



Final Decision

Planning Commission

File number(s): DR 21-07, EXCP 21-03, PAR 21-01, PLA 21-01, RCWOD 21-03, & VAR 21-02

Project name: Project Basie

Date of decision: September 9, 2021

Date of mailing: September 10, 2021

Applicant: Tom Nieswander, TC Pursuit Services, Inc.

Landowner: Amazon.com Services LLC

Site location: 450 S. Butteville Road
(Tax Lots 052W110000400, 052W110000500, 052W110000600,
052W140002400, 052W140002500, 052W140000200, 052W140000600)

Summary:

The Planning Commission held a public hearing in-person and via the GoToMeeting teleconference platform on September 9, 2021 and unanimously approved the application package with the conditions recommended by staff through the staff report published September 2, except with modifications to Conditions 29, 31, and 32 to correct the parcel being referenced. Five parties testified at the hearing:

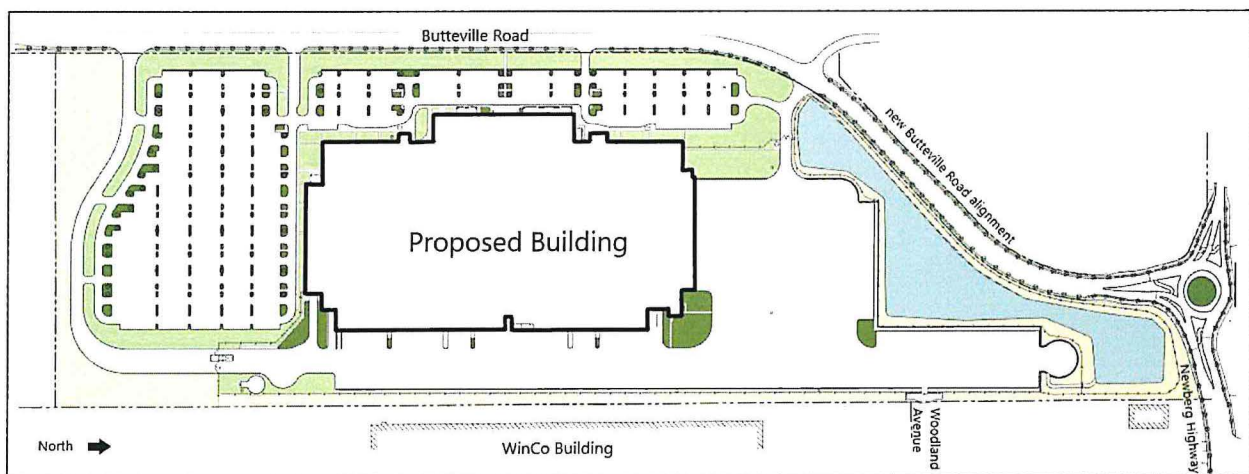
1. Donald & Kathleen Shade, 16056 Butteville Road NE, Woodburn, OR 97071
2. Juan Martinez, 8259 State Highway 219 NE, Woodburn, OR 97071
3. Roberto Schroeder, 8249 State Highway 219 NE, Woodburn, OR 97071
4. Pamela Foreman, 730 Alder Avenue, Gervais, OR 97026
5. Darlene Sprecher, 8288 Crosby Road NE, Woodburn, OR 97071

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. 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 1,811 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, were approved with the proposal.

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 requested 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, several conditions of approval were added 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, anticipated Woodland Avenue to extend west through the project site and intersect with Butteville Road. Because the applicant requested not to construct this street extension nor meet the associated street layout requirements, a variance was 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 requested 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 stated that the proposed development does not need the minimum requirement in order to be successful therefore the request was 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 requested 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 requested to not construct minimum street improvements along this frontage. These improvements will be completed when the respective parcels are developed.

The Street Exception request was also approved, which related to the proposed roundabout design. This was a necessary request because the City does not have standards and specifications for roundabouts. The proposed design provides the minimum street improvements required by the development ordinance to not necessitate a variance request.

Conditions of 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 **21** 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 **21**.
32. Provide a signed agreement/letter indicating that the private storm pipe in Parcel **21** that discharges in Senecal Creek and conveys storm drainage from Parcel **12**, 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.

Notes to the Applicant

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

1. Records: Staff recommends that the applicant retain a copy of the subject approval.
2. Permits: Permits are applied for using the [Oregon ePermitting](#) online permit system. The City Building Division administers building and mechanical permits; Marion County Public Works administers plumbing and electrical permits.
3. Fences, fencing, & free-standing walls: The approval excludes any fences, fencing, & free-standing walls, which are subject to WDO 2.06 and the permit process of 5.01.03.
4. Signage: The approval excludes any signage, which is subject to WDO 3.10 and the permit process of 5.01.10.
5. Other Agencies: The applicant, not the City, is responsible for obtaining permits from any county, state, and/or federal agencies, which may require approval or permit.
6. Stormwater management: The storm sewer system and any required on-site detention for the development must comply with the City Storm Water Management Plan, Public Works storm water practices and the Storm Drainage Master Plan.
7. Public Works Review: Staff performs final review of the civil plans during the building permit stage. Public infrastructure must be constructed in accordance with plans approved by the City, as well as current Public Works construction specifications, Standard Drawings, Standard Details, and General Conditions.
8. Franchises: The applicant provides for the installation of all franchised utilities and any required easements.
9. Water: All water mains and appurtenances must comply with Public Works, Building Division, and Woodburn Fire District requirements. Existing water service lines that are not going to be used with this new development must be abandoned at the main line. The City performs required abandonment of existing water facilities at the water main with payment by the property owner. All taps to existing water mains must be done by a "Hot Tap" method and by approved City of Woodburn Contractors. The applicant shall install the proper type of backflow preventer for all domestic, lawn irrigation and fire sprinkler services. The backflow devices and meters shall be located near the city water main within an easement, unless approved otherwise by Public Works. Contact Byron Brooks, City of Woodburn Water Superintendent, for proper type and installation requirements of the backflow device at (503) 982-5380.

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

Expiration

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

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

Appeals

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

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

Sincerely,



Chris Kerr, Community Development Director




Date

Affirmed,



Charles Piper, Chair, Planning Commission



Date