



Final Decision

Planning Commission

File number(s): DR 21-05, PUD 21-01, & RCWOD 21-02
Project name: Woodburn Senior Living Apartments
Date of decision: October 14, 2021
Date of mailing: October 15, 2021
Applicant: Tim Weiskind, Master Development
Landowner: Woodburn RV Storage LLC et al.
Site location: 2385 Sprague Lane (Tax Lot 052W12B000100)

Summary:

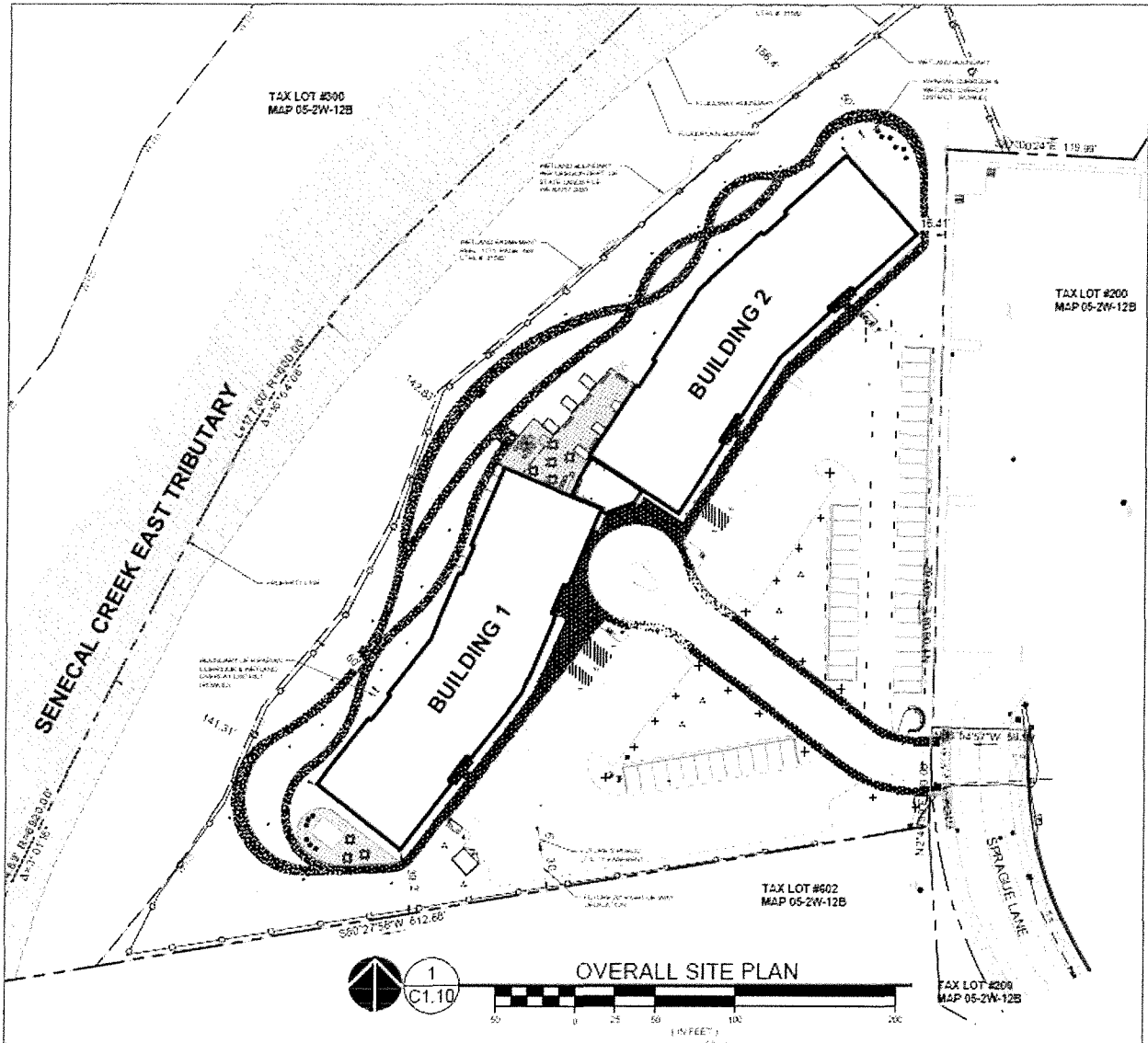
The Planning Commission held a public hearing in-person and via the GoToMeeting teleconference platform on October 14, 2021 and unanimously approved the Design Review (DR), Planned Unit Development (PUD), and Riparian Corridor & Wetlands Overlay District (RCWOD) Permit application package with the conditions recommended by staff through the staff report published October 7, except with the following modifications:

1. Condition 3.c. was struck;
2. Condition 5.b. was modified to reference the correct tree number; and
3. Condition 12 was added, requiring the applicant meet the WDO standard requirement for covered parking (3.05.03F.2.).

