



Staff Report

To: Planning Commission

From: Chris Kerr, Community Development Director *C.K.*
Dan Handel, Associate Planner

Meeting Date: September 9, 2021 (Prepared September 2, 2021)

Item: DR 21-07, EXCP 21-03, PAR 21-01, PLA 21-01, RCWOD 21-03, & VAR 21-02
Project Basie ("Amazon") at 450 S. Butteville Road

Tax Lots: Tax Lots 052W110000400, 052W110000500, 052W110000600,
052W140002400, 052W140002500, 052W140000200, & 052W140000600

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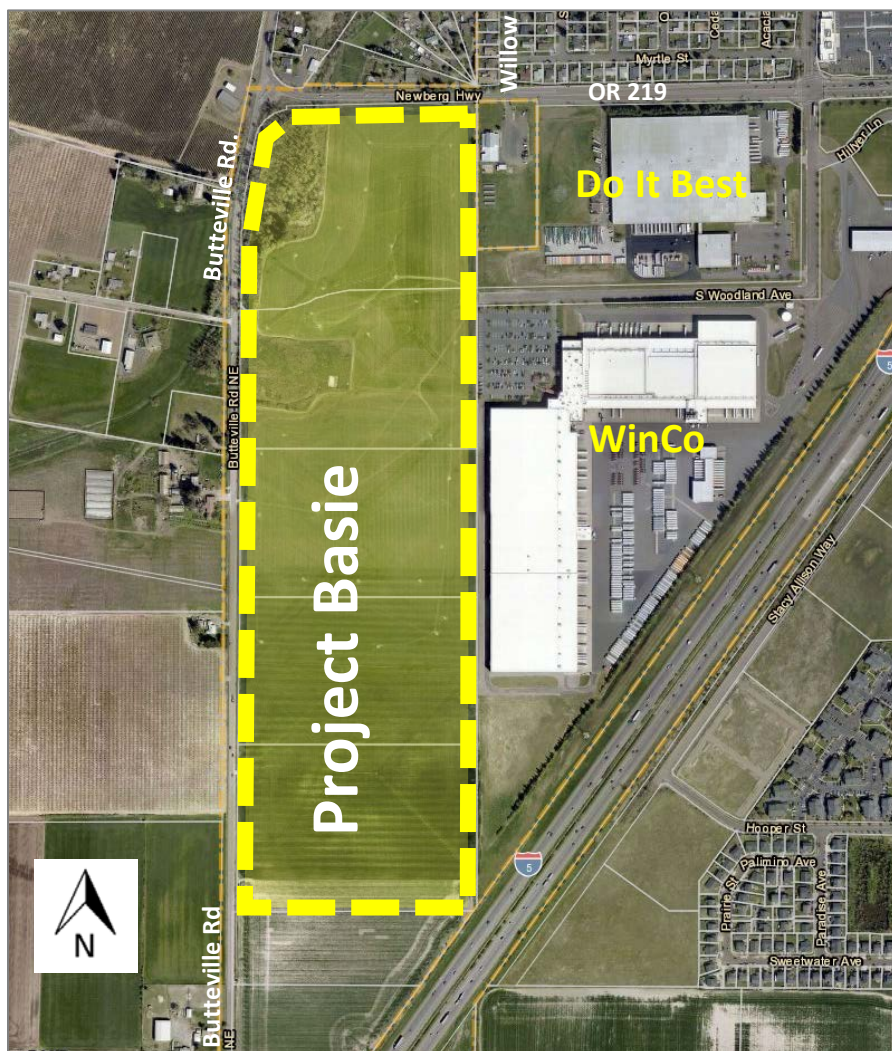
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Executive Summary

Action on a land use application package consisting of:

- Design Review (DR);
- Exception to Street Right of Way and Improvement Requirements (“Street Exception”, EXCP);
- Preliminary Partition (PAR) with Property Line Adjustment (PLA);
- Riparian Corridor and Wetlands Overlay District Permit (RCWOD); and
- Variances (VAR, five requests).

The project site is west of Interstate 5 and south of Newberg Highway (OR 219), including seven lots along Butteville Road and totaling approximately 128 acres.



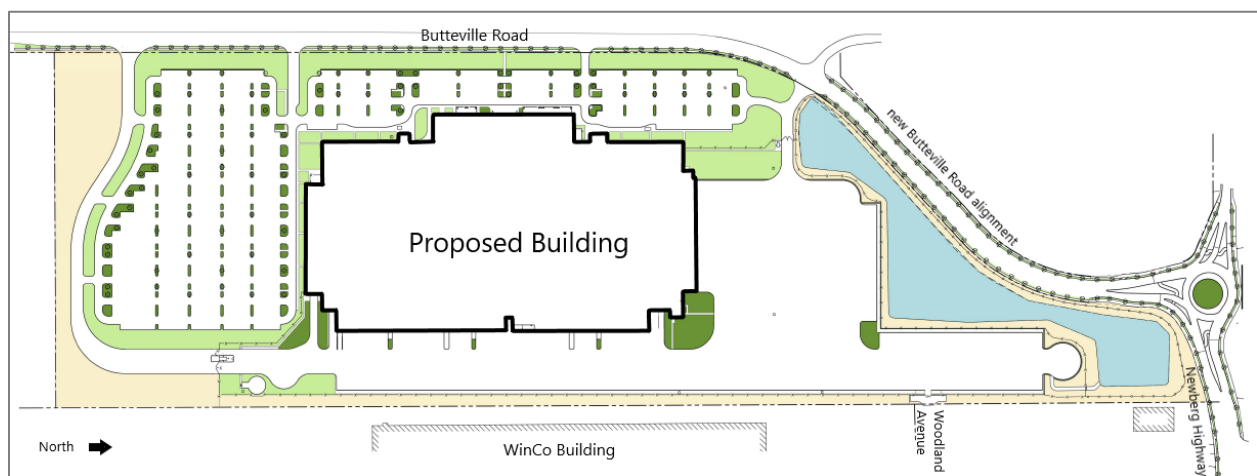
Project Site (outlined in yellow)

The project site is within the Southwest Industrial Reserve (SWIR) zoning district and the proposal is for an approximate 3.85 million square foot distribution and e-commerce facility, which is a

permitted use in the SWIR zone. This proposal is consistent with the purposes of the UGB expansion, Woodburn Comprehensive Plan, and 2016 Target Industry Analysis, which call for high-employment industrial users on large sites within the SWIR zoning district. In fact, the Target Industry Analysis identifies distribution and e-commerce as particularly well suited for the project site. The proposed development is also consistent with the SWIR Master Plan, which acts as a guide for public infrastructure (streets, utilities, etc.) as development occurs within the SWIR area. This site was annexed into the City in 2017 with the expectation that when a user/tenant was ultimately determined, they would take the next steps for site plan approval.

The proposed five-story building will be approximately 105 feet tall and centrally located on the site. Parking facilities will wrap around it, including parking for 1,800 cars and 483 semi-truck trailers. The applicant anticipates employment to be in two daily shifts of 937 people each. There are four driveways accessing Butteville Road on the west side of the property; the northern-most and southern-most driveways function as a truck loop for the site while the middle two driveways serve employees and visitors. Two guardhouses are proposed, one on either end of the truck loop, to control access into the trailer parking area. There are also two employee drop-off areas in front of the building and an emergency access is included from Woodland Avenue. Due to the significant increase in impervious area, the plans include a large on-site stormwater detention basin north of the trailer parking area.

As part of the proposal, the applicant will be partially realigning Butteville Road and Newberg Highway (OR 219) and constructing a new roundabout intersection. This Section of Butteville Road within the UGB is subject to an intergovernmental agreement between the City and Marion County regarding jurisdiction, design standards, and maintenance obligations. Newberg Highway (OR 219) is a state highway under Oregon Department of Transportation (ODOT) jurisdiction. City, Marion County, and ODOT staff have been heavily involved in the planning of this realignment and roundabout and have indicated their preliminary support for the proposal.



Illustrative Site Plan

Five variance requests, summarized below, are included with the proposal. The first two are the most consequential.

1. Maximum building height: The SWIR zone allows a building height of up to 45 feet, with features not used for habitation allowed up to 70 feet. The applicant is requesting to increase maximum building height to 105 feet. Because this request results in a larger and more intensive development proposal and associated visual impacts to surrounding properties, staff recommends several conditions of approval to help offset these impacts.
2. A request to not extend Woodland Avenue west to Butteville Road: City planning documents, including the Transportation System Plan, anticipate Woodland Avenue to extend west through the project site and intersect with Butteville Road. Because the applicant is requesting not to construct this street extension nor meet the associated street layout requirements, a variance is required.
3. Minimum separation between primary and accessory structures: The development ordinance requires at least six feet of separation between structures. Because the proposal includes covered patio structures adjacent to (but detached from) the main building, the applicant is requesting to reduce this minimum separation distance.
4. Minimum number of loading spaces: The development ordinance requires a certain number of loading spaces based on total building square footage. The applicant states that the proposed development does not need the minimum requirement in order to be successful therefore the request is to reduce the minimum number required.
5. Minimum street improvements for portions of Newberg Highway (OR 219) and Butteville Road: Parcel 1 of the proposed partition encompasses the remaining land northwest of the Butteville Road realignment; the applicant is requesting to not construct minimum street improvements along the west (existing Butteville Road) and north (OR 219) frontages of this parcel. Parcel 3 has frontage along Butteville Road; the applicant is requesting to not construct minimum street improvements along this frontage. They will be completed when they are development.

Recommendation

Approval with conditions: Staff recommends that the Planning Commission consider the staff report and its attachments and approve the application with the conditions recommended by staff. The recommended conditions are generally meant to address any negative impacts from the variance requests and respond to the project's impacts on the City's transportation system.

Actions

The Planning Commission may act on the land use application to:

1. Approve per staff recommendations,
2. Approve with modified conditions, or
3. Deny, based on WDO criteria or other City provisions.

If the Planning Commission were to act upon the recommendation, staff would prepare a final decision for approval with the conditions that staff recommends.

Attachment List

101. Conditions of Approval
102. Analyses & Findings
103. Select Application Exhibits
 - Applicant narrative
 - Exhibit "A" Application Form
 - Exhibit "C" Plan Set
 - Exhibit "E" Traffic Impact Analysis (without attachments)
 - Exhibit "F" Partition Plat
 - Exhibit "H" Variance findings letter 06/30/21
 - Exhibit "Q" Driveway Sight Distances
 - Exhibit "S" TIA Supplemental letter 07/19/21
 - Exhibit "U" TIA Supplemental letter 07/22/21

The entire application is available on-line on the City's Current Project page here:
<https://www.woodburn-or.gov/dev-planning/project/design-review-dr-21-07-project-basie>

**Project Basie
DR 21-07, EXCP 21-03, PAR 21-01, PLA 21-01, RCWOD 21-03, & VAR 21-02**

CONDITIONS OF LAND USE APPROVAL:

General:

1. 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.
2. Prior to issuance of Certificate of Occupancy: Applicant shall fund the data collection and engineering study for a speed study with the intent of establishing a permanent speed zone for the segment of Butteville Road between Hwy 219 and Parr Road under Oregon Administrative Rule 734-020-0015 "Establishment of Speed Zones on Public Roads Except Public Paved Low Volume or Public Unpaved Roads", using the Oregon Department of Transportation's prescribed process. This data collection and engineering analysis will be completed within six months of occupancy and submitted to the City and County. The City or County will be responsible for submitting the engineering study through ODOT's intake portal (<https://ecmnet.odot.state.or.us/SpeedZone/Home/RequestForm> or applicable portal at the time of the request) and oversee implementation of any findings/approvals.
3. All fencing shall meet the standards of WDO Section 2.06.02 as well as the City's Nuisance Ordinance Section 4, which include height restrictions and prohibitions on razor or barbed wire fencing.
4. To meet the requirements of WDO 2.05.05C, G, & H, prior to any construction within the RCWOD, the Applicant shall obtain necessary permits from any relevant federal or state agencies such as the USACE, DEQ, and DSL.
5. Prior to final plat: To meet the requirements of WDO 3.02.02, the Applicant shall dedicate a water course public improvement and maintenance easement over the 100-year floodway and which shall extend from the top of the bank along the entire length on one side of the channel.

Transportation:

6. Transportation System Development Charges (SDCs) will be imposed and paid at, or prior to the time of building permit issuance for the vertical construction at the property (Permit No. 971-21-000539-STR-02). To the extent allowable, qualified transportation improvements may be eligible for Transportation SDC credits pursuant to Woodburn Ordinance No. 2438, Section 9.
7. For purposes of calculating Transportation SDC and Interchange Development Charge (IDC) fees, the Applicant will be assessed charges based on the following trip count generation: 0.31 trips/KSF.

8. Prior to Public Works Construction final approval and release of bond or other financial assurance(s): Construct a new double lane roundabout at the realigned Butteville Road intersection with OR 219 in accordance with ODOT design standards. East of the new roundabout, OR 219 shall be widened to be consistent with and connected to the fully improved section that currently ends near the Willow Avenue intersection.
9. Prior to Public Works Construction final approval and release of bond or other financial assurance(s): Subject to ODOT approval, modify I-5 southbound off-ramp (Exit 271) to provide at least 250 feet of additional right-turn lane storage to better accommodate projected vehicular and freight demand. The exact extents of the right-turn lane lengthening and design will need to be determined through additional conversations with ODOT and City design staff.
10. Prior to final plat: In order to mitigate safety and capacity impacts, the Applicant shall, based on a proportionate share calculation, make the following financial contributions to the City in order to study the design and implement safety, signal and capacity improvements at the following intersections (in coordination with ODOT):
 - OR 214 at I/5: TSP projects R8/R9: \$10,000
 - OR 214 at Evergreen: TSP project R10: \$50,000
 - OR 214 at Settlemier: \$25,000
 - OR 214 at 99E: TSP project R14: \$100,000
11. In order to mitigate the impacts of the new roundabout, the Applicant shall work with ODOT to determine if the existing eastbound left turns into the private drive serving five single-family homes located west of Willow Avenue can be accommodated via a U-turn at the Woodland Avenue signal. If viable and approvable by ODOT, Applicant shall provide for a signal modification to allow for this U-turn as part of intersection signal operations. The Applicant shall notify the City's Public works Department on any correspondence between the Applicant's Engineer and ODOT on this matter.
12. Prior to final plat: Contribute a proportionate share to the improvements at the intersection of Butteville Road & Parr Road that are identified in the County 2005 Transportation System Plan (TSP). Proportionate share amount will be determined based on contributing traffic generated by the proposed project at this intersection. The 2005 TSP identifies the needed improvement to be grade and intersection configuration change and estimated an \$800,000 cost that will be adjusted to today's (year of permit) dollars using the Seattle Area Engineering News Record (ENR) Construction Cost Index.
13. Applicant shall apply for and obtain a Major Construction Work in the Right-of-Way permit for the improvements to the existing alignment of Butteville Road, including widening and urbanization, from Marion County Public Works Land Development Engineering & Permits (LDEP). All improvements to the existing alignment of Butteville Road shall be approved, permitted, constructed, and pass all final inspections to the satisfaction of Marion County Public Works prior to issuance of a certificate of occupancy.

Transportation Demand Management:

14. The Applicant shall submit for City approval a TDM plan within six months of issuance of a certificate of occupancy. The Plan shall include a list of enforceable, programmatic TDM strategies and measures that will minimize peak hour vehicle trips generated by the proposed development over time. At a minimum, the Plan shall include:
- Commitments to coordinate with the City's Economic Development Director (or designee) and the management company at the Premium Outlets in implementing an annual holiday traffic management program. To facilitate the success of the program, the Applicant shall make a one-time financial commitment of \$25,000 to the City to be used for implementing elements of the plan marketing, community outreach, shuttle services, etc.
 - Ongoing incentives for ride-sharing, using transit, biking or walking to work. This can include bus passes, preferred car-pool parking spaces, indoor bike parking facilities, or on-site lockers and showers.
 - A detailed marketing plan that provides timely information to workers on alternatives to single-occupancy vehicle trips.
 - Provisions for an annual report to be provided to the City which includes a review of targets, performance measures and the effectiveness of marketing efforts made.
 - A feasibility assessment for the tenant, or a third-party transit operator, to operate an employee vehicular shuttle service between an existing or proposed City park-and-ride location and the subject property.
 - Appointment of an on-site TDM manager for monitoring and enforcement.
15. Prior to issuance of Certificate of Occupancy: Applicant shall pay Woodburn Transit \$300,000 for the purpose of planning and implementing transit service to the SWIR area, and to the Project Basie site in particular. (Numerous TSP Transit projects, such as T-8, T-10, T-12, T-15, and T-16 are called out to specifically increase transit service to this employment area. Projects P8 and P11 of the Transit Plan includes the specific need for a new 30 foot passenger bus for this service; its cost is estimated at \$300,000.)
16. Prior to issuance of Certificate of Occupancy: Provide an access easement granting Woodburn Transit access to an on-site, ADA accessible, covered bus stop.

Enhanced Landscaping:

17. To mitigate the impacts of the variance request related to the building height, the application shall enhance the streetside landscaping along the south side of OR 219 and on the east side of Butteville Rd as follows:
- The general area for the enhanced landscaping shall be within 20 feet of the ROW.
 - The Applicant will plant large size canopy trees at the rate of one per 30-feet on center along the south side of OR 219 and east side of Butteville Road. A minimum of three different species will be planted, of which at least one shall be coniferous/evergreen.
 - The landscape plans shall be revised to provide additional shrubs (large or small, see WDO Table 3.06B(5)(6)), at a density of one planting unit/20 square feet, excluding trees.
 - Some trees and shrubs may be clustered or moved further back onto the property to account for driveways, but the overall number shall not be reduced.

18. The revised landscape plans shall account for any minimum and maximum height limitations or setbacks for vegetation necessary to not conflict with Public Utility Easement (PUE) corridors or required minimum site distances at driveways.

Off-site Street Public Improvements:

19. Prior to final approval of Public Works Construction and release of bond or other financial assurance(s): The Applicant shall construct off-site ROW sidewalk and landscaping improvements along both sides of OR 219. Specifically, on the south side, connecting the proposed roundabout improvements to the existing sidewalk that terminates at the Do-It-Best property line and; on the north side to the east side of Willow Ave. (including a crosswalk that meets ODOT's guidelines). These improvements shall meet the minimums per WDO Fig. 3.01B "Major Arterial" and are subject to required ODOT approval. If grading and slope necessitate a safety rail, also known as pedestrian guardrail, the Director or ODOT may require and specify installation of such, and the Applicant shall not use grading or slope to preclude designing and constructing sidewalk. The sidewalk shall follow as close to the ROW boundary as possible, and may meander around electric power poles and their guy wires in the ROW. The Applicant shall maximize the distance between curb and sidewalk to establish a landscape strip, and the strip width should meet or exceed that of Fig. 3.01B. The Applicant shall plant street trees in the strip pursuant to WDO 3.06.03A and provide grass in the landscape strip.

Roundabout:

20. In the context that ODOT retains jurisdiction and permitting authority as well as provides guidance, the Applicant shall include the following for the City to the extent that ODOT allows:
 - All OR 219 frontage/street improvements shall remain required per WDO 3.01.01, 3.01.03C, Figs. 3.01A & B, and 3.06.03A for the south half-street extending between the roundabout and from where the Applicant will have relocated Butteville Rd.
 - Landscaping: The roundabout center shall not be entirely paved and shall be landscaped with min 4 street trees of min medium size category at maturity per WDO Table 3.06B defines.
 - Civic art: The Applicant shall pay the City a civic art fee of \$10,000 to provide for a public art project within, or near, the roundabout. The City will use the money to commission a civic art project and have it installed, pursuant to ODOT requirements.
 - Monument sign: The Applicant shall either construct a city entrance sign or pay a fee in lieu of \$7,500 to the City for the purchase and installation of an entrance sign for the City of Woodburn to be located within the roundabout. The Assistant City Administrator, or designee, will select the sign and oversee its installation, pursuant to ODOT requirements.

Public Works:

21. The Applicant, not the City, is responsible for obtaining permits from state, county and/or federal agencies that may require such permit or approval. All work within the Oregon Department of Transportation (ODOT) right-of-way requires the Applicant to obtain approval and permits from

ODOT. All work within Marion County right-of-way requires the Applicant to obtain approval and permits from Marion County.

22. Obtain approval from the Oregon Department of Transportation (ODOT) for the storm drainage analysis that will impact ODOT's system. Provide storm drainage analysis for detention and conveyance system. The storm drainage hydraulic analysis shall comply with both ODOT and City's requirements.
23. Provide and pay for all streets and other infrastructure costs in full, including the adjoining improvements on Hwy 219 (Newberg Highway) and Butteville Road. Improvements shall be approved by Marion County, Oregon Department of Transportation (ODOT) and City of Woodburn in areas within in their jurisdiction.
24. The Applicant, or any successors and assigns, shall be required to enter into a City Improvement Agreement.
25. All public improvements must be deemed complete prior to final approval of Public Works Construction and release of bond or other financial assurance(s):.
26. Civil Construction plans shall clearly identify/delineate the proposed jurisdictional boundaries between Marion County, ODOT and City of Woodburn.
27. Provide a performance bond for City right-of-way improvements, in the amount of 120% of the construction cost prior to permits being issued for the Civil Plans approval.
28. Pay all public improvements (right-of-way) fees for all public improvements which are to be maintained by the City as per Ordinance No. 1795.
29. Construct private storm sewer systems, including detention facilities in accordance with approved plans and drainage reports (onsite and offsite reports). All required on-site and off-site detention area(s) for the runoff from this site will need to be provided in accordance with the hydraulic analysis. All on-site detention areas shall be maintained by the property owner in perpetuity, including the storm pipe running on Parcel 2 and on to the wetlands/Senecal creek.
30. Provide final storm reports (on-site and off-site reports) for review and approval by the City, Marion County and ODOT.
31. Provide a Private Utility Easement for the proposed private storm pipe located on Parcel 2.
32. Provide a signed agreement/letter indicating that the private storm pipe in Parcel 2 that discharges in Senecal Creek and conveys storm drainage from Parcel 1, improved Butteville Road (existing and new realignment) will be maintained in perpetuity by the owner of Parcel 2.
33. Provide for the installation of all public utilities and franchise utilities on the entire public improvement areas and shall provide any required easements for these facilities. All permanent utility services to the development shall be underground.

34. Provide street lighting on all public improvement areas in accordance with street lighting plan approved by the City and conforming to Portland General Electric installation and plan under option B.
35. All City-maintained facilities located on private property shall require a minimum of 16-foot wide utility easement conveyed to the City by the property owner. This is the Applicant's responsibility to provide, not the City's. Utilities of unusual depth, size or location may require a larger width.
36. Final required improvements along Butteville Road (existing and proposed realignment), Highway 219 (Newberg Highway), intersection of Newberg Highway and Butteville Road shall be determined at the time of Site Civil Plans review or during the building permit application to address traffic impacts to the area and in accordance with Marion County, ODOT and City of Woodburn requirements.
37. If required, a Permit from the Oregon Division of State Lands and US Army Corps of Engineers will need to be obtained to impact delineated wetlands and mitigate for such impacts. This shall be obtained prior to city issuance of permit. Other required regulatory permits shall also be obtained by the Applicant, as applicable.
38. Provide and record the required right-of-way dedication, public utility easements, waterline easements, and sewer easements at time of final plat recordation.
39. The Applicant, by this development, shall not cause storm water runoff to be impounded on adjacent properties.
40. All sanitary sewer laterals serving the proposed developments are private up to the main line.
41. The water mains serving this development shall be a looped system, shall be sized in accordance with flow and fire protection requirements.
42. Fire hydrants locations and fire protection requirements shall be as per the Woodburn Fire District and City of Woodburn requirements.
43. Actual fire hydrant locations and in-line valving locations shall not be determined until the construction final plan review.
44. The final configuration and radii of the southerly entrance to Butteville Road shall be determined in consultation with Marion County Engineering and the City Engineer.
45. All existing and proposed driveway connections and intersections shall meet requirements for sight distances. Provide a PE stamped memo certifying that intersection sight distance and stopping sight distance meets national, City, ODOT, and County guidelines and requirements for all project driveways and intersections. This study shall be performed post construction and prior to site occupancy, and submitted for City review.

46. Final review of the Civil Plans will be done during or after the building permit application. Public infrastructure will be constructed in accordance with plans approved by public works, Marion County and ODOT. Right-of-way and PUE's along the Church property and at any other location that is required per ODOT, County or City requirements, shall be acquired at Applicant's expense and coordinated with issuance of Public Works permits.
47. The Applicant shall be responsible for costs associated with closure or other disposition of the existing Hwy 219/Butteville Road intersection, including ODOT/County required modifications such as installation of channelization devices, signing, striping, etc.
48. Subject to post-construction inspection by the City Engineer, the Applicant shall repair S. Woodland Avenue, repairing asphaltic concrete surfacing damaged from construction activities. The new pavement section shall be the larger of the current PW standard of 4" thickness or the thickness determined by the Applicant's Engineer and shall extend from the Hwy 219 Intersection to the termination of S. Woodland Avenue at the subject property boundary. Restoration shall be done prior to final approval of Public Works Construction and release of bond or other financial assurance(s):.
49. The Owner of each Parcel shall maintain all designed visual clearance areas, and corresponding sight-distance and stopping sight-distance areas, located in both the right-of-way and private property in accordance with national guidelines such as AASHTO, in perpetuity. This shall include ongoing landscaping maintenance activities by the respective Owners to ensure that shrubs and other landscaping items do not exceed the maximum AASHTO visual height thresholds within the visual clearance areas.
50. Provide city a one-year maintenance bond in the amount of 10% of the construction cost for all city maintained facilities constructed prior to final plat recordation.
51. The Applicant's Engineer of record shall certify that all the improvements have been constructed in accordance with the approved plans, City of Woodburn, Marion County and ODOT standards and specifications, and other Agencies requiring approvals and permits. All required inspections and testing reports shall be verified and certified by the Engineer of record. At project completion the Applicant shall provide to the City a copy of the periodic construction inspection reports.
52. Dedicate a Waterline PUE at the southeast quadrant of the project site large enough for a future I-5 Waterline Crossing Installation Project and connection to the 12" waterline to be installed along the southern portion of Parcel 2. The dimensions of this Waterline PUE are still to be determined through final civil plan review.

