



**Certificate of Mailing – Notice of Final Decision (City Council; Approval)**

I hereby certify that on this date I mailed the Notice of Final Decision, Exhibit “A”, for master/parent file number SUB 21-03, PAR 22-01, PP 22-01, & VAR 22-05 (9008 Parr Road Subdivision) to the applicant’s team and those with standing because they testified.

May 3<sup>rd</sup>, 2022

Cassandra Martinez, Administrative Specialist  
Community Development Department

*(Applicant)*

Emerio Design, LLC  
Attn: Steve Miller  
6445 SW Fallbrook Pl., Suite 100  
Beaverton, OR 97008  
Testimony of opponent:

*(Opponent)*

Joyce Hansen  
8908 Parr Road  
Gervais, OR 97026



## Final Decision

### Planning Commission

**File number(s):** SUB 21-03, PAR 22-01, PP 22-01, & VAR 22-05  
**Project name:** 9008 Parr Road Subdivision  
**Date of decision:** April 28, 2022  
**Date of mailing:** 5-3, 2022  
**Applicant:** Steve Miller, Emerio Design LLC  
**Landowner:** Clyde H. Lowry, Jr.  
**Site location:** 9008 Parr Road (Tax Lot 052W130000800)

#### Summary:

The Planning Commission held a public hearing on April 28, 2022 and unanimously approved the Preliminary Subdivision (SUB), Preliminary Partition (PAR), Phasing Plan (PP), and Variance (VAR) application package with the conditions recommended by staff through the staff report published April 21. One person, an adjacent property owner, testified during the public testimony portion of the hearing. They inquired about the impacts of the development on their existing farm, which is located outside the City limits. An applicant's representative testified and responded to several questions raised by the Commissioners.

The subject property is 9008 Parr Road, a 24.65-acre property in the Nodal Single-Family Residential (RSN) zone. The property was annexed into Woodburn in 2019 via Ordinance No. 2570. The property was developed with an existing farmhouse, which has since been demolished, along with two accessory farm structures; it was predominantly used for agricultural purposes.

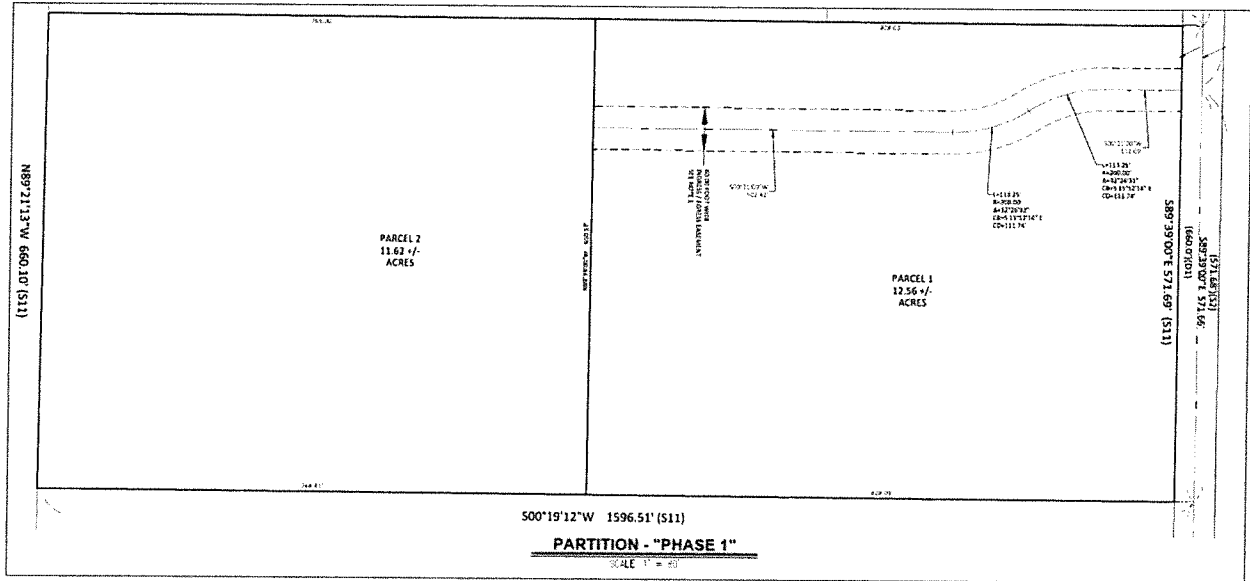
The applicant proposed a phased land use application package for development of the property. The first phase is to partition the lot into two parcels. The second phase is a 68-lot residential subdivision of the northerly parcel, no development was proposed for the southerly parcel at this time.

