

COUNCIL BILL NO. 3149

ORDINANCE NO. 2588

AN ORDINANCE ANNEXING APPROXIMATELY 31.13 ACRES OF TERRITORY KNOWN AS THE SCHULTZ FARM PROPERTY WITH NO STREET ADDRESS INTO THE CITY OF WOODBURN, LOCATED ALONG THE WEST SIDE OF BOONES FERRY ROAD NE NORTH OF HAZELNUT DRIVE, MARION COUNTY, OREGON

WHEREAS, the subject property is owned by Schultz Farm, LLC, of which the manager is Christy J. Schultz, 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 Lots 051W06C000400 & 800; 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 2020-03); and

WHEREAS, the applicant, Peter Ettro, President, Ettro Capital Management Corp., and the applicant's representative, Stacy Connery, AICP, Vice President/Planning Manager, Pacific Community Design, obtained written consent from the owners 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 Dove Landing Planned Unit Development (PUD); and

WHEREAS, on March 25, 2021 the Woodburn Planning Commission considered the annexation application and, after a duly advertised public hearing, recommended approval of the annexation; and

WHEREAS, on April 26, 2021, the Woodburn City Council held a public hearing, reviewed the record, heard all public testimony presented on said

application, and upon deliberation concluded that the proposed annexation meets the applicable approval criteria under City of Woodburn Development Ordinance (WDO) 5.04.01C.; **NOW, THEREFORE,**

THE CITY OF WOODBURN ORDAINS AS FOLLOWS:

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:  5/10/2021
City Attorney Date

Approved: 
Eric Swenson, Mayor

Passed by the Council May 10, 2021

Submitted to the Mayor May 10, 2021

Approved by the Mayor May 11, 2021

Filed in the Office of the Recorder May 14, 2021


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



EXHIBIT A

December 11, 2020

LEGAL DESCRIPTION Annexation

Job No. 142-001

The land described in Reel 1874 Page 324, Marion County Deed Records, in the Southwest Quarter of Section 6, Township 5 South, Range 1 West, Willamette Meridian, Marion County, State of Oregon, more particularly described as follows:

BEGINNING at the Northwest corner of Lot 12, plat of "Heritage Park Meadows", Marion County Plat Records;

thence along the westerly line of the land described in Reel 1874 Page 324, Marion County Deed Records, North $01^{\circ}51'52''$ East, a distance of 728.80 feet to the Northwest corner of said land;

thence along the northerly line of said land, South $88^{\circ}59'51''$ East, a distance of 1839.69 feet to the most northerly Northeast corner of said land;

thence along the easterly line of said land, South $01^{\circ}10'34''$ West, a distance of 193.99 feet to an angle point;

thence continuing along said easterly line, South $88^{\circ}27'56''$ East, a distance of 188.84 feet to a point on the westerly Right-of-Way line of N Boones Ferry Road;

thence along said westerly Right-of-Way line, along a 1462.50 foot radius curve, concave easterly, with a radius point bearing South $72^{\circ}36'55''$ East, arc length of 30.39 feet, central angle of $01^{\circ}11'26''$, chord distance of 30.39 feet, and chord bearing of South $16^{\circ}47'22''$ West to a point of tangency;

thence continuing along said westerly Right-of-Way line, South $16^{\circ}11'39''$ West, a distance of 248.30 feet to a point of tangential curvature;

thence continuing along said westerly Right-of-Way line, along a 11429.91 foot radius tangential curve to the right, arc length of 174.88 feet, central angle of $00^{\circ}52'36''$, chord distance of 174.88 feet, and chord bearing of South $16^{\circ}37'57''$ West to the most easterly Southeast corner of said land;

thence along the southerly line of said land, North $85^{\circ}36'39''$ West, a distance of 251.91 feet to an angle point;

thence continuing along said southerly line, South 10° 57' 23" West, a distance of 156.47 feet to the most southerly Southeast corner of said land;

thence continuing along said southerly line, North 80° 05' 15" West, a distance of 269.40 feet to the Northeast corner of Lot 12, plat of "Miller Links", Marion County Plat Records;

thence along the northerly boundary line of said plat of "Miller Links" and the northerly boundary line of said plat of "Heritage Park Meadows", North 88° 55' 21" West, a distance of 1373.79 feet to the POINT OF BEGINNING.

Containing 31.858 acres, more or less.

Basis of bearings is the Oregon Coordinate Reference System (OCRS), Salem Zone projection.

REGISTERED
PROFESSIONAL
LAND SURVEYOR



OREGON
JULY 9, 2002
TRAVIS C. JANSEN
57751

RENEWS: 6/30/2021

SOUTHWEST QUARTER OF SECTION 6
TOWNSHIP 5 SOUTH, RANGE 1 WEST,
WILLAMETTE MERIDIAN, MARION
COUNTY, STATE OF OREGON

PARCEL 8
REEL 2431
PAGE 51

PARCEL 8
REEL 2431
PAGE 51

PARCEL 8
REEL 2431
PAGE 51

PARCEL 8
REEL 2431
PAGE 51

REEL 1915
PAGE 176

S88°59'51"E 1839.69'

REEL 1875
PAGE 112

S88°27'56"E
188.84'

REEL 1874
PAGE 324

S01°10'34"W
193.99'

R=1462.50'
L=30.39'
Δ=1°11'26"
CH=30.39'
S16°47'22"W

R=11429.91'
L=174.88'
Δ=0°52'36"
CH=174.88'
S16°37'57"W

N85°36'39"W
251.91'

S10°57'23"W
156.47'

N01°51'52"E 728.80'

POINT OF BEGINNING

12

N88°55'21"W 1373.79'

12

N80°05'15"W
269.40'

HERITAGE
PARK
MEADOWS

MILLER
LINKS

REEL 2506
PAGE 113

REEL 324
PAGE 1040

N BOONES FERRY ROAD



EXHIBIT B
ANNEXATION

DRAWN BY: FAA DATE: 12/11/20

REVIEWED BY: TCJ DATE: 12/11/20

PROJECT NO.: 142-001

SCALE: 1"=300'

PAGE 1 OF 1



12564 SW Main St
Tigard, OR 97223
[T] 503-941-9484
[F] 503-941-9485

ANX 2020-03: Analyses & Findings

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

<i>Symbol</i>	<i>Category</i>	<i>Indication</i>
✓	Requirement (or guideline) met	No action needed
✗	Requirement (or guideline) not met	Correction needed
⊖	Requirement (or guideline) not applicable	No action needed
▲	<ul style="list-style-type: none"> 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
■	Deviation: Planned Unit Development, Zoning Adjustment, and/or Variance	Request to modify, adjust, or vary from a requirement

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

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Project Name & Case File Numbers

The applicant submitted the project name Schultz Farm, but through re-submittal renamed it to Dove Landing. The land use application master/parent case file number is Annexation ANX 2020-03, and the children/corollary case file numbers are Planned Unit Development PUD 2020-02, Preliminary Subdivision SUB 2020-03, & Zone Change 2020-02.

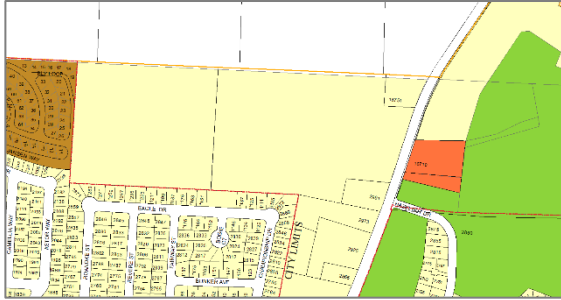
Location

<i>Address(es)</i>	None (west side of N. Boones Ferry Rd north of Hazelnut Dr)
<i>Tax Lot(s)</i>	051W06C000800 (primary) & 400; respectively 17.13 & 14.00 acres, totaling 31.13 acres
<i>Nearest intersection</i>	N. Boones Ferry Rd & Hazelnut Dr

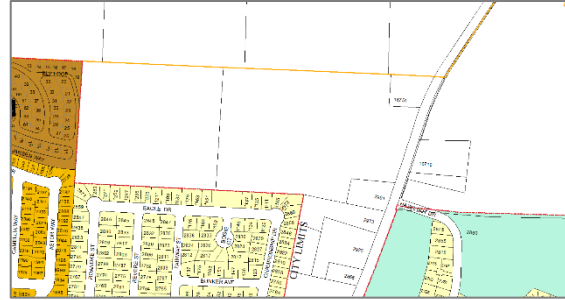
Land Use & Zoning

<i>Comprehensive Plan Land Use Designation</i>	Low Density Residential
<i>Zoning District</i>	Residential Single Family (RS)
<i>Overlay District(s)</i>	none
<i>Existing Use(s)</i>	Closed orchard

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

<i>Cardinal Direction</i>	<i>Adjacent Zoning</i>
North	No City zoning because not annexed and outside the City urban growth boundary (UGB)
East	No City zoning because not annexed and outside the City urban growth boundary (UGB). ANX 2020-01 Trillium Reserve under review.
South	RS; from east to west: two rural homesteads and Miller Links subdivision
West	RM; Woodburn Senior Estates Manufactured Home Community

Statutory Dates

<i>Application Completeness</i>	February 12, 2021
<i>120-Day Final Decision Deadline</i>	June 12, 2021 per Oregon Revised Statutes (ORS) 227.178 . (The nearest and prior regularly scheduled City Council date would be either May 10 or 24, 2021, depending on coronavirus.)*

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

Annexation Provisions

Because the proposal is for annexation, per 5.04 it requires a Type IV review with City Council decision. The applicant submitted application materials on October 30, 2020 and revised and additional materials through February 11, 2021 (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 [*sic*] 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 two pre-application conferences: Pre-App PRE 2019-03 on February 27, 2019 and PRE 2020-21 on September 3, 2020.

The applicant requests that the City designate the annexed territory with the Residential Single Family (RS) zoning district.

Regarding the criteria of subsection C.:

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

First, the territory to be annexed is within the Woodburn Urban Growth Boundary (UGB). The premise of a UGB is to define an area feasible for the City to provide services to greenfield development over approximately 20 years as described in the Comprehensive Plan. So, in this way the annexation of territory within the UGB is consistent with the 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: N. Boones Ferry Road borders to the property to the east, providing a means of access. (The annexation legal description and map series excludes the right-of-way (ROW) adjacent to the site. ANX 2020-01 Trillium Reserve is annexing it.)
- Transit: Along N. Boones Ferry Road, the City and other agencies could run transit vehicles.
- Potable water, sanitary sewer, and stormwater sewer: These are adjacent or nearby, and as the Public Works Department Directs at the civil engineer plan (CEP) review and public works permit stage, the developer will upgrade and extend them as necessary to provide 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.

Regarding public parkland, the proposed development doesn't meet the criterion because it fails to meet certain Comprehensive Plan policies. Because the issue is best understood in the context of development, see the Planned Unit Development Provisions below for further analysis and findings.

2. 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, evidenced by the Public Works comments that are Attachment 102A.

Second, the Public Works Department, Woodburn Fire District (WFD), and Woodburn School District (WSD) submitted service provider letters (SPLs) as annexation applications require. They are in Attachment 103A. The Public Works one dated October 13, 2020 states:

“This letter is to certify that the City of Woodburn has no capacity issue with the public wastewater treatment facility or public water treatment facility. However, the subject property is not adjacent to an existing collection system for water, wastewater or a public storm sewer collection system. The requirements for these collection facilities would still need to be determined. The capacity analysis, design and installation would be the responsibility of the applicant/property owner.”

Along with the Public Works comments that are Attachment 102A, it appears to Planning Division staff that the Public Works Department has no objection to annexation and that public works can serve the development through typical public improvements by a developer of the territory to be annexed.

Additionally, the applicant’s narrative (October 29, 2020, p. 53) states:

“Although the proposed 154-unit PUD is not phased, it’s important to note that the homebuilding process will not occur at once upon annexation. Following planning approval, the proposed site construction documents must be reviewed and approved, and the site streets and utility infrastructure constructed prior to beginning home building. These stages can take 9 to 12+ months. Individual home construction can take 3 months and homes are typically constructed on a pace commensurate with home sales. Home sales within any one project can range from 3-10 per quarter, which would likely extend the process of home construction for several years.”

There’s no written objection by the Public Works Department to the applicant’s narrative.

Besides the usual three classes of basic public infrastructure – potable water, sanitary sewer, and stormwater management – there is however also the issue of public parkland. There isn’t enough public parkland in the north area of the city and UGB. Because parkland is a development issue, staff addresses parkland further under the Planned Unit Development Provisions section below.

Regarding public parkland, the proposed development doesn't meet the criterion because it fails to provide adequate capacity regarding City public parkland. Because the issue is best understood in the context of development, see the Planned Unit Development Provisions below for further analysis and findings.

3. a. Examining the considerations under subsection a. because the Comprehensive Plan land use map designates the territory Low Density Residential, and the territory is to be designated with Residential Single Family (RS) base zoning district consistent with both the applicant's request and Comprehensive Plan Policy Table 1:

- 1) The territory to be annexed at its south and west boundaries meets the guideline that it "should be contiguous to the City on two or more sides".

- 2) The applicant's narrative (p. 53) states:

"The territory is designated by the Comprehensive Plan as 'Low Density Residential' land included in the 'Buildable Lands Inventory.' According to the City of Woodburn's latest Housing Needs Analysis, the estimated housing need for single-family detached dwellings is 1,563 units. The proposed 154-lot PUD accounts for only 9.85 percent of the total need.