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 with condition of approval • Other special circumstance benefitting from attention 	Modification or Condition of approval required
■	Deviation from code: Variance or Street Exception	Request to modify, adjust, or vary from a requirement

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

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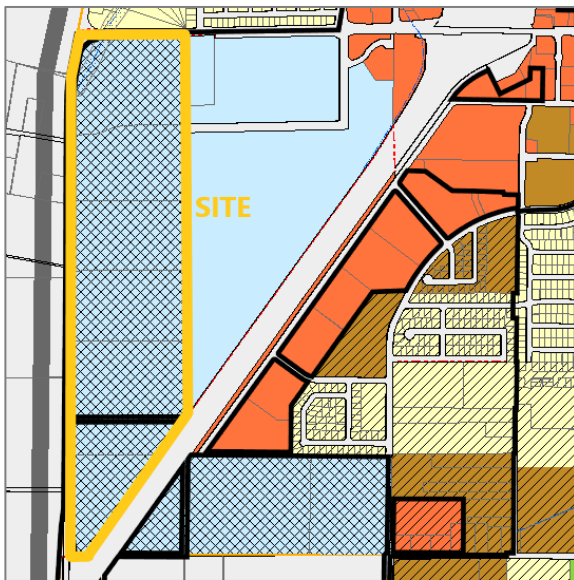
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Location

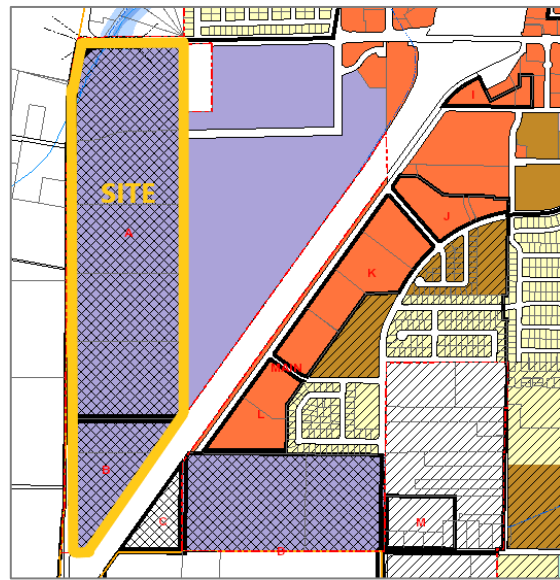
<i>Address</i>	450 S. Butteville Rd
<i>Tax Lots</i>	Tax Map 052W11 Tax Lots 00400, 00500, 00600; Tax Map 052W14 Tax Lots 00200, 00600, 02400, 02500
<i>Nearest intersection</i>	Butteville Rd & Newberg Hwy (OR 219)

Land Use & Zoning

<i>Comprehensive Plan Land Use Designation</i>	Industrial
<i>Zoning District</i>	Southwest Industrial Reserve (SWIR)
<i>Overlay Districts</i>	Interchange Management Area (IMA) Overlay District; Riparian Corridor & Wetlands Overlay District (RCWOD); Southwest Industrial Reserve (SWIR)
<i>Existing Uses</i>	N/A; undeveloped



Comprehensive Plan Map excerpt, site outlined in yellow



Zoning Map excerpt, site outlined in yellow

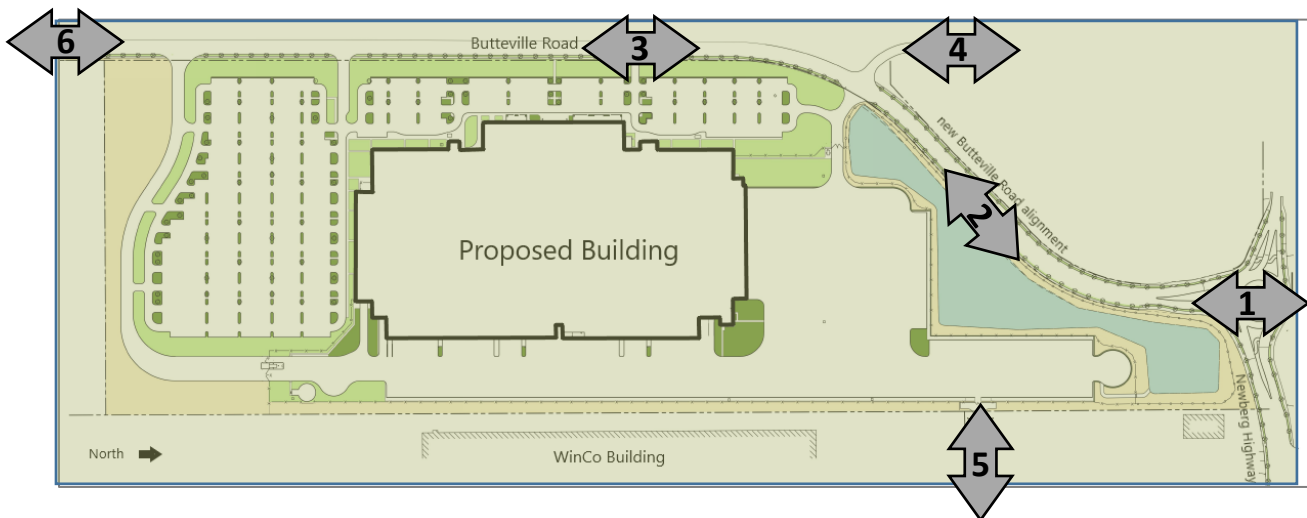
<i>Cardinal Direction</i>	<i>Adjacent Zoning</i>
North	N/A; outside of City limits
East	N/A; outside of City limits: Woodburn Church of the Nazarene IL; north to south: Do It Best Corp. distribution warehouse, & WinCo Foods distribution warehouse
South	N/A
West	N/A; outside of City limits and urban growth boundary

Statutory Dates

<i>Application Completeness</i>	August 13, 2021
<i>120-Day Final Decision Deadline per Oregon Revised Statutes (ORS) 227.178.</i>	December 10, 2021 (The nearest and prior regularly scheduled City Council date would be November 22, 2021.)

ROADWAY IMPROVEMENTS

There are multiple segments of roadway discussed in this document. Some of the segments are receiving full improvements, and some no improvements at all. Due to the requirements in the WDO –some segments require a variance to be constructed and some require compliance with the “street exceptions” criteria. Staff recommends looking at these holistically and has prepared a graphic that may assist in that effort. It is to be used for illustrative purposes only. A brief description follows with a review of which type of application type required for each. A much more detailed summary of the improvements can be found in the applicant’s June 30, 2021 traffic analysis (Exhibit H).



1. Roundabout intersection at New Butteville Road/Highway 219

Because the roundabout will be located on an Oregon State Highway and is within the I5/OR 219 Interchange Area, the design must satisfy applicable Oregon Department of Transportation (ODOT) design requirements. (*Street exception and variance*)

2. New Butteville Road refers to the realigned segment between the proposed roundabout at the north and a point south of the Stafney Lane intersection, where the roadway shifts to a new alignment completely east of the Senecal Creek corridor. The proposed improvements in this segment are designed to comply with the Woodburn Minor Arterial design section. . *No variances of street exceptions necessary.*

3. Butteville Road south of New Butteville Road:

The Woodburn TSP identifies this segment as a Minor Arterial street; however, its location at the Urban Growth Boundary makes a special design section appropriate to serve both the industrial uses on its east side and the agricultural/rural residential uses on its west side. A special design section for Butteville Road along the I5 Logistics Center subdivision’s frontage was negotiated in 2017, forming the basis of a City-County Intergovernmental Agreement (IGA), which remains in effect. (*special exception*).

4. Old Butteville Road refers to the existing segment of Butteville Road that will effectively be replaced by New Butteville Road for urban traffic and through-trip travel on Butteville Road. Preserving the current Marion County rural design section is appropriate in this segment because it will continue to provide local access to the existing rural residential and agricultural properties on the west; its east side abuts the Senecal Creek riparian corridor, where no vehicular access is appropriate. (*variance*)

5. South Woodland Avenue

The TSP plans for the extension of S Woodland Avenue west from its current terminus to intersect Butteville Road opposite Stafney Lane. The applicant proposes leaving it in its existing configuration. Not continuing Woodland Ave. triggers several variances – specifically related to the connection requirements of the TSP, cul-de-sac and block lengths, and terminus requirements. (*variance*)

6. Existing Butteville Rd. south of the area proposed to be developed at this time

This section of Butteville Rd. is adjacent to the southern Parcel “3” and extends to the southern edge of the overall 120 ac. property. Since this parcel is not proposed for development at this time, no frontage improvements area proposed along this section of roadway. (*variance*)

Within this Analyses and Findings document, each request is addressed under the appropriate section with the appropriate criteria. The document may refer back to this graphic for understanding. Note that City Staff as well as Marion County and ODOT are recommending approval of all of these improvements as shown (with certain conditions of approval). The Commission may elect to approve, deny or approve with conditions any of these individually based on the criteria of the WDO.

Design Review Provisions

(Note that the Design Review component is for Parcel 2. Parcels 1 and 3 are not proposed for development at this time and are not included in this Design Review application.)

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.

Staff Comment:

The applicant submitted multiple applications for the proposal including Design Review (Type III), Street Exception (Type III), Preliminary Partition (Type II), Property Line Adjustment (Type I), RCWOD Permit (Type I), and Variance (Type III). Per 4.01.07 and the applicant's request, the applications have been consolidated into a single review at the highest level (Type III).

✓ The requirement is met.

5.03.02 Design Review, Type III

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

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

4. Structures greater than 3,000 square feet in the IP, IL, and SWIR zones.

Staff Comment:

The proposal is for buildings totaling greater than 3,000 square feet (sq ft) in the SWIR zoning district therefore it requires a Type III Design Review per subsection B4.

Staff hosted a pre-application meeting (PRE 21-11) on April 7, 2021.

✓ The requirement is met.

2.04 Industrial and Public Zones

A. The City of Woodburn is divided into the following industrial and public zones:

4. The Southwest Industrial Reserve (SWIR), which is intended for employment and industries identified in the 2016 Target Industry Analysis;

B. Approval Types (Table 2.04A)

3. Permitted Uses (P) are allowed outright, subject to the general development standards of this Ordinance.

Uses Allowed in Industrial Zones Table 2.04A						
Use			Zone			
Accessory Uses (A)	Conditional Uses (CU)	Permitted Uses (P)	IL	IP	P/SP	SWIR
Special Permitted Uses (S)	Specific Conditional Uses (SCU)					
C	Industrial					
5	Distribution and E-commerce including; wholesale trade, farm supplies and merchant wholesalers, packaging and labeling services.		P	P		P
14	Motor freight transportation and warehousing, including local or long-distance trucking or transfer services, storage of farm products, furniture and other household goods, commercial		P	P		P

Staff Comment:

The proposed use matches those listed in the above table, which are permitted uses in the SWIR zone.

✓ The requirement is met.

C. Development Standards

Southwest Industrial Reserve (SWIR) - Site Development Standards Table 2.04E		
Lot Area, Minimum (square feet)		See Table 2.04F
Lot Width, Minimum (feet)		No minimum
Lot Depth, Minimum (feet)		No minimum
Street Frontage, Minimum (feet)		No minimum
Front Setback and Setback Abutting a Street, Minimum (feet)		10 ¹
Side or Rear Setback, Minimum (feet)	Abutting P/SP zone or a residential zone or use	30
	Abutting a commercial or industrial zone	0 or 5 ²
Setback to a Private Access Easement, Minimum (feet)		5
Lot Coverage, Maximum		Not specified ³
Building Height, Maximum (feet)	Primary or accessory structure	45
	Features not used for habitation	70
<ol style="list-style-type: none"> 1. Measured from the Special Setback (Section 3.03.02), if any. 2. A building may be constructed at the property line, or shall be set back at least five feet. 3. Lot coverage is limited by setbacks, off-street parking, and landscaping requirements. 		

Southwest Industrial Reserve (SWIR) - Lot Standards					
Table 2.04F					
Development Subarea	Assessor's Tax Lot Number	Gross Acres	Buildable Acres	Required Lot Sizes (Acres)	Conceptual Lot Sizes (Acres)
A ¹	052W1100300	108	88	25-50	35
				10-25	15
				10-25	15
				5-10	8
				5-10	8
				2-5	4
B ²	052W1400200	9	22	10-25	15
	052W1400600	13		5-10	7

1. Land division is permitted with master plan approval.
2. Land division is not permitted.

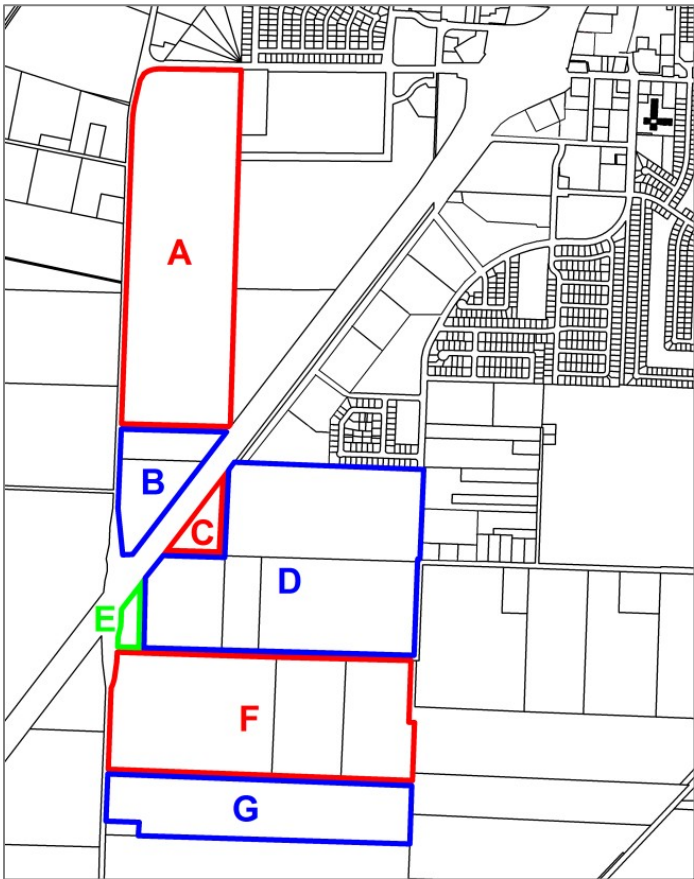


Figure 2.04A – SWIR Development Subareas

Staff Comments:

SWIR zone minimum lot size requirements are outlined in Table 2.04F. Per Figure 2.04A, the applicable SWIR Development Subareas are A and B. It should be noted that the SWIR zone has separate dimensional standards found under WDO 2.05.06C establishes dimensional standards. See 2.05 Overlay Districts below.

There are no minimum lot width, depth, or street frontage or maximum lot coverage standards for the SWIR zone. The lot coverage is based on the meeting bulk regulations of the Development Standards Table.

The west lot line is the front lot line, east is rear, and north and south are sides. Using these lot lines and the corresponding minimum setback standards in Table 2.04E, the proposal provides:

- A 203.6ft front setback and setback abutting a street, well in excess of the minimum;
- A 245.6ft rear setback, well in excess of the minimum; and
- A 826.6ft south side setback, well in excess of the minimum.

The applicable height limit is 45 feet for primary and accessory structures and 70 feet for features not used for habitation. The height of the proposed building is approximately 100 feet, measured at the tallest point of the exterior wall. The applicant has requested a Variance to allow the additional building height; compliance findings are provided below in the Variance Section. With approval of the Variance request, these standards will be met.

■ Variance: The site development provisions can be met if the variance from the building height limitation is approved. This is discussed under the Variance Provisions section.

2.05 Overlay Districts

2.05.02 Interchange Management Area Overlay District

A. Purpose

The purpose of the Interchange Management Area Overlay District (IMA) is to preserve the long-term capacity of the I-5/Highway 214 Interchange. Preserving the capacity of the interchange is essential for the City's future. Continued access to I-5 is critical for existing businesses and for attracting new businesses and development to the community.

The IMA complements the provisions of the Southwest Industrial Reserve (SWIR) Zoning District by ensuring that industrial land is retained for the development envisioned in the Woodburn Comprehensive Plan. The IMA also ensures that needed industrial, commercial and residential lands within the IMA are protected from incompatible development generating excessive vehicle trips.

The vehicle trip budget (Table 2.05A) identifies by parcel the maximum amount of peak hour trips for each parcel within the IMA and is intended to be high enough to accommodate peak hour trips anticipated by the Woodburn Comprehensive Plan and the Transportation Systems Plan (TSP), but low enough to restrict unplanned vehicle trips that could adversely affect the I-5/Hwy 214 Interchange.

B. Applicability

The provisions of this Section apply to all Type II – V land use applications that propose to allow development that will generate more than 20 peak hour vehicle trips (based on the latest Institute of Transportation Engineers Trip Generation Manual) on parcels identified in Table 2.05A. The provisions of this Section apply to all properties within the boundary of the IMA.

C. Vehicle Trip Budgets

This Section establishes a total peak hour trip generation budget for planned employment (commercial and industrial) land uses within the IMA.

1. The IMA trip budget for vacant commercial and industrial parcels identified in Table 2.05A is 2,500 peak hour vehicle trips. An estimated 1,500 additional peak hour residential trips are planned within the IMA. The IMA vehicle trip budget is allocated to parcels identified in Table 2.05A on a first-developed, first-served basis.
2. Parcel budgets are based on 11 peak hour trips per developed industrial acre, and 33 peak hour trips per developed commercial acre.
3. The parcel budget for each parcel will be reduced in proportion to actual peak hour vehicle trips generated by new development on any portion of the parcel.
4. The City may allow development that exceeds the parcel budget for any parcel in accordance with this Section.

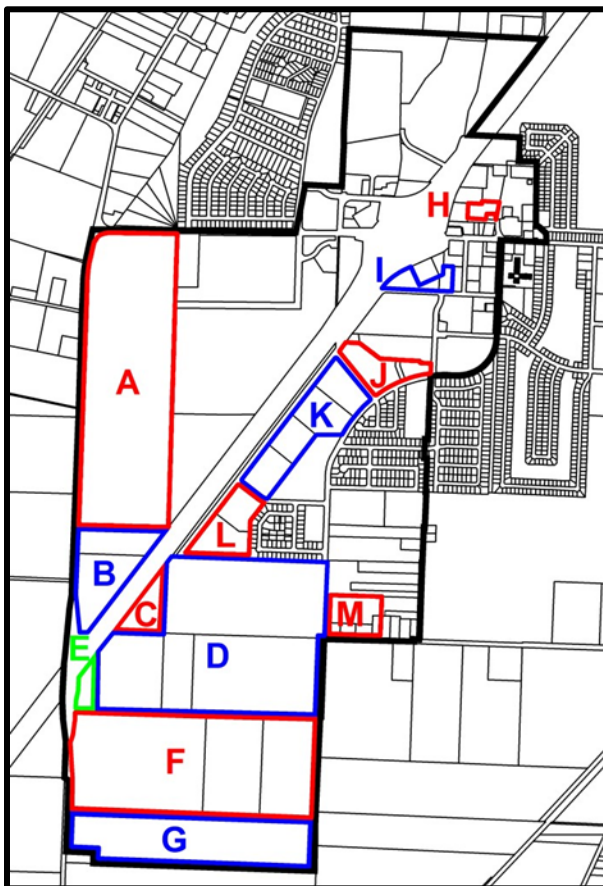


Figure 2.05B – Interchange Management Area Boundary and Subareas

Vehicle Trip Budget by Parcel (Parcel Budget)				
Table 2.05A				
Subarea	Assessor’s Tax Lot Number	Comprehensive Plan Designation	Buildable Acres	Maximum Peak Hour Vehicle Trips
A	052W11 00300	SWIR	88	968

B	052W14 00200 052W14 00600	SWIR	22	242
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Applicant's Response:

The TIA in Exhibit E compares projected trip generation for the project against the SWIR Interchange Management Area figures for the Subject Property (Subareas A and B), concluding:

Subarea A has 968 trips and Subarea B has 242 trips for a total of 1,210 trips. Based on the maximum weekday PM peak hour trip profile estimates, Project Basie will generate approximately 1,176 trips which is within the combined Subarea A/B trip budget. (See Exhibit E.)

Staff Comments:

The proposal is a Type III land use application package that will generate more than 20 peak hour trips therefore the provisions apply. The proposed trip generation is consistent with Table 2.05A for Subareas A and B.

✓ The requirement is met.

D. Administration

This Section delineates responsibilities of the City and ODOT to monitor and evaluate vehicle trip generation impacts on the I-5 interchange from development approved under this Section.

- 1. A Traffic Impact Analysis (TIA) is required for all land use applications subject to the provisions of this Section. The TIA must meet City and ODOT administrative rule (OAR Chapter 734, Division 51) requirements and shall include an evaluation and recommendation of feasible Transportation Demand Management (TDM) measures that will minimize peak hour vehicle trips generated by the proposed development.**

Applicant's Response:

The TIA (Exhibit E) addresses requirements established by WDO Section 3.04.05 and ODOT's Analysis Procedures Manual (APM). All study area intersections are anticipated to meet City and ODOT mobility standards for all scenarios, with construction of the realigned segment of Butteville Road, the roundabout intersection with Highway 219, and other mitigation measures detailed in the TIA Report.

Staff Comments:

With the proposed conditions of approval, this criterion can be met. See Section 3.04.05 for a detailed review of the TIA.

▲ With the proposed conditions of approval, this criterion can be met.

- 2. For a land use application subject to the provisions of this Section:**

- a. The City shall not deem the land use application complete unless it includes a TIA prepared in accordance with TIA Requirements;**
- b. The City shall provide written notification to ODOT when the application is deemed complete. This notice shall include an invitation to ODOT to participate in the City's review process;**

- c. ODOT shall have at least 20 days to provide written comments to the City, measured from the date the completion notice was mailed. If ODOT does not provide written comments during this 20-day period, the City’s decision may be issued without consideration of ODOT comments.
- 3. The details of City and ODOT monitoring and coordination responsibilities are found in the Woodburn – ODOT Intergovernmental Agreement (IGA).
 - a. The City shall be responsible for maintaining a current ledger documenting the cumulative peak hour trip generation impact from development approved under this Section, compared with the IMA trip budget.
 - b. The City may adjust the ledger based on actual development and employment data, subject to review and concurrence by ODOT.
 - c. The City will provide written notification to ODOT when land use applications approved under this Section, combined with approved building permits, result in traffic generation estimates that exceed 33% and 67% of the IMA trip budget.
- 4. This Section recognizes that vehicle trip allocations may become scarce towards the end of the planning period, as the I-5 Interchange nears capacity. The following rules apply to allocations of vehicle trips against the IMA trip budget:
 - a. Vehicle trip allocations are vested at the time of design review approval.
 - b. Vehicle trips shall not be allocated based solely on approval of a comprehensive plan amendment or zone change, unless consolidated with a subdivision or design review application.
 - c. Vesting of vehicle trip allocations shall expire at the same time as the development decision expires.

Staff Comments:

Staff provided the required notices for when the application was deemed complete and for the 20 days prior to the public hearing. Both Marion County and ODOT staff have reviewed and provided comment to the applicant on the TIA. ODOT and Marion County have stated their concurrence that the IMA criteria are conditionally satisfied.

✓ The requirement is met

E. Allowed Uses

Uses allowed in the underlying zoning district are allowed, subject to other applicable provisions of the Woodburn Development Ordinance and this Section.

Staff Comments:

As outlined in the analysis for 2.04, the proposed use is a permitted use in the SWIR zone.

✓ The requirement is met

G. Interchange Capacity Preservation Standards

Land use applications subject to the provisions of this Section shall comply with the following:

- 1. Peak hour vehicle trips generated by the proposed development shall not, in combination with other approved developments subject to this Section, exceed the IMA trip budget of 2,500.

Applicant’s Response:

Project Basie is estimated to generate a total of 1,176 weekday PM peak hour trips. These

trips are allocated on a first-developed, first-served basis. The majority of the remaining industrial properties located within the IMA are not yet developed. Therefore, this standard is met.

Staff Comments:

Staff concurs with the TIA calculation of peak hour trips and finds that the IMA trip budget is not exceeded.

✓ The requirement is met

2. Peak hour vehicle trips generated by the proposed development shall not exceed the maximum peak hour vehicle trips specified in Table 2.05A for the subject parcel, except:

a. Development may be allowed to exceed the maximum, if the development will contribute substantially to the economic objectives found in the Comprehensive Plan.

Applicant's Response:

Ownership of Project Basie includes Subareas A and B in the SWIR. Subarea A has 968 trips and Subarea B has 242 trips for a total of 1,210 trips. Project Basie is anticipated to generate approximately 1,176 trips during the weekday PM peak hour, which is within the combined Subarea A/B trip budget. The proposed development represents an economic development success for the City of Woodburn in attracting a large traded-sector employer to locate in the SWIR. The applicant requests approval pursuant to the allowance specifically for this purpose in subparagraph a. This standard is met.

Staff Comments:

Staff finds that the development can be permitted to exceed the maximum peak hour trips for a subject parcel based on the contributions that it will provide to the City and the remaining trips available under the cap.

✓ The requirement is met.

3. Transportation Demand Management (TDM) measures shall be required to minimize peak hour vehicle trips and shall be subject to annual review by the City.