No parties testified in opposition.

The subject property is west of the Woodburn Premium Outlets and north of the Woodburn RV Park, at the end of Sprague Lane. It is within the Medium Density Residential (RM) zoning district, the Interchange Management Area (IMA) Overlay District, and the Riparian Corridor & Wetlands Overlay District (RCWOD). A tributary to Senecal Creek runs along the west property line, resulting in a substantial amount of the property being covered by the RCWOD. This site was annexed into the City in 2017 as part of the Woodland Crossing Apartments project and was originally approved for a recreational vehicle (RV) storage lot.

The property owner decided to abandon the RV Storage Lot use, instead submitting this application package for a multifamily residential development consisting of 98 units across two buildings, described as a senior housing development. The apartment buildings will be three stories and approximately 37.67 feet tall, sited along the RCWOD boundary. Parking facilities form a triangle between the buildings and the street frontage.



Site Plan

The project was described as a senior housing development, with a focus on common areas and shared amenities. Examples of indoor amenities include a fitness center, library, lounge, bar, movie room, kitchen, and dining room. Outdoor amenities include several patios and a looped walking path. Because of the focus on shared amenity spaces, the individual units do not have private patios or balconies.

As part of the PUD, the applicant requested the following modifications to development standards (section references are to the Woodburn Development Ordinance):

1. Setback to the east property line (Table 2.02E): The standard requirement is a 20-foot setback to the east (front) property line, and the applicant requested a reduced setback of 16.41 feet. The Commission approved this request.
2. Maximum density (Table 2.02E): The maximum density allowance for the RM zone is 16 units per net buildable acre, resulting in a total allowance of 66 units. The applicant requested a density transfer to increase the allowed density up to 98 units. The Commission approved this request.
3. Maximum building height (Table 2.02E): The maximum building height standard for the RM zone is 35 feet, and the applicant requested to increase this to 37.67 feet. The Commission approved this request.
4. Sprague Lane improvements (3.01.04B and Figure 3.01G): The standard requirement is to construct half-street improvements matching the applicable street cross-section. The applicant requested to maintain the existing Sprague Lane improvements, and the Commission approved this request.
5. Minimum parking ratio (3.05.03A.1 and Table 3.05A): The standard requirement is two parking stalls per dwelling unit. The applicant requested a reduced parking ratio of 1.27 stalls per unit, and the Commission approved this request.
6. Minimum covered parking (3.05.03F.2): The standard requirement is to cover 50 percent of parking stalls, and the applicant requested to reduce this to 39 percent. The Commission denied this request, adding Condition 12 to meet the full 50 percent standard.
7. Screening: The Commission approved the following requests related to screening.
 - a. Minimum planting for buffer yards (3.06.03B and Table 3.06A): The standard requirement is to plant the entire buffer yard between the property line and building at a ratio of 1 Plant Unit per 20 square feet. The applicant instead requested to plant a row of 6-foot tall shrubs along the areas where an architectural wall would be required.
 - b. Screening between RM and CG zones (3.06.05A and Table 3.06D): The standard requirement is to construct an architectural wall along property lines that border the Commercial General (CG) zone. The applicant requested to not construct this wall.

The RCWOD Permit was also approved. This was included in the application package because the proposal included construction of the looped path and new landscaping within the wetland buffer, which are allowed uses within the RCWOD.