The applicant requested a variance to the alley requirement for small lots in the RSN zone. The proposal included alley access for approximately 48 percent of the proposed small lots, while the

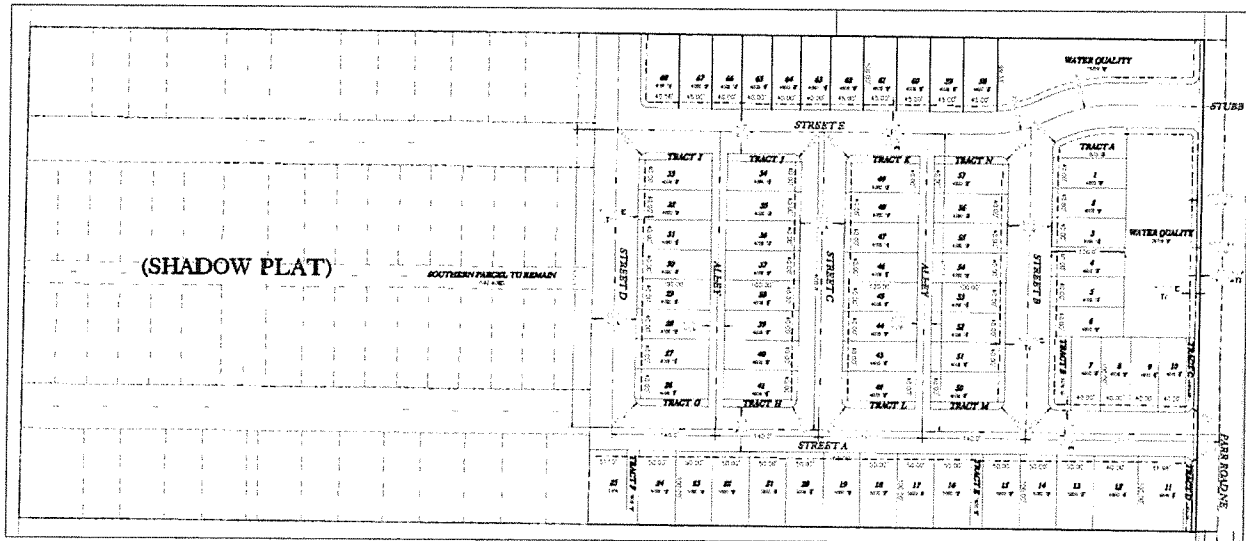
standard requirement is for 100 percent of small lots to have alley access. The Commission approved this variance request.



*Aerial view of the site, subject property outlined in red (north is up)*



Phase 1: partition plan (north is to the right)



Phase 2: subdivision plan (north is to the right)