Applicant Response: The Project Basie tenant is anticipated to run a multiple day shift/night shift employment pattern. This shift pattern tends to more easily accommodate a variety of TDM measures including carpooling and vanpooling. In addition, the site is anticipated to operate with a shift change pattern that staggers employee arrival and departure over a longer period of time to minimize traffic impacts on the surrounding roadway network. As with other similar facilities, the Project Basie tenant will work with the City of Woodburn to customize and continually update its overall TDM plan.

Staff Comments:

As noted under the analysis for 3.04.04, the TDM measures proposed by the applicant do not

adequately satisfy the requirement to minimize peak hour trips. Staff therefore proposes several conditions of approval to address this issue. These conditions will facilitate greater transit, pedestrian, and cycling opportunities for employees.

With the proposed conditions of approval related to providing alternatives to vehicular trips, the TDM measures would minimize peak hour trips per the requirements of IMA and the standard can be met.

▲ With the proposed conditions of approval, this criterion can be met.

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).

Staff Comments:

Based on the technical evidence and analysis above for subsection B1, the applicant proposes that the City approve the RCWOD Boundary illustrated on the preliminary plat drawing in Exhibit F as the precise RCWOD boundary applicable to the project site.

C. Permitted Uses and activities

The following uses and activities are allowed, provided they are designed and constructed to minimize intrusion into the RCWOD:

1. Erosion or flood control measures that have been approved by the Oregon Department of State Lands, the U.S. Army Corps of engineers, or another state or federal regulatory agency
2. Maintenance of existing structures, lawns and gardens
3. Passive recreation uses and activities
4. Removal of non-native plant species and replacement with native plant species

5. Streets, roads, and paths that are included in an element of the Comprehensive Plan
6. Utilities
7. Water-related and water-dependent uses, including drainage facilities, water and sewer facilities, flood control projects, drainage pumps, public paths, access ways, trails, picnic areas or interpretive and educational displays and overlooks, including benches and outdoor furniture.

D. Prohibited Uses and Activities

1. New buildings or structures or impervious surfaces, except for replacement of existing structures within the original building footprint
2. Expansion of existing buildings or structures or impervious surfaces
3. Expansion of areas of pre-existing non-native landscaping such as lawn, gardens, etc.
4. Dumping, piling, or disposal of refuse, yard debris, or other material
5. Removal of vegetation except for:
 - a. Uses permitted by this Section
 - b. Perimeter mowing of a wetland for fire protection purposes;
 - c. Water-related or water-dependent uses, provided they are designed and constructed to minimize impact on the existing riparian vegetation;
 - d. Removal of emergent in-channel vegetation that has the potential to cause flooding;
 - e. Hazardous tree removal.
6. Grading, excavation and the placement of fill except for uses permitted by this Section. Response: This application does not include a proposal to allow any Prohibited Uses and Activities in the proposed RCWOD Boundary. This requirement is satisfied.

E. Variances

The restrictions of this Section may be reduced or removed if they render an existing lot or parcel unbuildable or work an excessive hardship on the property owner. The reduction or removal shall be decided through the Variance process.

F. Site Maintenance

1. Any use, sign or structure, and the maintenance thereof, lawfully existing on the date of adoption of this ordinance, is permitted within the RCWOD. Such use, sign or structure may continue at a similar level and manner as existed on the date of the adoption of this ordinance.
2. The maintenance and alteration of pre-existing ornamental landscaping is permitted as long as no native vegetation is disturbed. Maintenance of lawns, planted vegetation and landscaping shall be kept to a minimum and not include the spraying of pesticides or herbicides. Vegetation that is removed shall be replanted with native species. Maintenance trimming of existing trees shall be kept at a minimum and under no circumstances can the trimming maintenance be so severe as to compromise the tree's health, longevity, and resource functions. Vegetation within utility easements shall be kept in a natural state and replanted when necessary with native plant species.

G. Site Plan

When a use or activity that requires the issuance of a building permit or approval of a land use application is proposed on a parcel within, or partially within the RCWOD, the property owner shall submit a site plan to scale showing the location of the top-of-bank, 100-year flood elevation, jurisdictional delineation of the wetland boundary approved by the Oregon Department of State Lands (if applicable), riparian setback, existing vegetation, existing and proposed site improvements, topography, and other relevant features.

H. Coordination with the Department of State Lands

The Oregon Department of State Lands shall be notified in writing of all applications to the City for development activities, including applications for plan and/or zone amendments, development or

building permits, as well as any development proposals by the City that may affect any wetlands, creeks or waterways.

Applicant's Response:

In 2017, to support the petition to annex the Subject Property, Pacific Habitat Services (PHS) was retained by the then-applicant to perform biological field inventory work, and surveyors (KC Development and Northwest Surveying) surveyed stream banks, wetlands and slopes/sections within the seasonal Senecal Creek riparian corridor. Additionally, Cascade Water Resources, LLC identified "100-year" Base Flood Elevations (BFE), flood inundation boundaries and floodway boundaries along the segment of Senecal Creek within the Subject Property. Mackenzie used those data sources to prepare SWIR Master Plan Figure 5, Riparian Corridor and Wetlands Overlay District (RCWOD) and Figure 5A, RCWOD Determination Detail. The SWIR Master Plan was approved by the Woodburn City Council in December 2017. The Preliminary Plat drawing in Exhibit F contains the RCWOD Determination Detail map data for the "100-Year" flood plain boundary, the delineated wetland boundary and a 50-foot buffer around it, which is the proposed location of the RCWOD boundary. However, unlike the RCWOD boundary permitted in 2017, which has now lapsed, this proposal does not include a request to fill wetlands in the south part of the RCWOD, because such filing is not necessary if Woodland Avenue is not extended west to intersect Butteville Road opposite Stafney Lane.

Along the segment of Senecal Creek within the Subject Property, the Butteville Road right-of-way is immediately adjacent to the stream/wetlands corridor, allowing only limited buffering opportunities on the west side of the resource features. On the east side of the resource, the RCWOD boundary is defined by the 50-foot buffer width adjacent to delineated wetlands, because that boundary is consistently east of the Senecal Creek corridor and its 50-foot buffer as well as the "100-year" Base Flood boundary.

The SWIR Master Plan proposed to align the anticipated future extension of Woodland Avenue to intersect Butteville Road opposite Stafney Lane, forming a four-way intersection at that location. That alignment was determined to be preferable to a direct western extension, which would have intersected Butteville Road farther north, causing a larger impact on the RCWOD resource. The offset intersection alignment would also have created potential for conflicting left-turn movements entering Butteville Road from the two (2) side streets, due to their overlapping use of the center turn refuge lane.

Consistent with the above determination, an RCWOD Permit was approved in conjunction with the SWIR Master Plan and annexation in 2017, to allow disturbance of the RCWOD to the extent necessary to align Woodland Avenue opposite Stafney Lane. But, because no development requiring construction of the Woodland Avenue extension has occurred since that time, that RCWOD Permit expired after three (3) years, in December 2020.

The current proposal is a project, and an employer, of significantly larger scale than previously anticipated in the City's SWIR zoning. Its access and circulation function best when located entirely on Butteville Road, and its need for a large site conflicts with a western extension of Woodland Avenue (as anticipated in the TSP and SWIR Master Plan). As discussed above, the proposed realignment of Butteville Road to the east of the

Senecal Creek corridor, forming a new roundabout intersection with Highway 219, is an innovative solution that provides the necessary traffic capacities while avoiding impacts on the Senecal Creek resource area.

In this new context/street layout, no access to Woodland Avenue is needed by Project Basie, so there is no property west of the current stub terminus of Woodland Avenue that requires local access. As a result, unlike the prior RCWOD Permit, this applicant's RCWOD Permit request does not involve any proposal to impact the RCWOD boundary due to road construction-related impacts; the RCWOD Permit will precisely establish the RCWOD boundary, based on Senecal Creek's inventoried characteristics supported by field surveying, as shown on the proposed Preliminary Plat in Exhibit F.

Staff Comments:

Staff finds that the RCWOD was previously delineated, the only use proposed with this application is a permitted one (storm drainage). The storm pipe proposed will be bored underground to minimize any disturbances to the RCWOD. A Wetland Land Use Notice for the project was submitted to DSL on April 19, 2021.

Staff recommends conditions of approval associated with this RCWOD area.

▲ The provisions are met with Conditions.

2.05.06 Southwest Industrial Reserve

A. Purpose

The Southwest Industrial Reserve (SWIR) is intended to protect suitable industrial sites in Southwest Woodburn, near Interstate 5, for the exclusive use of targeted industries identified in the Comprehensive Plan. This broad objective is accomplished by master planning, retention of large industrial parcels, and restricting non-industrial land uses.

B. Application of SWIR Zone

Land designated on the Comprehensive Land Use Plan Map as Southwest Industrial Reserve shall only be zoned SWIR.

Applicant's Response:

The subject property is in the SWIR and was designated SWIR when it was annexed in 2017. This requirement is met.

C. Dimensional Standards:

The following dimensional standards shall be the minimum requirements for all development within the SWIR zone:

1. Land divisions may only be approved following approval of a master plan, as required in this ordinance.
2. Lots in a SWIR zone shall comply with the standards of Table 2.04F. For a land division, at least one lot shall be sized to meet each of the required lot size ranges listed in Table 2.04F for each site, except that smaller required lots may be combined to create larger required lots.

Applicant's Response:

The proposed Partition is a land division that will consolidate the 130 gross acres contained in SWIR Subareas A and B and replat them to form three (3) new parcels and a realigned corridor for Butteville Road. The largest of the three (3), Parcel 2, will contain approximately 82.18 acres, which exceeds the largest size range category for Subarea A or B (25-50 acres) in Table 2.04F. Broadly, assembly of parcels to create larger development sites in the SWIR is specifically permitted in the SWIR Overlay Chapter (emphasis added):

*WDO 2.05.06.C.2: Lots in a SWIR zone shall comply with the standards of Table 2.04F. For a land division, at least one lot shall be sized to meet each of the required lot size ranges listed in Table 2.04F for each site, **except that smaller required lots may be combined to create larger required lots.***

These Code provisions are designed to ensure that large sites will remain available in the City's land inventory to attract large employers, by not allowing multiple small users or development projects to erode the large sub-area sizes identified in WDO Figure 2.05B to a point where the City would no longer be able to compete to attract large site users. In this case, the proposed development is for an employer that requires an even larger parcel area to accommodate its building and facilities than the Code provisions anticipated. The proposed area of the development site (Parcel 2) is therefore a required lot for this user. In this context, allowing a parcel size larger than the anticipated size ranges is consistent with the purpose of the lot size ranges in Figure 2.05B as well as the larger purposes of the SWIR. This requirement is met.

D. Master Planning Requirement

- 1. A master development plan shall be approved by the City Council for the entire area designated SWIR on the Comprehensive Land Use Plan Map, prior to annexation of any property within the SWIR Comprehensive Plan Map designation. The master plan shall be conceptual and non-binding in nature, but may be used as a general guide for development within the SWIR.**
- 2. The required master plan shall show:**
 - a. The location and rights-of-way for existing and planned streets, which shall provide access to all existing and proposed parcels, consistent with the Transportation System Plan;**
 - b. The location and size of existing and planned sanitary sewer, storm water and water facilities, at adequate levels to serve existing and proposed industrial development;**
 - c. The location and area of the Riparian Corridor and Wetlands Overlay District (RCWOD) as it affects existing and proposed industrial parcels. Planned streets and public facilities that cannot reasonably avoid the RCWOD shall be indicated;**
 - d. Parcels consistent with the lot sizes indicated in Table 2.05B;**
 - e. Pedestrian and bicycle connections consistent with the TSP.**

Response: The SWIR Master Plan was approved by the Woodburn City Council in 2017. The proposed development is broadly consistent with that Plan, while adapting certain features for consistency in the context of a larger-than-anticipated employer locating in the Woodburn SWIR. Notably, as noted in subparagraph 1 above, the SWIR Master Plan is explicitly a *"non-binding... general guide for development within the SWIR"*, recognizing that development projects can propose alternative methods of providing adequate services consistent with the purpose and intent of the SWIR Master Plan provisions.

The applicant has provided plans for public utility system extensions (water, sewer and storm drainage) that achieve the City's service goals. Regarding the transportation system, the applicant proposes an alternative approach in the context of this new large employer: routing access exclusively by way of Butteville Road, not taking local access from or extending Woodland Avenue west from its present terminus to intersect Butteville Road, and realigning Butteville Road to form a new roundabout intersection with Highway 219 at a location that avoids impacting the Senecal Creek/wetland resource corridor. The applicant has included a Variance request in this application package, to support the alternative transportation solution without the western extension of Woodland Avenue. With approval of the requested Variance, this requirement is met.

E. Removal of the SWIR Zone

Removal of the SWIR zone from any area or parcel shall require the following:

- 1. A revised Economic Opportunities Analysis and Industrial Site Suitability Analysis, consistent with the Goal 9 Rule (OAR Chapter 660, Division 9);**
- 2. A new Statewide Planning Goal 2 Exception that explains why other land within or adjacent to the UGB, that does not require an exception, cannot meet the purported need;**
- 3. A Comprehensive Plan Amendment that demonstrates compliance with all applicable Statewide Planning Goals, applicable goals and policies of the Marion County Framework Plan, and applicable goals and policies of the Comprehensive Plan;**
- 4. A Zoning Map amendment that demonstrates consistency with the Comprehensive Plan.**

Applicant's Response:

This provision is not applicable because no removal of SWIR designation is proposed.

Staff Comments:

Regarding the SWIR Overlay District provisions outlined under 2.05.06, staff concurs with the applicant's responses. The request to not extend Woodland Avenue west through the site to intersect with Butteville Road does require variance approval.

■ Variance: The provisions can be met if the variance requesting not to extend Woodland Ave is approved. This is discussed under the Variance Provisions section.

2.06 Accessory Structures

2.06.02 Fences and Walls

C. Height in Non-Residential Zones

- 1. In commercial, industrial, or public zones, the maximum height of a fence or wall located in a yard abutting a street shall be 6 feet, relative to the ground elevation under the fence or wall. Fence height may increase to 9 feet once flush with the building face, or 20 feet from street right-of-way.**
- 2. Fences and walls may be constructed in the special setback provided the property owner agrees to removal at such time as street improvements are made.**

D. Fence Materials

- 1. Fences and walls shall be constructed of any materials commonly used in the construction of fences and walls, such as wood, stone, rock, or brick, or other durable materials.**
- 2. Chain link fences are acceptable as long as the fence is coated and includes slats made of vinyl,**

wood or other durable material. Slats may not be required when visibility into features such as open space, natural areas, parks and similar areas is needed to assure visual security, or into on-site areas in industrial zones that require visual surveillance.

3. For manufacturing, assembly, fabricating, processing, packing, storage and wholesale and distribution activities which are the principle use of a building in industrial districts, the preceding standards apply when visible from, and within 20 feet of, a public street.

Staff Comments:

Security fencing is indicated on the plans and a separate fence permit will be required prior to installation. Staff recommends a condition of approval to ensure that the City's Nuisance Ordinance prohibiting razor or barbed wire fencing is adhered to.

▲ The provisions are met with conditions.

2.06.03 Structures

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

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

Applicant's Response:

Four (4) types of detached accessory structures are proposed (see Sheet A1.0 in Exhibit C):

1. Shelter Canopies: Two (2) patio areas on the west side of the building have shelter canopies that are not attached to the building. Their materials and appearance are integrated into the building design, as indicated in the submitted architectural drawings (see Sheet A1.4 in Exhibit C); however, the structures are partially within six (6) feet of the main building. A Variance request has been included to allow this configuration.
2. Guard Houses: A proposed primary guard house will be located southeast of the building, between two (2) on-site incoming truck driveway lanes. A secondary guard house will be located northwest of the building, near the throat of the north site driveway. Both contain less than 300 square feet of floor area. Neither is located within six (6) feet of the main building.
3. Employee Drop-Off Shelters: Two (2) employee "drop-off shelters" are located along the drive-aisle west of the building, adjacent to the two (2) employee drop-off short-term parking areas. Neither is located within six feet of the main building.
4. Supplemental Water Storage Tank(s): Two (2) locations are identified for on-site water storage tanks providing supplemental fire-fighting capacity. One is located southeast of the building. Subject to determinations in the permitting phase, if a second tank is needed it would be located near the northeast corner of the building, displacing an estimated 7 to 10 trailer storage spaces. Neither is located within six feet of the main building.

Staff Comments:

These provisions can be met with approval of the variance request to reduce the minimum separation standard.

■ Variance: The accessory structure provisions can be met if the variance from the minimum separation is approved. This is discussed under the Variance Provisions section.

2.07 Special Uses

⊖ None apply.

2.08 Specific Conditional Uses

⊖ None apply.

3.01 Streets

3.01.01 Applicability

A. Right-of-way standards apply to all public streets.

B. Improvement standards apply to all public and private streets, sidewalks and bikeways.

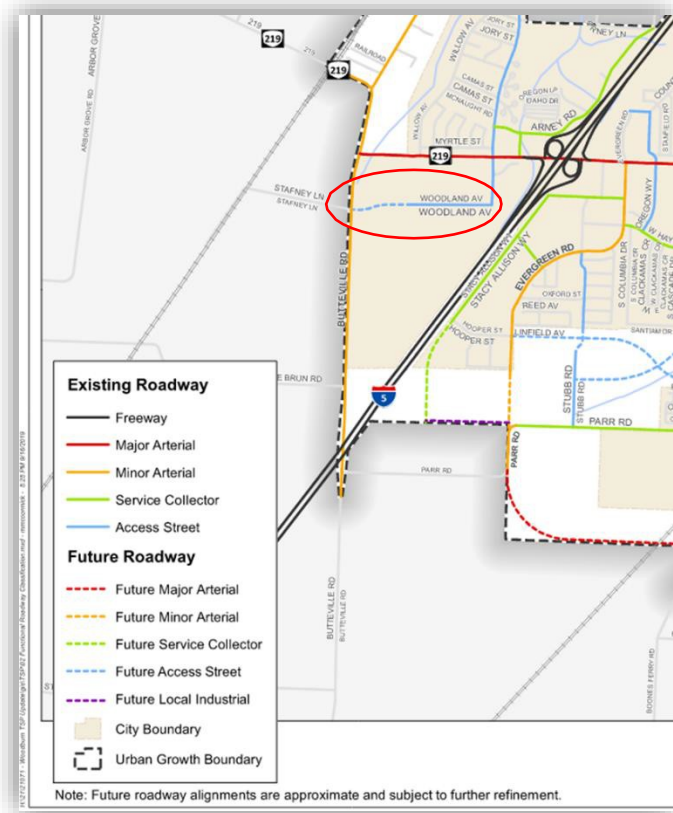
C. Functional standards are identified in the Woodburn TSP.

D. This applies to all development, and is not limited to partitions, subdivisions, multi-family, commercial or industrial construction, or establishment of a manufactured dwelling or recreational vehicle park. Construction of a single-family dwelling or placement of a manufactured dwelling does not, for the purposes of this Section, constitute development, however, in no case can this type of development occur without minimal access as determined by the Director.

Applicant's Response:

As noted above in the Project Description, the proposed development includes construction of Butteville Road improvements on a new proposed realignment, forming a new roundabout intersection with Highway 219 at a location east of the Senecal Creek corridor. The proposed plans include street design sections (configuration of lanes, sidewalks, planter strips, lighting and other features) for the new proposed roadways, consistent with recommendations in the TIA. (See Exhibits C and E.) This application package includes a request for an Exception to Street Right of Way and Improvement Requirements because the special lane configurations and geometry associated with the roundabout differ from the applicable typical design sections.

Also as noted above, this application includes a Variance request because the proposed development plan does not require, and does not include, extension of Woodland Avenue west to intersect Butteville Road. The applicant has provided a TIA demonstrating that the proposed alternative transportation system configuration will function adequately. With approval of that Variance request, the proposed project will comply with this requirement.



Excerpt from Figure 2 (Functional Roadway Classification) from 2019 Woodburn Transportation System Plan

Staff Comments:

The proposal is development as outlined in subsection D therefore right-of-way (ROW) and improvement standards apply. The project site has frontage along three public streets – Butteville Road, Newberg Highway (OR 219), and Woodland Avenue. Butteville Road is a Minor Arterial, OR 219 is a Major Arterial, and Woodland Avenue is an Access Street.

3.01.02 General Provisions

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

Applicant’s Response:

The applicant has submitted preliminary plans for improvements in public rights-of-way, which demonstrate compliance with these standards. The site has two (2) boundary street frontages subject to these provisions: State Highway 219 at the north, which is an ODOT facility, and Butteville Road at the west, which is under shared City and Marion County jurisdiction and is subject to a special design section– rural/agricultural with gravel

shoulder on the west, urban arterial with curb, planter strip and sidewalk on the east – pursuant to an Intergovernmental Agreement (IGA). The design for Butteville Road improvements implements that special design section in the segment south of the realignment, but the realigned northern section is designed to meet the City’s Minor Arterial standard on both sides. As noted above, this application package includes a request for an Exception to Street Right of Way and Improvement Requirements because the special lane configurations and geometry associated with the roundabout differ from the applicable typical design sections. A second such Exception is requested to allow deferral of improvements in Butteville Road along the frontage of proposed Parcel 3 of the partition, to allow those improvements to be made in conjunction with development of that Parcel, which contains a remainder area not needed for Project Basie, but of sufficient size and proportions to accommodate additional employment development in the future.

B. Private streets are prohibited, except in manufactured dwelling parks, pursuant to State statute (ORS Chapter 446 and OAR 918-600). All private streets in manufactured dwelling parks shall comply with the standards of the Woodburn Development Ordinance (WDO) and State statute.

Applicant’s Response:

No private streets are proposed. This standard does not apply.

C. Materials and construction shall comply with specifications of the City of Woodburn.

Applicant’s Response:

The applicant has submitted preliminary construction plans for improvements in public rights-of-way, which demonstrate compliance with these standards.

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

Applicant’s Response:

This application includes a request for two (2) Exceptions to Street Right-of-Way and Improvement Requirements. Findings are provided under the heading for Section 5.02.40.

Staff Comments:

Regarding the provisions under 3.01.02, the applicant submitted variance and street exception requests for various street improvement requirements associated with the three frontages. Staff comments further under the analysis for 3.01.03 and also includes conditions of approval associated with these requests.

■ Variance: These provisions can be met if the variance and street exception requests are approved. These are discussed under the Variance Provisions and Street Exception Provisions sections.

3.01.03 Improvements Required for Development

A. With development, the Internal, Boundary, and Connecting streets shall be constructed to at least the minimum standards set forth below.

Applicant's Response:

The Subject Property's boundary streets are Butteville Road (western frontage) and Highway 219 at the north, but this application proposes to realign a segment of Butteville Road east of the Senecal Creek corridor and construct a roundabout intersection with Highway 219. The TIA in Exhibit E provides specific recommendations for lane configuration, alignment, and other parameters. An Exception to Street Right-of-Way and Improvement Requirements has been requested to allow the alternative roadway development plan. This standard is met.

B. Internal Streets

Internal streets shall meet all standards of WDO and the TSP.

Applicant's Response:

In the context of the proposed Partition, the realigned segment of Butteville Road separates proposed Parcels 1 and 2; it could therefore be considered an Internal Street. Its construction is proposed to satisfy the City's Minor Arterial street design standard, meeting this requirement.

The western extension of Butteville Road would be an internal street if it were extended through the property as shown in the TSP. The applicant has requested a Variance from that requirement, which is discussed in the Variance section below. This standard does not apply.

Staff Comments:

The realignment of Butteville Road through the site is indeed considered an internal street and would remain classified as a Minor Arterial. The required extension of Woodland Avenue west to intersect with Butteville Road is also considered an internal street however the applicant has submitted a variance request to not construct this extension. This request is analyzed further under the Variance Provisions section.

■ Variance: The internal streets provisions can be met if the variance from extending Woodland Ave is approved. This is discussed under the Variance Provisions section.

C. Boundary Streets

The minimum improvements for a Boundary Street shall be:

- 1. One paved 11-foot travel lane in each direction;**
- 2. On-street parking on the side of the street abutting the development, if on-street parking is indicated in the TSP;**
- 3. Curb on the side of the street abutting the development;**
- 4. Drainage facilities on the side of the street abutting the development;**
- 5. Street trees on the side of the street abutting the development; and**
- 6. A sidewalk on the side of the street abutting the development.**

Applicant's Response:

Proposed improvements in each of the proposed roadways are consistent with the applicable design section, meeting or exceeding these minimum improvement requirements. In the context of the proposed Partition, the segment of Butteville Road along the frontage of proposed Parcel 3 can be considered a Boundary Street. This request includes a request for an Exception to Street Right-of-Way and Improvement Requirements to allow construction of Butteville Road improvements abutting proposed Parcel 3 to be deferred until there is a development proposal for that Parcel. Findings are provided below under that section heading.

Staff Comments:

Boundary streets for the site include Butteville Road and Newberg Highway (OR 219). The applicant has submitted variance and street exception requests associated with these frontages and the improvement requirements associated with them. The requests are discussed further under the Variance Provisions and Street Exception Provisions sections.

■ Variance: The boundary streets provisions can be met if the associated variance and street exception requests are approved. These are discussed under the Variance Provisions and Street Exception Provisions sections.