Conditions of Approval

1. Substantial conformance: The applicant or successor shall develop the property in substantial conformance with the final plans submitted and approved with these applications, except as modified by these conditions of approval. Were the applicant to revise plans other than to meet conditions of approval or meet building code, even if Planning Division staff does not notice and signs off on building permit issuance, Division staff retains the right to obtain restoration of improvements as shown on an earlier land use review plan set in service of substantial conformance.
2. Senecal Creek tributary trail plan: Prior to building permit final inspection, the developer shall submit to the Community Development Department a greenway trail plan for the portion of Senecal Creek tributary running between the south property line of the subject property and the approved westerly extension of Arney Lane. The plan shall be developed to the satisfaction of the Community Development Director. The plan shall assume the trail will run along the east side of the tributary and include:
 - a. Optimum trail route based on:
 - i. physical and natural constraints,
 - ii. existing and proposed development;
 - b. Trail width and construction materials; and
 - c. Benches, at least one per 300 feet of trail.
3. Easements: Prior to building permit final inspection, the developer shall record the following easements with Marion County. Easements shall be in a form acceptable to the City.
 - a. RCWOD easements:
 - i. Per WDO 3.02.02A., a Creek and Watercourse Maintenance Easement covering the extent of the subject property that is within the FEMA flood map 100-year floodplain.
 - ii. A recreational trail construction and public access easement covering the extent of the subject property that is within the FEMA flood map 100-year floodplain. This easement shall allow for the construction of and access to a future trail along the adjacent Senecal Creek tributary.
 - iii. The developer may consolidate the two easements outlined in i. and ii. into a single easement.
 - b. Future street easements:
 - i. A 30-foot wide easement along the south property line for the purpose of a future street connection. This is illustrated and noted in the site plans as a "Future 30' Right-of-Way Dedication". The easement document shall include a provision outlining the removal of any private improvements within this easement area at the time public improvements are

- ii. The facility or community must publish and follow to policies and procedures that demonstrate its intent to operate as 55-and-older housing.
 - iii. It must comply with HUD requirements to verify residents' age.
 - b. The developer shall provide to the City Attorney and Community Development Director for review, a copy of an age-restrictive covenant that will be recorded and run with title to the land and binds all subsequent owners and occupants, which qualifies the housing under the "55 and older" exemption of the Fair Housing Amendment Act of 1988. Such covenant must also provide that any proposal or petition to amend or remove the age restrictive covenant include a 90-day notice of the subject change to the City of Woodburn. A copy of the recorded covenant shall be submitted to the Community Development Department prior to building permit final inspection.
- 8. Exterior site lighting: On-site exterior lighting fixtures shall be full cut-off or fully shielded fixtures and be limited to the following heights (measured from grade to underside of fixture). Submit an exterior lighting plan illustrating fixture locations and noting fixture heights as part of the building permit application.
 - a. Wall-mounted fixtures: 10 feet tall;
 - b. Parking area poles: 18 feet tall above vehicle grade;
 - c. Other poles: 10 feet tall;
 - d. Carport fixtures: 10 feet tall.
- 9. Accessible parking: Per WDO Table 3.05B, revise plans to illustrate and note one accessible parking stall as "Wheelchair User Only". This is due prior to building permit issuance.
- 10. Existing driveway approach: Prior to building permit final inspection, the developer shall close the existing Sprague Lane driveway approach and construct restorative improvements including curb and sidewalk. Such work shall be in compliance with applicable Public Works Department standards and permitting requirements.
- 11. Public Works: Follow the attached "Public Works Conditions October 7, 2021" (Attachment 101A).
- 12. Covered parking: Per WDO 3.05.03F.2., the applicant shall revise plans to illustrate and note at least 50 percent of parking stalls covered under a carport or within a garage. This is due prior to building permit issuance.

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. Recordations: Dedications of public easements involve recordations with Marion County. The applicant (or applicant's surveyor) would need to:
 - a. Prior to recordation with the County, follow City Public Works Department review and dedication process as directed by the City Engineer or higher authority, including the use of Public Works document templates;
 - b. Submit a draft copy of the easements, including text and drawing(s), to the attention of both the Director and City Engineer for their reviews and directions. Easement text should contain references to the land use review file numbers, street address, and tax lot number; and
 - c. Record dedications and submit proof of recordation prior to building permit final inspection.
2. Permits: Permits are applied for using the [Oregon ePermitting](#) online permit system. The City Building Division administers building and mechanical permits; Marion County Public Works administers plumbing and electrical permits.
3. Records: Staff recommends that the applicant retain a copy of the subject approval.
4. Fences, fencing, & free-standing walls: The approval excludes any new fences, fencing, & free-standing walls, which are subject to WDO 2.06 and the permit process of 5.01.03.
5. Signage: The approval excludes any signage, which is subject to WDO 3.10 and the permit process of 5.01.10.
6. 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.
7. 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.