## Conditions of Approval

1. Substantial conformance: The applicant or successor shall develop the property in substantial conformance with the final plans submitted and approved with these applications, except as modified by these conditions of approval. Were the applicant to revise plans other than to meet conditions of approval or meet building code, even if Planning Division staff does not notice and signs off on building permit issuance, Division staff retains the right to obtain restoration of improvements as shown on an earlier land use review plan set in service of substantial conformance.
2. Public Works: Follow the attached "Public Works Conditions April 19, 2022" (Attachment 101A).
3. Expiration: Expiration of this development approval is per WDO 4.02.04B.
4. Recordation: After obtaining Partition Final Plat approval from the City as part of Phase 1, and subsequent Subdivision Final Plat approval from the City as part of Phase 2, the applicant shall record each plat with Marion County in a manner acceptable to the Marion County Surveyor's Office.
5. Addressing: Prior to receiving Subdivision Final Plat approval from the City as part of Phase 2, submit an [Address Assignment Request Form](#), with accompanying fee payment and materials, to the Community Development Department to begin the process of getting addresses assigned for the new lots.
6. Fees: The developer shall pay fees in Attachment 101C as applicable.
7. Association: The developer shall establish a maintenance association of owners and/or tenants as follows:
  - a. Prior to conveying land ownership of any tract, the developer shall establish an association, such as homeowners association (HOA), pursuant to ORS 94 and other applicable statutes.
  - b. The association shall assume maintenance of improvements on common area tracts, including stormwater facilities; repair, replace, and restore improvements; identify and make clear to owners association duties; and levy assessments to owners in a fair, transparent, and written way. (If the association ceases to exist resulting in a tract or tracts no longer having an existing owner for a year or more based on the Oregon Secretary of State Corporation Division business registry, and where this provision does not conflict with ORS or OAR, the City shall have right of first refusal to acquire the property in coordination with the Marion County Assessor's Office.)
  - c. Documents: The developer shall provide copies of draft articles of incorporation, bylaws, and CC&Rs for the association to the Assistant City Attorney and Director for review and comment upon final plat application to the City or earlier if ORS 94.565(2) requires. Bylaws and/or CC&Rs shall describe the responsibilities of the association to maintain

common area improvements, and bylaws and CC&Rs shall reiterate that because of ORS 94.626, any dissolution would not also dissolve obligations. To this end, the corporation shall comply with applicable statutes and the administrative rules of the Oregon Secretary of State Corporation Division. Documents shall also conform to Oregon House Bill (HB) 2001 (2019), Section 13 (p. 10), regarding “middle housing”.

- d. Subsections a, b, and c above would continue to apply were the developer to either (1) establish multiple associations or (2) make use of an existing association related to adjacent existing development. The developer shall provide copies of articles of incorporation, bylaws, and CC&Rs for the multiple associations or these documents amended to conform to conditions of approval.

8. Right-of-way and street improvements: To meet WDO 3.01.02A, 3.01.03A, 3.01.04B, Figure 3.01D, and Figure 3.01G:

a. As part of Phase 1:

- a. Dedicate right-of-way along the site frontage of Parr Road to achieve 36 feet from centerline. Illustrate this dedication on the partition plat drawing prepared for Partition Final Plat approval.
- b. Grant a public utility easement at least 5 feet wide along the widened Parr Road right-of-way boundary of the site. Illustrate this easement on the partition plat drawing prepared for Partition Final Plat approval.

b. As part of Phase 2:

- a. Dedicate 60 feet of right-of-way for each of the five internal streets and 20 feet of right-of-way for each of the two alleys as illustrated on the preliminary plans. Illustrate these dedications on the subdivision plat prepared for Subdivision Final Plat approval as part Phase 2.
- b. Grant a public utility easement at least 5 feet wide along the frontage of each of the five internal streets as illustrated on the preliminary plans. Illustrate these easements on the subdivision plat prepared for Subdivision Final Plat approval.
- c. Construct half-street improvements to Parr Road matching Figure 3.01D along the frontage of the subject property as illustrated on Sheets P5.0 and P5.1 and transition the sidewalk at the easterly boundary to connect into pedestrian improvements along the frontage of the adjacent property (900 Parr Road). Construct full street improvements matching Figure 3.01G for each of the five internal streets, except that Street D improvements will match the “Local Residential Street – 3/4 Section” cross-section on Sheet P5.1. Construct alley improvements matching the “Alley – Typical Section” cross-section on Sheet P5.1. Improvements must obtain civil plan review approval, be constructed, and pass inspection by City staff, or a performance guarantee as outlined by 4.02.08 may be approved at the City Administrator’s discretion, prior to receiving Subdivision Final Plat approval. The construction of sidewalk along the frontage of a new lot may be deferred to the associated building permit final inspection for that lot.

c. Phase 1 must be completed prior to beginning Phase 2.