D. Connecting Streets

- 1. The minimum improvements for a Connecting Street shall be one paved 11-foot travel lane in each direction.**
- 2. Connecting streets shall extend from the boundary street of a development, to the nearest intersection that meets the cross-section and improvement requirements of this Section, or 1,000 feet, whichever is less.**

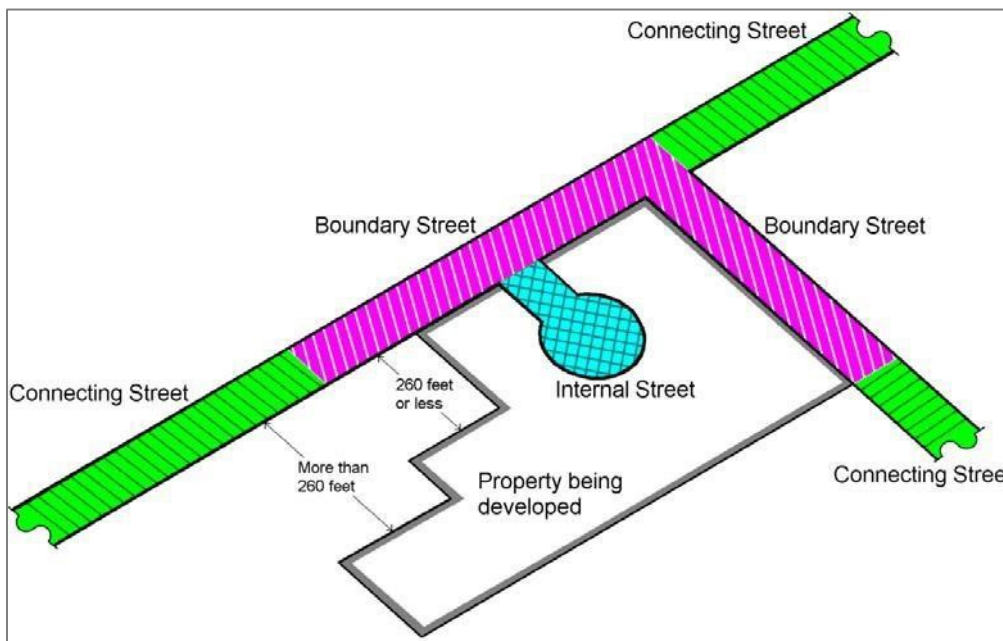


Figure 3.01A – Internal, Boundary, and Connecting Streets

Applicant's Response:

The predominant access route for most travel to and from the site will be the Interstate 5 – Highway 219 – Butteville Road connection. Highway 219 east of the subject property would be the applicable connecting street, and it does not require improvements to satisfy this requirement. These provisions are not applicable.

The site has three connecting streets – Butteville Road, Newberg Highway (OR 219), and Woodland Avenue. All three connecting streets are improved with the minimum improvements required for connecting streets.

✓ The requirement is met.

3.01.04 Street Cross-Sections

A. These standards are based on the functional classification of each street as shown in the Woodburn TSP. The street right-of-way and improvement standards minimize the amount of pavement and right-of-way required for each street classification, consistent with the operational needs of each facility, including requirements for pedestrians, bicycles, and public facilities.

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

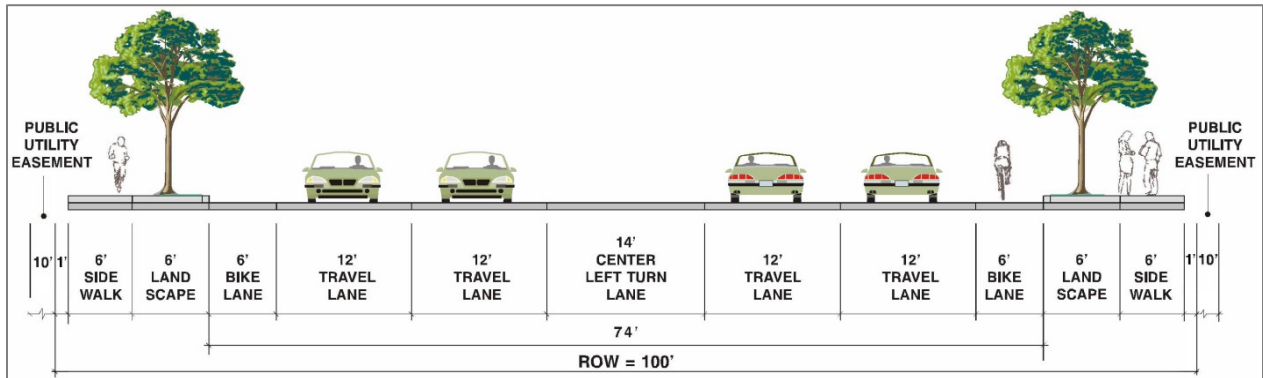


Figure 3.01B – Major Arterial

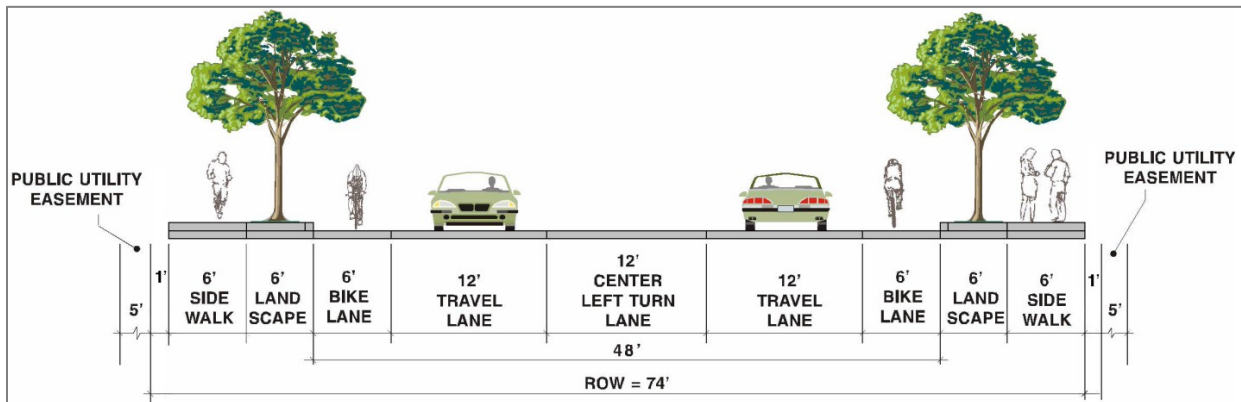


Figure 3.01C – Minor Arterial

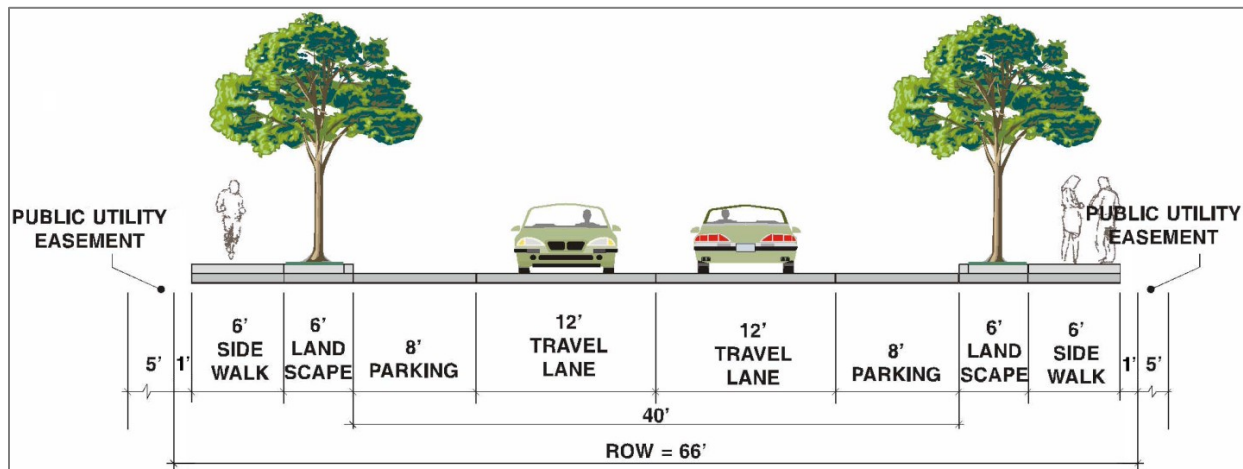
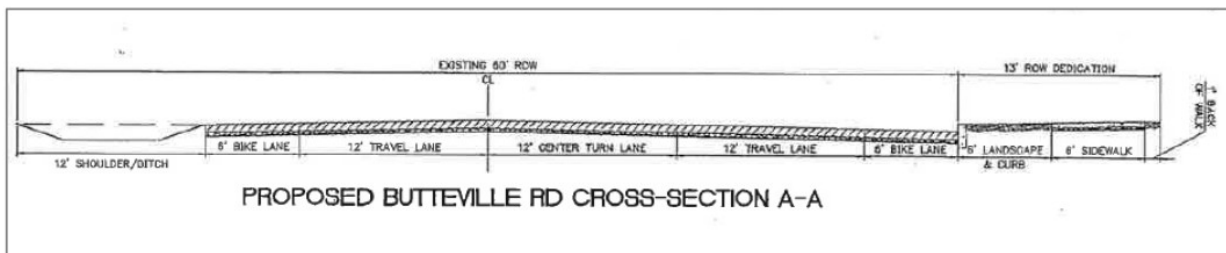


Figure 3.01E – Access Street / Commercial Street

Applicant’s Response:

The proposed street improvements for Butteville Road, a Minor Arterial Street, are based on both the City’s Minor Arterial design section (for the northern realigned segment) and, for the southern segment whose western edge is the Urban Growth Boundary, the special design section approved for it in conjunction with annexation of the northern part of the subject property in 2017.



Butteville Rd cross-section approved via intergovernmental agreement with Marion County

The proposed street improvements for Highway 219, a Major Arterial, are consistent with the applicable width requirements of Figure 3.01B – Major Arterial, subject to determination of the appropriate design for two-lane roundabout improvements to the Highway 219/Butteville Road intersection to meet operational and safety requirements in the context of the proposed project, together with anticipated future development in the SWIR and overall growth in traffic volumes. Because a roundabout design requires a special roundabout-specific configuration of approach/exit lanes, bike lanes, and pedestrian crossing/sidewalk alignments, the applicant has provided findings with respect to WDO Section 5.02.04, Exception to Street Right of Way and Improvement Requirements, below under the heading for that Code Section.

Staff Comments:

The project site has frontage along three public streets – Butteville Road, Newberg Highway (OR 219), and Woodland Avenue. Butteville Road is a Minor Arterial, OR 219 is a Major Arterial, and

Woodland Avenue is an Access Street. The applicant submitted variance and street exception requests for these frontages and the improvement requirements associated with them. The requests are discussed further under the Variance Provisions and Street Exception Provisions sections.

■ Variance: These provisions can be met if the associated variance and street exception requests are approved. These are discussed under the Variance Provisions and Street Exception Provisions sections.

3.01.05 Street Layout

A. Termination of Streets, Bikeways and Pedestrian Ways

1. Cul-de-sac Streets

- a. The maximum length of a cul-de-sac street shall be 250 feet. Cul-de-sac length shall be measured along the center line from the nearest right-of-way line of the nearest intersecting street, to the point of curvature of the cul-de-sac bulb.**
- b. The minimum radius of a cul-de-sac bulb right-of-way shall be 55 feet.**
- c. The minimum improved street radius of a cul-de-sac shall be 48 feet plus curb, planting strip and sidewalk.**
- d. The Director may require bikeway and pedestrian facilities to connect from one cul-de-sac to an adjacent cul-de-sac or street, except where the cul-de-sac abuts developed property, or where the Director determines that there is no need for a connection.**

2. Temporary Dead End Streets

Streets extensions that result in temporary dead end streets, or stub streets, shall:

- a. Be extended to the adjoining tract when it is necessary to give access to, or permit, a future division of adjoining land;**
- b. Require a barricade at the end of the street to be installed and paid for by the property owners. It shall not be removed until authorized by the City of Woodburn.**
- c. Have an all-weather sign at the temporary street terminus, installed by the property owners, that states: "This Street is Planned for Future Extension".**
- d. Provide either a one foot-reserve strip deeded to the City, or an alternative method for limiting access approved by the City, at the temporary end of the right- of-way.**

Applicant's Response:

For many years, S Woodland Avenue has operated as a temporary dead end or "stub street." From its intersection with Highway 219, it goes south, then turns sharply west and proceeds to its western terminus at the east boundary of the subject property. It is designated an Access Street in the Woodburn TSP. It currently serves only the two (2) principal industrial distribution facilities located on its two (2) sides: Do It Best Hardware on the west and north side of the street, and WinCo Foods on the east and south side. Both operations have organized their accesses and circulation so that truck traffic is limited to the north-south segment adjacent to Highway 219, so trucks do not travel to or beyond the angle point/curve in the roadway. The only traffic required to proceed west of the angle point in the roadway is passenger vehicle traffic to the WinCo Foods employee parking area on the south side of the street, near the terminus.

As noted above, the proposed development plan does not propose any site access from S Woodland Avenue, and the proposed new employer's very large site requirements conflict with extending it west to Butteville Road. In that case, the existing western stub terminus of Woodland Avenue will continue to be a long-term dead-end street in excess of the 250' length limitation in subsection 1.a. The applicant has included a Variance request to allow development of the subject property without extending Woodland Avenue west to intersect Butteville Road; responses to Variance approval criteria, including discussion of this effect, are provided below in that Section. The Traffic Impact Analysis Report by Kittelson & Associates (see Exhibit E) includes consideration of this result of the proposed plan for street improvements.

Staff Comments:

The proposal includes a variance request to not extend Woodland Avenue west to intersect with Butteville Road, resulting the street remaining a dead end / cul-de-sac street in excess of the 250ft maximum length standard and without the appropriate turnaround bulb at the end. Assuming the variance request is approved, these provisions can be met with conditions.

■ Variance: The internal streets provisions can be met if the variance from extending Woodland Ave is approved. This is discussed under the Variance Provisions section.

B. Block Standards

- 1. Block length shall not be less than 200 feet and not more than 600 feet, except where street location is precluded by any of the following;**
 - a. Natural topography, wetlands, significant habitat areas or bodies of water, or pre-existing development;**
 - b. Blocks adjacent to arterial streets, limited-access highways, collectors or railroads;**
 - c. Residential blocks in which internal public circulation provides equivalent access.**
- 2. In any block that is longer than 600 feet, as measured from the right-of-way line of the street to the right-of-way line of the adjacent street, a bikeway/ pedestrian facility shall be required through and near the middle of the block.**
- 3. On any block longer than 1,200 feet, pathways may be required through the block at 600 foot intervals.**
- 4. In a proposed development, or where redevelopment potential exists and a street connection is not proposed, one or more bikeway and pedestrian facilities may be required to connect a cul-de-sac to public streets, to other pathways, or to the project boundary to allow for future connections.**

Applicant's Response:

The applicant notes that the block size and pathway requirements of this subsection are suitable to guide smaller-scale commercial and residential development rather than large-scale industrial projects. For example, a block or site meeting a maximum 600-foot dimension on all four (4) sides would contain 8.26 acres; this is completely incompatible with the applicable minimum 25-50 acre and 10-25 acre parcel size requirements for Subarea A of the SWIR Zone in Table 2.04F.

Appropriate bicycle and pedestrian access will be provided by bike lane striping in

Butteville Road and Highway 219, consistent with their TSP designations and design sections, and sidewalks will be provided along the property's Butteville Road and Highway 219 frontages. This standard is met.

Staff Comments:

Staff generally concurs with the applicant's reasoning.

The proposal includes a variance request to not extend Woodland Avenue west to intersect with Butteville Road, resulting in a block length along Butteville Road (a Minor Arterial) at this location in excess of 1,200 ft. The provisions can be met with conditions and if the variance request is approved.

■ Variance: The internal streets provisions can be met if the variance from extending Woodland Ave is approved. This is discussed under the Variance Provisions section.

3.02 Utilities & Easements

3.02.01 Public Utility Easements

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.

Applicant's Response:

The proposal includes construction of some public utility extensions in easements within the private development site (Parcel 2):

- A 12" public water main in a 35' utility easement extending southwest from the existing stub at the terminus of Woodland Avenue, then west to the proposed four-way intersection that will be formed by the Project Basie north driveway access on realigned Butteville Road (east leg), and the west leg providing access to old Butteville Road and Stafney Lane. This 12" water main connects to a new public 12" water main to be constructed in the realigned segment of Butteville Road and the segment of Butteville Road to the south of it, as depicted on Sheet C-600 of Exhibit C.
- A 15" public sanitary sewer extension also within the 35' wide utility easement described above. From that point, the public sewer line extends south in Butteville Road to the Parcel 2-Parcel 3 boundary, where future development of Parcel 3 can make a connection or extend the line farther if necessary.
- A 12" public sanitary sewer line within a 20' wide utility easement along the eastern boundary of Parcel 2, between the terminus of Woodland Avenue and Highway 219.
- A 10" public water line within a 20' wide utility easement along the eastern boundary of Parcel 2 south of Woodland Avenue and the south boundary of Parcel 2, forming a loop with the new public water line in Butteville Road.

This provision is satisfied.

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

Applicant's Response:

A 5-foot wide public utility easement (PUE) can be provided along the proposed three (3) Parcels' street frontages. A condition of approval can ensure that this standard is met by the final plat.

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.

Applicant's Response:

This provision authorizes the Director to impose conditions of approval if appropriate to obtain public utility easements. The applicant will provide public easements for the proposed public utility system extension corridors.

Staff Comments:

Regarding the provisions of 3.02.01, staff has included conditions ensuring that the required easements will be provided. A 10ft streetside public utility easement (PUE) is required along Newberg Highway (OR 219) per Figure 3.01B; a 5-ft PUE is required along Butteville Road and Woodland Avenue per Figures 3.01C and E, respectively. Additionally, Public Works requires various PUEs for improvements such as fire suppression water lines and fire hydrants.

▲ The provisions can be met with conditions.

3.02.02 Creeks and Watercourse Maintenance Easements

A. Public improvement and maintenance easements shall be dedicated along all creeks and other water courses. On streams and waterways where development is regulated, based on Federal Emergency Management Administration (FEMA) flood hazard delineation, the minimum width shall be adequate to accommodate the 100-year floodway.

Applicant's Response:

Senecal Creek runs through the northwest corner of the subject property. Exhibit F provides mapping of the 100-year flood plain, delineated wetland boundaries, and the required 50' vegetated buffer adjacent to the wetlands. The Proposed RCWOD boundary is based on those features. As seen on the preliminary plat map in Exhibit F, the 100-Year flood plain is within the proposed RCWOD boundary. A public improvement and maintenance easement can be required to satisfy this provision.

Staff Comments:

Staff concurs and has included a condition of approval ensuring that the required easement will be provided.

▲ The provisions can be met with conditions.

3.02.03 Street Lighting

A. Public Streets

Public streets abutting a development shall be illuminated with street lights installed to the standards of the City and the electric utility.

Applicant's Response:

Improvements in both streets will include illumination compliant with City and Electric Utility Standards. A condition of approval can assure compliance in the required public works permitting process prior to construction. This standard is met.

Staff Comments:

Staff concurs; a condition of approval has been included.

▲ This provision can be met with conditions.

3.02.04 Underground Utilities

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

Applicant's Response:

All proposed utility connections will be provided underground as required. This standard is met.

Staff Comments:

Staff concurs.

✓ The requirement is met.

3.03 Setbacks and Open Space

3.03.01 Setbacks

A. Setbacks

1. No required setback provided for any building or structure shall be considered as providing a setback for any other building.

2. No required setback for any building or structure shall be considered as providing lot coverage for another building, except for a common area not required to be located within a lot, when owned by a homeowner's association in a Planned Unit Development (PUD).

Applicant's Response:

The single principal building as well as all accessory structures have been located to meet applicable setback requirements with respect to the proposed development site boundaries. This standard is met.

Staff Comments:

Staff concurs.

✓ The requirement is met.

B. Setbacks shall be open and unobstructed by buildings or structures from the ground to the sky, except as may otherwise be permitted in this Section and in Accessory Structures (Section 2.06).

Applicant's Response:

The proposed setbacks for the proposed industrial building and its parking and loading areas will be open landscaped areas, unobstructed by structures except Accessory Structures, i.e., two (2) guard houses at truck driveways, patio shelter covers on the west side of the main building, two (2) "drop-off shelters" adjacent to the drive aisle west of the main building, and one (1) (possibly two if necessary) supplemental water tank(s) for fire suppression. This standard is met.

Staff Comments:

Staff concurs.

✓ The requirement is met.

C. No portion of a lot necessary to meet the standards for lot area, width, frontage, setbacks, lot coverage, open space, or other requirement of this Ordinance shall have more than one owner, except through a zoning adjustment, or variance.

Applicant's Response:

The subject site is in the process of acquisition by one (1) owner. The narrative demonstrates how the lot meets all applicable development standards. This standard is met.

Staff Comments:

The property was recently purchased and remains under the ownership of a single owner.

✓ The requirement is met

3.03.06 Vision Clearance Area

A. A vision clearance area (Figures 3.03A and B) is an area at the intersection of two streets, a street and a driveway, or a street and an alley, in which visual obstructions are limited for safety purposes.

B. The vision clearance area is formed by a combination of the following lines:

1. At the intersection of two public streets: a line extending 30 feet from the two lot lines adjacent to a street, and a third line drawn across the corner of the lot that connects the ends of the lines.

5. At the intersection of a public street and a driveway: a line extending ten feet from the intersection along the back of curb, a line extending ten feet along the side of the driveway, and a third line drawn across the corner of the lot that connects the ends of the lines.

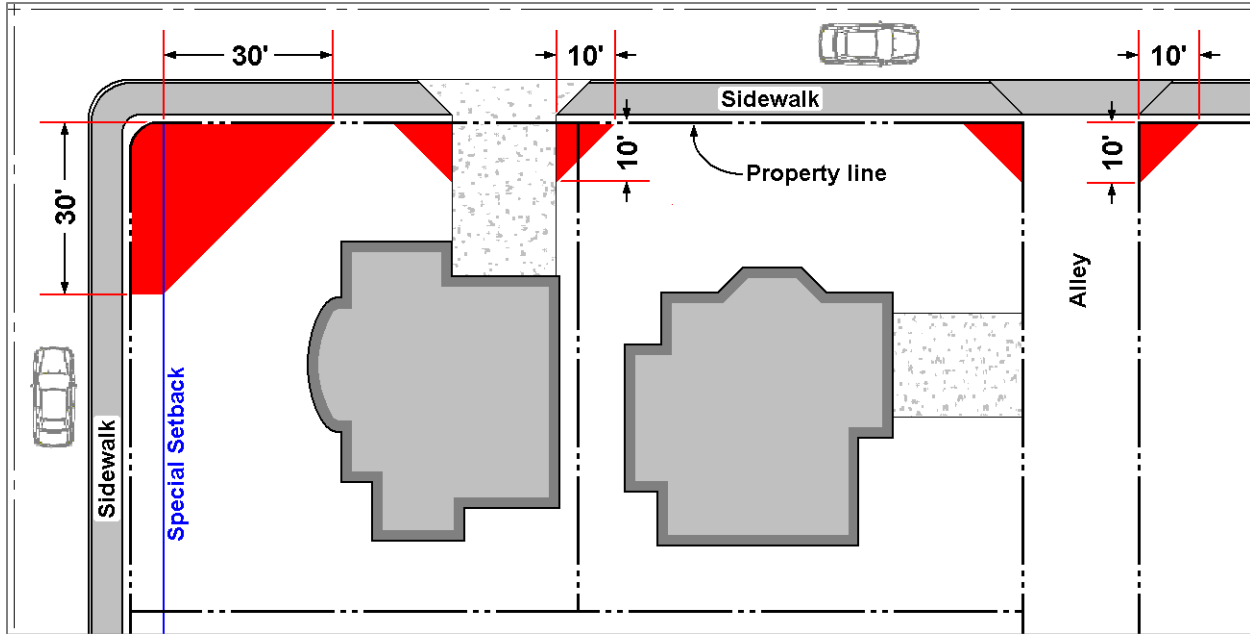


Figure 3.03A – Vision Clearance Area in All Zones Except DDC

Applicant's Response:

To achieve safe and efficient site access and circulation while reducing potential for conflicts among different users – in particular, to segregate passenger vehicles from semi tractor-trailer rigs and the docks and maneuvering areas where they operate – the proposal includes four (4) driveways on Butteville Road as the only access points. The central two (2) driveways provide passenger vehicles direct access to parking on the west and south sides of the building.

Incoming truck traffic is routed to the southern driveway, providing substantial on-site queue capacity while directing access to the loading docks on the east side of the building. Departing truck traffic is routed primarily to the south driveway, but some truck departures will also use the north driveway.

All four (4) driveways are located and landscaped to provide clear vision areas consistent with the requirements of subparagraph 5.

These provisions are met.

C. Vision clearance area shall contain no plants, fences, walls, structures, signs, parking spaces, loading spaces, temporary or permanent obstructions exceeding 42 inches in height (measured from the top of the curb or, where no curb exists, from the street centerline), except:

- 1. Trees, provided branches and foliage are removed to a height of 7 feet above grade;**
- 2. Utility poles;**
- 3. Utility boxes less than ten inches at the widest dimension; and**
- 4. Traffic control signs and devices.**

Applicant Response:

This development proposes clear vision areas where the new driveways are located. The landscape planting plans are designed to ensure that no obstructions over 42" in height will be placed in the clear vision areas.

Staff Comments:

Staff has included conditions of approval for additional landscaping in order to mitigate the impacts of the excessive building height. This landscaping could potentially interfere with the vision clearance areas and or minimum required sight distances, a separate condition of approval has therefore been added to require any landscaping to meet vision clearance requirements. Additionally, a condition of approval has been included requiring a speed study be completed as part of the process to reduce the speed limit on Butteville Road. Should this reduction occur, the minimum sight distances will be modified.

▲ The provisions can be met with conditions.