8. 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.
9. 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.
10. Franchises: The applicant provides for the installation of all franchised utilities and any required easements.
11. 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.
12. Grease Interceptor/Trap: If applicable, a grease trap would need to be installed on the sanitary service, either as a central unit or in the communal kitchen/food preparation area. Contact Marion County Plumbing Department for permit and installation requirements, (503) 588-5147.
13. Fire: Fire protection requirements must comply with the Woodburn Fire District standards and requirements. Place fire hydrants within the public ROW or public utility easement and construct them in accordance with Public Works Department requirements, specifications, standards, and permit requirements. Fire protection access, fire hydrant locations and fire protection issues must comply with current fire codes and Woodburn Fire District standards. See City of Woodburn Standard Detail No. 5070-2 Fire Vault. The fire vault must be placed within the public right-of-way or public utility easement.
14. SDCs: The developer pays System Development Charges prior to building permit issuance.

Expiration

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

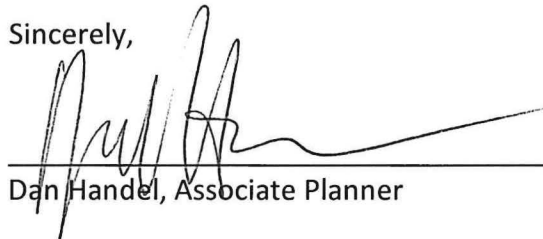
- 1. A building permit to exercise the right granted by the decision has been issued;
- 2. The activity approved in the decision has commenced; or
- 3. A time extension, Section 4.02.05, has been approved.

Appeals

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

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

Sincerely,



Dan Handel, Associate Planner

10/15/2021
Date

Affirmed,



Charles Piper, Chair, Planning Commission

10/15/2021
Date

attachment: Public Works Conditions October 7, 2021 (Planning Commission Staff Report Attachment 101A)



**Woodburn Senior Living Apartments
DR 21-05
2385 Sprague Lane
Public Works Conditions**

October 7, 2021

CONDITIONS OF LAND USE APPROVAL:

1. The Applicant/owner, not the City, is responsible for obtaining permits from City, State, County and/or Federal agencies that may require such permit or approval.
2. If required, a Permit from the Oregon Division of State Lands and US Army Corps of Engineers will need to be obtained to mitigate/delineate any wetlands, and for discharging private storm drainage into Senecal Creek, as applicable. Permits shall be obtained, and copies sent to the City prior to city issuance of permit(s).
3. Construct private storm sewer system, including detention facilities, in accordance with the approved plans and drainage report. All required on-site detention area for the runoff from this site shall be provided in accordance with the hydraulic analysis. All on-site detention areas shall be maintained by the property owner in perpetuity.
4. All City-maintained facilities located in private property shall require a minimum of 16-foot wide utility easement conveyed to the City by the property owner. Provide and record the required right-of-way dedication, public utility easements, and waterline easements prior to building permit issuance.
5. The Applicant shall obtain the required 1200C Erosion Control Permit from the Department of Environmental Quality prior to City issuance of permit(s).
6. Final review of the Civil Plans will be done during the building permit application. Public infrastructure will be constructed in accordance with plans approved by public works and other agencies that may require the applicant to obtain permits.
7. The Applicant, by this Development, shall not cause storm water runoff to be impounded on adjacent properties.
8. All sanitary sewer laterals serving the proposed developments are private up to the main line.

9. The water mains serving this development shall be a looped system, and shall be sized in accordance with flow and fire protection requirements.
10. Fire hydrants locations and fire protection requirements shall be as per the Woodburn Fire District and City of Woodburn requirements.
11. Actual fire hydrant locations and in-line valving locations shall not be determined until the construction final plan review.
12. System Development Charges shall be paid prior to building permit issuance.
13. Relationship to Woodland Crossing: The applicant shall comply with the applicable conditions of approval for the Woodland Crossing Final Order dated December 13, 2017 (ANX 2017-03, CU 2017-02, DR 2017-03, PLA 2017-04, RCWOD 2017-03, VAR 2017-03). These include Condition 10 (intersection safety and operations improvements) and Condition 18 (Street and Storm Capital Construction Fund contribution).