

# MACKENZIE.

June 30, 2021

City of Woodburn  
Attention: Chris Kerr, Planning Director  
270 Montgomery Street  
Woodburn OR 97071

Re: **Project Basie (DR 21-07, PLA 21-01, RCWOD 21-03, VAR 21-02)**  
*Supplement: Variance Findings for Proposed Alternative Street Configuration*  
Project Number 2210133.00

Dear Mr. Kerr:

Please accept this letter as additional applicant's evidence for the Project Basie land use case file (DR 21-07, PLA 21-01, RCWOD 21-03, VAR 21-02). It responds to your recommendation that the applicant request Variance approval because several characteristics of the proposed road configuration call for adjustments or other relief that will exceed the scope available under the City's Street Design Exception provisions.

## **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.<sup>1</sup>

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. 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.*

---

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

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.<sup>2</sup> 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

---

<sup>2</sup> 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.

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.

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 Avenue<sup>3</sup>, 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.

---

<sup>3</sup> 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.

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 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.

Thank you for all your professional courtesies in the processing of this land use permit application.

Sincerely,



Lee Leighton, AICP  
Project Planner IV

Enclosure(s): Google Earth/US Geological Survey Aerial Photos

c: Tom Nieswander – TC Pursuit Services, Inc.  
Matt Hughart – Kittelson & Associates, Inc.  
Terry Krause – Mackenzie



I-5 Logistics Center 108 acres

Woodland Avenue has not been constructed as of June 28, 1995

Image U.S. Geological Survey



7/2000

I-5 Logistics Center 108 acres

Construction of S Woodland Avenue is visible as of August 23, 2000

Image U.S. Geological Survey

Google Earth