3.04 Vehicular Access

3.04.01 Applicability and Permit

A. Street Access

Every lot shall have:

- 1. Direct access to an abutting public street, or**
- 2. Access to a public street by means of an access easement and maintenance agreement to the satisfaction of the Director, and revocable only with the concurrence of the Director.**

Applicant's Response:

The subject property has frontage on both Butteville Road and Highway 219. Direct access is proposed at four (4) driveways on Butteville Road. No access is proposed on Highway 219. No access is proposed at the stub of S Woodland Avenue. The proposal complies with subparagraph 1.

B. Access to City Streets

A City access permit shall be required for any new or modified vehicular access to a street that is under City jurisdiction.

C. Access to County Roads

Access to a road under the jurisdiction of Marion County shall be subject to County requirements. The Director may incorporate County requirements into the conditions of approval for any application.

Applicant's Response:

Control of access to Butteville Road is subject to an Intergovernmental Agreement (IGA) between the City of Woodburn and Marion County. The applicant will submit access permit requests and comply with development standards as indicated by the City and County, in accordance with that Agreement.

✓ The requirement is met

D. Access to State Highways

Access to a transportation facility under the jurisdiction of the Oregon Department of Transportation (ODOT) shall be subject to State requirements. The Director may incorporate ODOT requirements into the conditions of approval for any application.

Applicant's Response:

The proposed development includes no direct access on Highway 219. This standard is met.

Staff Comments:

ODOT has been closely involved in the preliminary drawings for the proposed roundabout and indicated support for the design, provided it continues to meet all of their engineering standards. ODOT has indicated preliminary approval of the proposed plans. Staff has included conditions that the applicant meet all ODOT requirements.

▲ The provisions can be met with conditions.

3.04.03 Driveway Guidelines and Standards

A. Number of Driveways

3. For nonresidential uses, the number of driveways should be minimized based on overall site design, including consideration of:

- a. The function classification of abutting streets;**
- b. The on-site access pattern, including parking and circulation, joint access, turnarounds and building orientation;**
- c. The access needs of the use in terms of volume, intensity and duration characteristics of trip generation.**

Applicant's Response:

As noted above, the number and location of driveway accesses is designed to provide safe and efficient operations for all users, consistent with the designation of the abutting streets. The high-employment nature of this facility makes it appropriate to load traffic on high-capacity roadways while also providing turning movements with sufficient queueing capacity to operate safely and limit congestion impacts. (For more detailed operational analysis, see TIA in Exhibit E.) This is best accomplished at this location by having no access on Highway 219 (a Major Arterial), four (4) driveways on Butteville Road (a Minor Arterial), and no access on Woodland Avenue (an Access Street).

With the facility's truck docks on the east side of the building and its primary office area facing west, it is appropriate to provide passenger vehicle access at a central location along Butteville Road, serving the parking areas south and west of the building. Truck access occurs at separate driveways, with incoming trucks using the far south driveway and departing trucks mainly using the south driveway, and some departing right-out only at the north driveway.

This number and configuration of access locations is consistent with the overall site design and its on-site circulation needs, as well as the Minor Arterial function of Butteville Road in this industrial area. Having no access on Highway 219 allows the Highway to fulfil its Major Arterial function as smoothly as possible. Having no access on Woodland Avenue effectively reserves its capacity to serve the only two existing industrial users that rely on it today, consistent with its Access Street designation.

These provisions are met.

Staff Comments:

During the review process, the County required the applicant to modify their plans to meet all spacing and separation requirements under the County standards. They have given preliminary approval for the locations indicated on the plans. A condition of approval has been included requiring the applicant to receive any necessary permits from the County for their driveways.

▲ The provisions can be met with conditions.

4. Unused driveways shall be closed.

Applicant's Response:

The previously agricultural site has been accessed from Butteville Road, including an existing driveway to the barn. No existing access location is proposed to remain in use. This standard is met.

B. Joint Access

1. Lots that access a Major Arterial, Minor Arterial, or Service Collector should be accessed via a shared driveway.

Applicant Response:

The size of the proposed use and its high employment figures require the proposed set of four (4) site driveways to efficiently distribute and accommodate its trip generation. The large facility has frontage exceeding 3,000 feet (more than half a mile) on Butteville Road, and all of the proposed driveways meet or substantially exceed the Minor Arterial minimum driveway spacing requirement (245' per Table 3.04A, quoted below). For these reasons, it is not appropriate to require a project of this scale to share a driveway with any other site.

2. A partition, subdivision, or PUD should be configured so that lots abutting a Major Arterial, Minor Arterial, or Service Collector have access to a local street. Access to lots with multiple street frontages should be from the street with the lowest functional classification.

Applicant's Response:

This proposal includes a partition that will realign Butteville Road to form the boundary between proposed Parcel 1 and Parcel 2, forming a street network that meets access and circulation needs without the western extension of Woodland Avenue. (See Exhibit E for analysis of operational characteristics.) This application package includes a Variance request to allow the proposed reconfiguration without extending or taking access on Woodland Avenue. With the Butteville Road realignment, "the street with the lowest functional classification" abutting the development site will be Butteville Road, a Minor Arterial, rather than on Highway 219, a Major Arterial. The proposed development site (Parcel 2) will have frontage on both those roadways, but its access will only be by way of driveways on Butteville Road, consistent with this requirement.

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.

Applicant’s Response:

As noted for subparagraph 1, the size of the proposed use and its high employment figures require the proposed set of four (4) site driveways to efficiently distribute and accommodate its trip generation. It is not appropriate to require this project to share a driveway with any other site. This provision is not applicable.

C. Interconnected Parking Facilities

- 1. All uses on a lot shall have common or interconnected off-street parking and circulation facilities.**
- 2. Similar or compatible uses on abutting lots shall have interconnected access and parking facilities.**

Applicant’s Response:

This provision is not applicable because this is a single-user facility proposal. The site’s security requirements – including some 24-hour operations – are incompatible with interconnected access and parking with any neighboring site. These provisions are not applicable.

Staff Comments:

Regarding subsections B1-3 and C, staff concurs with the applicant’s statements.

✓ The provisions are met.

Access Requirements Table 3.04A				
		1 to 4 Dwellings, Living Units or Individual Lots ⁶	5 or More Dwelling or Living Units, School, or House of 6	Commercial or Industrial Use
Flag Lot Access Width (feet) (See Figure 3.04A)		20 minimum	24 minimum	30 minimum
Paved Width of Driveway (feet)^{3,4}	1-way	n/a	12 minimum 20 maximum	12 minimum 20 maximum
	2-way	20 minimum 30 maximum	24 minimum 30 maximum (Add 8’ if a turn lane is provided)	24 minimum 36 maximum (Add 8’ if a turn lane is provided)
	Manufactured Dwelling Park	10 minimum	n/a	n/a
Curb Flare Radius (feet)		15 minimum	25 minimum	30 minimum
Throat	Major Arterial, Minor Arterial, Service Collector	n/a	50 minimum	50 minimum

Length (feet) ⁵	Access or Local Street	n/a	20 minimum	20 minimum
Corner Clearance (feet) Guidelines ¹ (See Figure 3.04B)	Access or Local Street	30 minimum	30 minimum	30 minimum
	Service Collector	50 minimum	50 minimum	50 minimum
	Minor Arterial	245 minimum	245 minimum	245 minimum
	Major Arterial	300 minimum	300 minimum	300 minimum
Driveway Separation Guidelines (feet) ^{1,2} (See Figure 3.04B)	Driveway on the same parcel	22 minimum	50 minimum	50 minimum
	Access or Local Street	none	none	none
	Service Collector	50 minimum	50 minimum	50 minimum
	Minor Arterial	245 minimum	245 minimum	245 minimum
	Major arterial	300 minimum	300 minimum	300 minimum
Turnarounds (See Figure 3.04C)	Access to a Major or Minor Arterial	Required	Required	Required
	Access to any other street	Required if the driveway length to the lot located furthest from the street exceeds 150 feet	Requirements per the Woodburn Fire District	Requirements per the Woodburn Fire District
<ol style="list-style-type: none"> 1. The separation should be maximized. 2. Driveways on abutting lots need not be separated from each other, and may be combined into a single shared driveway. 3. Driveways over 40 feet long and serving one dwelling unit may have a paved surface 12 feet wide. 4. Notwithstanding the widths listed in this table, the minimum clearance around a fire hydrant shall be provided (See Figure 3.04D). 5. Throat length is measured from the closest off-street parking or loading space to the right-of-way. A throat applies only at entrances (See Figure 3.05B). 6. Maximum of 4 individual lots can be served from single shared driveway (See Figure 3.01D). 				

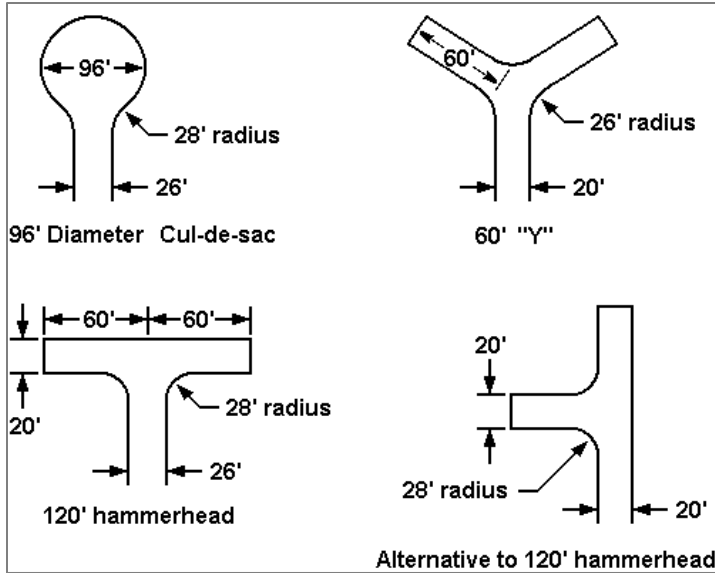


Figure 3.04C – Acceptable Turnarounds (from Oregon Fire Code Figure D103.1)

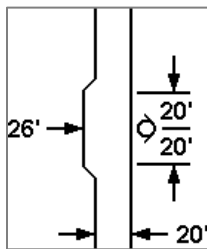


Figure 3.04D – Minimum Fire Hydrant Clearance (from Oregon Fire Code Figure D103.1)

Applicant’s Response:

The spacing of the proposed four (4) driveways on Butteville Road exceeds the applicable Minor Arterial minimum requirement of 245’ in Table 3.04A. These requirements are met.

Staff Comments:

Site plans illustrate driveways in conformance with the provisions of Table 3.04A.

✓ The requirement is met

3.04.04 Improvement Standards

The portion of a driveway on private property shall be paved with:

- A. Portland cement concrete to a minimum depth of six inches, or**
- B. Asphalt concrete to a minimum depth of two inches, or**
- C. Brick or pavers with a minimum depth of two and one-fourth inches.**

Applicant’s Response:

The proposed driveways into the site will be paved with an appropriate section depth, based on the vehicle types they will serve, and asphalt concrete paving of at least two (2) inches. This standard is met.

✓ The requirement is met

3.04.05 Traffic Impact Analysis

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

Applicant's Response:

A Transportation Impact Analysis (TIA) by Kittelson & Associates is included with this application as Exhibit E. This standard is met.

B. A TIA shall evaluate the traffic impacts projected of a development proposal and the estimated effectiveness of potential traffic impact mitigation measures.

The TIA (Exhibit E) concludes with the following findings and recommendations:

"All study intersections and future study intersections are forecast to meet the ODOT, City, and County mobility standards during the weekday AM and PM peak periods under 2023 and 2040 traffic conditions with the inclusion of Butteville Road realignment and OR 219 roundabout intersection. No other capacity-based mitigation needs were identified at the other study intersections.

Conditions of approval have been included which require the applicant to:

- *Construct a new Butteville Road alignment to the east of Senecal Creek and its affiliated wetlands.*
- *Reconstruct and widen the southern segment of Butteville Road abutting the development site consistent with the special design section agreed upon by the City of Woodburn and Marion County, with three twelve-foot travel lanes (one NB lane, one center turn lane, and one SB lane), six-foot bike lanes, a rural shoulder on the west, and curb, landscape strip and a six-foot sidewalk on the east side of the road. The realigned northern segment of Butteville Road will be widened with a symmetrical City of Woodburn Collector design section on both sides.*
- *Construct a new double lane roundabout at the realigned Butteville Road intersection with OR 219 that is sized and designed to accommodate long-term projected traffic and heavy vehicle demands. West of the new roundabout, OR 219 should be widened to be consistent with the full improved section that currently ends east of the roundabout, near the Willow Avenue intersection.*
- *Close or modify the existing OR 219/Butteville Road intersection based on future conversations with ODOT, City, and County staff.*
- *Work with ODOT to identify an acceptable modification to the southbound I-5 offramp to maximize the amount of southbound right-turn lane storage and lengthen the overall offramp.*
- *Install STOP (R1-1) signs at each of the four proposed site access driveway approaches to Butteville Road in accordance with County standards and the Manual on Uniform Traffic Control Devices (MUTCD).'*

City Staff, in coordination with the County, ODOT and the City's Traffic Engineer reviewed the TIA and provided numerous comments that resulted in a final revised report that, with the conditions of approval recommended herein, can satisfy the requirements of the WDO. Additionally, the Traffic Demand Management (TDM) requirements under the WDO have not been satisfied by the applicant. The applicant is required under the IMA to provide effective TDM strategies that minimize peak hour traffic. Conditions of approval are included that would effectuate the recommended mitigations in the TIA and provide for improvements necessary to satisfy the TDM requirements giving greater opportunities for non-automobile users on the system. These are found in Conditions 14-16.

On September 1, 2021, ODOT staff provided a TIA review memo with the following conclusion:

"This traffic impact study has been, for the most part, prepared in accordance with ODOT analysis procedures and methodologies. While the above comments should be addressed (in particular comments #3 and #4), they are not expected to change the conclusions of the study. The mitigation measures recommended within this study may be expected to acceptably mitigate traffic effects of the proposed development."

▲ The provisions can be met with conditions.

3.05 Off Street Parking and Loading

3.05.01 Applicability

The provisions of this Section shall apply to the following types of development:

- A. All requirements and standards of Section 3.05 shall apply to any new building or structure constructed after the effective date of the Woodburn Development Ordinance (WDO).**
- B. Any additional parking or loading required to accommodate a change in use, or expansion of an existing use, shall conform to all parking, loading and landscaping standards of the WDO.**

Applicant's Response:

The proposal is a new development; therefore, this provision is applicable. Satisfaction of WDO applicable standards is explained in this section.

3.05.02 General Provisions

- A. All required parking and loading spaces shall be retained and maintained in accordance with the standards of the WDO.**

Applicant Response:

The applicant agrees to retain and maintain parking spaces and loading areas as required by the WDO. This standard is met.

- B. The land for off-street parking and loading areas shall either be:**

- 1. Owned in fee title by the owner of the structure or site being served by the parking area, or**
- 2. Subject to legal documentation to the satisfaction of the Director, establishing permanent use of off-street parking that is under separate ownership. The parking, subject to such a parking agreement,**

shall be in compliance with all requirements and development standards of the WDO. The agreement shall be recorded with the County Recorder and filed with the Director.

Applicant's Response:

Off-street parking will be provided on the same lot as its intended use and will be owned by the property owner of the proposed use. Standard B.1 of this paragraph is met; subparagraph B.2 is not applicable.

C. When calculations for determining the number of required off-street parking spaces results in a fractional space, any fraction of a space less than one-half shall be disregarded, and a fraction of one-half or greater shall be counted as one full space.

Applicant's Response:

This method of calculation was used in determining required parking numbers for the development. This standard is met.

D. Location

1. Off-street parking and loading spaces shall be provided on the same lot as the primary building or use except that:

b. In any zone other than RS, R1S or RM, the parking spaces may be located on another site, if such site is within 500 feet of the site containing the primary building, structure or use.

Applicant's Response:

All off-street parking will be provided on the same site as its associated use. This standard is met.

2. Off-street parking shall be located either in the same zone, in a more intensive zone or in a zone where parking is allowed as a permitted use, or subject to approval as a conditional use.

Applicant's Response:

All off-street parking will be provided within the subject property, all of which is in the SWIR zone. This standard is met.

E. Setback

1. In commercial and industrial zones, the parking, loading, and circulation areas shall be set back from a street a minimum of five feet.

2. Parking, loading, and circulation areas shall be set back from a property line a minimum of five feet, unless there is a shared use agreement to the satisfaction of the Director, verifying shared use between the separate properties.

Applicant's Response:

As shown the site plan and landscape plan drawings, all parking, loading and circulation areas are set back from property lines a minimum of five (5) feet. There is no current shared use agreement and one (1) is not proposed as part of this application. This standard is met.

F. All vehicle parking and loading areas shall be paved to the standards of this ordinance (Section 3.04.04), except that in the IP, IL, SWIR, and P/SP zones, storage areas used for equipment that may damage pavement may be stored on a gravel-surface storage area. A gravel storage area shall be constructed to a minimum of surfacing of: six inches of one inch minus to three inch minus gravel. If three inch minus is used, the top two inches shall be one inch minus. The property owner shall maintain a gravel storage area to ensure continued drainage and dust control. A paved access apron to any paved access road is required, regardless of the storage area surface.

Applicant's Response:

The proposed development site is located in the SWIR zone. All vehicle parking and loading areas will be paved. No gravel storage area is proposed. This standard is met.

G. All vehicle parking, loading, and storage areas shall be graded and provide storm drainage facilities approved by the Director.

Applicant Response:

All vehicle parking, loading, and storage areas will be graded and will include storm drainage facilities, as shown in the grading plans included in Exhibit C and supported by storm calculations in Exhibit D. The proposed stormwater management facilities are designed to comply with applicable water quality and detention requirements, providing on-site treatment and detention in large surface facilities along the Butteville Road frontage of the development site (Parcel 2), before conveying storm drainage to an outfall at the bank of the natural drainageway, Senecal Creek. This standard is met.

H. All parking spaces, except those for single-family and duplex dwellings, shall be constructed with bumper guards or wheel barriers that prevent vehicles from damaging structures, projecting over walkways so as to leave less than four feet of unobstructed passage, or projecting over access ways, abutting properties or rights-of-way.

Applicant's Response:

As shown in the site plans, wherever vehicle parking abuts a walkway, there is more than four feet of unobstructed passage on the walkway. No access ways, abutting properties, or rights-of-way are obstructed. This standard is met.

I. Maneuvering areas shall be designed in compliance with this Section (Table 3.05C). Off-street parking areas shall be designed so that no backing or maneuvering within a public right-of-way is required. These provisions do not apply to single-family dwellings or duplexes.

Applicant's Response:

The proposed development will have ample maneuvering room so that no backing or maneuvering within a right-of-way is required. The site will have interconnected drive aisle widths of at least 24 feet to facilitate backing and two-way circulation. This standard is met.

J. All uses required to provide 20 or more off-street parking spaces shall have directional markings or signs to control vehicle movement.

Applicant's Response:

The proposed development is required to have more than 20 parking spaces. The parking areas will have signs to control vehicle movement, as shown in the site plans. This standard is met.

K. Except for single-family and duplex dwellings, off-street parking spaces shall be delineated by double parallel lines on each side of a space. The total width of the lines shall delineate a separation of two feet. The lines shall be four inches wide (See Figure 3.05C).

Applicant's Response:

Compliance with this standard is demonstrated in the submitted plans. Off-street parking spaces will be delineated by double parallel lines as required. This standard is met.

L. For nonresidential uses:

- 1. Parking and loading areas should be illuminated at an average of 0.2 horizontal foot-candle at ground level (or 0.5 horizontal foot-candle if the applicant states that personal security or vandalism is a likely or severe problem), with a maximum uniformity ratio of 20:1 (maximum to minimum).**
- 2. Entrance areas to the building should be illuminated at an average of 0.5 horizontal foot-candle at ground level (or 1.0 horizontal foot-candle if the applicant states that personal security or vandalism is a likely or severe problem), with a maximum uniformity ratio of 15:1 (maximum to minimum).**
- 3. Illumination shall not shine or reflect onto residentially zoned property or a public street.**

Applicant's Response:

The applicant has provided a site lighting plan in Exhibit C showing that the appropriate lighting values are achieved at specified site locations. This standard is met.

M. Required parking spaces shall be available for parking of operable vehicles of residents, customers, patrons and employees and shall not be used for the storage of vehicles or materials or for the parking of fleet vehicles, except for those fleet vehicles:

- 1. Driven by an employee to the site each work day from home, or**
- 2. Stored during periods other than normal business hours.**

Applicant's Response:

These standards govern future tenants' use of approved parking areas. This application does not include any request to deviate from compliance. This standard is met.

Staff Comments:

Regarding 3.05.02 overall, staff concurs with the applicant's statements.

✓ The provisions are met.

3.05.03 Off-Street Parking

A. Number of Required Off-Street Parking Spaces

- 1. Off-street vehicle parking spaces shall be provided in amounts not less than those set forth in this Section (Table 3.05A).**
- 2. Off-street vehicle parking spaces shall not exceed two times the amount required in this Section (Table 3.05A).**

Off-Street Parking Ratio Standards Table 3.05A	
Use ^{1,2}	Parking Ratio - spaces per activity unit or square feet of gross floor area
55. Warehousing 56. Motor freight transportation and warehousing	Greater of: a. 1/ 5000 square feet (0 to 49,999 square feet) b. 10 plus 1/ 10,000 square feet over 50,000 (50,000 to 99,999 square feet) c. 15 plus 1/ 15,000 square feet over 100,000 (100,000 square feet or more) or 1/ employee
66. Freight transportation arrangement	1/ employee
1. The Director may authorize parking for any use not specifically listed in this table. The applicant shall submit an analysis that identifies the parking needs, and a description of how the proposed use is similar to other uses permitted in the zone. The Director may require additional information, as needed, to document the parking needs of the proposed use. 2. There is no required parking ratio for non-residential uses and residential units above first floor commercial uses in the DDC zone (See Section 3.07.07.C.12).	

Applicant's Response:

The proposed development is a proprietary facility custom-designed to meet the needs of a competitive traded-sector firm in the rapidly-evolving distribution industry. Unlike the traditional forms of warehousing and distribution that form the basis for many jurisdictions' adopted parking standards, modern facilities in this highly competitive sector operate very differently. This facility will employ a high number of workers, sometimes in multiple overlapping work-shifts, who process incoming shipments and assemble outgoing merchandise shipments addressed directly to end-user recipients. As indicated in the TIA (Exhibit E), the facility uses shift overlaps to achieve high efficiencies and short throughput times in the order fulfillment/delivery process. As a result, its parking needs are commensurately higher than traditional facilities, corresponding to the total level of employment and the need for adequate parking spaces to accommodate incoming employees who arrive to start work before those whose shifts are ending have departed.

The site plan provides 1,811 parking spaces (including 124 compact vehicle and 16 motorcycle spaces) to serve the building's approximately 3,849,000 square feet of floor area, which is a proposed overall parking ratio of 0.47 spaces per 1,000 square feet of building floor area. The proposed parking will accommodate the anticipated per-shift employment of 937 people at this site while meeting the City's maximum parking ratio requirements by providing parking at not more than two (2) times the level of anticipated

employment. (Shift employment data used in traffic analysis and parking requirements calculations are in the TIA, see Exhibit E.)

Significantly, note 1 of Table 3.05A authorizes the Planning Director to “authorize parking for any use not specifically listed in this table.” It is not apparent whether category 66, “Freight transportation arrangement” was intended to cover newer, innovative forms of shipping/distribution/fulfillment operations; nevertheless, the WDO anticipates the need for such interpretations and authorizes the Planning Director to make them. For the above reasons, the proposed on-site parking complies with the applicable standards.

Staff Comments:

Staff concurs with the applicant’s statements.

✓ The provisions are met.

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

Accessible Parking Ratio Standards Table 3.05B			
Total Spaces ^{2,3}	Minimum Total Accessible Spaces ¹	Minimum Van Accessible Spaces	Minimum “Wheelchair User Only” Spaces
1001 or more	20 plus 1 for each 100 spaces over 1000		1 in every 8 accessible spaces or portion thereof
<p>1. “Van Accessible Spaces” and “Wheelchair User Only” are included in “Total Accessible Spaces.”</p> <p>2. Facilities providing outpatient services require ten percent of the total number of parking spaces to be accessible spaces.</p> <p>3. Facilities that specialize in treatment or services for persons with mobility impairments require 20 percent of the total number of parking spaces to be accessible spaces.</p>			

Applicant’s Response:

The proposed development provides a total of 1,811 parking spaces, including 32 Accessible spaces, eight (8) of which are designated “VAN” spaces. The requirements in the *1,001 or more* category are a minimum of 20 Accessible spaces for the first 1,000 plus one for each additional 100 spaces; the resulting minimum requirement is 28 accessible spaces, of which one in every eight (3.5, rounding up to 4) must be “wheelchair user only” spaces. The total requirement is met, and the minimum wheelchair requirement is met. This standard is met.

Staff Comments:

Staff concurs with the applicant’s statement.

✓ The provisions are met.

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

Applicant's Response:

Of the proposed 1,811 parking spaces required to meet the needs of this employer, 124 or 6.9% are shorter than the standard parking space depth but meet or exceed the compact vehicle parking space standard. This standard is met.

Staff Comments:

Staff concurs with the applicant's statement.

✓ The provisions are met.