Although the proposed 154-unit PUD is not phased, it's important to note that the homebuilding process will not occur at once upon annexation. ... The careful process of bringing the proposed 154-units on-line, through construction documentation and final approval stages, will not adversely impact the City's a 5-year supply of Low Density Residential."

Staff concurs, with the exception that the proposal is 166 houses and so 10.6% of the estimated need of 1,563 houses.

- 3) The applicant's narrative (p. 53) states:

"The subject territory is located within the City's UGB and has been assigned the Low Density Residential designation in the Comprehensive Plan. As detailed in the previous sections of this report, the proposed PUD on the subject site includes its own water quality and detention facility that treats all stormwater associated with the site. ... The proposed street layout detailed with this PUD includes three future street connections extending north. These three street connections shrink superblocks while addressing Comprehensive Plan policies regarding street connectivity."

There's no written objection by the Public Works Department to the applicant's narrative.

4) Regarding (a) & (b), the applicant's narrative (p. 4) states:

"The proposed street layout detailed with this PUD includes three future street connections extending north. These three street connections shrink superblocks while addressing Comprehensive Plan policies regarding street connectivity."

Staff concurs and adds that the development proposes two street connections with N. Boones Ferry Road in conformance with Transportation System Plan (TSP) Figure 6 "Local Street Connectivity Plan". These also provides better access for emergency vehicles. (The proposed "O" Street would align with Trillium Place within ANX 2020-01 Trillium Reserve, Trillium Place itself being the outlet for the Olympic Street extension.)

5) The applicant asserts no unmet community need. Because these analyses and findings come before the first public hearing by the Planning Commission, it is yet unknown if annexation fulfills a substantial unmet community need because the City Council has not yet identified such a need. Examples of community needs include park space and conservation of significant natural or historic resources, and the corollary development includes Tracts I & K along the south that the developer is to improve and dedicate as City/public parkland.

Note: As of March 16, 2021, Administration relayed through the Community Development Director to staff that the City Council may choose to interpret the timing of criterion C.3a5) such that between the timing of this writing and whenever the Council hearing would be, the Council would take action to identify a substantial unmet community need in such a way that the annexation criterion would apply to Dove Landing by the time of the public hearing – namely that lack of public parkland is a substantial unmet community need that the Dove Landing PUD could meet were it to dedicate Tracts I & K to the City as public parkland.

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 a City base zoning district other than RS. (Pursuant to Comprehensive Plan Policy Table 1, RS is the only zoning district that implements the Low Density Residential 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 development review, i.e. site plan review process, instead of annexation itself.

- ✘ The annexation fails to meet criteria C.1 & C2 because the applicant is indicating refusal to dedicate to the City public parkland from among the PUD common area open space tracts. (Staff applies conditions such that the development could fully meet the annexation criteria. See the Planned Unit Development Provisions section below for details.)

Zoning Map Change Provisions

Zoning Map Change Provisions

5.04.04

A. Purpose: The purpose of an Owner Initiated Official Zoning Map Change is to provide a procedure to change the Official Zoning Map, in a manner consistent with the Woodburn Comprehensive Plan.

B. Criteria: The following criteria shall be considered in evaluating an Official Zoning Map Change;

1. Demonstrated need for the proposed use and the other permitted uses within the proposed zoning designation.

2. Demonstrated need that the subject property best meets the need relative to other properties in the existing developable land inventory already designated with the same zone considering size, location, configuration, visibility and other significant attributes of the subject property.

3. Demonstration that amendments which significantly affect transportation facilities ensure that allowed land uses are consistent with the function, capacity, and level of service of the facility identified in the Transportation System Plan. This shall be accomplished by one of the following:

a. Limiting allowed land uses to be consistent with the planned function of the transportation facility; or

b. Amending the Transportation System Plan to ensure that existing, improved, or new transportation facilities are adequate to support the proposed land uses consistent with the requirement of the Transportation Planning Rule; or,

c. Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes of transportation.

Staff interprets this section such that it applies only to rezoning – a change from one City zoning district to another. Because the zone change proposed through ZC 2020-02 comes with annexation in order to assign City zoning, and the proposed zoning districts comply with the Comprehensive Plan land use map designations, the criteria are not applicable.

⊖ Not applicable.

Riparian Corridor and Wetlands Overlay District (RCWOD) Provisions

RCWOD Provisions

2.05.05 Riparian Corridor and Wetlands Overlay District

A. Purpose

The Riparian Corridor and Wetlands Overlay District (RCWOD) is intended to conserve, protect and enhance significant riparian corridors, wetlands, and undeveloped floodplains in keeping with the goals and policies of the Comprehensive Plan. The RCWOD is further intended to protect and enhance water quality, prevent property damage during floods and storms, limit development activity in designated areas, protect native plant species, maintain and enhance fish and wildlife habitats, and conserve scenic and recreational values.

B. Boundaries of the RCWOD

1. The RCWOD includes:

- a. Riparian corridors extending upland 50 feet from the top of the bank of the main stem of Senecal Creek and Mill Creek and those reaches of their tributaries identified as fish-bearing perennial streams on the Woodburn Wetlands Inventory Map; and
- b. Significant wetlands identified on the Woodburn Wetlands Inventory Map. Where significant wetlands are located fully or partially within a riparian corridor, the RCWOD shall extend 50 feet from the edge of the wetland; and
- c. The 100-year floodplain on properties identified as vacant or partly vacant on the 2005 Woodburn Buildable Lands Inventory.

2. The approximate boundaries of the RCWOD are shown on the Zoning Map. The precise boundaries for any particular lot should be verified by the property owner when making a land use application. Map errors may be corrected as provided in this Ordinance (Section 1.02.04).

The subject property has a southerly east-west drainage way resulting from existing topography and that goes into a culvert under N. Boones Ferry Road. In response to the incompleteness letter of November 24, 2020 in which staff noted that the narrative omitted mention of RCWOD, the applicant submitted on January 15, 2021 as Exhibit K an RCWOD memo dated December 16, 2020 that concludes that RCWOD is not applicable. (Incidentally, no other overlay districts from 2.05 apply.)

⊖ Not applicable.



Subdivision Preliminary Approval Provisions

Subdivision Preliminary Approval Provisions

5.03.10 Subdivision Preliminary Approval

A. Purpose: The purpose of a Type III Subdivision decision is to ensure that the division of properties into 4 or more lots complies with the standards of this Ordinance (Sections 2 and 3). Subdivisions are allowed in all zones, provided the proposal meets applicable standards.

B. Criteria: Preliminary approval of a Subdivision shall require compliance with the following:

1. That approval does not impede the future best use of the remainder of the property under the same ownership or adversely affect the safe and efficient development of the remainder of any adjoining land or access thereto.
2. That the proposed development shall be served with city streets, water, sewer and storm drainage facilities with adequate capacity.
3. That the plan for the development takes into account topography, vegetation and other natural features of the site.
4. That adequate measures have been planned to alleviate identified hazards and limitations to development:
 - a. For wetlands these shall be the measures required by the Division of State Lands for regulatory wetlands.
 - b. For unstable areas, demonstration that streets and building sites are on geologically stable soil considering the stress and loads.
5. The preliminary plat complies with all applicable provisions of this Ordinance (Sections 2 and 3), except where waived by variance.

Because the subdivision is for planned unit development (PUD), which can and does modify WDO provisions, the criteria are met through the PUD provisions, including modification by PUD to establish a smaller minimum lot area standard.

■ *PUD:* Staff further addresses WDO and modified subdivision standards below under the Planned Unit Development Provisions section.

Planned Unit Development Provisions

Planned Unit Development Provisions

3.09

The purpose of this Section is to establish the requirements for Planned Unit Developments (PUDs). PUDs allow flexible development standards, unique street cross-sections, and more variety in permitted uses. They are especially appropriate when developing properties with unique topographic, geotechnical, or other constraints. They also encourage innovation and creative approaches for developing land. In exchange for the ability to modify development and use standards, PUDs must provide common open space and enhanced public amenities.

PUD is a discretionary land use application type allowing developers to modify WDO provisions – such as getting smaller minimum lot areas and higher residential density – in exchange for a minimum area of open space, minimum common area improvements, and what the City interprets to mean “enhanced public amenities”. More to the point, the conditions of approval and the related 200 series of attachments establish PUD development standards and common area improvements.

The developer is indicating refusal to dedicate to the City public parkland, namely Tracts I & K.

Regarding the issue of parkland along with annexation criterion C.1 (Comprehensive Plan) and the staff note regarding criterion C.3a5) (Council identification of substantial unmet community need), obtaining parkland would meet Comprehensive Plan policies below, where italics indicate staff emphasis:

<i>Policy No.</i>	<i>Page No.</i>	<i>Policy</i>
G-1.18	29	Conversion of land within the boundary to urban uses shall be based on a consideration of: (a) <i>Orderly, economic provision for public facilities and services.</i>
G-2.1	32	For each proposed expansion of the City, Woodburn shall <i>assess the proposal's conformance with the City's plans</i> , and facility capacity and <i>assess its impact on the community.</i>
G-2.2	32	Woodburn will achieve more efficient utilization of land within the City by: (a) Incorporating all of the territory within the City limits <i>that will be of benefit to the City.</i>
G-2.3	33	Woodburn will use annexation as a tool to guide: ... (c) The efficient use and extension of City facilities and services.

Below are four images, a vicinity map, a vicinity map showing the location a parks map (Attachment 104B) reproduced at a small scale, and a close-up with the parks map:



Image 102A - Vicinity map: Subject property in purple, City parks in green

The vicinity map shows the subject property in purple in relation to City parks in green.

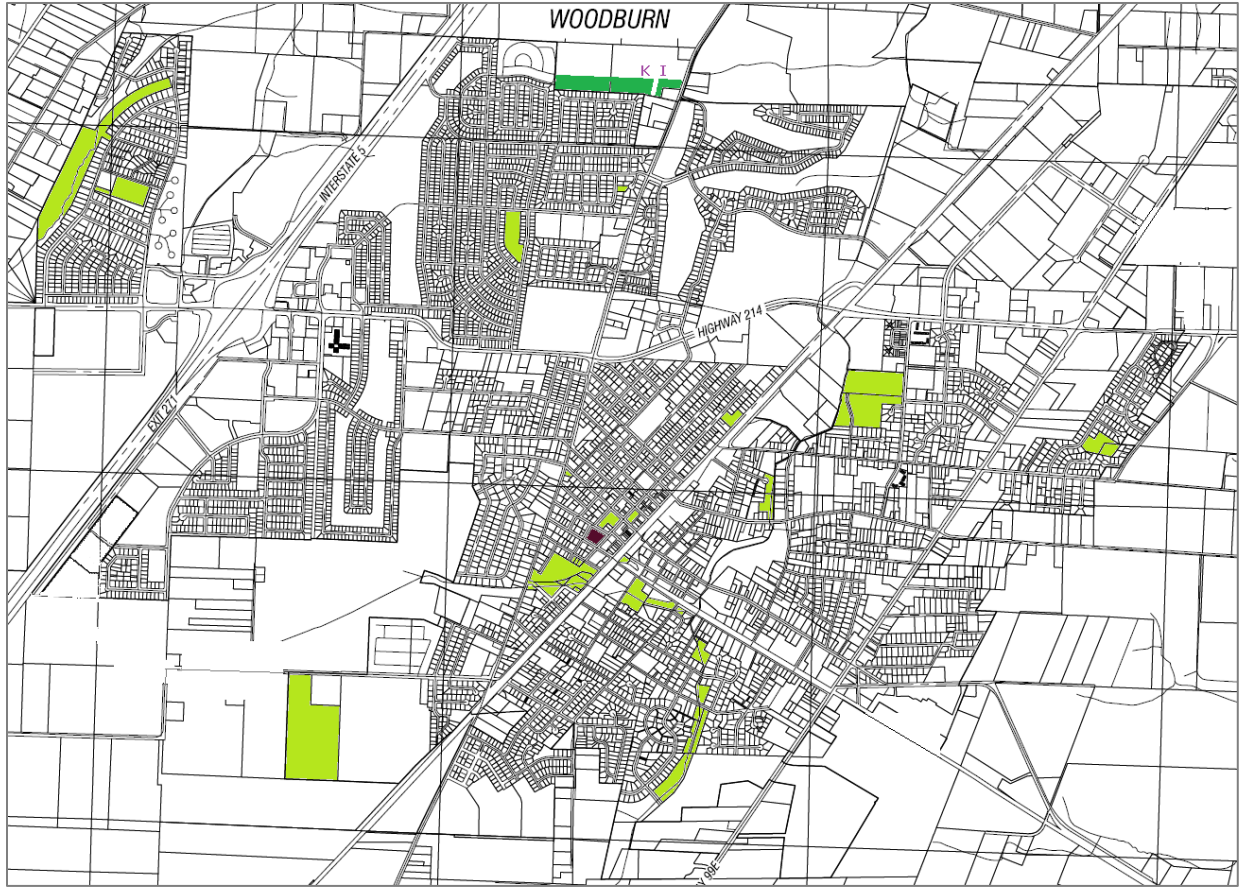


Image 102B - Dove Landing parkland

The Dove Landing parkland map represents the City/pub parkland Tracts I & K, which total 8.32 acres, in dark green in relation to existing City parks in light green.

