax Lot 051W08DB02600 (1400 N. Pacific Hwy; Jehovah's Witnesses);
b. OR 214 westbound (Stop 17) adjacent to Tax Lot 051W08A005400 (1561 Mt. Hood Ave; Pacific Plaza strip mall); and
c. OR 214 eastbound (Stop 13) adjacent to Tax Lot 051W08DB01300 (1540 Mt. Hood Ave; Bi-Mart, Mega Foods). [TSP T18]

T-T3. Bus stop shelters: To further TDM through bus transit, regarding the WTS U.S. 99E northbound stop that is adjacent to Tax Lot 051W08DB02600 (1400 N. Pacific Hwy) the developer shall provide for a bus shelter to the specs specified by the Assistant City Administrator or designee by either (a) installing a shelter or (b) paying a fee in-lieu of $12,000. [TPU 9]

T-TDM1. Car share: Until July 1, 2025, the Director may invoke as a requirement that the property management team shall contract with a car share company or service, designate and mark a minimum number of parking spaces – which shall be at least one – for one or more shared vehicles for tenant use, and follow program details that the Director establishes as necessary to implement the requirement.

Variance 2020-05

V1. Compact parking (WDO 3.05.03C):

a. Percentage: The compact parking max as a percentage of the required parking ratio min shall be 39%; instead of 20% typical) and 100% of any amount in excess of the min required. At least 20% of the min amount of stalls shall be compact.
b. Striping: The applicant shall stripe each stall with the word "COMPACT" in lettering one 1 ft high min.

Applicant Identity

Applicant	Jeff Bolton, Senior Project Manager, Multi/Tech Engineering
Applicant's Representative	n/a
Landowner(s)	Ivanov Investment Group LLC (Note: The developer is I & E Construction.)

Notes to the Applicant

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

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

b. Utilities: A condition involving altered or additional sidewalk or other frontage/street improvement that would in the field result in displacement or relocation of any of utility boxes, cabinets, vaults, or vault covers does not exempt the developer from having to move or pay to move any of these as directed by the City Engineer and with guidance from franchise utilities.

8. Other Agencies: The applicant, not the City, is responsible for obtaining permits from any county, state and/or federal agencies, which may require approval or permit, and must obtain all applicable City and County permits for work prior to the start of work and that the work meets the satisfaction of the permit-issuing jurisdiction. The Oregon Department of Transportation (ODOT) might require highway access, storm drainage, and other right-of-way (ROW) permits. All work within the public ROW or easements within City jurisdiction must conform to plans approved by the Public Works Department and must comply with a Public Works Right-of-Way permit issued by said department. Marion County plumbing permits must be issued for all waterline, sanitary sewer, and storm sewer work installed beyond the Public Right-of-Way, on private property.
9. Inspection: The applicant shall construct, install, or plant all improvements, including landscaping, prior to City staff verification. Contact Planning Division staff at least three (3) City business days prior to a desired date of planning and zoning inspection of site improvements. This is required and separate from and in addition to the usual building code and fire and life safety inspections. Note that Planning staff are not primarily inspectors, do not have the nearly immediate availability of building inspectors, and are not bound by any building inspector's schedule or general contractor convenience.
10. Stormwater management: The storm sewer system and any required on-site detention for the development must comply with the City Storm Water Management Plan, Public Works storm water practices and the Storm Drainage Master Plan.
11. Public Works Review: Staff performs final review of the civil plans during the building permit stage. Public infrastructure must be constructed in accordance with plans approved by the City, as well as current Public Works construction specifications, Standard Drawings, Standard Details, and general conditions of a permit type issued by the Public Works Department.
12. ROW:
    a. Dedication: The Public Works Department Engineering Division has document templates for ROW and easement dedications that applicants are to use.

       ROW – and public utility easement (PUE) – dedications are due prior to building permit issuance per Public Works policy.

    b. Work: All work within the public ROWs or easements within City jurisdiction must require plan approval and permit issuance from the Public Works Department. All public

improvements construction work must be performed in accordance with the plans stamped "approved" by the City, and comply with the City's Standard Specifications and Standard drawings.

13. Franchises: The applicant provides for the installation of all franchised utilities in any required easements.

14. Water: All water mains and appurtenances must comply with Public Works, Building Division, and Woodburn Fire District requirements. Existing water services lines that are not going to be use with this new development must be abandoned at the main line. The City performs required abandonment of existing water facilities at the water main with payment by the property owner. All taps to existing water mains must be done by a "Hot Tap" method and by approved City of Woodburn Contractors. The applicant shall install the proper type of backflow preventer for all domestic, lawn irrigation and fire sprinkler services. The backflow devices and meters shall be located near the city water main within an easement, unless approved otherwise by Public Works. Contact Byron Brooks, City of Woodburn Water Superintendent, for proper type and installation requirements of the backflow device at (503) 982-5380.

15. Grease Interceptor/Trap: If applicable, a grease trap would need to be installed on the sanitary service, either as a central unit or in a communal kitchen/food preparation area. Contact Marion County Plumbing Department for permit and installation requirements, (503) 588-5147.

16. Fire: Fire protection requirements must comply with Woodburn Fire District standards and requirements, including how the District interprets and applies Oregon Fire Code (OFC). Place fire hydrants within the public ROW or public utility easement and construct them in accordance with Public Works Department requirements, specifications, standards, and permit requirements. Fire protection access, fire hydrant locations and fire protection issues must comply with current fire codes and Woodburn Fire District standards. See City of Woodburn Standard Detail No. 5070-2 Fire Vault. The fire vault must be placed within the public right-of-way or public utility easement.

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

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

a. Cover letter: Upon submitting application to the Engineering Division, simultaneously alert the Planning Division through a cover letter to the attention of the Planning Division referencing the intended or, if known, actual submittal date as well as the project name, project phase, tax lot number(s), street address(es), and the land use / planning / zoning final decision conditions of approval that require the public improvement that is the subject of the civil engineering plans. Referencing conditions may be by quotation or citing the identification numbers (e.g., T-A1). Identify the specific sheet (by number) or document page number that illustrates or notes how each subpart of a condition is met.
b. Contact information: State the applicant's name, company, phone number, e-mail, and desired date for City staff to respond with review comments. The cover letter may include these.
c. Plan copies: Submit to the attention of the Planning Division at least two plan size copies of plan sets (24 by 36 inches). Within the cover sheet title block(s), include the phrase "civil engineering plans" or "public improvements civil plans". Submit also Adobe PDFs using a fileshare service.
d. Re-submittal fee: If there are multiple re-submittals, beginning with a third submittal / second revised submittal and continuing with each subsequent submittal, the applicant must pay through the Planning Division into City general revenue a fee of $100.

Where public improvements involve the jurisdiction of an outside agency such as the Oregon Department of Transportation (ODOT), the developer must account for that when interacting with the City Engineer and City Public Works Department process.