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

Parking Space and Drive Aisle Dimensions Table 3.05C							
Parking Angle	Type of Space	Stall Width (feet)	Curb Length (feet)	Stripe Length (feet)	Stall to Curb (feet)	Drive Aisle Width (feet)	
						1-way	2-way
A		B	C	D	E	F	G
90°	Standard or Accessible	9.0	9.0	19.0	19.0	24.0	24.0
	Compact	7.5	7.5	15.0	15.0	22.0	
	Car Accessible Aisle	6.0	6.0	19.0	19.0	24.0	
	Van Accessible Aisle	8.0	8.0	19.0	19.0		
<ol style="list-style-type: none"> 1. A parking space may occupy up to two feet of a landscaped area or walkway. At least four feet clear width of a walkway must be maintained. 2. Space width is measured from the midpoint of the double stripe. 3. Curb or wheel stops shall be utilized to prevent vehicles from encroaching on abutting properties or rights-of-way. 4. The access aisle must be located on the passenger side of the parking space, except that two adjacent parking spaces may share a common access aisle. 5. Where the angle of parking stalls differ across a drive aisle, the greater drive aisle width shall be provided. 							

Applicant's Response:

All proposed parking spaces will be provided at 90 degrees, with dimensions including two-way drive aisles meeting the requirements of Table 3.05C. The above-mentioned parking space dimensions include up to two feet of bumper overhang into landscaped area or walkway (while still maintaining at least four feet clear width of a walkway). This standard is met.

E. All uses that are required to provide 10 or more off-street parking spaces and residential structures with four or more dwelling or living units shall provide a bicycle rack within 50 feet of the main building entrance. The number of required rack spaces shall be one space per ten vehicle parking spaces, with a maximum of 20 rack spaces.

Applicant's Response:

The site plan identifies locations for 20 bike rack spaces, on the west side of the building, south of the office area. This standard is met.

Staff Comments:

Staff concurs with the applicant's statements.

✓ The provisions are met.

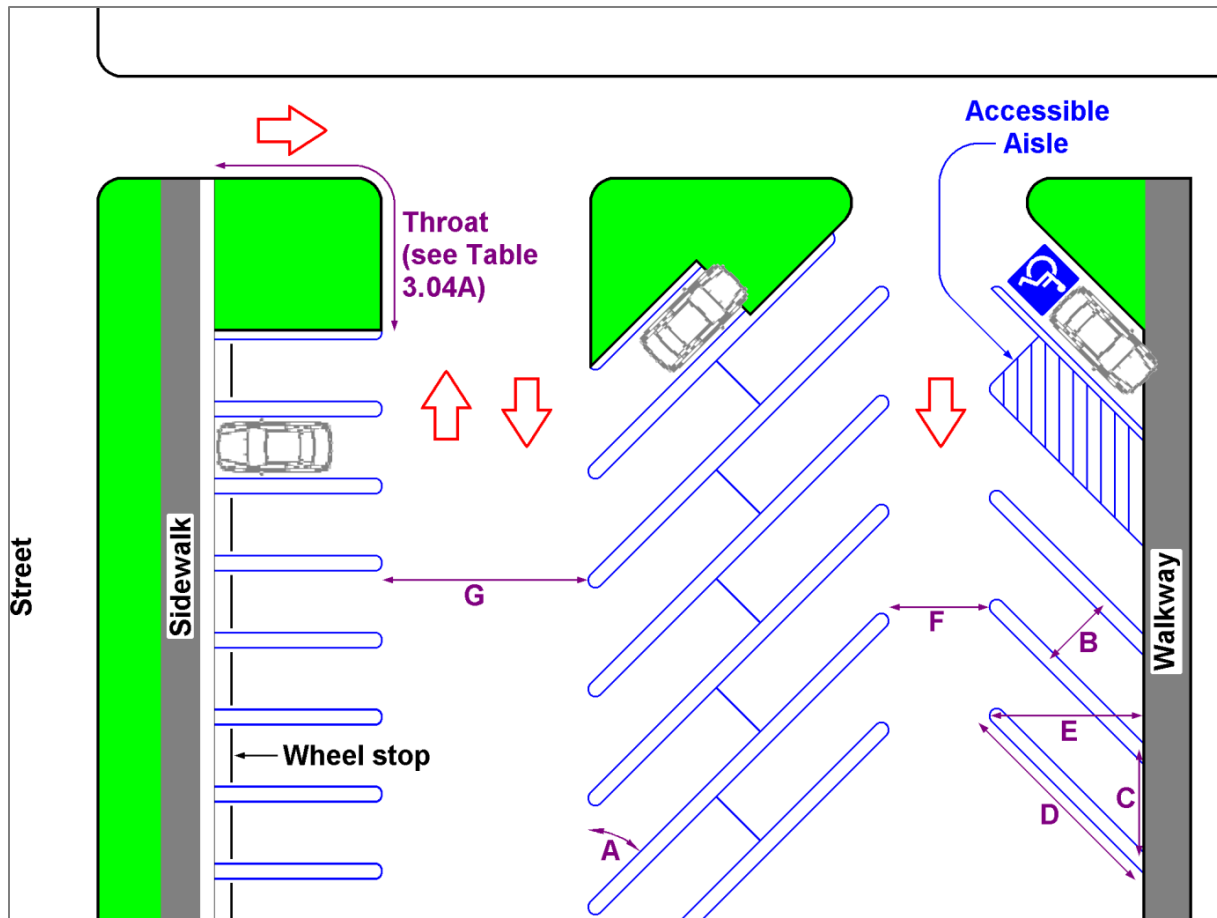


Figure 3.05B – Parking Space and Aisle Dimensions

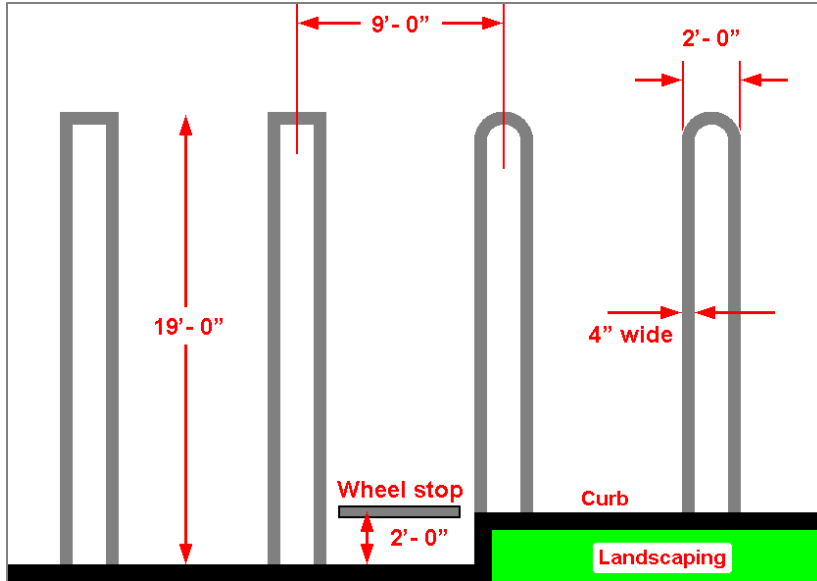


Figure 3.05C – Parking Space Striping

3.05.04 Off-Street Loading

A. Off-street loading spaces shall comply with the dimensional standards and amounts not less than those set forth in this Section (Table 3.05D).

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

Loading Space Requirements Table 3.05D				
Use and Area (square feet)	Minimum Number of Spaces	Minimum Size of Space (feet)		
		Width	Length	Height
All uses in the IP, IL, and SWIR zones 0-11,999 square feet	1	12	60	14
12,000 – 35,999	2			
36,000 – 59,999	3			
60,000 – 99,999	4			
100,000 or more	1 additional for each 50,000 square feet or fraction thereof			

Applicant's Response:

"Loading space" is defined in WDO 1.02 as "An on-site space or berth on the same lot with a building, or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or material."

The proposed building is a Warehousing/Distribution facility in the SWIR zone. Its loading areas contain a total of 70 loading docks to serve the approximately 3,847,000 square foot facility: 48 loading docks on the building's east side (43 vertical lift dock doors at 9' x 10', 2 vertical lift drive up doors at 14' x 6', 1 vertical lift dock door for the waste compactor at 9' x 10', and 2 rolling doors for augers at 9' x 6'-4"), and 22 vertical lift dock doors at 9' x 10' on its north side. The minimum standards would require a total of 79 loading spaces.

For this innovative distribution facility, the regulatory standard minimum ratio of loading docks in relation to building floor area mismatches the operation's actual needs. The applicant has included a Variance request to align the number of loading spaces with actual facility needs. Findings are provided below in the Variance Section. With approval of the Variance request, these standards will be met.

Staff Comments:

The applicant has included a variance request to reduce the minimum number of required loading spaces. Variance provisions are analyzed under the Variance Provisions section.

■ Variance: The loading spaces provisions can be met if the variance associated variance request is approved. This is discussed under the Variance Provisions section.

3.06 Landscaping

3.06.01 Applicability

A. To the site area for all new or expanded non-residential development, parking and storage areas for equipment, materials and vehicles.

3.06.02 General Requirements

A. Building plans for all uses subject to landscaping requirements shall be accompanied by landscaping and irrigation plans.

B. All required landscaped areas shall be irrigated unless it is documented that the proposed landscaping does not require irrigation.

C. All shrubs and ground cover shall be of a size upon installation so as to attain 80% of ground coverage within 3 years.

D. Installation of plant materials and irrigation specified in an approved landscaping plan shall occur at the time of development and shall be a condition of final occupancy. Should site conditions make installation impractical, an acceptable performance guarantee may be approved, subject the requirements of this Ordinance (Section 4.02.08).

E. The property owner shall be responsible for maintaining all landscaping, fences, and walls in good condition, so as to present a healthy and orderly appearance. Unhealthy and dead plants shall be removed and replaced, in conformance with the original landscape plan.

F. The required number of plant units shall be met by a combination of plant materials listed in this Ordinance (Table 3.06B).

G. Required plant units need not be allocated uniformly throughout specified landscaping areas, but may be grouped for visual effect.

H. Landscaped areas that are not covered by plant materials shall be covered by a layer of bark mulch or decorative rock, a minimum of two inches in depth.

I. A six-inch high concrete curb shall be provided between landscaped areas and parking and circulation areas.

J. Plant materials shall be appropriate to the climate and environment of Woodburn. Inclusion of plants identified in “Suggested Plant Lists for Required Landscaping”, published by the Portland Bureau of Development Services, can be used to meet this standard. A landscape architect, certified arborist or nursery person may also attest to plant appropriateness.

K. Prohibited trees identified by this ordinance (Table 3.06C) do not count towards required landscaping.

Staff Comments:

The proposal is new development therefore landscaping requirements do apply. The landscaping plans illustrate conformance with the general requirements listed under 3.06.02.

✓ The provisions are met.

3.06.03 Landscaping Standards

A. Street Trees

Within the public street right-of-way abutting a development, street trees shall be planted to City standards, prior to final occupancy.

1. One tree per every entire 50 feet of street frontage shall be planted within the right-of- way, subject to vision clearance area standards and placement of public utilities.
2. Street trees shall be planted according to the property’s zoning, and the abutting street’s classification in the Transportation System Plan:
 - a. Large trees shall be planted along Major and Minor Arterial streets. Large trees shall also be planted along all streets in the Neighborhood Conservation Overlay District (NCOD), regardless of street classification;
 - b. Medium trees shall be planted along Service Collector and Access/Commercial Streets;
 - c. Small trees shall be planted along all other streets.
3. The Director may modify this requirement, based on physical constraints and existing conditions, including the location of driveways and utilities. Such modification may include relocating the street trees to abutting private property.

Applicant’s Response:

The proposed street improvements plans include street trees consistent with the Major Arterial designation of Highway 219 and the Minor Arterial designation of Butteville Road. This standard is met.

B. Site landscaping shall comply with Table 3.06A.

Planting Requirements Table 3.06A		
Location	Planting Density, Minimum	Area to be Landscaped, Minimum
Setbacks abutting a street	1 PU/15 square feet	Entire setback excluding driveways

Planting Requirements Table 3.06A		
Location	Planting Density, Minimum	Area to be Landscaped, Minimum
Buffer yards	1 PU/20 square feet	Entire yard excluding off-street parking and loading areas abutting a wall
Other yards	1 PU/50 square feet	Entire yard, excluding areas subject to more intensive landscaping requirements and off-street parking and loading areas
Off-street parking and loading areas	<ul style="list-style-type: none"> • 1 small tree per 10 parking spaces; or¹ • 1 medium tree per 15 parking spaces; or¹ • 1 large tree per 25 parking spaces¹ and <ul style="list-style-type: none"> • 1 PU/20 square feet excluding required trees² 	<ul style="list-style-type: none"> • RS, R1S, RSN, RM, RMN, P/SP, CO, CG and MUV zones: 20% of the paved surface area for off-street parking, loading and circulation • DDC, NNC, IP, IL, and SWIR zones: 10% of the paved surface area for off-street parking, loading and circulation • Landscaping shall be within or immediately adjacent to paved areas
Common areas, except those approved as natural common areas in a PUD	3 PU/50 square feet	Entire common area
<ol style="list-style-type: none"> 1. Trees shall be located within off-street parking facilities, in proportion to the distribution of the parking spaces. 2. Required landscaping within a setback abutting a street or an interior lot line that is within 20 feet of parking, loading and circulation facilities may also be counted in calculating landscaping for off-street parking, loading and circulation areas. 		

3.06.04 Plant Unit Value

Plant Unit (PU) Value Table 3.06B		
Material	Plant Unit (PU) Value	Minimum Size
1. Significant tree ¹	15 PU each	24" Diameter
2. Large tree (60-120 feet high at maturity) ¹	10 PU each	10' Height or 2" Caliper
3. Medium tree (40-60 feet high at maturity) ¹	8 PU each	10' Height or 2" Caliper

Plant Unit (PU) Value Table 3.06B		
Material	Plant Unit (PU) Value	Minimum Size
4. Small tree (18-40 feet high at maturity) ¹	4 PU each	10' Height or 2" Caliper
5. Large shrub (at maturity over 4' wide x 4' high) ¹	2 PU each	3 gallon or balled
6. Small to medium shrub (at maturity maximum 4' wide x 4' high) ¹	1 PU each	1 gallon
7. Lawn or other living ground cover ¹	1 PU / 50 square feet	
8. Berm ²	1 PU / 20 lineal feet	Minimum 2 feet high
9. Ornamental fence ²	1 PU / 20 lineal feet	2½ - 4 feet high
10. Boulder ²	1 PU each	Minimum 2 feet high
11. Sundial, obelisk, gnomon, or gazing ball ²	2 PU each	Minimum 3 feet high
12. Fountain ²	3 PU each	Minimum 3 feet high
13. Bench or chair ²	0.5 PU / lineal foot	
14. Raised planting bed constructed of brick, stone or similar material except CMU ²	0.5 PU / lineal foot of greatest dimension	Minimum 1 foot high, minimum 1 foot wide in least interior dimension
15. Water feature incorporating stormwater detention ²	2 per 50 square feet	None
<p>1. Existing vegetation that is retained has the same plant unit value as planted vegetation.</p> <p>2. No more than twenty percent (20%) of the required plant units may be satisfied by items in lines 8 through 15.</p>		

Applicant's Response:

The landscape plans in Exhibit C demonstrate compliance with the required planting calculations. In the SWIR zone, 10% of the paved surface area for parking and circulation is required to be landscaped, which corresponds to a minimum area of 132,806 square feet; the plan proposes 192,967 square feet of landscaping within or adjacent to the parking and circulation areas. A detailed tabular summary of planting requirements by development site sub-area is provided on Sheet L-100. Summarizing from that table:

- Parking Lot Tree Planting requires 73 large trees; 73 are provided.
- Parking Lot Area Landscape requires 132,806 square feet; area of 192,967 square feet is provided.
- Parking Lot Planting Units required are 6,640; 8,609 are provided.
- Planting Unit Requirements by Site Sub-Area:
 - West: 1,385 Planting Units required; 2,138 provided
 - North: 1,445 Planting Units required; 7,080 provided

- East: 393 Planting Units required; 393 provided
- South: 115 Planting Units required; 115 provided

Based on the submitted landscaping plans, the requirements of this Section, including Tables 3.06A and B, are satisfied.

Staff Comments:

Staff concurs that minimum planting requirements have been met.

The applicant submitted a variance request to increase maximum building height to be over two times the standard allowance. While the variance provisions are discussed later under the Variance Provisions section, it's important to note here that approval of this request would create a significant visual impact on the surrounding area. Staff therefore adds conditions of approval to increase the amount of landscaping within a certain distance of the right-of-way.

▲ The provisions can be met with conditions.

3.06.05 Screening

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

Screening Requirements Table 3.06D		
N = No screening required F = Sight-obscuring fence required W = Architectural wall required D = Architectural wall, fence, or hedge may be required in the Design Review process		
Adjacent properties – zone or use that receives the benefit of screening Property being Developed – must provide screening if no comparable screening exists on abutting protected property	IP, IL, or SWIR zone	P/SP zone
IP, IL, or SWIR zone	D	D
Refuse and recycling collection facilities except for single-family dwelling, duplex, child care facility, or group home	W^{2,6,7}	W^{2,6,7}
2. Six to seven feet in height 6. In industrial zones, screening is required only where the refuse collection facility is in a yard abutting a public street, parking lot, or residentially zoned property. 7. Child care facility for 12 or fewer children, group home for five or fewer persons.		

General notes:

9. Screening is subject to height limitations for Vision Clearance Areas (Section 3.03.06) and adjacent to streets (Section 2.01.02).
10. No screening is required where a building wall abuts a property line.
11. Where a wall is required and is located more than two feet from the property line, the yard areas on the exterior of the wall shall be landscaped to a density of one plant unit per 20 square feet.

Applicant's Response:

The proposed development is a single-building Warehouse/Distribution facility in the SWIR zone.

The subject site abuts the IL-zoned Do It Best and WinCo Foods distribution facilities to the east. Land to the south is vacant land in the SWIR. On these edges, an architectural wall, fence, or hedge could potentially be required, as determined in the Design Review process; however, because neighboring properties are either in industrial use (Do It Best and WinCo Foods distribution facilities) or controlled by the applicant (proposed Parcel 3 of the partition), neither edge should be considered to have a significant or negative visual impact on the neighboring property or use, and no special screening is warranted.

There are no abutting properties to the north and west, because the property boundaries are formed by frontages on Highway 219 at the north and Butteville Road at the west. Screening on those sides of the property is provided by landscaping in compliance with applicable requirements for those street edges.

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

Applicant's Response:

Proposed landscape plantings in areas between streets and parking areas include plantings to form a 42-inch visual screen. This standard is met.

Staff Comments:

Staff concurs with the applicant's statements regarding screening requirements outlined under 3.06.05.

✓ The provisions are met.

3.07 Architectural Design

3.07.01 Applicability of Architectural Design Standards and Guidelines

A. For a Type I review, the criteria of this Section shall be read as "shall" and shall be applied as standards. For a Type II or III review, the criteria of this Section shall be read as "should" and shall be applied as guidelines.

Applicant's Response:

The Design Review application will be processed as a Type III review, therefore these criteria are addressed as guidelines rather than standards. All applicable guidelines for industrial development are addressed in this section to demonstrate that they have been taken into account during the design process.

3.07.10 Industrial Zones

A. Applicability

The following design guidelines shall apply to all structures and buildings in the IP, IL and SWIR zones.

B. Design Guidelines

1. Building Bulk and Scale

Long blank walls abutting streets should be avoided. The visual impact of building and scale should be reduced by:

- a. Articulating building facades;
- b. Landscaping the area abutting building walls, including plant materials that provide vertical accents;
- c. Tying building entrances to the overall mass and composition of the building;
- d. Minimizing the use of smooth concrete, concrete block and all types of metal siding;
- e. Shading colors with brown or black to create earth tones or tinting colors with white to soften the appearance. Day-glow, fluorescent and other intense colors shall be prohibited;
- f. Screening exterior building equipment, including roof top equipment, from view; and
- g. Altering roof lines, constructing cornices, or parapets that offset the continuous plane of large buildings and extended building lines.

Applicant Response:

The applicant's design team has incorporated a number of design techniques and visual strategies to manage perceptions of the building bulk & scale, consistent with the design guidelines in this Section.

Staff Comment:

It's important to note that, per 3.07.01 of the WDO, *"For a Type II or III review, the criteria of this Section shall be read as "should" and shall be applied as guidelines."* As a Type III review, the above should be read as guidelines. Staff finds that the plans submitted indicate general conformance with these guidelines.

✓ The provisions are met.

2. Loading

- a. Loading facilities should be located at the rear or side of structures.
- b. The visual impact of loading facilities abutting a street should be mitigated by:
 - (1) Offsetting the location of the driveway entrance and the loading dock; and
 - (2) Screening the loading area with a sight-obscuring fence, wall or hedge.
- c. Loading areas should be located on the site so that backing onto or off the street frontage is not required.

Applicant's Response:

The proposed building is oriented with its main offices at the west (front), facing Butteville Road, and its loading facilities on its east (rear) and north (side) façades, consistent with subsection a.

Regarding subsection b, the westernmost north-facing loading space is over 420 feet away from the nearest property line, which is to the west on the Butteville Road frontage. North of that point, as the realigned Butteville Road right-of-way curves to the east, distances from the property boundary grow larger, reaching 474 feet where the center of the north driveway meets the right- of-way edge. In addition to those distances, views of the loading docks from Butteville Road will be obscured by site features such as lawn areas, the trailer parking area north of the building, the guardhouse along the north driveway throat, and the wide landscaped water quality/detention facilities along Butteville Road, as well as the street trees to be planted along the east side of the right-of-way.

The definition of "Abutting" in WDO 1.02 is: *[t]ouching on the edge or on the line, including at a corner. It shall include the terms adjacent, adjoining and contiguous.* At distances exceeding 420 feet from the public right-of-way, with landscaping and other features within that gap, the north- side loading facilities do not meet the definition of "abutting a street." Section b is not applicable.

All truck maneuvering areas are internal to the site, so no vehicle is ever required to make a reversing maneuver in a public street, consistent with subparagraph c.

These standards are met.

3. Outdoor Lighting

All outdoor lighting should be designed so as not to shine or reflect into any adjacent residentially zoned or used property, and shall not cast a glare onto moving vehicles on any public street.

Applicant's Response:

The lighting plan shows how light will be directed to areas of the site to meet night- time safety and surveillance needs without casting glare or stray light into public street areas. (See Exhibit C.) This standard is met.

4. Solar Access Protection

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

Applicant's Response:

There are no existing solar collectors on abutting properties. This provision is not applicable.

Staff Comment:

Staff concurs with the applicant's statements.

✓ The provisions are met.

Street Exception Provisions

5.03 Type III (Quasi-Judicial) Decisions

5.03.03 Exception to Street Right of Way and Improvement Requirements

A. Purpose: The purpose of a Type III Exception is to allow a deviation from the development standard required for the functional classification of the street identified in the Transportation System Plan. Street exceptions are processed in conjunction with a development proposal that is a Type III application.

B. Criteria:

1. The estimated extent, on a quantitative basis, to which the rights of way and improvements will be used by persons served by the building or development, whether the use is for safety or convenience;

Applicant's Response:

This proposal includes a request to construct a new roundabout at the Highway 219-Butteville Road intersection at a location east of the Senecal Creek and wetlands resource area. In this case, an Exception to Street Right of Way and Improvement Requirements is necessary not because a lesser standard is proposed than the City's design sections for Highway 219 and Butteville Road, but rather because the City's standard design sections are not directly applicable to the design of roundabout intersections. The roundabout proposal prepared by Kittelson & Associates, and presented by the applicant, is a customized design that applies established design principles for roundabouts to the specific near- and long-term circulation needs of this location and its constraints.

The roundabout solution in this case addresses the safety, geometric, and operational challenges associated with the existing Highway 219-Butteville Road intersection. In that sense, the use of the proposed roundabout will be for both safety and convenience, for visitors to the Project Basie site as well as other motorists in the community who may happen to travel through the intersection.

A second Exception request is to terminate public improvements in the Butteville Road right-of-way at the Parcel 2-Parcel 3 boundary. At 25.31 acres, Parcel 3 is suitable for additional employment development, and public improvements along its frontage can be deferred at this time, to be construction when a project is proposed on that property. Because the vast majority of trips to and from the Project Basie site are anticipated to be to and from the north on Butteville Road, the anticipate travel impact on Butteville Road south of Project Basie is extremely small.

The TIA in Exhibit E provides data for trip generation by Project Basie as well as projected traffic conditions at key intersections in the vicinity. Using those data, Project Basie's share of trips in relation to the roadways subject to the Exception request can be calculated (Year 2023 projections are used in these calculations):

	Project Basie Trips (Butteville Road North of Site)	Project Basie Trips (OR 219 East of Butteville Road)	Butteville Road (North of Site) Background	Butteville Ratio: Basie/ Background	Highway 219 (East of Butteville Road) Background	Hwy 219 Ratio: Basie/ Background
AM Peak Hour (6:30-7:30)	612	548	344	1.78	678	0.81
AM Peak Hour (7:00-8:00)	417	373	358	1.16	588	0.63
PM Peak Hour (5:30-6:30)	1,023	918	451	2.27	725	1.27
PM Peak Hour (4:30-5:30)	160	143	501	0.32	1,006	0.14
Average Daily	3,627	3,252	5,010*	0.72	10,060*	0.32

*Estimated as 10 x PM Peak Hour (4:30-5:30)

2. The estimated level, on a quantitative basis, of rights of way and improvements needed to meet the estimated extent of use by persons served by the building or development;

Applicant's Response:

The proposed OR 219/Butteville Road roundabout will require a double lane design that will not only meet the traffic demand associated with Project Basie, but will also have capacity to meet the long-term growth needs associated with future development in the SWIR. The roundabout will have an inscribed circle diameter of 190 feet with multiple 12-foot travel lanes, landscaping buffers, and sidewalks on each approach. A detailed preliminary design layout of the roundabout and associated infrastructure improvements are provided in the TIA (Exhibit E).