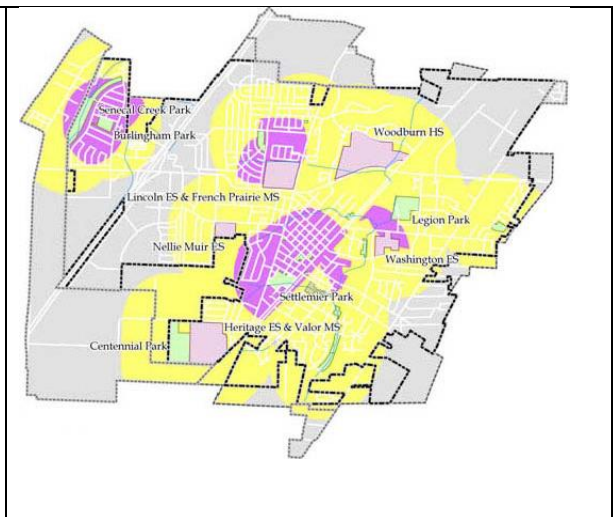
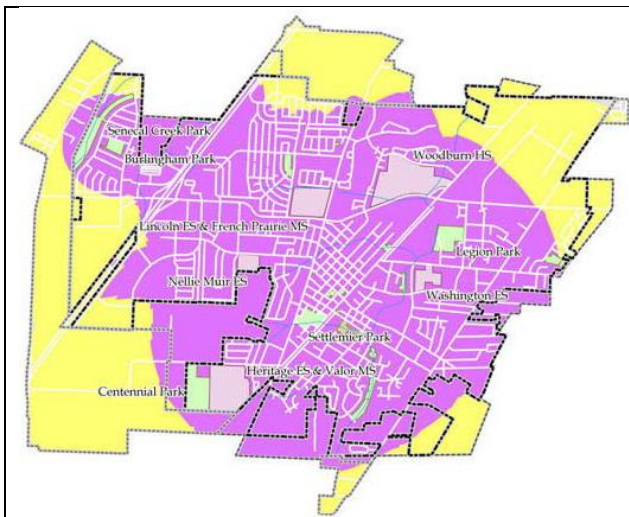
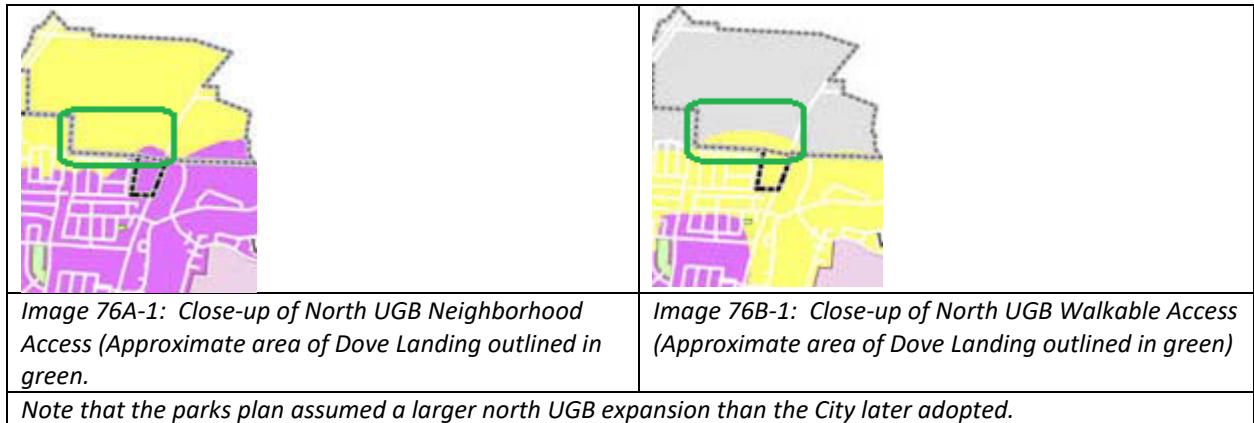


Image 76A: Neighborhood Access

Image 76B: Walkable Access

Both excerpted from the Parks and Recreation Master Plan (2009), pp. 76-77

The Parks and Recreation Master Plan (2009), pp. 76-77, includes the above two purple and yellow figures. The two pages are included as Attachment 104A. P. 77 describes access to parks and improving level of service and in the third paragraph refers to an ideal of a park within 1/3-mile from each home.



Both maps show how remote Dove Landing would be from existing parks were it to fail to dedicate Tracts I & K as parkland.

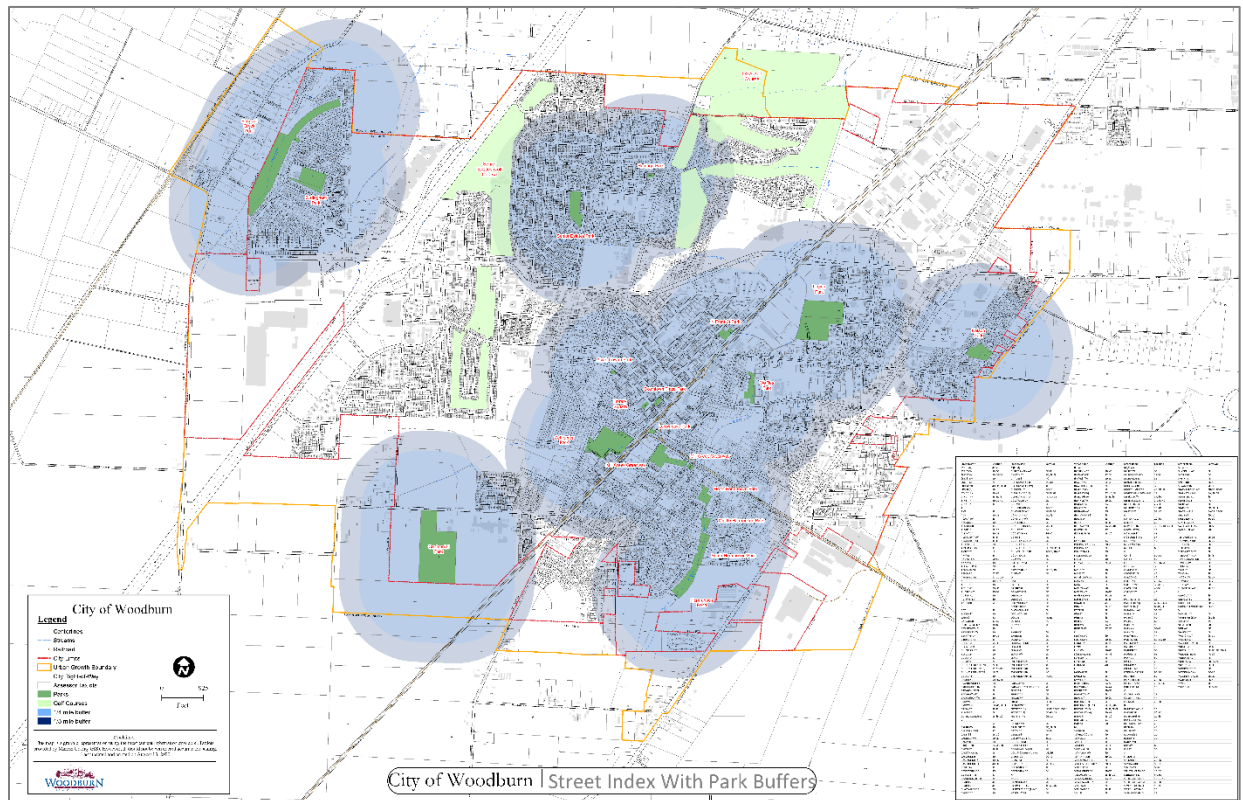


Image 102C - Parks map "Street Index with Park Buffer" (cropped view of Attachment 104B)

This map shows City parks in dark green and walking distance buffers of ¼ and 1/3 miles (blue and gray respectively).

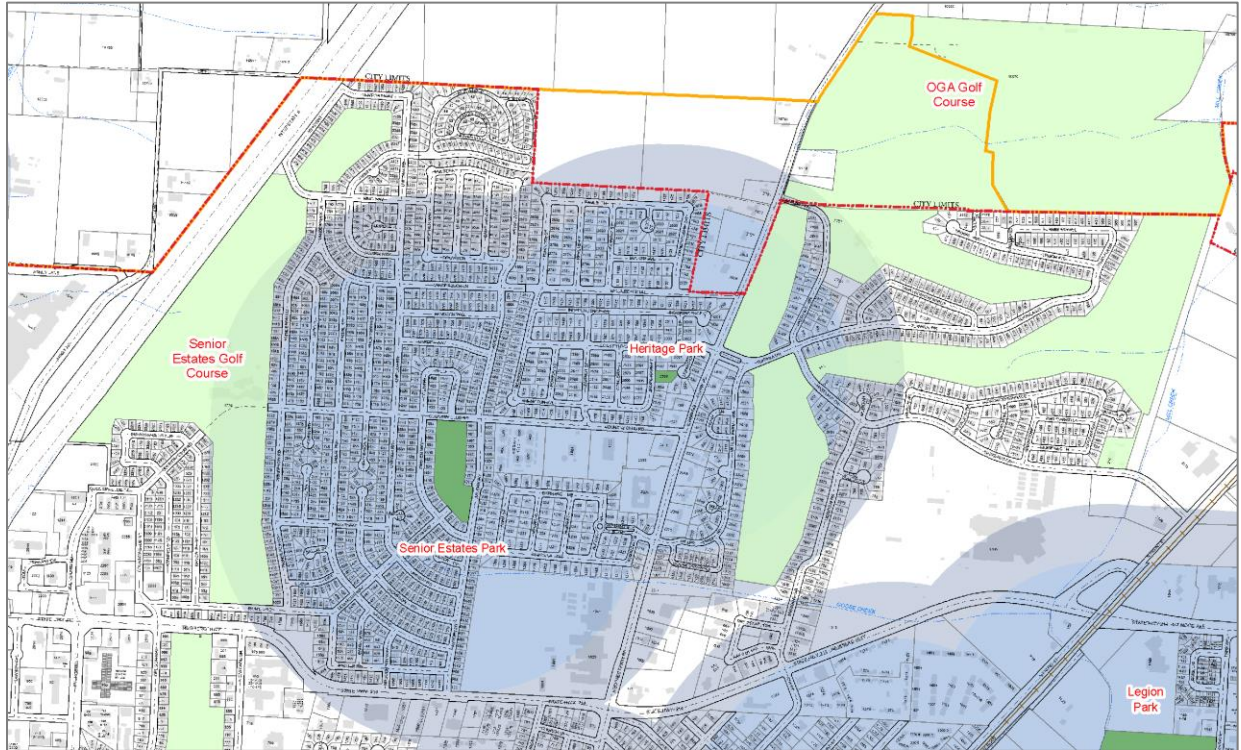


Image 102D - Parks map "Street Index with Park Buffer": North UGB close-up

This map shows City parks and walking distance buffers of ¼ and 1/3 miles (blue and gray respectively) in a close-up of the north urban growth boundary (UGB).

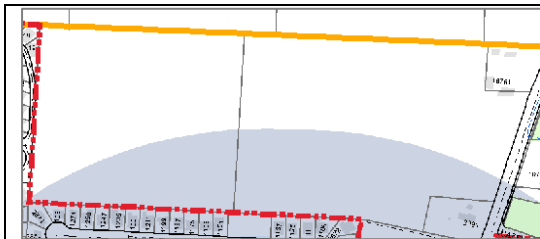


Image 102E-1 – Dove Landing close-up



Image 102E-2 – Site plan marked with tracts to dedicate (as parkland)

Compared with the Dove Landing site plan, the majority of lots would be beyond the outermost crow-fly buffer of the nearest park, which is Heritage Park. The walking distance of 0.7 miles more than twice exceeds the 0.33 mile buffer distance. Staff emphasizes that access to parks isn't merely about proximity of future residents of Dove Landing to public parks, but also providing adequate parks level of service for existing residents based on the desires and

inadequacies that the Parks and Recreation Master Plan describes, in particular larger parks with regional facilities.

The area north of OR 214, which lies between I-5 and N. Front Street, has only two public parks:



The closest, Heritage Park at 2588 Jamestown Street, at 0.34 acres is the size of a house lot, contains a small playground and a small basketball court, and publicly visible only from a cul-de-sac and a side street. The walking distance from the SE corner of Dove Landing is 0.4 miles or 8 minutes at 3 miles per hour (mph).

The next closest, Senior Estates Park (no address), is 4.01 acres, and contains a few minor improvements: paths and at least one dog waste station. The walking distance from the SE corner of Dove Landing is 0.7 miles or 14 minutes at 3 mph.

Neither park is a regional park. The Parks and Recreation Master Plan (2009) indirectly defines such through description: “Multipurpose, large regional centers (65,000 to 125,000+ sq. ft.) for all ages/abilities with all amenities in one place” (p. 35). The closest is Legion Park. The largest regional park, Centennial Park, is in the opposite area of the UGB from Dove Landing.

As parks director, the Assistant City Administrator directed January 20, 2021 that Tracts I & K be public and conform to the general improvement concept of having a playground, paved recreational paths/trails, open grass play area, 1-2 picnic shelters, restrooms, benches, trash receptacles, and dog waste stations. Staff conditioned accordingly and vetted with him the details of Attachment 203.