9. Temporary dead end streets: Prior to receiving Subdivision Final Plat approval for Phase 2, the applicant shall install barricades and signage as required by WDO 3.01.05A2 for the temporary dead ends of Street A and Street D. Include detail drawings of these items as part of civil engineering plan review.

10. Bicycle and pedestrian connectivity tracts: In pursuit of conformance with WDO 3.01.05A3 & B2, the applicant shall address the following items prior to receiving Subdivision Final Plat approval as part of Phase 2. Improvements must obtain civil plan review approval, be constructed, and pass inspection by City staff, or a performance guarantee as outlined by 4.02.08 may be approved at the City Administrator's discretion.

- a. Revise subdivision plans and plat drawings:
  - i. Shift Tract E to be between Lots 14 and 15 so that it is nearly aligned with the centerline of Street B.
  - ii. Add a third tract to the plans between Lot 58 and the water quality tract along the west side of Street E. This tract shall be privately owned, at least 16 feet wide, and connect between Street E and the west property line.
- b. Construct path improvements within Tracts E, F, and the new tract noted in a(ii) above as follows:
  - i. Pave an 8-foot-wide path connecting between street sidewalk and the property boundary. The path shall be centrally located within the tract, with a 4-foot landscaping strip on either side. The landscape strips shall be planted with at least 3 small trees (as defined by Table 3.06B) evenly spaced on each side and with lawn where there are no trees.
  - ii. Regarding Tracts E and F along Street A, install a small sign at the western end of each tract to communicate to pedestrians that this path connects to Centennial Park.
- c. Grant a public easement over the entirety of Tracts E, F, and the new tract noted in a(ii) above to allow for public access. Illustrate these easements on the plat drawings submitted as part of the Subdivision Final Plat materials.

11. Street names: To meet the street naming provisions of WDO 3.01.06, revise plans to note street names for the new internal streets (currently noted as Streets A, B, C, D, and E). This is due prior to applying for Subdivision Final Plat approval.

12. Private access and utility easement: To meet WDO 3.04.01A2, illustrate the private access and utility easement benefitting Parcel 2 on the partition plat drawings and provide a draft copy of the easement document for review as part of the Partition Final Plat application for Phase 1. The easement must include language that it is revocable only with the concurrence of the Community Development Director.

13. Landscaping:

- a. To demonstrate conformance with WDO 3.06.03A, revise plans for both phases to note street tree species and classification as defined by Table 3.06B. This is due prior to receiving Partition Final Plat approval as part of Phase 1.