3. The estimated impact, on a quantitative basis, of the building or development on the public infrastructure system of which the rights of way and improvements will be a part; and

Applicant's Response:

A detailed preliminary design layout of the roundabout and associated Butteville Road realignment is provided in the TIA (Exhibit E). As shown, the entirety of the Butteville Road realignment will require right-of-way dedication by the applicant. The proposed placement of the roundabout will also require additional right-of-way dedication by the applicant along its Highway 219 frontage. An exact quantification of land and right-of-way will be determined as part of a more detailed design effort.

4. The estimated level, on a quantitative basis, of rights of way and improvements needed to mitigate the estimated impact on the public infrastructure system.

Applicant's Response:

The proposed OR 219/Butteville Road roundabout, realignment of Butteville Road, and

Butteville Road frontage improvements are the primary infrastructure improvements needed to mitigate the traffic impacts of Project Basie. A detailed preliminary design layout of these infrastructure improvements is provided in the TIA (Exhibit E). An exact quantification of land and right-of-way will be determined as part of a more detailed design effort.

C. Proportionate Reduction in Standards: An exception to reduce a street right of way or cross-section requirement below the functional classification standard may be approved when a lesser standard is justified based on the nature and extent of the impacts of the proposed development. No exception may be granted from applicable construction specifications.

Applicant's Response:

This Exception request is not for the purpose of reducing a street right-of-way or cross-section requirement; it is to allow implementation of an alternative design whose performance is predicted to be equivalent or superior to that of standard intersection/traffic control configurations in this specific location and set of conditions. This provision is not applicable.

D. Minimum Standards: To ensure a safe and functional street with capacity to meet current demands and to ensure safety for vehicles, bicyclists and pedestrians, as well as other forms of non-vehicular traffic, there are minimum standards for right of way and improvement that must be provided to meet the standards of this Ordinance (Section 3.01). Deviation from these minimum standards may only be considered by a variance procedure.

Applicant's Response:

The proposed roundabout design differs in form from standard lane and at-grade intersection configurations, but it still provides comparable or superior traffic flow and capacity characteristics, including the ability to accommodate pedestrians, cyclists, and other forms of non-vehicular traffic. A detailed preliminary design layout of the multi-modal infrastructure improvements with the proposed roundabout are provided in the TIA (Exhibit E).

Staff Comments:

These street exceptions refer to Number 1 and 6 in the graphic provided in the introduction to this document. Staff agrees that the alternative designs proposed meet the requirements of the WDO and supports the requested street exceptions.

✓ The provisions are met.

Preliminary Partition Provisions

5.02 Type II (Quasi-Administrative) Decisions

5.02.05 Partition, Preliminary Approval

A. Purpose: The purpose of this Type II review is to ensure that partitions - the dividing of a single lot into 3 or less lots within one calendar year - comply with this Ordinance, with the Land Use and Development Standards and Guidelines (Sections 2 and 3), and applicable Oregon State Statutes.

B. Criteria: Preliminary approval of a partition requires compliance with the following:

1. The preliminary partition complies with all applicable provisions of this ordinance.

Response: The subject property is all of both Subarea A and Subarea B of the Interchange Management Area as depicted in Figure 2.05B (reproduced above at page 10). Subarea A contains the five Lots in the I5 Logistics Center subdivision plat. Subarea B contains two deed parcels located south of Subarea A.

Table 2.04F identifies Subarea A as containing gross area of 108 acres, with 88 Buildable Acres (presumably due to anticipated right-of-way dedications and environmental conservation along part of Senecal Creek in the northwest corner). Subarea B is listed as having 22 gross acres and 22 buildable acres. Table 2.04F further breaks down planned parcel areas as follows:

Southwest Industrial Reserve (SWIR) - Lot Standards					
Table 2.04F					
Development Subarea	Assessor's Tax Lot Number	Gross Acres	Buildable Acres	Required Lot Sizes (Acres)	Conceptual Lot Sizes (Acres)
A ¹	052W1100300	108	88	25-50	35
				10-25	15
				10-25	15
				5-10	8
				5-10	8
				2-5	4
				2-5	3
B ²	052W1400200	9	22	10-25	15
	052W1400600	13		5-10	7

The proposed partition is for the purpose of reconfiguring the combined area of Subareas A and B to form three land Parcels and a new public right-of-way for a realignment of Butteville Road and its intersection with Oregon Highway 219. This will be achieved by (1) consolidating (conceptually) all seven parcels of land into one unit of land to be replatted, and (2) recording a final plat based on the proposed preliminary plat submittal, containing the following specific land areas:

Parcel 1 (northwest of realigned Butteville Road): 14.92 acres +/-

Parcel 2 (southeast of realigned Butteville Road): 82.18 acres +/-

Parcel 3 (south of Parcel 2): 25.31 acres +/-

2. 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 any adjoining land.

Applicant's Response:

As noted above, the proposed partition will reconfigure the entire area under the applicant's control into three Parcels suitable for development. The configuration of the proposed streets is designed not only to provide safe and efficient access to the subject lots, but also to accommodate community traffic on Butteville Road and Highway 219, including access to other properties in the vicinity. Road system operation and safety issues are examined in detail in the applicant's TIA report – See Exhibit E. This criterion is met.

3. The proposed partition is served with City streets, water, sewer and storm drainage facilities with adequate capacity.

Applicant's Response:

The applicant has presented preliminary engineering plans for extensions of City water, sewer and storm drainage systems in conjunction with construction of roadway improvements, as part of the consolidated Design Review application package, which includes this Partition proposal. This requirement is met.

4. That the partition takes into account topography, vegetation and other natural features of the site.

Applicant's Response:

The proposed Partition will shift Butteville Road to an alignment entirely east of the Senecal Creek riparian corridor. This will avoid significant wetland and stream resource impacts that would otherwise be necessary to widen and improve roadway segments adjacent to the Creek and wetland areas in both Butteville Road and Highway 219, near their current intersection, and near the Stafney Lane intersection, where a Woodland Avenue extension was planned. A companion application with this proposal is a Riparian Corridor and Wetlands Overlay District Permit to define the RCWOD boundary.

5. That adequate measures have been planned to alleviate identified hazards and limitations to development:

- a. For regulatory wetlands, these shall be the measures required by the Division of State Lands.**
- b. For unstable areas, demonstration that streets and building sites are on geologically stable soil considering the stress and loads to which the soil may be subjected.**

Applicant's Response:

As noted above, the proposed Partition includes a realignment of Butteville Road that avoids impacting Senecal Creek and the wetlands along it, so no Oregon DSL permitting is necessary for the proposed construction. Within the whole subject property, the "100-Year" flood plain is contained within the RCWOD boundary along Senecal Creek; no

proposed public street or portion of the property outside that limited corridor is in the flood plain. The subject property is in a generally flat and geologically stable area. Additionally, the applicant is currently engaged in extensive soils testing to provide technical information for the design of stable roadbeds as well as private on-site development and building construction. The testing information and geotechnical recommendations will be submitted to the City in conjunction with Public Works Permit plans for public utility/streets construction as well as private site development. This criterion is met.

Staff Comments:

Staff generally agrees with the responses regarding the criteria and notes that several conditions of approval have been included owing to the fact that many of the public improvements required will need to be reviewed and accepted by ODOT and Marion County. Additionally, no certificates of occupancy can be issued until the plat has been recorded.

✓ The provisions are met.

Property Line Adjustment Provisions

5.01 Type I (Administrative) Decisions

5.01.08 Property Line Adjustment; Consolidation of Lots

A. Purpose: The purpose of this review is to ensure that adjustments to property lines or the consolidation of existing lots and parcels, complies with the standards of this ordinance (Section 2), and State Statutes (ORS Chapters 92 and 209). Property line adjustments and consolidation of lots are allowed in all zones.

Applicant's Response:

Consolidation of lots is proposed in conjunction with the proposed Partition request, for which findings are provided under the Section 5.02.05 heading below. The findings below demonstrate that the proposed consolidation complies with applicable zoning standards. It will be completed in compliance with state statutes, consistent with the purpose of this chapter, through the partition final plat process. These findings and responses to criteria are to be read in conjunction with the corresponding statements for Section 5.02.05.

B. Criteria:

1. Lot area, depth, width, frontage, building setbacks, vehicular access and lot coverage comply with the standards of this ordinance (Sections 2 and 3);

Applicant's Response:

The subject property is all of both Subarea A and Subarea B of the Interchange Management Area as depicted in Figure 2.05B (reproduced above at page 10). Subarea A contains the five Lots in the I5 Logistics Center subdivision plat. Subarea B contains two deed parcels located south of Subarea A.

Table 2.04F identifies Subarea A as containing gross area of 108 acres, with 88 Buildable Acres (presumably due to anticipated right-of-way dedications and environmental conservation along part of Senecal Creek in the northwest corner). Subarea B is listed as having 22 gross acres and 22 buildable acres.

The consolidated 130-acre area will be replatted to form three (3) Parcels and a realigned Butteville Road - Highway 219 intersection, all of which will be suitable for development in compliance with the lot area, depth, width, frontage, building setbacks, vehicular access and lot coverage standards of the WDO. (See findings below for Section 5.02.05.) This criterion is met.

2. Existing easements are accurately reflected;

Applicant's Response:

There are no existing easements on the subject properties. This standard is met.

3. Existing land use and development on the subject property comply with the requirements of prior land use actions; and

Applicant's Response:

The subject properties are undeveloped and have been in agricultural use. This standard is not applicable.

4. Buildings and structures abutting the adjusted property lines comply with State building codes and with respect to current occupancy.

Applicant's Response:

The subject properties are undeveloped and have been in agricultural use. There are no buildings or structures on either of the subject properties. This standard is not applicable.

5. Property line adjustments are surveyed and monumented to the requirements set forth in State statutes (ORS Chapters 92 and 209) and recorded by the County Surveyor.

Applicant Response:

The applicant will retain a Professional Land Surveyor to complete the preparation and recording of a final plat following City approval of this request and the companion Partition Preliminary Plat application, to meet ORS and Marion County Surveyor requirements. Compliance can be assured through an appropriate condition of approval.

C. Procedure: The Director shall review and approve the application when it is found that it meets this Ordinance and the State Building Codes.

Staff Comment:

Staff generally agrees with the responses regarding the criteria and notes that several conditions of approval have been included owing to the fact that many of the public improvements required will need to be reviewed and accepted by ODOT and Marion County. Additionally, no certificates of occupancy can be issued until the plat has been recorded.

✓ The provisions are met.

RCWOD Permit Provisions

5.01 Type I (Administrative) Decisions

5.01.09 Riparian Corridor and Wetlands Overlay District (RCWOD) Permit

A. Purpose: The purpose of this review procedure is to ensure that all grading, excavation, fill, and vegetation removal (other than perimeter mowing and other cutting necessary for hazard prevention) within a delineated, significant wetland, complies with applicable City and State standards and procedures, including those of ORS Chapter 196 and Chapter 227 and OAR 660-023.

B. Criteria:

- 1. The applicable standards of this Ordinance and the findings and action proposed by the Division of State Lands; or**
- 2. A finding, verified by the Division of State Lands, of error in delineation of the RCWOD boundary.**

Applicant's Response:

Compliance with all applicable criteria pertaining to a Riparian Corridor and Wetlands Overlay District (RCWOD) Permit is demonstrated in Section 2.05.05 of this narrative. The RCWOD boundary has been established based on wetland inventory mapping and flood hazard elevations as mapped in Exhibit F. This standard is met.

C. Procedure: The Director shall review the permit and approve it upon a determination that it meets the criteria of this ordinance.

Applicant's Response:

This application includes a request for a RCWOD Permit approval. Compliance with all applicable criteria pertaining to a Riparian Corridor and Wetlands Overlay District (RCWOD) Permit is demonstrated in Section 2.05.05 of this narrative.

Staff Comments:

Staff concurs and adds several conditions of approval associated with the RCWOD area.

- ▲ The provisions can be met with conditions.

Variance Provisions

5.03 Type III (Quasi-Judicial) Decisions

5.03.12 Variance

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

Staff Comments:

The proposed variances do not include uses not allowed in the zone, nor are they related to manufactured homes. They are therefore, requests which may be authorized and granted if supported by the criteria of this Section. As outlined above, many of the variances are related to the lack of roadway improvements; especially the Woodland Ave. extension and lack of improvements on parcels 1 and 3.

▲ Note that the applicant submitted the variance requests in two separate packages (May 28, 21 narrative and in a supplement found in Exhibit H June 30, 21). This led to some overlap in the applicant's requests and in their responses to the variance criteria. For transparency, Staff presents their narrative discussion in full below and responds at the end. The May 28th information is below:

From the applicant:

1. **Maximum Building Height:** Table 2.04E limits the height of a primary or accessory structure in the SWIR Zone to 45 feet (70 feet for "features not used for habitation"). The proposed facility requires a five-story building with height of approximately 105 feet to contain the equipment, inventory and work spaces needed for its function. This variance requests approval for building height of up to 105 feet.
2. **Woodland Avenue Extension:** Section 3.01.03.B requires construction of "internal streets" to "meet all standards of WDO and the TSP." Section 3.01.05 limits the length and provides other parameters for cul-de-sac streets. The Functional Roadway Classification (Figure 2) of the TSP identifies the existing Woodland Avenue as an "Access Street" and shows a western extension of it to intersect Butteville Road as "Future Access Street." For reasons discussed below, this variance requests approval of the proposed development plan without constructing this extension, allowing Woodland Avenue to continue to terminate in its present location and configuration.
3. **Minimum Number of Loading Spaces:** Table 3.05D specifies the minimum number of loading spaces required based on building square footage. For the proposed building containing approximately 3,847,000 square feet⁶ of floor area, the Code requires a minimum of 79 loading spaces. The facility's operational design only requires 65 loading spaces, but the building also has 5 other loading doors, bringing the total to

70, which is nine short of the Code requirement. A Variance is requested to allow the proposed configuration with 65 shipping process bays and the five other loading doors.

4. Variance to Reduce Distance between Accessory Structures and Main Building. Free-standing canopy covers are proposed in two patio areas on the west side of the building. The structures are not attached to the building, but are located closer than the minimum six-foot separation from the main building required by WDO 2.06.03.B. A Variance is requested to allow the proposed configuration.

▲ For further clarity regarding one of the items, specifically the lack of providing the “Woodland Extension” illustrated in the TSP, also triggers variances from the internal street requirements (3.01.03B), roadway turnarounds (Figure 3.04C), and cul de sac dimensions (3.01.05A1) , and maximum block sizes (3.01.05B).

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

- 1. Strict adherence to the standards of this ordinance is not possible or imposes an excessive burden on the property owner, and**
- 2. Variance to the standards will not unreasonably impact existing or potential uses or development on the subject property or adjacent properties.**

Applicant’s Response:

Variance 1 (maximum building height) is necessary because the proposed facility requires a five-floor multi-story structure in which to contain inventory management technology supporting a large number and wide variety of items for fulfillment of customer orders. A 45-foot tall building – or even a 70 foot tall building if upper floors were not considered “habitation” under the Code – is not capable of providing the floor area and multi-floor configuration necessary to achieve the proposed facility’s operating characteristics. Attempting to operate the facility without the requisite approximately 105-foot building height would make the project infeasible, i.e., would impose an excessive burden on the applicant. Allowing the additional building height will not have any significant impact on existing or potential uses on the subject property or adjacent properties because: (1) the proposed use is a Permitted use in the SWIR that is consistent with the industrial nature of the area, and (2) the building is centrally located within the site such that its distance from neighboring properties and public streets mitigates potential impacts attributable to size or scale. To illustrate, the applicant has provided a “Building Sight Lines – East-West” exhibit on Sheet A1.0 in Exhibit C. It is based on the perspective of a six-foot tall person standing on the sidewalk on Butteville Road, west of the proposed building, with lines depicting the vertical angle of that person’s view to the top of the lower front-office part of the building as well as the taller main part of the building. The SWIR Development standards in Table 2.04E would allow a building 45’ tall to be constructed at a minimum 10’ setback from the property line abutting a street. The diagram uses a grey shaded rectangle with dashed outline to represent a 45-foot tall building positioned to create the same vertical view angle as the top level of the proposed Project Basie building; that

hypothetical building would be set back 169 feet from the front property line. Which is to say the proposed building's vertical view angle is comparable to that of a 45-foot tall building if it were set back about 169 feet from the west property line, but that setback far exceeds the minimum Code requirement. A 45-foot tall building located closer to the street, which would be allowed by the Code, would create a significantly steeper vertical view angle. For the above reasons, Variance 1 meets approval criteria 1 and 2 and should be approved.

Variance 2 (Woodland Avenue extension) is needed because the proposed facility requires a large, unitary site with three key component areas: the centrally located building is the hub of employment activity, with docks for shipments coming in and being dispatched out; a large storage area for trailers used for shipping; and a large parking area to support the facility's high number of employees. Extending Woodland Avenue west to intersect Butteville Road would require splitting the large contiguous site into at least two components separated by a public roadway, imposing an excessive burden on the applicant. This would in turn require the facility's vehicle movements to circulate on public streets just to operate. This is a much less efficient and less secure situation, one that would be burdensome and untenable for the proposed operation, as well as needlessly congesting circulation on public roads with short trips and numerous turning movements.

The proposal will in effect make the current western terminus of Woodland Avenue permanent. This condition will be inconsistent with WDO Section 3.01.05, which states:

3.01.05 Street Layout

- *Termination of Streets, Bikeways and Pedestrian Ways*
 - *Cul-de-sac Streets*
 - *The maximum length of a cul-de-sac street shall be 250 feet. Cul-de-sac length shall be measured along the center line from the nearest right-of-way line of the nearest intersecting street, to the point of curvature of the cul-de-sac bulb.*
 - *The minimum radius of a cul-de-sac bulb right-of-way shall be 55 feet.*
 - *The minimum improved street radius of a cul-de-sac shall be 48 feet plus curb, planting strip and sidewalk.*
 - *The Director may require bikeway and pedestrian facilities to connect from one cul-de-sac to an adjacent cul-de-sac or street, except where the cul-de-sac abuts developed property, or where the Director determines that there is no need for a connection.*

The applicant has provided a detailed traffic impact analysis by Kittelson & Associates, to ensure that the public need for a safety and capacity in the local street system is met. As that report (Exhibit E) notes:

The Woodburn Transportation System Plan (TSP) shows a planned extension of Woodland Avenue from its current western terminus to Butteville Road. This extension is roughly identified to follow the parcel line between Tax Lots 400 and 500 (Lots 1 and 2 of 15 Logistics Center subdivision) and connect to Butteville Road across from the existing Stafney Lane intersection. The rationale for this planned extension is twofold: 1) to increase

overall east-west connectivity south of OR 219 and serve future development in the SWIR, and 2) ensure that future potential development of Tax Lot 400 (I5LC Lot 1) would have reasonable site access, something that would be difficult to achieve considering strict access management requirements along the limited OR 219 frontage to the north, the lack of direct frontage to Butteville Road created by the Senecal Creek/wetland barrier to the west, and established private property to the east.

As shown in Figure 2 [of the Kittelson report], this planned extension of Woodland Avenue is not being incorporated into the proposed site plan, which represents a major deviation from the TSP. The proposed modification of the planned transportation network is warranted for the following reasons:

- 1. Project Basie spans Tax Lots 400 and 500, so there is no longer a need to provide an individual access opportunity to Tax Lot 400. Furthermore, the full incorporation of Tax Lot 400 into the proposed site layout will ensure that it will not need future individual site access.*
- 2. The proposed realignment of Butteville Road and a new roundabout intersection at OR 219 represents a major circulation and capacity enhancing improvement that was not envisioned when the Woodburn TSP was developed. In particular, the proposed OR 219/Butteville Road roundabout is being designed and sized to meet not only the needs of Project Basie, but also future development in the larger SWIR. The proposed realignment offers further benefits in the form of reduced impacts on the Senecal Creek drainage way and wetlands, which would have been significantly impacted by expansion and reconstruction of the OR 219/Butteville intersection at its current location.*
- 3. All of the proposed Project Basie site access driveways are proposed along Butteville Road. As shown in the traffic study, these driveways, as well as projected future background traffic growth, can be fully accommodated by the proposed infrastructure improvements; neither the site nor the network need a Woodland Avenue extension to support use and functionality.*
- 4. As a result of the observations above, in the context of the proposed roundabout traffic solution, the extension of Woodland Avenue is no longer needed from a capacity and circulation enhancing perspective.*

Approving the variance will not impact other uses or development in the area because the proposed project is designed to take all access on Butteville Road. In that situation, as the Kittelson report notes, there is no need for S Woodland Avenue to serve as an Access Street (as anticipated by the TSP) for any properties other than the two it currently serves: the Do It Best and WinCo Foods distribution operations located east of the subject property. Those users will benefit because no additional traffic will be added to the street that has provided their access to Highway 219 and the Interstate 5 Interchange to the east since its initial construction many years ago. With no anticipated future traffic, Woodland Avenue can be retained in this configuration without causing a problem for the traffic system. For the above reasons, Variance 2 meets approval criteria 1 and 2 and

should be approved.

Variance 3 (number of loading spaces) would be burdensome to the industrial user because compliance would require design changes and construction of redundant loading spaces that are unnecessary and therefore counterproductive because they will be underutilized. The proposed facility has been designed to perform a specific set of fulfillment-related tasks in a large-scale, high-technology coordinated system that has been thoroughly designed with the benefit of the firm's proprietary experience and technologies. The proposed number of loading bays is based specifically on the needs of that system and the firm's strategies for maximizing efficiency, including substantial on-site queue capacity for incoming trucks, to accommodate peak arrivals without spillbacks affecting Butteville Road. The City's loading space metric is, by contrast, a linear mathematical extrapolation based on data from previous types of industrial activities, one that is not calibrated to the needs of this innovative firm. Allowing the designer of this custom facility to determine the number of loading spaces it requires will have no negative impact on any surrounding uses because its effects occur only within the site itself. For the above reasons, Variance 3 meets approval criteria 1 and 2 and should be approved.

Variance 4 (separation of less than six feet between patio shelter canopy structures and main building) is needed to allow a series of detached, free-standing canopy cover structures to be installed in two patio areas on the west side of the building without having to attach them to the building or move them at least six feet away from it. In Exhibit C, Sheet A1.0 has a plan view with callouts identifying the locations of the structures ("Smoker's Canopy" and "Nonsmokers Canopy"), and Sheet A1.4 provides two perspective illustrations of the proposed structures. Their location close to the building makes the gap between them and the building narrow enough to allow people in all seasons to walk in and out of the building without substantial exposure to rain. If a minimum six-foot separation were required, that would not be the case, and the patios would lose some of their all-season utility as a resting place for employees. Attaching them to the building is not desirable for structural reasons, in part because the slope of the roof could potentially concentrate storm water flows in contact with the building wall and cause damage over time. The canopies are located approximately 180 feet from the front property line (Butteville Road frontage), with parking and two drive aisles between them and the public right-of-way. Allowing the structures to be installed as proposed will have no discernable impact on any existing or potential uses or development on the remainder of the subject property or adjacent properties. For the above reasons, Variance 4 meets approval criteria 1 and 2 and should be approved.

Staff Comments:

Based on the applicant's evidence, these criteria are met for all four Variance requests.

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

- 1. The variance is necessary to prevent unnecessary hardship relating to the land or structure, which would cause the property to be unbuildable by application of this Ordinance. Factors to consider in determining whether hardship exists, include:**
 - a. Physical circumstances over which the applicant has no control related to the piece of property involved that distinguish it from other land in the zone, including but not limited to, lot size, shape, and topography.**
 - b. Whether reasonable use similar to other properties can be made of the property without the variance.**
 - c. Whether the hardship was created by the person requesting the variance.**
- 2. Development consistent with the request will not be materially injurious to adjacent properties. Factors to be considered in determining whether development consistent with the variance materially injurious include, but are not limited to:**
 - a. Physical impacts such development will have because of the variance, such as visual, noise, traffic and drainage, erosion and landslide hazards.**
 - b. Incremental impacts occurring as a result of the proposed variance.**
- 3. Existing physical and natural systems, such as but not limited to traffic, drainage, dramatic land forms or parks will not be adversely affected because of the variance.**
- 4. Whether the variance is the minimum deviation necessary to make reasonable economic use of the property;**
- 5. Whether the variance conflicts with the Woodburn Comprehensive Plan.**

Applicant's Response:

Variance 1 (building height) seeks to overcome a building height constraint imposed by the City to make feasible a significant economic development that cannot succeed without being able to construct a five-story building. Any potential impact of the additional building height on adjacent properties is mitigated by the site plan's wide building setbacks from streets and neighboring properties. The additional building height will have no effect on land forms in the vicinity, but enabling the project to proceed will let the City benefit from the public infrastructure system construction that the developer will be required to perform, including extensions of water, sewer and storm drainage systems in the SWIR and improvements of roads. The size, scale and design of the proposed facility all are responses to external market factors demanding high-efficiency, high-throughput operations to satisfy competitive demands, which are not within the applicant's control. Approving Variance 1 to make the proposed project feasible is consistent with the Woodburn Comprehensive Plan because it will be a major milestone in achieving the Plan's economic development goals and objectives.

Variance 2 (Woodland Avenue) would allow the use of a large available tract for jobs development in the community without causing injury to existing properties or their future potential. The applicant has included a Traffic Impact Analysis and recommendations by Kittelson and Associates, demonstrating that the proposed design for a roundabout intersection for Oregon Highway 219 and Butteville Road at a point east of Senecal Creek will achieve sufficient transportation system functioning and local access without the need to extend Woodland Avenue to intersect Butteville Road, as had been assumed in prior planning.