The City Council adopted the Parks and Recreation Master Plan via Ordinance No. 2458 on July 13, 2009 as part of the Comprehensive Plan per ordinance Section 2. In regards to aforementioned annexation criterion C.3a5), the plan identified substantial unmet community need, a need that applies to Dove Landing and that the PUD can address by dedicating Tracts I & K as parkland.

Such parkland dedication and improvement furthers the Parks and Recreation Master Plan by:

- Providing amenities that are higher rated by Figures 17 “Importance of outdoor recreation facilities to be added, expanded, or improved” (p. 55) and 18 “Most important outdoor facilities to be added, expanded, or improved” (p. 56)
- Providing some of desired “improvements to parks and facilities” (pp. 5&6)
 - All parks: drinking fountains
 - General: additional trails, park benches
- Serving “underserved portions of Woodburn ... Geographic UGB expansion” (p. 6)
- Serving “Goal 5: Increase cost recovery and funding” (p. 14) by obtaining free dedication of parkland through development, especially development with any of deviations, modifications, and variances subject to discretionary review, including PUD
- Serving “Goal 8: Plan for community growth”, which includes the action steps of “considering requiring developers to develop dedicated parks” and “Look for park land in the areas of Woodburn that are anticipated to have rapid growth including east of I-5” (p. 22).

The total 8.32 acres of Tracts I & K, with Tract K being the larger one at 7.2 acres, appeals to the Assistant City Administrator as parks director in that the size can easily fit regional facilities were the City to later construct or install them. The two tracts are 26.7% of the gross site area in the context of PUD standard of 30% open space. The remaining tracts as common areas compose the total of 33% per land use review plan Sheet 4 that the developer proposes as open space.

Dove Landing has 166 houses, constituting what staff considers a larger development. In short, Tracts I & K as City public parkland are public benefits commensurate with the PUD.

Looking again to Comprehensive Plan policies, requiring public parkland meets:

Policy No.	Page No.	Policy
D-1.1	14	Residential areas should be designed around a neighborhood concept. Neighborhoods should be an identifiable unit bounded by arterials, non-residential uses, or natural features of the terrain. The neighborhood should provide a focus and identity within the community and should have a community facility, such as a school, park, or privately owned community facility to allow for interaction within the neighborhood.
L-1.2	48	Where feasible, the City will acquire and develop neighborhood parks, trails, and open spaces through the development review process.
L-1.4	48	To ensure walkability, the City will strive to provide parks, trails, and indoor facilities within one-third mile of Woodburn residents.

Having mentioned earlier that the Council adopted the Parks and Recreation Master Plan via Ordinance No. 2458 on July 13, 2009 as part of the Comprehensive Plan per ordinance Section 2, staff adds that the ordinance also amended Comprehensive Plan policies to implement the parks plan – including by amending the above parks policies as shown in the excerpt below from the ordinance Attachment A, pages 1-2:

~~L-1.2 The City will ensure the most efficient and effective means of providing sufficient land for neighborhood parks by adopting a neighborhood/school park concept including joint land acquisition and development, thereby strengthening the existing partnership between the City and the Woodburn School District.~~ **Where feasible, the City will acquire and develop neighborhood parks, trails, and open spaces through the development review process.**

~~Strikethrough~~ - Deleted Text Section
Bold Underline – Proposed Text Change

ATTACHMENT A
 Page 2 of 3

~~L-1.4 As a supplement to the City's neighborhood parks, required nodal master plans shall include provision for adequate park and recreational facilities.~~ **To ensure walkability, the City will strive to provide parks, trails, and indoor facilities within one-third mile of Woodburn residents.**

This confirms beyond doubt that the policies serve to implement the parks plan. It also reinforces the application of Policy L-1.2 to developments including PUDs.

Here are the key WDO issues regarding the park dedication issue:

1. Commensurate public amenities are required for PUDs. A basic purpose of a PUD is to allow modifications to development standards (e.g. lot size and configuration) in exchange for enhanced public amenities and to obtain public amenities that are commensurate with and justify modifications to WDO provisions.
2. Annexations should meet unmet community needs. The Parks and Recreation Master Plan, as part of the Comprehensive Plan, identifies a lack of public parkland as an unmet community need, and were the developer to not dedicate parkland it would exacerbate the deficiency.
3. Annexations are required to benefit the City and each approval requires a review to assess impact on the community. Comprehensive Plan Goal G-2 states that the City incorporate territory that will be of “benefit to the City”, and Policy G-2.1 confirms that, “For each proposed expansion of the City, Woodburn shall assess the proposal’s conformance with the City’s plans, and facility capacity and assess its impact on the community.” Not dedicating the parkland would worsen current parks level of service and adversely impact (i.e. harm) the community.
4. Park acquisition/development should occur concurrently with development: Council adoption of the parks plan also reinforced Comprehensive Plan Policy L-1.2 as applied to developments including PUDs: “Where feasible, the City will acquire and develop neighborhood parks, trails, and open spaces through the development review process.”

Additional factors in support of about why parkland dedication is essential as part of this development are below:

- A. The developer already proposes the two tracts to be open space with park-like landscaping – a basic PUD standard is that 30% of the gross subject property area is to be common area, conventionally understood to be mostly open space.
- B. Tracts I & K can well serve as regional parks, and are commensurate with Dove Landing at least in terms of size – 8.32 out of 31.31 gross acres (26.7%) – and in relation to the proposal of 166 houses.
- C. To require dedication of two of the several open space tracts to the City as public land instead of to a private association as common area has no effect on providing the territory itself as open space – the developer wasn’t going to build housing on it anyway.
- D. The territory would remain just as open to residents of Dove Landing as parkland as it would were it to remain as private common area.
- E. An association would be spared maintenance responsibility with the territory as public parkland, and homeowners spared greater dues for such maintenance.
- F. If the City were to pass on obtaining the parkland now, the opportunity likely would disappear. In this case, though the tracts wouldn’t be developed with lots, it would become annexed private property having higher assessed value by being within city limits

and surrounded by development, raising the implied purchase price – were an association ever a willing seller or the City were ever willing to exercise eminent domain.

3.09.01 Allowable Types and Minimum Area of PUDs

A. Transfer of Density PUD

1. A Transfer of Density PUD shall consist entirely of property in any residential zone, or in more than one residential zone. A Transfer of Density PUD may only be used to transfer residential density from undevelopable areas of a site (riparian corridor, floodplain, wetlands, unstable soils or slopes) to developable areas of a site, but not to increase the overall number of dwelling units allowed on the site.

Note: This development option is often called cluster housing.

2. There is no minimum site area for a Transfer of Density PUD.

B. Residential PUD

1. A Residential PUD shall consist entirely of property zoned RS, RM, RSN, RMN, R1S, or P/SP, or in more than one such zone. A PUD is not allowed in the Neighborhood Conservation Overlay District (NCOD).

2. A Residential PUD shall contain a minimum of two acres.

C. Mixed-Use PUD

1. A Mixed-Use PUD may consist of property in any zone or zones. A Mixed- Use PUD is not allowed in the Neighborhood Conservation Overlay District (NCOD).

2. A Mixed-Use PUD shall contain a minimum of three acres.

The applicant's narrative (October 29, 2020, p. 42) states "This PUD does not propose any density transfer." Thus, the PUD of 166 houses appears to be a Residential PUD per subsection B. The PUD contains at least two acres and territory to be annexed and zoned RS.

✓ The provisions are met.

3.09.02 Allowed Uses

A. Transfer of Density PUD

Single-family dwellings, manufactured dwellings, duplexes, row houses, and multiple-family dwellings shall be allowed in a Transfer of Density PUD.

B. Residential PUD

Any use allowed in any residential zone shall be allowed in a Residential PUD (see Table 2.02A). No separate Conditional Use process shall be required for any use that is described in the Detailed Development Plan and the project narrative.

C. Mixed-Use PUD ...

Because the proposal includes no density transfer, what would be a conditional use per the base zoning district, or more than one base zoning district, the provisions are not applicable.

⊖ Not applicable.

3.09.03 Density Transfer

- A. Any PUD may be used to transfer residential density from undevelopable areas of a site (riparian corridor, floodplain, wetlands, unstable soils or slopes) to developable areas of a site. Up to 40 percent of the density may be transferred, except as provided in Sections B through G, below. No more than 100 percent of the density may be transferred.**
 - B. If the PUD dedicates to the City or provides an easement for a trail or bike path shown in any adopted City Plan, an additional 20 percent of the density may be transferred.**
 - C. If the PUD dedicates to the City property abutting a public park, the Commission may allow up to an additional 20 percent of the density to be transferred, commensurate with the amount and usability of the property dedicated.**
 - D. If the improved common area of the PUD is available for use by the public, the Commission may allow up to an additional 10 percent of the density to be transferred, commensurate with the amount and usability of the improved common area. The area must be permanently posted with a sign reading, "This common area is available for use by the public."**
 - E. If the PUD plan proposes landscaping or buffering that exceeds the WDO minimum standards by at least 25 percent, the Commission may allow up to an additional 20 percent of the density to be transferred, commensurate with the amount, quality, and variety of the enhanced landscaping or buffering.**
 - F. If the PUD plan proposes stormwater mitigation measures that exceed minimum City standards by at least 25 percent, the Commission may allow up to an additional 10 percent of the density to be transferred, upon a recommendation by the Public Works Department.**
 - G. If the PUD plan proposes other environmental, sustainability, or architectural enhancements, the Commission may allow up to an additional 10 percent of the density to be transferred, commensurate with the amount, quality, and community benefit of the enhancements. Such enhancements may include, but are not limited to, solar heating or electrical generation, community gardens, public art, mitigation of off-site stormwater, and greywater diversion.**
- Because the proposal includes no density transfer, the provisions are not applicable.

⊖ Not applicable.

3.09.04 Conceptual Development Plan

- A. PUDs require both a Conceptual Development Plan and a Detailed Development Plan. These reviews may be accomplished sequentially or as a consolidated review, at the applicant's discretion.**
- B. A Conceptual Development Plan shall include drawings and a narrative describing the surrounding neighborhood, existing site conditions, general development areas, phasing, land uses, building envelopes, architectural theme, landscaping and buffering, streets, bicycle and pedestrian circulation, common areas, utility locations, sign theme, and other information the Director may deem necessary to convey the concept plan.**

The application materials indicate that the applicant seeks Conceptual Development Plan approval.

✓ The provisions are met.

3.09.05 Detailed Development Plan

- A. PUDs require both a Conceptual Development Plan and a Detailed Development Plan. These reviews may be accomplished sequentially or as a consolidated review, at the applicant's discretion.
- B. No building, grading, access, or other development permit may be issued until a Detailed Development Plan has been approved for at least one phase of the project.
- C. Buildings shown on a Detailed Development Plan are exempt from Design Review if they are in substantial conformity to the Detailed Development Plan (see Section 3.07.01.B).
- D. A Detailed Development Plan shall include drawings and a narrative sufficient to demonstrate compliance with the Conceptual Development Plan and any conditions of approval previously imposed. A Detailed Development Plan shall provide specific information regarding the site layout, architecture, and proposed amenities. A Detailed Development Plan that proposes land uses not in the Conceptual Development Plan or that deviates by more than ten percent from any development standard in the Conceptual Development Plan for any phase, or that does not meet the standards of this Section shall not be approved. The applicant may request that the decision-maker approve such a plan as an amended Conceptual Development Plan.

The application materials indicate that the applicant seeks both PUD Conceptual Development Plan and Detailed Development Plan (DDP) approvals.

Staff applies a PUD condition, similar to as was done for the Smith Creek PUD (ANX 2017-05) and is being done for Trillium Reserve PUD (ANX 2020-01), to conform to 5.01.07, the purpose of which is to ensure that the PUD is in substantial conformance with the conditions of the DDP approval.

▲ Staff applies a *PUD condition* for PUD Final Plan Approval process.

3.09.06 Development Standards

A PUD is intended to allow flexibility in the development standards of Sections 2.02 through 2.04 and 3.01 through 3.10. The Detailed Development Plan may propose modified standards without a separate Variance. Any standard that is not proposed for modification shall apply to the PUD. The development standards stated below shall not be modified through the PUD process.

A. Common area and density shall comply with Table 3.09A.

Common Area and Density Standards for Planned Unit Developments Table 3.09A				
		Transfer of Density	Residential	Mixed-Use
Common Area, Minimum	Four or fewer dwelling units	All undevelopable site area		
	Five or more dwelling units, or nonresidential uses	30 percent of gross site area, including all undevelopable site area ¹		
Improved Common Area, Minimum	Four or fewer dwelling units	None		
	Five or more dwelling units	100 square feet per dwelling unit		
	Nonresidential uses	None	None	None
Residential Density, Minimum (units per net acre)		Pursuant to the Comprehensive Plan ²		
Residential Density, Maximum (units per net acre)		Not specified ⁴		
<p>1. At least one common area shall be sized to accommodate a circle 25 feet in diameter.</p> <p>2. In residential zones only. There is no minimum for non-residential zones.</p> <p>3. Child care facility for 13 or more children, group home for six or more persons.</p> <p>4. The maximum density is determined by setbacks, off-street parking, open space, and other requirements. Pursuant to Comprehensive Plan Policy Table 1, Note (p. 7), allowable densities may be increased through PUD above the maximum(s) of the base zone(s).</p>				

First, before applying standards from the table, definitions from 1.02 are in order:

- “Common area”: Not defined.
- “Improved common area”: Not defined. However, the next section beyond Table 3.09A, which is 3.09.06B, states that, “Common areas are deemed improved if they are provided with benches, playground equipment, gazebos, picnic facilities, or similar amenities. Lawn area by itself does not constitute improvement. Trails or paths do not constitute improvement, unless they connect to the public trail system. Common meeting or recreation rooms are deemed to be improved common areas.”