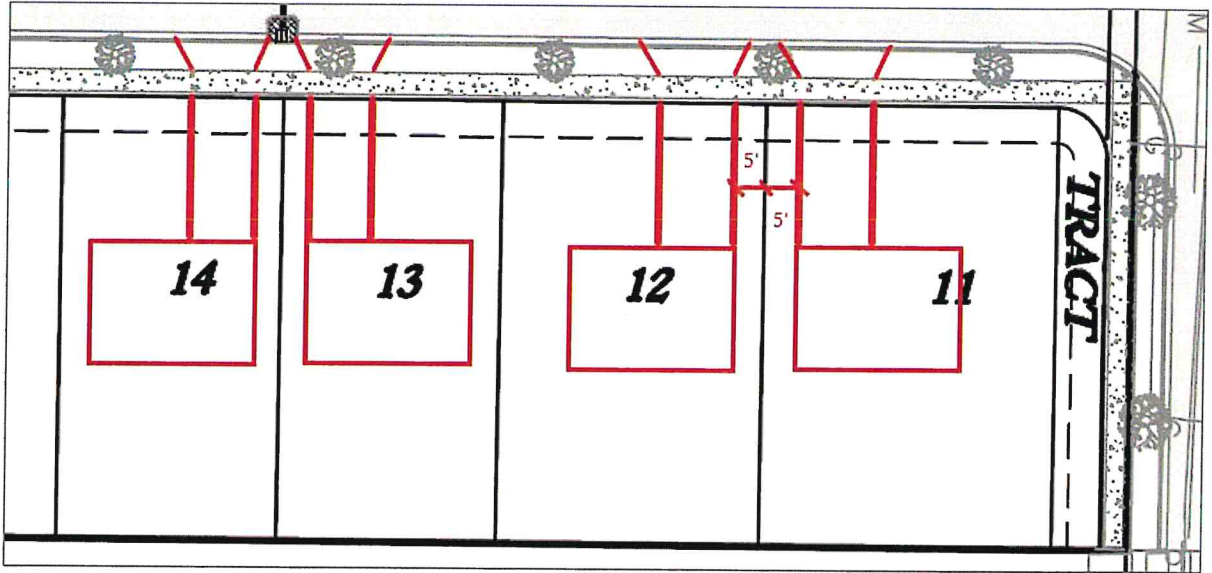
- b. Street trees along the frontage of private tracts must be installed prior to receiving Subdivision Final Plat approval as part of Phase 2. Street trees along the frontage of a new lot must be installed prior to the associated building permit final inspection for that lot.
- c. The quantity of landscaping required for Tracts A, B, C, D, G, H, I, J, K, L, M, and N within Phase 2 is per WDO Table 3.06A "Common areas, except those approved as natural common areas in a PUD". Provide a landscaping plan for these tracts, including a landscaping schedule that notes plant species and plant unit values as defined by Table 3.06B. The landscaping plan is due prior to subdivision civil plan review approval; installation of landscaping is due prior to Subdivision Final Plat approval.

14. Tree preservation: The applicant shall make a reasonable effort to design street frontage and driveway improvements to protect and preserve the existing significant trees on the property throughout the entire construction process for the development. These trees may only be removed if the applicant provides an arborist report documenting why and how preservation is not physically possible. The arborist report must be submitted to the Planning Division prior to beginning work on the required improvements. If it is determined that a tree cannot be preserved, the applicant shall pay a tree removal fee of \$185 per tree prior to obtaining Grading Permit approval. If it is determined that a tree can be preserved, follow the City of Portland Tree Protection Rules (Attachment 101D) throughout the construction process.

15. Driveways:

- a. Paved driveway approach widths at the property line along a street shall not exceed 18 feet.
- b. To maximize on-street parking, group front-loaded driveways where possible such that every two lots have their driveways no more than 10 feet apart (a 5-foot driveway setback on each side of the common lot line). The image on the following page illustrates this concept. Provide a driveway access plan illustrating this concept as part of subdivision civil engineering plan review. Driveways will be reviewed through building permit review for each dwelling.