Importantly, a key assumption behind the idea of extending Woodland Avenue was that smaller units of industrial development would occur within Subarea A of the SWIR, requiring an Access Street to provide

local service to multiple development sites; however, the large proposed development has no need for access by way of Woodland Avenue because improvements in Butteville Road and Highway 219 will meet transportation needs by alternate routes with sufficient capacities. This in effect reserves the capacity of the existing S Woodland Avenue for its two existing industrial users, which have been adequately served by Woodland Avenue in its present configuration for many years. There are no remaining undeveloped properties along Woodland Avenue that will need to rely on it for access in the future. An additional benefit of the proposed alternative roadway configuration is that wetland filling and other impacts on the RCWOD area along Senecal Creek are avoided entirely; by comparison, extending Woodland Avenue west to intersect Butteville Road at Stafney Lane would require placing fill in part of a delineated wetland, and any scenario for making improvements at the existing Butteville-219 intersection location requires realignment of Senecal Creek, substantial fill placement for embankment to support road widening, and mitigation of stream and wetland impacts. For these reasons, allowing the existing Woodland Avenue configuration to persist as a cul-de-sac in excess of 250 feet will not be injurious to the public or to other properties/owners in the area.

Finally, introduction of a large new employer in the SWIR makes a significant contribution to the City's plans for infrastructure, economic development, and community growth. The requested Variance does not conflict with the Comprehensive Plan because the applicant has presented substantial evidence to demonstrate that adequate transportation system functioning will be achieved by the alternative street network proposed, without the Woodland Avenue extension.

Variance 3 (loading spaces) has very limited potential to impact any other site or user. It will allow the applicant to construct their desired optimal number of loading spaces, affecting only the number of dock doors on the building and the applicant's operating efficiencies. It will have no effect on physical systems or infrastructure development. It is a very minimal request that has virtually no influence on Comprehensive Plan implementation or compliance issues.

Variance 4 (separation of less than six feet between patio shelter canopy structures and main building) is limited in its effect to the position of shade canopy structures located adjacent to the office area of the building, about 180 feet from the front property line. It will allow the shade canopy structures, which are not attached to the building, to be located closer than six feet from the main building. At this location, internal to the approximately 82-acre development site (Parcel 2), the Variance will have no effect on the public, or on any other property or person, natural resource area or system, or Comprehensive Plan policy. It will simply allow the canopy covers to be constructed close enough to the building to allow building occupants to step between the building and a patio cover through a gap of one or two feet rather than six feet, making them more functional during the rainy months of the year.

Below is the applicant's June 30, 2021 supplemental variance justification (Exhibit H). The road segment illustration provided towards the beginning of this report is included to assist with understanding the various road segments discussed.

From the Applicant:

Street Design Sections, Design Exceptions and Variances

The applicant has provided detailed plan drawings for proposed street improvements in conjunction with the Project Basie proposal. To achieve sufficient traffic capacity as well as reduce construction impacts on the Senecal Creek riparian corridor, the proposed street network and alignments shift a segment of Butteville Road, identified as "New Butteville Road," to an alignment east of Senecal Creek, and configure a new Butteville Road/Highway 219 intersection in the form of a dual-lane roundabout.

Some of the proposed street configurations, particularly within the proposed roundabout, differ from Woodburn's approved Design Sections for the corresponding roadway types. The applicant's May 28, 2021 submittal included a request for a Type II Street Exception to allow the proposed alternative alignments and design sections, with findings responding to the applicable approval criteria in WDO 5.02.0.B.1 through 4. The applicant was subsequently advised by the Planning Director that the extent of the proposed deviations from adopted street design sections (WDO Section 3.01) will require Variance approval. This supplement responds to that request.

The different segments and design sections are described below, including identifying which require variance approval:

1. **Roundabout intersection at New Butteville Road/Highway 219**
 - A. Design for a roundabout intersection extends several hundred feet beyond the circular central feature for several reasons:
 - i. On the approaches, it is necessary to slow vehicles; adequate visibility is achieved by curved lane alignments and limitations on the types of plantings that can be allowed in certain areas.
 - ii. Because the roundabout will be located on an Oregon State Highway and is within the I5/OR 219 Interchange Area, the design must satisfy applicable Oregon Department of Transportation (ODOT) design requirements.
 - iii. Exiting the roundabout to the south and west, tapers and transitions are needed to merge dual travel lanes into the single travel lanes of the abutting road segments.

- iv. Safety techniques, such as offset alignments for pedestrian crossings, result in variable cross-section alignments that differ from approved standards for typical linear roadway segments and grade intersections.
 - v. Because these features differ from approved standards, the applicant requests Variance approval for the proposed configuration. Detailed findings are provided in the Variance section below.
2. **New Butteville Road** refers to the realigned segment between the proposed roundabout at the north and a point south of the Stafney Lane intersection, where the roadway shifts to a new alignment completely east of the Senecal Creek corridor:
- A. The designation of the new roadway should be consistent with its Woodburn TSP function, which is a Minor Arterial.
 - B. Because land on both sides of this segment is within the City of Woodburn and zoned SWIR for urban industrial use, the Minor Arterial design section applies on both sides of New Butteville Road.
 - C. The proposed improvements in this segment are designed to comply with the Woodburn Minor Arterial design section.
3. **Butteville Road south of New Butteville Road:**
- A. The Woodburn TSP identifies this segment as a Minor Arterial street; however, its location at the Urban Growth Boundary makes a special design section appropriate to serve both the industrial uses on its east side and the agricultural/rural residential uses on its west side.
 - B. A special design section for Butteville Road along the I5 Logistics Center subdivision's frontage was negotiated in 2017, forming the basis of a City-County Intergovernmental Agreement (IGA), which remains in effect.
 - C. The proposed improvements are consistent with that special design section.
 - D. Compliance with that special design section satisfies the applicable standard.
4. **Old Butteville Road** refers to the existing segment of Butteville Road that will effectively be replaced by New Butteville Road for urban traffic and through-trip travel on Butteville Road.
- A. Preserving the current Marion County rural design section is appropriate in this segment because it will continue to provide local access to the existing rural residential and agricultural properties on the west; its east side abuts the Senecal Creek riparian corridor, where no vehicular access is appropriate.
 - B. The developer will construct an extension, using the rural design section, to form the western leg of a four-way intersection where Butteville Road is the south leg, New Butteville Road is the north leg, and the Project Basie north driveway forms the east leg.
 - C. Because the Woodburn TSP at this time includes this segment as part of the Butteville Road Minor Arterial, and the proposed rural design section differs from the special Butteville Road design section pursuant to the IGA discussed above, the applicant requests Variance approval for the proposed alternative configuration (in conjunction with realigning the Minor Arterial function along New Butteville Road).

5. South Woodland Avenue

- A. The Woodburn TSP identifies S Woodland Avenue as an Access Street.
- B. The TSP plans for the extension of S Woodland Avenue west from its current terminus to intersect Butteville Road opposite Stafney Lane.
- C. The existing Woodland Avenue was constructed between 1995 and August 2000, based on aerial photography by the US Geological Survey, as found in Google Earth. (See attached aerial photo page)
- D. The proposal will allow the existing configuration, which has been in use since at least the Year 2000, to continue to operate in the same manner as it has over the past 20+ years.
- E. The proposed alternative street network is designed to achieve acceptable operational performance and safety characteristics without requiring the western extension of S Woodland Avenue.
- F. The TSP planning process did not explore a scenario similar to Project Basie, in which a single large industrial employer requires a site exceeding 80 acres. An implicit working TSP assumption was that Lot 1 of the I5 Logistics Center subdivision would require access by way of Woodland Avenue (its south frontage) because its only other street frontage is on Oregon Highway 219 at the north, where access is unlikely to be approved by ODOT. (Senecal Creek is located between the developable part of Lot 1 and its Butteville Road frontage.)
- G. Unlike prior TSP planning assumptions, Project Basie will consolidate almost all of the I5 Logistics Center subdivision into a single property, and will realign Butteville Road, forming a contiguous 82.26-acre lot (Parcel 2 of the proposed partition plat) on the east side of Butteville Road/ New Butteville Road.
- H. Access and circulation for the 82.26-acre Project Basie site are designed to work best with all of its four (4) proposed access points on the site's western street frontage (Butteville Road), including emergency access for firefighting and other emergency situations. As a result, there will be no property west of the current terminus of S Woodland Avenue that needs to use that roadway for local access under non-emergency conditions. The applicant will provide emergency-only access to the property at the S Woodland Avenue stub terminus.
- I. With no need for S Woodland Avenue to provide local service to additional properties, its capacity and function can effectively be reserved to serve its two (2) existing large industrial users: with the exception of the Hillyer's Mid-City Ford auto dealership close to Highway 219, the distribution facilities of Do It Best and WinCo Foods own all of the remaining property on both sides of the whole street.
- J. The Traffic Impact Analysis (TIA) prepared by Kittelson and Associates (KAI) provides detailed modeling of traffic patterns, including operational assessment of intersections in the vicinity including the I5/Oregon 219 interchange area. The TIS demonstrates that satisfactory performance will be achieved without extending or linking S Woodland Avenue to the west.
- K. Specifically with respect to access for Do It Best and WinCo Foods, the south leg of the Woodland Avenue/Oregon 219 intersection (which provides all their access) will continue to function satisfactorily.
- L. Because S Woodland Avenue will not extend to connect to Butteville Road, the proposed alternative road alignments plan will result in S Woodland Avenue

becoming a cul-de-sac street that exceeds the 250-foot length limit in the Code. The applicant requests Variance approval to allow this.

- M. Additionally, the existing Woodland Avenue stub terminus does not meet any of the adopted cul-de-sac terminus configurations in WDO Figure 3.04.B. The applicant has worked with Woodburn Fire District officials on an alternative configuration that will meet emergency turnaround needs: just west of the existing street stub, a rock/gravel area located outside the Project Basie perimeter fence will provide an emergency vehicle hammerhead turnaround abutting the street stub. Emergency access to the Project Basie site will also be provided at the fence line by a gate with a Knox box. The applicant requests Variance approval to allow this proposed alternative configuration .
- N. Finally, the applicant noted in the May 28, 2021 submittal that the block size and pathway requirements of WDO Section 3.01.05.B.1 through 4 are suitable to guide smaller-scale commercial and residential development rather than large-scale industrial projects. For example, a block or site meeting a maximum 600-foot dimension on all four (4) sides would contain 8.26 acres; this is completely incompatible with the applicable minimum 25-50 acre and 10-25 acre parcel size requirements for Subarea A of the SWIR Zone in Table 2.04F. This Variance includes a request for relief from the requirements of WDO Section 3.01.05.B.1 through 4, to allow creation of the large 82+ acre parcel required for the Project Basie site.
- O. A bulb or hammerhead turnaround at the western terminus of S Woodland Avenue will not be necessary, because the applicant will provide emergency access to the Project Basie site from Woodland Avenue as well as a hammerhead turnaround adjacent to the terminus. Emergency equipment will be able to use the hammerhead turnaround, located outside the security gate, to turn around without entering the Project Basie site. When the Knox box-controlled gate is opened for emergency access, vehicles can then also use the minimum 26' wide emergency access corridor within the Project Basie site to proceed to an exit driveway on Butteville Road.

Applying the Variance Approval Criteria

5.03.12 Variance

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

Response: The proposal is for a use that is allowed outright in the subject property's SWIR Zoning designation, but whose large size, large number of employees, and contiguous site area requirements (over 80 acres) cannot be accommodated anywhere in the City of Woodburn unless Variance relief is granted with respect to several Woodburn Development Ordinance provisions. Those regulations affect the alignments and designations of streets, the applicable street design sections at certain locations/street segments, the maximum allowed block size, the maximum allowed length of a cul-de-sac

street, and the terminus configuration of a cul-de-sac. The request does not seek to establish a use not allowed in the subject property's zone (SWIR), nor does it involve non-variable manufactured home standards set by statute. Therefore, the requested relief is consistent with the purpose statement, and it is eligible for approval through the Variance process.

Importantly, the applicant's proposed layout, access configuration, and offsite circulation improvements were prepared/reviewed by Kittelson & Associates. Kittelson's transportation planners and traffic engineers performed the City of Woodburn's latest TSP Update, and are thoroughly familiar with the TSP's concepts and provisions. In essence, the unusual scale of the Project Basie proposal is equivalent to an alternative TSP planning scenario that was not tested on a prospective basis as part of the TSP effort.

¹

Responding to this significant change in circumstances, Kittelson and the larger project team have prepared a holistic alternative set of transportation network alignments and linkages that will meet operational and safety requirements. The applicant's submitted Traffic Impact Analysis (TIA) demonstrates that the program has been tested by modeling to achieve access and transportation goals and objectives, consistent with the City's TSP, and is appropriate as an alternative plan. Because of the holistic nature of the alternative design exercise, this Variance request is for approval of the set, or one might say the integrated package of alternative alignments, street type designations, alternative design sections, block sizes/street length, and cul-de-sac terminus configuration(s) that together form the complete alternative system design. Because of the systemic nature of the transportation network, this request is not a collection of separate Variance applications on a street-by-street basis that can be evaluated individually.

In Woodburn, Variance requests are subject to two (2) approval criteria (WDO 5.03.12.B.1 and 2), and there are five (5) discrete – but non-exclusive – factors to be considered in the analysis under each criterion (WDO 5.03.12.C.1 through 5):

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

- 1. Strict adherence to the standards of this ordinance is not possible or imposes an excessive burden on the property owner, and*
- 2. Variance to the standards will not unreasonably impact existing or potential uses or development on the subject property or adjacent properties.*

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

¹ Baseball-playing philosopher Yogi Berra famously observed, "It's tough to make predictions, especially about the future."

1. *The variance is necessary to prevent unnecessary hardship relating to the land or structure, which would cause the property to be unbuildable by application of this Ordinance. Factors to consider in determining whether hardship exists, include:*
 - a. *Physical circumstances over which the applicant has no control related to the piece of property involved that distinguish it from other land in the zone, including but not limited to, lot size, shape, and topography.*
 - b. *Whether reasonable use similar to other properties can be made of the property without the variance.*
 - c. *Whether the hardship was created by the person requesting the variance.*
2. *Development consistent with the request will not be materially injurious to adjacent properties. Factors to be considered in determining whether development consistent with the variance materially injurious include, but are not limited to:*
 - a. *Physical impacts such development will have because of the variance, such as visual, noise, traffic and drainage, erosion and landslide hazards.*
 - b. *Incremental impacts occurring as a result of the proposed variance.*
3. *Existing physical and natural systems, such as but not limited to traffic, drainage, dramatic land forms or parks will not be adversely affected because of the variance.*
4. *Whether the variance is the minimum deviation necessary to make reasonable economic use of the property;*
5. *Whether the variance conflicts with the Woodburn Comprehensive Plan.*

The Responses that follow reference the above provisions by letter, to discuss how the request complies with the approval criteria and analysis factors:

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

C.1 (Unnecessary Hardship ...)

Response: In the applicant's May 28 submittal, Variance request #2 was to allow the permanent termination (i.e., non-extension) of Woodland Avenue at its present location. (That request is incorporated into this expanded Variance request and findings of compliance.) The applicant noted that the proposed facility – a use that is allowed outright by the property's SWIR zoning designation, but whose scale of operation is large – requires a large, unitary site with three (3) key component areas. First, the centrally located building is the hub of employment activity, with docks for shipments coming in and being dispatched out; the second component is a large storage area for trailers used for shipping; and the third is a large parking area to support the facility's high number of employees. Extending Woodland Avenue west to intersect Butteville Road would require splitting the large contiguous site into at least two (2) parcels separated by a public roadway, imposing an operational, access, security, and safety burden on the applicant. This would in turn require the facility's vehicle movements to circulate on and across public streets just to operate. This is a much less efficient, less secure and less safe situation, one that would be burdensome and untenable for the proposed operation.

Additionally, the divided site would needlessly congest the public's circulation on adjacent public roads due to short trips and numerous turning movements in and out of two (2) private properties to achieve operations; this would impose burdens also on motorists passing through the area on the adjacent street system.

C.2 (Injurious to Neighboring Properties ...)

Response: Approving the variance will not impact other uses or development in the area because the proposed project is designed to take all access on Butteville Road (with the notable exception of an additional emergency-only access from the stub of Woodland Avenue). In that situation, as the Kittelson report notes, there is no need for S Woodland Avenue to serve as an Access Street (as anticipated by the TSP) for any properties other than the three (3) it currently serves: the Do It Best and WinCo Foods distribution operations located east of the subject property, and the Hillyer's Mid-City Ford auto dealership near Highway 219. Those users will benefit because no additional traffic will be added to the street that has provided their access to Highway 219 and the Interstate 5 Interchange to the east since its initial construction over 20 years ago.² With no anticipated future traffic, Woodland Avenue can be retained in this configuration without causing a problem for the traffic system. The TIA prepared by Kittelson includes analysis of the Highway 219/Woodland Avenue intersection, concluding that satisfactory performance will be achieved. Notably, the only other "neighboring properties" adjacent to the Project Basie development site are part of the subject property for the applicant's proposed partition (Parcel 2 is the Project Basie site, Parcel 1 is northwest of New Butteville Road, and Parcel 3 is the remainder south of Parcel 2). Because all are owned by the applicant, the Variance request does not give rise to any external effects on other owners.

C.3 (Adverse Effect on Physical and Natural Systems ...)

Response: The TSP calls for improvements at the Highway 219-Butteville Road intersection, to enable it to meet operational and safety needs as development occurs in the SWIR area, as well as trips due to broader population growth in the vicinity and region. Improvements (particularly widening to add lanes) at that intersection at its present location would require substantial construction impacts on the adjacent Senecal Creek and wetlands.

Because the proposed new roundabout location and alternative street network alignments shift Butteville Road east, away from the Senecal Creek riparian corridor, those anticipated impacts on the Senecal Creek riparian corridor are not necessary with approval of the Variance request. The Variance is therefore beneficial and superior to the current policy and code requirements with respect to effects on natural systems.

² The present-day Woodland Avenue was constructed sometime between June 28, 1995 and August 23, 2000, based on the dating of US Geological Survey aerial photo imagery available from GoogleEarth. See attached photo page.

Regarding the effect on the physical street system, the applicant's TIA demonstrates that satisfactory performance will be achieved at all of the tested intersections with the recommended mitigation projects. While adapting alignments to allow development of the roughly 82-acre Project Basie site, the proposed alternative network configuration achieves satisfactory transportation system functioning; it is therefore comparable to, and an appropriate substitute for, the network anticipated in the TSP. Importantly in this context, because the contiguous Project Basie site will not require access by way of Woodland Avenue³, there will be no property west of the existing terminus of Woodland Avenue that requires local street access by that route, so its western extension as an Access Street becomes unnecessary and detrimental to the City's economic development goals.

C.4 (Minimum Deviation Necessary ...)

Response: Two (2) components in particular require an alternative approach to make Project Basie feasible. First, as discussed above and in the May 28th application materials, extending Woodland Avenue to the west is incompatible with providing a large enough contiguous parcel of land to accommodate the facility's needs. Second, enlarging the Highway 219-Butteville Road intersection at its current location to provide sufficient capacity with the addition of Project Basie's high rate of employment and two-shift daily operating pattern would have required costly and time-consuming state and federal permitting to allow substantial construction impacts on Senecal Creek and its adjacent wetlands, to provide sufficient lane capacity. The proposed alternative network alignments eliminate the need for those resource impacts and permitting by shifting Butteville Road and its intersection with Highway 219 east of Senecal Creek, completely outside the resource area. Those network changes, and the requested package of proposed design sections and improvement requirements for each of the affected roadways, are the minimum deviation necessary to allow the proposed use at this location.

C.5 (Conflict with Comp Plan ...)

Response: As noted above, the Variance request will allow the developer to construct the proposed alternative network of street alignments and linkages in the SWIR area. The alternative network is preferable to the conceptual network in the TSP (a component of the Comp Plan) because it makes it possible for a large new employer to locate in the SWIR area of the City.

For over two (2) decades now, the City of Woodburn has actively planned for expansion and employment growth in the SWIR to meet Comp Plan goals for community economic development. While maintaining network connectivity and access consistent with the TSP, the Variance request allows just enough flexibility to shift the alignments of some streets and intersections to create the contiguous 82-acre project site needed to attract

³ The applicant proposes to provide emergency-only access at the stub terminus of Woodland Avenue, as requested by the Fire Marshal, but that will not be an origin or destination of vehicle trips under non-emergency conditions.

a large employer to the community. Restated in Comp Plan terms, allowing some flexibility regarding specific road alignments in TSP diagrams is a reasonable and attractive trade-off in order to achieve a major success with respect to Economic Development goals and objectives.

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

C.1 (Unnecessary Hardship ...)

Response: The applicant's request for the proposed alternative street network and the Variance to allow it enables the property to be used for a large new employer in the SWIR. Although the costs associated with constructing the proposed alternative streets and roundabout intersection are substantial, they make it possible for the property to be reconfigured, creating a difficult-to-find large property with critically needed characteristics, such as having sufficient access on major streets. Because Project Basie does not require the whole subject property, the applicant has included a partition request, creating two (2) separate marketable parcels (Parcels 1 and 2) with sufficient area to support economic use (under separate future proposals). Without Variance approval, a hardship will occur because the property will be unable to meet the needs of the intended user. Adjacent properties are not affected by the Variance, because they are either already developed (Do It Best and WinCo Foods) and served by a different street (S Woodland Avenue), or they are outside the Urban Growth Boundary on the west side of Butteville Road, where a rural street-edge condition will be retained, consistent with the special design section for Butteville Road under the City-County Intergovernmental Agreement (IGA).

C.2 (Injurious to Neighboring Properties ...)

Response: As noted above, the only other "neighboring properties" adjacent to the Project Basie development site are part of the subject property for the applicant's proposed partition (Parcel 2 is the Project Basie site, Parcel 1 is northwest of New Butteville Road, and Parcel 3 is the remainder south of Parcel 2). Because all are owned by the applicant, the Variance requested does not give rise to any external effects on other owners. Approving the Variance will also reserve the full capacity of S Woodland Avenue to serve the three (3) property owners along it, the Do It Best Hardware and WinCo Foods distribution centers and the Hillyers Mid-City Ford auto dealership, by not adding any more properties requiring access by that route (with the exception of emergency-only access to the Project Basie site at the stub terminus of S Woodland Avenue).

C.3 (Adverse Effect on Physical and Natural Systems ...)

Response: As noted above, the proposed alternative street alignments and Butteville Road – Highway 219 roundabout intersection location make it possible to improve transportation conditions in the SWIR while reducing or eliminating impacts on Senecal Creek and associated wetlands, located in the northwest corner of the subject property.

By allowing the alternative construction, the Variance request will actually reduce adverse impacts on that resource.

C.4 (Minimum Deviation Necessary ...)

Response: The requested Variance makes the subject property feasible as a location for a large new employer in the Woodburn SWIR, by allowing a large, 82-acre parcel to be created and served by sufficient streets and utility services. Without Variance approval, it is not possible to achieve the desired configuration, and the property will not be able to accommodate the proposed economic use.

C.5 (Conflict with Com Plan ...)

Response: As noted above, for many years, the City of Woodburn has actively planned for expansion and employment growth in the SWIR to meet Comp Plan goals for community economic development. While maintaining network connectivity and access consistent with the TSP, the Variance request allows just enough flexibility to shift the alignments of some streets and intersections to create the contiguous 82-acre project site needed to attract a large employer to the community. Restated in Comp Plan terms, allowing some flexibility regarding specific road alignments in TSP diagrams is a reasonable and attractive trade-off in order to achieve a major success with respect to Economic Development goals and objectives. The proposal includes a partition that will create usable additional parcels in the remaining portions of the property, to the northwest and south of the Project Basie area (partition parcels 1 and 3, respectively), setting the stage for full economic development of SWIR Subareas A and B (the whole of the subject property) over time. Therefore, granting the request is consistent with the Comp Plan, not in conflict with it.

Staff Comments:

Staff generally concurs with the justification provided for the variances and finds that, with the proposed conditions of approval, they meet the criteria outlined in the WDO. As stated previously, street related variances are considered holistically as part of this development. Portions of the proposed street system are under the jurisdiction of both Marion County and ODOT. Both agencies have been closely involved with this application and are supportive of the proposal with the mitigations proposed. The impacts of the variances are mitigated through the following conditions of approval:

- **Building height variance:** A building 105 feet in height allows for more square footage and a larger overall development than would be permitted with a 45-foot structure. WDO 5.03.12 states that the variance, “will not unreasonable impact existing or potential uses” – more intensive development of this site than anticipated under the WDO allows for more employees, truck traffic, etc., which increases the strains on the infrastructure system. This impacts the ability for the City to provide timely services with regard to traffic, transit, and pedestrian services. Additionally, in this case, the 3.8 million sq ft use is using nearly half of the number of peak hour trips available under the IMA. Conditions

10, 14, 15 and 20 help to mitigate these impacts. Also, the negative visual impacts associated with the increased mass and building height granted under this variance should be mitigated with enhanced landscaping on the site. This upgraded landscaping is included under Condition 17.

- Not connecting Woodland Ave to Butteville Rd results in an inability for pedestrians to access Butteville Rd and makes providing transit services to this area challenging and different from the approved TSP and Transit plans. Conditions 14, 15, and 19 assist in addressing some of the off-site pedestrian connections. Condition 15 and 16 help to address the transit challenges raised by requiring a transit stop, assistance for a new route, and access provisions for transit services. The lack of a connection to Butteville Rd also means that the applicant will be using driveways directly on Butteville Rd. This is contrary to the adopted plans and has the potential to create safety issues for drivers. Condition 2 requires the applicant to contribute to a speed study to reduce speeds and maintain appropriate site distances.
- The roundabout design significantly impacts the existing five homes that share a driveway west of the Willow Dr / OR 219 intersection. Condition 11 requires the applicant to actively pursue a u-turn on an ODOT facility which would benefit those property owners and help to mitigate the impacts of the roundabout.

✓ The variance provisions are met and should be approved with conditions.

Staff Recommendation

Staff recommends approval, with the conditions of approval attached to the staff report, based on the findings in this report and its attachments.

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