- “Open space, common”: “An area, feature, building or other facility within a development which has been dedicated in common to the ownership within the development, or to the public, specifically for the purpose of providing places for recreation, conservation or landscaping, and which is intended for the use of the residents and property owners of the development.”
- “Open space, usable common”: “Common open space, the use of which conforms with use and development guidelines specified by the Woodburn Development Ordinance.”

It appears that through the table, “common area” describes the same as “open space, common”. “Improved common area” could mean the same as “open space, usable common”, except that the definition is vague and refers to WDO guidelines and specifications that simply don’t exist except for 3.09.06B, so the description in 3.09.06B stands. Staff concludes that the City through PUD can define the details of what “improved common area” and “similar amenities” mean as standards and require that they be met. Staff concluded the same and acted accordingly for the Smith Creek PUD (ANX 2017-05) and is acting accordingly for the Trillium Reserve PUD (ANX 2020-01), for example.

Second, looking at the applicable standards from the table, they are as follows:

<p>Common Area, Minimum: Five or more dwelling units, or nonresidential uses</p>	<p>30 percent of gross site area, including all undevelopable site area¹</p> <p>¹At least one common area shall be sized to accommodate a circle 25 feet in diameter.</p>	<p>30.0% of the subdivision gross area is (31.13 acres x 0.3) = 9.34 acres</p> <p>The applicant proposes 30% with common area tracts totaling 9.55 acres, excluding the stormwater detention pond. Including this pond equals 10.72 acres at 33%.</p>
<p>Improved Common Area, Minimum: Five or more dwelling units</p>	<p>100 square feet per dwelling unit</p>	<p>The next section beyond Table 3.09A, which is 3.09.06B, defines improved common area.</p> <p>At 166 dwellings, the improved common area min is 166 x 100 sq ft = 16,600 sq ft. It appears the playground (on Tract H) and the path pavement areas on several tracts together could meet the min in terms of area.</p> <p>However, see also the text past this table in "Table Supplement"</p>
<p>Residential Density, Maximum (units per net acre)</p>	<p>Pursuant to the Comprehensive Plan²</p> <p>²In residential zones only. There is no minimum for non-residential zones.</p>	<p>Through Policy Table 1 starting on plan p. 7, the table has a footnote stating, "Note: ... Allowable densities may be increased through the discretionary planned unit development review process." The proposal does so and proposes at least 6.8 dwelling units (DUs) per net acre. The conditioned development standards acknowledge such.</p>
<p>Residential Density, Maximum (units per net acre)</p>	<p>Not specified⁴</p> <p>⁴The maximum density is determined by setbacks, off-street parking, open space, and other requirements. Pursuant</p>	<p>The proposal is 166 houses on small lots equal to an average lot size of 6,406 sq ft and a density of 6.8 houses (dwelling units or DUs) per net acre.</p>

	<p>to Comprehensive Plan Policy Table 1, Note (p. 7), allowable densities may be increased through PUD above the maximum(s) of the base zone(s).</p>	<p>Additionally, Oregon House Bill (HB) 2001 (2019) and OAR 660-046 took effect that require most cities including Woodburn to allow “middle housing” – duplexes, triplexes, quadplexes, cottage clusters, and townhouses – as follows:</p> <p>(a) All middle housing types in areas zoned for residential use that allow for the development of detached single-family dwellings; and</p> <p>(b) A duplex on each lot or parcel zoned for residential use that allows for the development of detached single-family dwellings.</p> <p>The max density is as follows: 27.2 DUs per net acre for the 166 lots to allow a theoretical maximum of four dwellings per lot composed of a combination of houses and middle housing. Note: Accessory dwelling units (ADUs) don’t count against max density, and the bulleted maximums exclude the golf course territory.</p> <p>In service of substantial conformance, a PUD condition establishes as a development standard min density equal to what’s proposed.</p>
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Table Supplement

However, per the purpose statement of 3.09, a PUD is to provide “enhanced public amenities”. 5.03.06B.6 is a Conceptual Development Plan approval criterion: “That the requested flexibility in development standards is justified by commensurate public benefits.”

First, staff applies Table 3.09A such that the PUD standards are a base and not exhaustive. Additionally, the table itself addresses common area, but doesn't address the distinction of private common versus City/public area. Based on the 3.09 purpose statement and the Conceptual Development Plan criterion of 5.03.06B.6, any PUD should have more than the bare minimum per Table 3.09A.

Besides off-street bicycle/pedestrian paths that are paved, the only proposed common area improvements are a playground on Tract H and a wood chip pedestrian path on Tracts I & K. The proposal provides no public access to the playground and provides public access to subdivision connection paths on Tracts B, D, & L-O (but not also F). It provides no access to the largest and park-like common area tracts, Tracts I & K. The proposal fails to provide enhanced *public* amenities.

Second, the size of the subject property at 31.13 gross acres and the number of proposed dwellings, 166, are much larger than the minimum size for a PUD that ranges from 2-3 acres. The proposal fails to provide public amenities that are *commensurate* with the PUD modifications that the applicant requests.

A PUD condition through Attachment 203 requires greater common area improvements, particularly for Tracts I & K, which the applicant proposes as common area, that the City is requiring through a PUD condition to be dedicated to the City as public parkland with some improvements.

Conclusion

Lastly, here staff addresses development standards in lieu of addressing them in the Subdivision Preliminary Approval Provisions section: A PUD condition establishes development standards, each on either modified by PUD or as in the WDO. Because the standards accommodate the proposed subdivision, the proposed subdivision meets them.

✓ The provisions are met.

B. Improved Common Area

- 1. Common areas are deemed improved if they are provided with benches, playground equipment, gazebos, picnic facilities, or similar amenities. Lawn area by itself does not constitute improvement. Trails or paths do not constitute improvement, unless they connect to the public trail system.**
- 2. Common meeting or recreation rooms are deemed to be improved common areas.**
- 3. Improved common areas are subject to the performance guarantee provisions of Section 4.02.08.**

Staff addressed this through 3.09.06A above.

C. Streets

1. A PUD shall conform to and, where possible, enhance existing or planned vehicle, pedestrian and bicycle networks, including connections and functionality. Note: See Figures 7-1 (Functional Classification Designations), 7-3 (Pedestrian Plan), and 7-4 (Bicycle Plan) of the Transportation System Plan.

2. All streets shall be public.

3. Boundary and connecting streets shall use the street sections of Section 3.01.04.

4. Internal streets may use the street sections of Section 3.01.04, or the PUD may propose other street sections, provided that the streets:

a. conform to the Oregon Fire Code (see Figures 3.04C and 3.04D)

b. include sidewalks, and

c. are constructed to the specifications of the Public Works Department.

D. Parking

If a front setback of less than 20 feet is proposed, the requirement of Section 3.05.03 for an improved parking pad for single-family and duplex dwellings may be satisfied by on-street parking or by a common off-street parking lot.

E. Signs

1. A PUD may include a sign plan to require a common architectural design and location.

2. The standards of the Mixed Use Village (MUV) zone shall apply to commercial uses in the residential zones of a Mixed-Use PUD.

The street improvements as proposed or conditioned meet or exceed 3.01, including Figures 3.01A, C, & G:

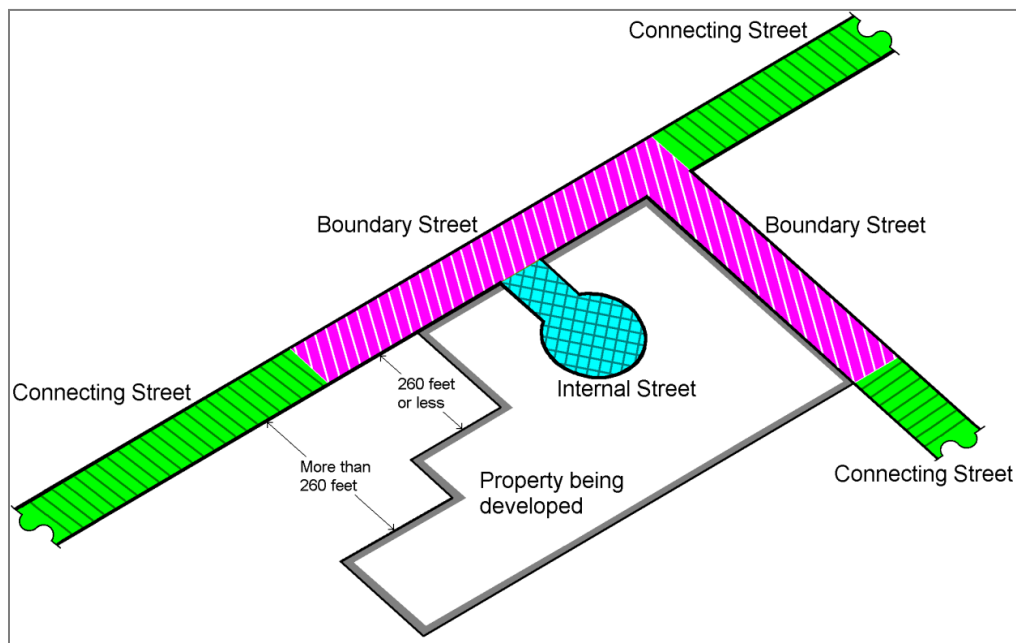
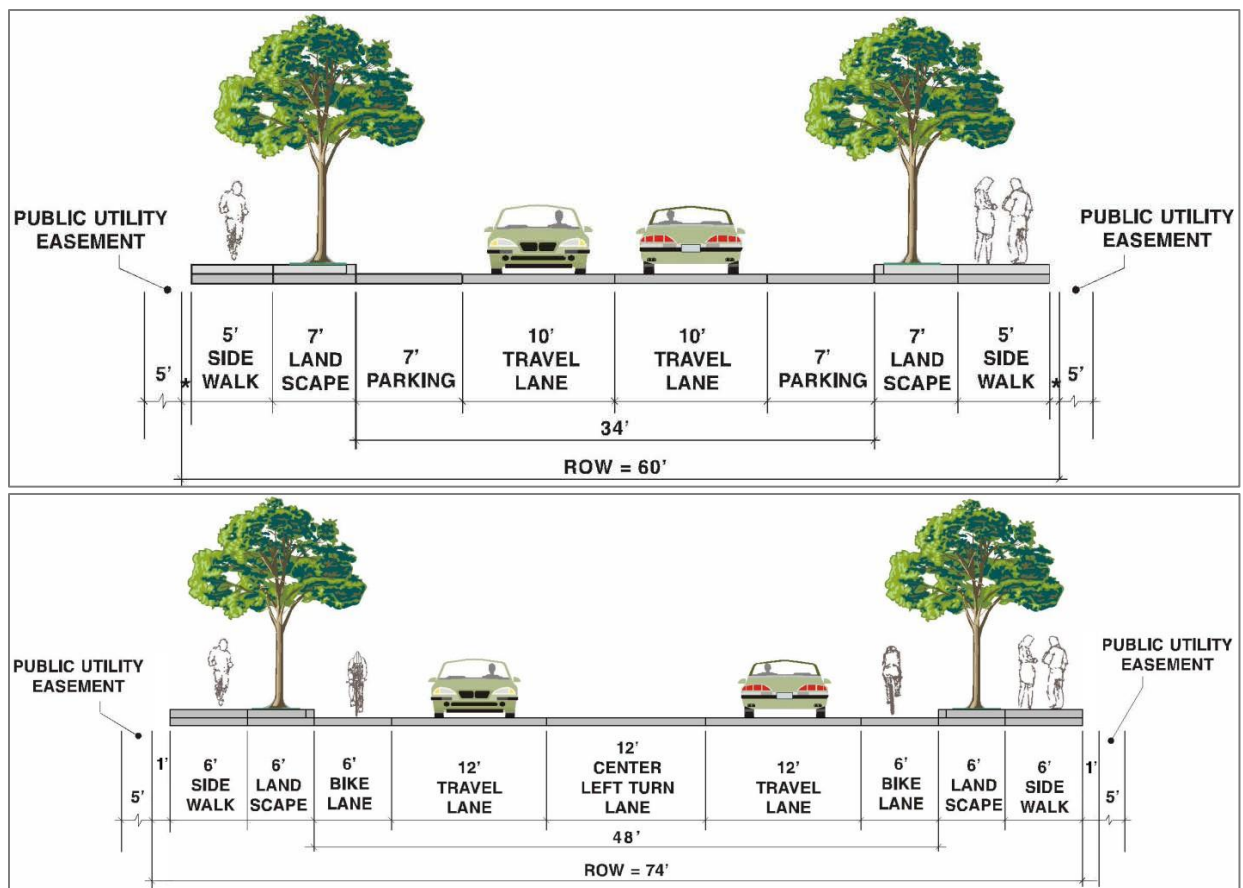


Figure 3.01A – Internal, Boundary, and Connecting Streets



Top: Figure 3.01C – Minor Arterial (This applies to N. Boones Ferry Road.)

Bottom: Figure 3.01G – Local Residential Street with Parking Both Sides, 60 Foot Right-of-Way (This applies to remaining streets.)

Street improvements include wider sidewalks to encouraging walking and accommodate cyclists who feel safer on sidewalk. Off-street public improvements include in place of additional streets a few subdivision connection paths, bicycle/pedestrian paths through Tracts B, D, F, & L-O as shortcuts within the street network.