Condition 15 – Driveway grouping illustration

## 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. Administrative Notes: See Attachment 101B for additional administrative notes.
3. Fees: See Attachment 101C for additional fees that may apply to the project.
4. 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.
5. Fences, fencing, & free-standing walls: The approval excludes any new fences, fencing, & free-standing walls, which are subject to WDO 2.06 and the permit process of 5.01.03.
6. Signage: The approval excludes any signage, which is subject to WDO 3.10 and the permit process of 5.01.10.
7. Demolition Permits: Demolition of any existing structures may require [Demolition Permit](#) approval through the Building Division.
8. Other Agencies: The applicant, not the City, is responsible for obtaining permits from any county, state and/or federal agencies, which may require approval or permit, and must obtain all applicable City and County permits for work prior to the start of work and that the work meets the satisfaction of the permit-issuing jurisdiction. The Oregon Department of Transportation (ODOT) might require highway access, storm drainage, and other right-of-way (ROW) permits. All work within the public ROW or easements within City jurisdiction must conform to plans approved by the Public Works Department and must comply with a Public Works Right-of-Way permit issued by said department. Marion County plumbing permits must be issued for all waterline, sanitary sewer, and storm sewer work installed beyond the Public Right-of-Way, on private property.
9. Inspection: The applicant shall construct, install, or plant all improvements, including landscaping, prior to City staff verification. Contact Planning Division staff at least three (3) City business days prior to a desired date of planning and zoning inspection of site improvements. This is required and separate from and in addition to the usual building code and fire and life safety inspections. Note that Planning staff are not primarily inspectors, do not have the nearly immediate availability of building inspectors, and are not bound by any building inspector's schedule or general contractor convenience.
10. Stormwater management: The storm sewer system and any required on-site detention for the development must comply with the City Storm Water Management Plan, Public Works storm water practices and the Storm Drainage Master Plan.
11. Public Works Review: Staff performs final review of the civil plans during the building permit stage. Public infrastructure must be constructed in accordance with plans approved by the

City, as well as current Public Works construction specifications, Standard Drawings, Standard Details, and General Conditions.

12. Franchises: The applicant provides for the installation of all franchised utilities and any required easements.
13. Water: All water mains and appurtenances must comply with Public Works, Building Division, and Woodburn Fire District requirements. Existing water services lines that are not going to be use with this new development must be abandoned at the main line. The City performs required abandonment of existing water facilities at the water main with payment by the property owner. All taps to existing water mains must be done by a "Hot Tap" method and by approved City of Woodburn Contractors. The applicant shall install the proper type of backflow preventer for all domestic, lawn irrigation and fire sprinkler services. The backflow devices and meters shall be located near the city water main within an easement, unless approved otherwise by Public Works. Contact Byron Brooks, City of Woodburn Water Superintendent, for proper type and installation requirements of the backflow device at (503) 982-5380.
14. 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.
15. 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.
16. SDCs: The developer pays System Development Charges at the time of building permit issuance.

## Expiration

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

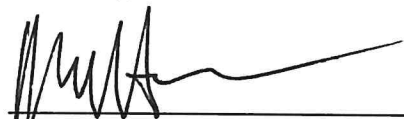
1. A building permit to exercise the right granted by the decision has been issued;
2. The activity approved in the decision has commenced; or
3. A time extension, Section 4.02.05, has been approved.

## Appeals

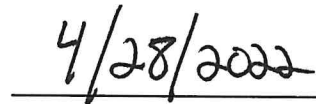
Per WDO 4.01.11E., the decision is final unless appealed pursuant to Oregon Revised Statutes (ORS), state administrative rules, and WDO [4.02.01](#). The appeal to City Council due date is twelve (12) days from the mailing date of this final decision notice per 4.02.01B.1. A valid appeal must meet the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

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

Sincerely,




Dan Handel, AICP, Planner

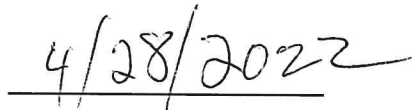


Date

Affirmed,



Charles Piper, Chair, Planning Commission



Date

attachments:

1. Public Works Conditions April 19, 2022 (Planning Commission Staff Report Attachment 101A)
2. Administrative Notes (Planning Commission Staff Report Attachment 101B)
3. Fees (Planning Commission Staff Report Attachment 101C)
4. City of Portland Tree Protection Rules (Planning Commission Staff Report Attachment 101D)
5. Subdivision Plans (Planning Commission Staff Report Attachment 105)