▲ Staff applies a *PUD condition* to specify street improvements.

3.09.09 Owners/Tenants Association

Any land and structures not dedicated to the public, but reserved for the common use of the owners or tenants, shall be subject to control by an association of owners or tenants.

▲ Staff applies a *PUD condition* to ensure conformance.

3.09.10 Phasing

- A. A PUD may be developed in phases, pursuant to Section 5.03.05.
- B. Phases shall be functionally self-contained with regard to access, parking, utilities, open spaces, and similar physical features, and capable of occupancy, operation, and maintenance upon completion.
- C. The phased provision of common areas and improvements shall be roughly proportional to the development of housing and other elements intended for private ownership.
- D. At least one improved common area sized to accommodate a circle 25 feet in diameter shall be provided with the first phase.

There's no phasing.

⊖ Not applicable.

[Other]

ORS 92.040(3) sets a 10-year expiration on development approvals in order to help with the issue of entitlement "vesting". It also local governments to set shorter periods, and staff opts to do so in case the project begins to manifest during the 3-year land use approval window but slows down or stops afterwards. Condition SUB-1 sets an ultimate deadline. As an example, were another recession like the Great Recession to occur and lead to a "zombie" project, it would be clear when an apparently dormant project was dead.

▲ Staff applies a *SUB condition* to clarify the issue of "vesting".

A geotechnical or "geotech" report is necessary for subdivision improvements. It became necessary for Smith Creek Development building permits, and the master developer happened to have prepared one in keeping with private agreements with homebuilders and so was able to submit it on short notice. Thankfully, the report document no field conditions that needed correction. The Building Official thought Public Works handled Geotech reports, and this item isn't a WDO requirement or a Planning Division policy item. So, staff established a condition that gets the developer to submit a copy prior to the City accepting subdivision improvements.

▲ Staff applies a *SUB condition* regarding a geotech report.

PUD per the opening purpose statement of 3.09 refers to "enhanced public amenities", which along with annexation as interpreted by staff includes upgrades to public works. The Public Works Department asked for what became Conditions PUD-PW1 & 2 to reinforce related items with the Public Works comments that are Attachment 102A. Staff mentions annexation again because public facilities, a.k.a. public works, with adequate capacity are an annexation criterion.

▲ Staff applies *Conditions PUD-PW1 & PUD-PW2* supporting Public Works Department desires regarding sanitary sewerage/sewer and stormwater management.

PUD per the opening purpose statement of 3.09 refers to both “enhanced public amenities” and “unique street cross-sections”, which staff interprets to include what it considers “upgrades” such as wider sidewalk segments, more street trees, and traffic calming in the form of patterned poured concrete crosswalks as subtle visual reinforcement for drivers.

Staff also accommodates some of the developer’s desires, such as to have bulb-outs or curb extensions at most of the proposed locations (all except the 4 along N. Boones Ferry Road, per Public Works Dept. request).

There are also conditions clarifying vagueness or omissions in the WDO, such as that planter strips need to have grass and groundcover among the trees, not gravel or pebbles. Another two examples are to preserve trees and specifying how to implement dead-end street provisions of WDO 3.01.05A.2.

Staff also notes for the developer, PUD is a tool for getting more lots and more houses than a standard subdivision in order to get greater profit. In exchange, the City gets enhanced public amenities. For example, staff interprets enhanced public amenities to include through easement public access to common area off-street bicycle/pedestrian paths where paths would not already be on City/public parkland.

▲ Staff applies *PUD conditions* requiring street improvements that meet or exceed the WDO or provide an enhanced public amenity in exchange for meeting a street standard.

“Enhanced public amenities” includes common area and “off-street” improvements. Examples are to preserve trees outside ROW, specifying how to apply and remediate the RCWOD, and specifying common area improvements.

Staff accommodates some of the developer’s desires by requiring common area improvements that are basically the same as what the developer proposed after many discussions with staff, the purpose being to have standards that remain clear to all heading into the final plat stage.

Conditions also gain variety in trees, getting more evergreens, establishes a table of standards for off-street bicycle/pedestrian paths, and establishes a table of standards for public easements to secure public access to off-street bicycle/pedestrian paths and allow for future mid-block public utility corridors where and as needed.

Because proposed common areas are just that – private, not any City/public parkland to be dedicated – there is a condition reiterating that there needs to be maintenance association per WDO 3.09.09.

Lastly, there is a condition reiterating that there needs to be PUD “Final Plan Approval” per WDO 5.01.07 so that outstanding details are deferred after land use approval, allowing the developer to proceed, but also securing between the developer and the City resolution of details before final plat approval by the City.

▲ Staff applies *PUD conditions* requiring common area improvements and public access to some improvements.

Relating to annexation and more so PUD, a number of transportation (T) conditions call out modest transportation improvements (or fees in-lieu where conditions of approval allow), all from the [Transportation System Plan \(TSP\)](#):

- Wayfinding signage for people walking and cycling.

The basic objective is that if people perceive they can walk and cycle more easily and safely, they'll do so and drive less. This includes perceiving and getting to and from public parkland just off N. Boones Ferry Road.

Based on input from the Assistant City Administrator as parks director about what a wayfinding installation would cost, staff discussions about conditioning of ANX 2019-01 Woodburn Eastside Apartments through Condition T-BP4, as well as ANX 2020-01 Trillium Reserve Condition T-BP2, staff applies the set figure of \$1,500 per installation location.

- School bus shelter.

To further transportation demand management (TDM) through school bus service, the developer is to build or install a small school bus shelter on a common area tract closest to wherever the Woodburn School District bus would stop within or next to the development, the idea being that if there is a public visible and known waiting area sheltered from the elements, children and those parents who choose to accompany them are more likely to ride the school bus instead of parents driving them.

Staff concludes by noting that together Trillium Reserve and Dove Landing all but constitute the north area within the UGB, and it is necessary with development to obtain infrastructure concurrent with development of the north UGB.

- ▲ Staff applies *transportation (T) conditions* requiring the construction or funding of transportation improvements.



Remaining Provisions

These are applicable provisions not already addressed in the application type provisions sections above.

4.01.07 Consolidated Applications

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

The proposal is consolidated.

2.07 Special Uses

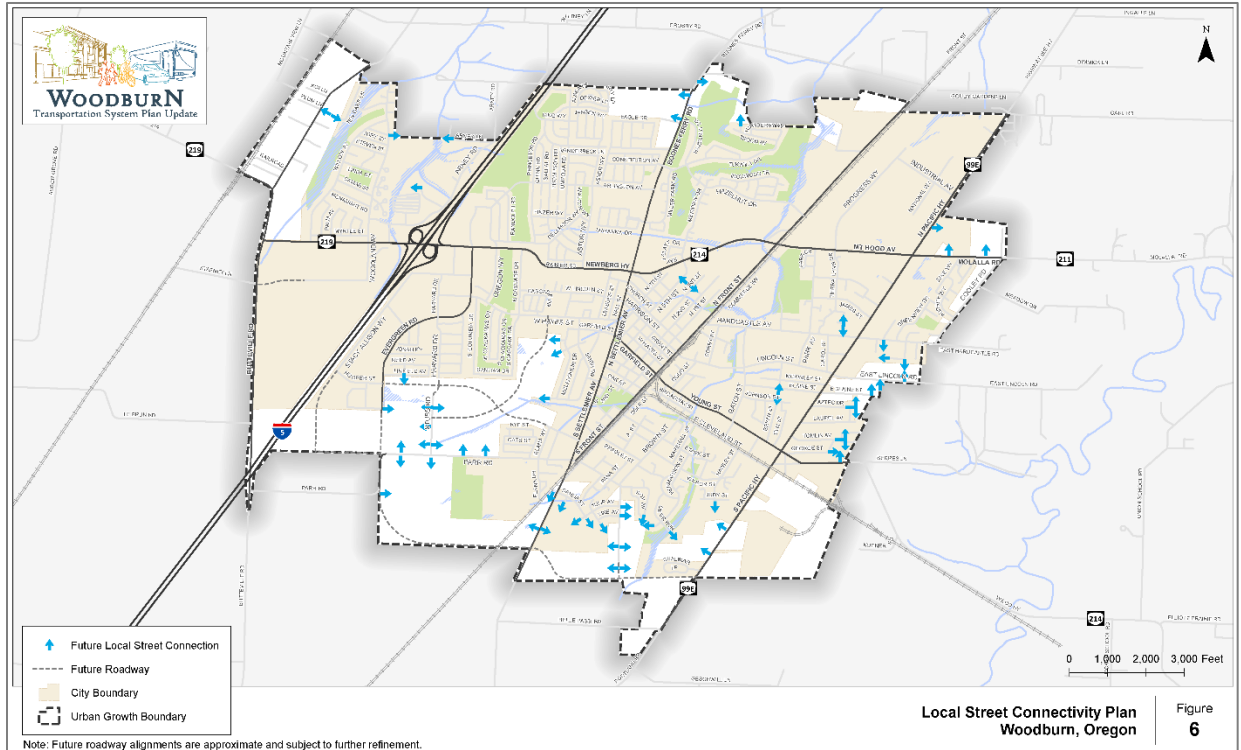
There is no “community club building” (clubhouse).

☐ None apply.

3.01 Streets

Long-range Planning

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



TSP Figure 6

There are two blue arrows, one each to N. Boones Ferry Road. The proposal conforms to Figure 6.

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.

Planning staff expects the Public Works Department during the final plat stage to ensure that the developer dedicates the minimum streetside PUEs, and the preliminary subdivision drawings indicate conformance with 3.02.01B.

▲ Regarding 3.02.01A & C, staff applies a *PUD condition* for additional public easements for public bicycle/pedestrian access and potential mid-block utility corridors.

3.04 Vehicular Access

3.04.03 Driveway Guidelines and Standards

B. Joint Access

- 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.**

Staff declined to apply this to large and deep Lots 36-39.

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.

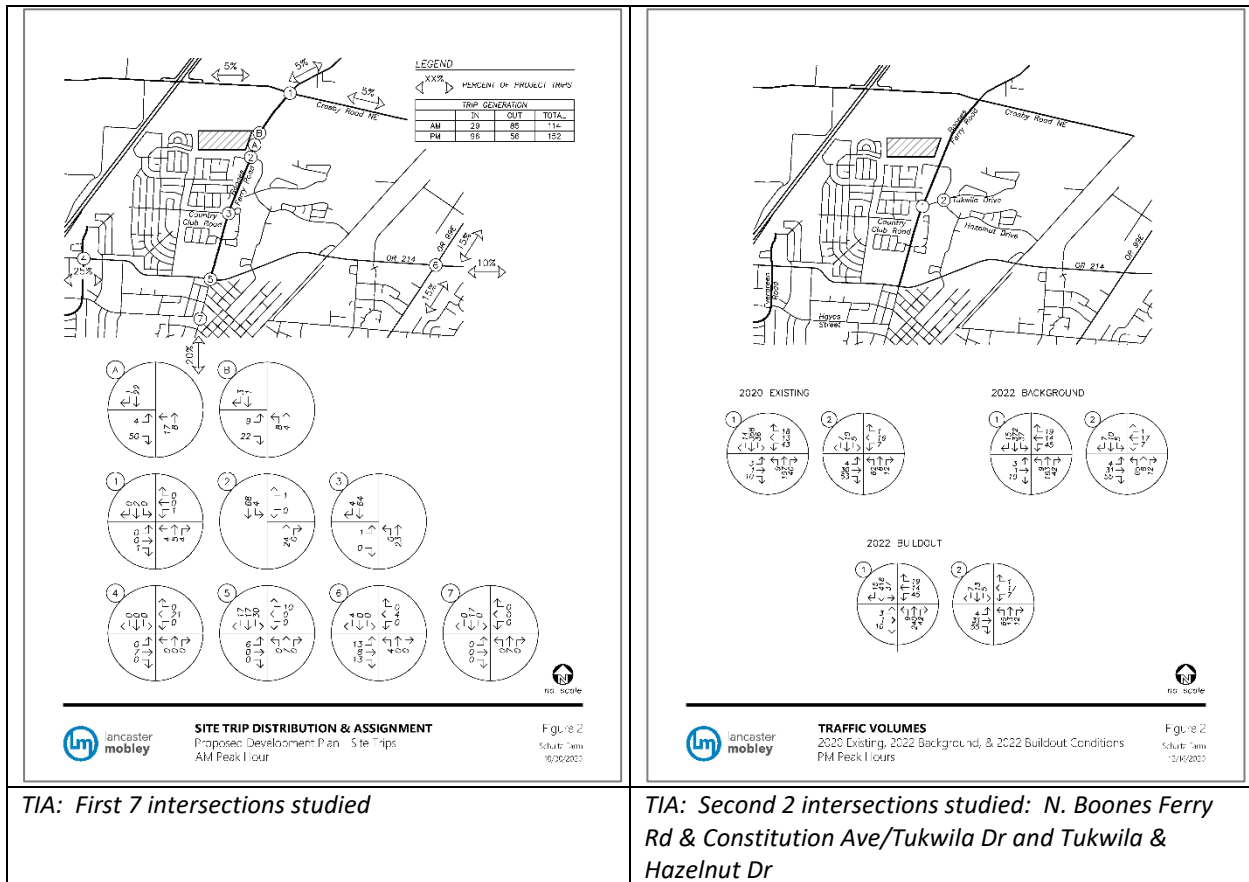
The applicant submitted two exhibits as a TIA: the original TIA (Exhibit G, October 30, 2020) and an addendum (January 15, 2021).

The TIA, limiting its conventional analysis to vehicle traffic only, assumed citywide growth in background vehicle traffic through 2022, specifically a compounded rate of 2.0% yearly (Exhibit G, p. 12, Table 6).

The TIA studied 9 intersections, the northernmost being N. Boones Ferry Road at Crosby Road and the southernmost N. Settlemier Avenue at Hayes Street. The traffic modeling distributed 20% of trips generated by development to north of the development (to and past Crosby Road) and 80% to the south.

The TIA identified no vehicle trip reduction or transportation demand management (TDM) measures.

Below are two images serving as vicinity maps of the intersections:



TIA: First 7 intersections studied

TIA: Second 2 intersections studied: N. Boones Ferry Rd & Constitution Ave/Tukwila Dr and Tukwila & Hazelnut Dr

TIA intersection locations map adapted from exhibits

As of March 16, 2021, no agency including ODOT responded to notice of hearing with any written comment.

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 might participate in one or more of the public hearings.

Boones Ferry Road & OR 214

- The one studied intersection north of the project is outside the urban growth boundary (UGB).
- South of the project, BFR & OR 214 is heavily trafficked at peak hours.
- Of the studied intersections, the trips that the project would add show that BFR & OR 214 is the most trafficked.
- Staff supposes that most of the generated trips are to and from I-5 (Portland and Salem), the back way to Salem along S. Settlemier Avenue and S. Boones Ferry Road and outer rural roads southwest of Woodburn, and central Woodburn.

- The intersection includes a state highway under ODOT control (OR 214).
- There are no specific plans in any foreseeable time horizon by ODOT to make major physical changes to the intersection or highway.

Bicycle/Pedestrian & Transit

In the interest of PUD per the purpose statement that opens 3.09 of providing enhanced public amenities, below are comprehensive plan policies that relate to infrastructure upgrades, enhanced public amenities, and improved traveling for those who walk, cycle, and ride transit.

<i>Policy</i>	<i>Page No.</i>	<i>What Related Conditions Address</i>
G-1.1	27	Expansion areas of the City are served by adequate public facilities and services.
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 duly requiring frontage/street improvements and also conditioning wide sidewalk segments as a public bicycle/pedestrian path and planter strip segments that are wider and/or have more street trees than standard. The subdivision connection paths also serve.
H-1.4	34	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 duly requiring frontage/street improvements, conditioning wide sidewalk segments as a public bicycle/pedestrian path and planter strip segments that are wider and/or have more street trees than standard, having the proposed subdivision connection paths, and having some bike parking. These are all to raise the attractiveness, ease, safety, and potential cyclists’ perception of safety of cycling.
H-5.1	35	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 through Conditions T-BP1 & T-T1.

Regarding off-site sidewalk, the Parks and Recreation Master Plan (2009) on p. 20 identifies the action steps of:

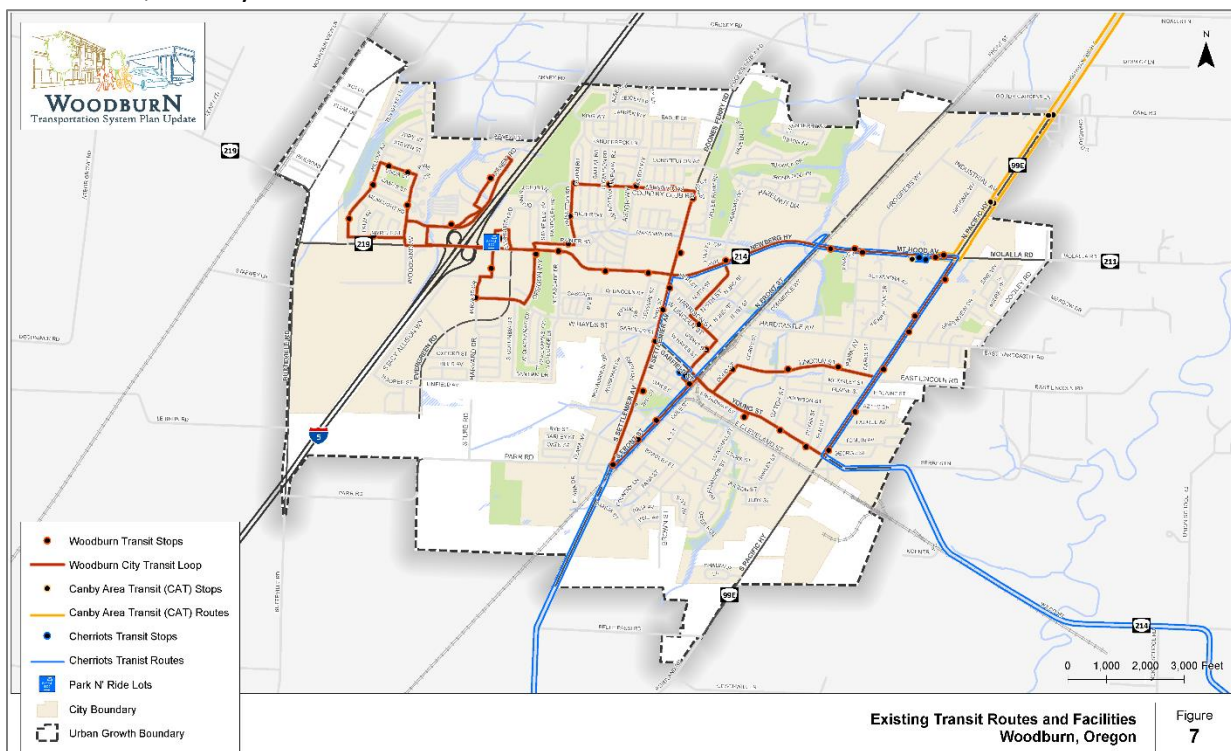
- “Work with other City departments and community groups to ensure safe pedestrian access across physical barriers to parks and recreation facilities. Incorporate traffic calming strategies at access points to parks, open space, and trailheads. Incorporate traffic calming design techniques into design guidelines, as appropriate.”
- “Work with the other City departments to provide safe and enjoyable sidewalks or sidepaths as routes to parks.”

Additionally, the Assistant City Administrator as parks and recreation director on December 3, 2021 asked staff about and indicate interest in an improved route connecting the public parkland to be dedicated with the City sidewalk network. For these reasons, staff applies a condition that requires off-site sidewalk south to Hazelnut Drive.

For these transportation reasons and based on the PUD, staff applies *bicycle/pedestrian (T-B/P) and transit (T-T) conditions*.

Additional Issues: Transit

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



TSP Figure 7 (2019)

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

Staff discussed conditioning fees towards local and regional bus service and vanpooling, similar as for DR 2019-05 Allison Way Apartments (Condition T-T) and ANX 2019-01 Woodburn Eastside Apartments (recommended Condition T-T1). The Assistant City Administrator declined to support such for Dove Landing. Staff discussed potential T-T conditions that would have required a bus shelter or fee in-lieu and bicycle parking at two bus stops or fee(s) in-lieu and declined to apply them.

As a concluding summary, a City objective for the development is to contribute towards increasing walking and cycling appeal and safety.

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

3.06 Landscaping

3.06.02 General Requirements

Staff expects the development to meet this section except where otherwise conditioned and will confirm such during PUD Final Plan Approval process.

✓ 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 *PUD condition*.

Staff expects the development to meet the remainder of 3.06 except where otherwise conditioned.

3.06.05 Significant Trees on Private Property

There might or might not be Significant Trees that are healthy and structurally sound enough and appear feasible to save within the tracts along the road.

▲ To secure tree preservation or fee in-lieu, staff applies a *PUD condition*.

Recommendation: Denial

In short, because the developer is indicating refusal to dedicate to the City public parkland, staff recommends that the Planning Commission consider the staff report and attachments and recommend denial to the City Council.

Were the Planning Commission or City Council to instead pursue approval with conditions, then staff would recommend the specific conditions in the “Alternative: Approval with Conditions of Approval” section below.

Alternative: Approval with 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: Attachment 201 serves as a dictionary or glossary defining certain abbreviations, acronyms, phrases, terms, and words in the context of the conditions of approval. The 200 series of attachments are as binding as the conditions of approval in the main body of the final decision.

G4. Due dates / public improvements:

- a. By application: Unless a condition specifies otherwise, conditions inc. 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.

G6. Fees: The developer shall pay fees per Attachment 206.

Preliminary Subdivision 2020-01

SUB-1. Expiration: Based on ORS 92.040(3), development per the Council land use final decision may continue 3 years past the decision date, the 3-year approval period being established by WDO 4.02.04, as follows:

- a. Subdivision Final Plat: WDO 4.02.04B.2 shall mean that application to the City for final plat per WDO 5.01.06 occurs prior to 3 years past the final decision date. The developer shall name C-E streets beginning with those letters respectively, and shall apply to the City for final plat prior to applying to the County for recordation.
- b. Recordation with Marion County: Same as WDO 5.01.06C.1. (within 30 calendar days of the Director’s signature on the plat Mylar).
- c. Vesting: The decision is vested unless:
 - (1) The developer fails to meet subdivision and PUD requirements, resulting in the City being unable to authorize staff to sign a final plat Mylar by July 1, 2026; or
 - (2) There is no substantial construction (as defined through Condition G3) by July 1, 2026.

SUB-2. Documents:

- a. Geotech report: Prior to final plat approval by the City, the developer shall submit to the Director a geotechnical report documenting that, whether or not the developer spreads any fill or spoil dirt across lots and tracts, soil is compacted and ready to accommodate the construction of buildings on lots and tracts proposed for development.

- b. Plat: Upon recordation, the developer shall submit to PW and cc the Director Adobe PDFs of the subdivision plat and any and all ancillary documents necessary to conform to conditions of approval and not addressed on the face of the plat.

Planned Unit Development 2020-01

PUD-PW1. Sanitary sewerage/sewer:

- a. Were PW to identify in writing a sewer deficiency at the Vanderbeck Lift Station and/or force main and downstream sanitary sewer collection system at the applicable pump station to which sewage would flow from the subject property, to meet WDO 1.01.01B.2 the developer shall either:
 - (1) Construct improvements that remedy the reduction in sewer level of service that the subject project would cause; or
 - (2) Pay a sewer fee, if the Assistant City Administrator allows in writing, equal to one of the following as the City chooses:
 - (a) Two hundred percent (200%) of a licensed civil engineer's cost estimate for a capital improvement project that would remedy the reduction in sewer level of service that the subject project would cause; or
 - (b) An amount equal to 50% of the sewer system development charge (SDC) in addition to, and not as a discount of, the SDC full rate that PW ordinarily assesses.
- b. Construction or payment shall be due prior to building permit issuance, and if payment, it shall be through fee assessment on and collection through the in-review building permit. Where (2)(b) applies, PW shall have established the SDC amount.

PUD-PW2. Stormwater management: Prior to civil engineering plan approval through CEP review, the applicant shall provide to PW an Engineer Stamped Storm Drainage Hydraulic Analysis Report that existing downstream private storm drainage systems have capacity to handle the additional flow from the Dove Landing Development, have the culvert pipe under each of BFR and Olympic have capacity to handle a 100 year base flood event, and to provide a final 100 year floodway, floodplain, and wetland delineation for this development. The applicant is responsible for correcting any capacity and/or deficiencies, including installing new or additional drainage systems, and/or attaining the right to increase stormwater flows into neighboring private stormwater systems. The applicant shall submit to PW an engineered stamped condition report of the existing downstream storm collection system.

PUD-PW3. Final Civil Plan Approval: Civil plans shall comply with current City standards, specifications and details, current Oregon Standard Specifications for Construction, current *MUTCD* and ADA requirements and Marion County requirements, as applicable.

PUD-1. Mods: The City approves PUD modifications only as written in conditions of approval and the 200 series of attachments, particularly Attachment 202. Other modifications that site plans imply are subject to later administrative approval or denial by the Director.

PUD-2. ROWs: For BFR and the proposed local class streets, the developer shall dedicate ROWs that meet or exceed the min widths necessary to conform to WDO Figures 3.01C & G.

PUD-3. Frontage/street improvements: These shall be as follows:

- a. BFR: Per WDO Fig. 3.01C except that planter strip shall be min 6½ ft wide inc. curb width.
- b. Planter strip remainder: Remaining ground not occupied by trees shall be planted with lawn grass.
- c. Sidewalks: Min 6 ft wide except wider as Exhibit PUD-3c supersedes. The BFR sidewalk dead-end(s) and “P” Street west dead-end shall have ADA-compliant transitions spanning between sidewalk and road shoulder. If PW were to direct during CEP review that the road crossing of the culvert have curb-tight sidewalk, min width shall be 8 ft.

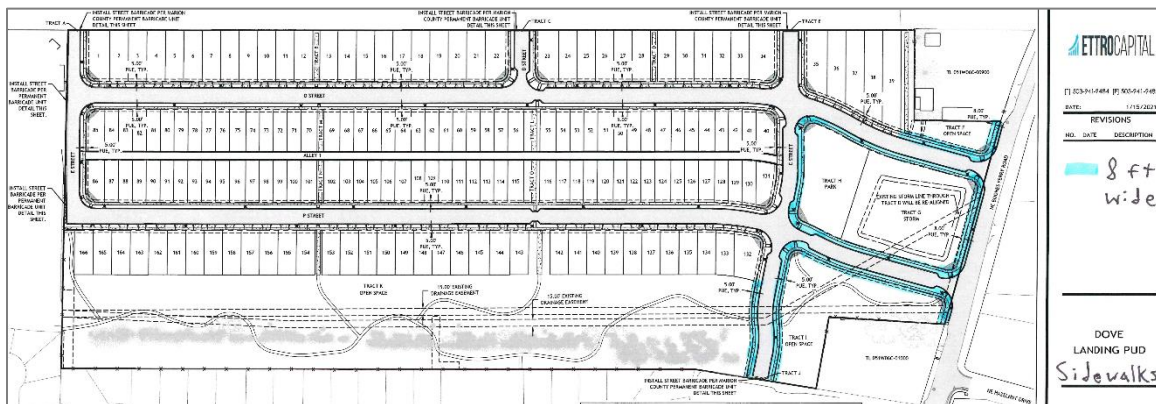


Exhibit PUD-3c: Sidewalks (blue: min 8 ft wide)

- d. Overlap: The extra width of planter strip and sidewalk shall either (1) overlap outside ROW into streetside PUE and where applicable Tracts I & K or (2) come with additional ROW to accommodate them. Wider sidewalks shall not narrow planter strips.
- e. Street trees: Min numbers equal to block frontage ratios per Exhibit PUD-3e.

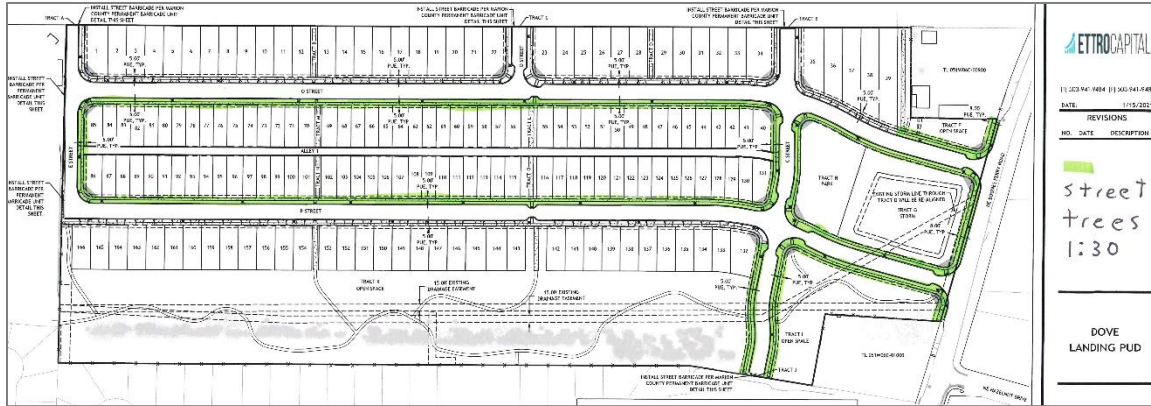


Exhibit PUD-3e: Street Tree Min No. (green: equal to 1 tree per 30 ft of block frontage)

f. Electric power lines: Electric power lines, whether in or beyond ROW, shall be buried, including those that exist along the BFR frontage.

g. Traffic calming:

(1) Bulb-outs / curb extensions: This condition approves them as land use review Sheet 5 illustrates, except the four along BFR. PW is prohibited post-approval from later eliminating or shrinking the remaining ones as to virtually eliminate them during CEP review and construction. The developer shall submit a fire truck turn radius plan confirming that the extensions are already designed for such if and when PW requests during CEP review.

(2) Crosswalks / pedestrian crossings along intersection legs per Exhibit PUD-3g shall be patterned poured concrete each min 8 ft wide.

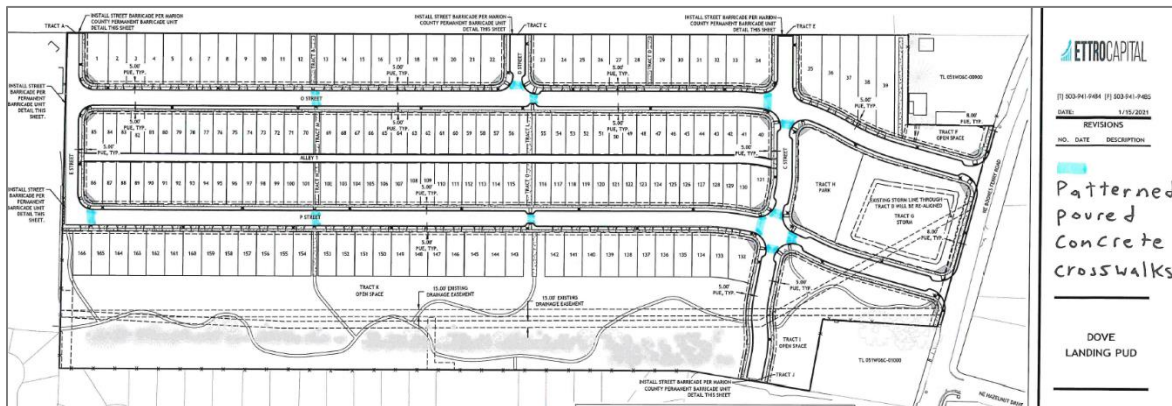


Exhibit PUD-3g: Patterned Poured Concrete Crosswalks (symbolized in blue)

PUD-4. Streets, dead-end: Barricades/Signage: Based on WDO 3.01.05A.2b & c, the developer shall place:

- a. A barricade with sign at the south end of “C” Street and each of the west end of “O” & “P” Streets; and
- b. A barricade at each of the north end of “C”, “D”, & “E” Streets.

Consult PW for a barricade detail, and no later than CEP show both it and a modified version with a sign in conformance with 3.01.05A.2c.

PUD-5. Tree preservation: The developer shall preserve trees per Attachment 205.

PUD-6. Public parkland: The developer shall dedicate Tracts I & K to the City. Refer to Attachment 203 for required improvements.



Exhibit PUD-6: Tracts to Dedicate to City (outlined in green)

PUD-7. Environmental remediation: The developer shall remediate per Attachment 205, Part C.

PUD-8. Lot and tract development standards: The standards shall be per Attachment 202.

PUD-9. Common area improvements: Improvements shall be per Attachment 203.

PUD-10. Association: The developer shall establish a maintenance association per Attachment 203, Part E.

PUD-11. PUD Final Plan Approval Process:

- a. The developer shall conform to WDO 5.01.07, the purpose of which is to ensure that the PUD is in substantial conformance with the conditions of the PUD Detailed Development Plan (DDP) approval, including regarding street improvements, public improvements outside ROW if any, and common area improvements. The developer shall apply to the Director for PUD Final Plan Approval no later than when applying to PW for CEP review.
- b. Scope: The scope of DDP includes any topic for which any given final decision condition of approval, and any separate document it might reference, is too general to establish civil engineering standards and construction levels of detail. It also includes any topic or

situation for which no standard exists through previous adoption by PW. The Final Plan Approval process is to establish any and all design details deferred from land use review.

- c. CEP: The developer shall incorporate a PUD Final Plan Approval by the Director into CEP review by PW and the civil engineering plan set that PW would approve through CEP.

Planned Unit Development 2020-01: Transportation

T-BP1. Bicycle/pedestrian off-site improvements: The developer shall:

- a. TSP: Construct TSP project P45 (TSP p. 64 as Attachment 104A).
- b. Off-site sidewalk: BFR & Hazelnut:
 - (1) Objective: Manifest an improved ADA-compliant route linking BFR frontage west sidewalk through off-site sidewalk extension south to the intersection.
 - (2) Sidewalk: Construct a BFR sidewalk extension south from the frontage to either the north or south leg of the intersection, as PW directs, to the degree of conformance with WDO Fig. 3.01C sidewalk placement that west side ROW allows and in compliance with current ADA requirements and pedestrian safety requirements as PW determines.
 - (3) Crosswalk(s): Construct a marked crosswalk or crosswalks across BFR at the north, south, or both legs of the intersection, as PW directs, and one or more ADA-compliant ramps or transitions at the west landing(s).
 - (4) Details: What constitutes an “enhanced pedestrian crossing” per P45, “sidewalk” per (2), and a “marked crosswalk” per (3) and their corollary improvements is up to PW determination through CEP review; however, for P45 & (3) there shall result a physical change to existing pavement and/or striping serving as an obvious indication for most pedestrians, cyclists, and drivers.
- c. Wayfinding: To further TDM, the developer shall do one of the following:
 - (1) install 3 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 min:
 - (a) 1 sign face at or near the junction of a BFR sidewalk & an “O” Street sidewalk;
 - (b) 1 face at or near the junction of a BFR sidewalk & a “P” Street sidewalk;
 - (c) 1 face at or near the junction of a BFR sidewalk & a Hazelnut sidewalk;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 Regional Trails Signage Guidelines of The Intertwine Alliance, a trails coalition in the Portland metro area.
 - (2) Pay a fee in-lieu per Attachment 206. [TSP B40 “wayfinding”/P62]

T-T1. School bus shelter: To further TDM through bus transit, the developer shall build or install a school bus shelter on a common area tract closest to wherever the Woodburn School District bus would stop within or next to the development. Follow the direction of the school district, or absent that default to min 48 sq ft, 6 ft narrowest dimension, and 8 ft min height clearance. Affix a min 1½ by 1 ft sign face with text min 4-inch high indicating that the shelter is a school bus stop. The shelter may be on a public tract if the Assistant City Administrator allows and may be within a PUE if PW allows. One of the shelters otherwise conditioned can do double duty as the school bus top shelter if it continues to meet all the other conditioned requirements for that shelter.

Applicant Identity

<i>Applicant</i>	Peter Ettro, Ettro Capital Management
<i>Applicant's Representative</i>	Stacy Connery, AICP, VP/Planning Manager, Pacific Community Design
<i>Landowner(s)</i>	Christy Schultz, Manager, Schultz Farm LLC

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.

19. PUD Final Plan (FP) Approval Process:

- A. Context and project management:
 1. 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 PW.

2. CEP remains the means for implementing final decision conditions of approval affecting street improvements, both surface and underground, and extending into PUEs.
 3. The developer is project manager. Because PW establishes that CEP applicants have a single point of contact termed the “Engineer of Record”, the developer manages the engineer of record who handles the CEP and also interacts with the Planning Division regarding FP review. For Planning Division staff, the developer is the point of contact, namely whoever on the developer’s team the developer tasks with being the project manager.
 4. The developer shall be completely responsible for integrating staff directions found in FP documents issued by Planning Division staff into civil engineering plans that the engineering of record submits to PW.
 5. If, when, and where conflicting directions arise between FP directions and CEP directions, the developer shall be responsible for communicating with formal cover or transmittal letters messages from the conflicting division to the other division, and shall communicate such.
 6. The Planning Division observes the CEP for other projects has come after land use final decision and before the building permit stage. Except where otherwise conditioned, it’s up to the developer to determine when to submit for CEP and PUD Final Plan relative to each other to best meet this “context and project management” condition.
- B. PUD Final Plan review scope and result:
1. The scope of FP review includes any topic for which any given final decision condition of approval, and any separate document it might reference, is too general to establish civil engineering standards and construction levels of detail. It also includes any topic or situation for which no standard exists through previous adoption by PW or, where applicable, parks and recreation staff. It includes, as examples, pavement, game and sports courts and fields, buildings including pre-fabricated ones, playgrounds and other structures including pre-fabricated ones, exterior lights, landscaping, signage, and appurtenances such as benches, bicycle parking, dog waste stations, ornamental fountains, and water fountains, as well as materials, textures, colors, and model specifications. (Although in or partially in ROW, a bus shelter or shelters are to be subject to FP instead of CEP based on PW preference, unless PW were to direct the engineer of record to include such in CEP scope.)
 2. There shall result an official version of a civil engineering plan set marked approved by PW that shows all common area improvements and all public improvements, including off-street public improvements, resulting from both FP review and CEP. It

shall come to be prior to building permit application; however, PW is prohibited from approving any time prior to the developer paying conditioned fees related to CEP Planning Division review.

C. Submittal directions FP review:

1. Due date: For CEP, none other than what PW might specify. For FP, original / 1st submittal is due whichever occurs earlier: When the developer applies for either CEP or final plat application to the City.
2. Cover letter: Upon submitting CEP application to PW, 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, tax lot number(s), street address(es), and the land use final decision conditions of approval that require the public improvements that are 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 part of a condition is met.
3. 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 to the Planning Division may include these. The developer may submit to the Planning Division a copy of the stamped CEP application form submitted to PW if the form includes the required information.

D. Site Plans: For CEP Planning Division review and FP:

1. CEP: Submit to the attention of the Planning Division at least 2 plan size copies of plan sets, one plotted at native scale (min 22 by 34 inches, max 24 by 36) and one at ledger (11 by 17). Within the cover sheet title block(s), include the anticipated date of submittal and the phrase "civil engineering plans", "civil plans for CEP", or "public improvements civil plans".
2. FP: Submit to the attention of the Planning Division at least 6 plan size copies of plan sets, 3 plotted at native scale (min 22 by 34 inches, max 24 by 36) and 3 at ledger (11 by 17). Within the cover sheet title block(s), include the anticipated date of submittal.
3. Both: Fold the plan size sets if thin enough to do so. Submit also Adobe PDFs using a fileshare service.