



Final Decision

Planning Commission

File number(s): DR 21-11 & VAR 21-05
Project name: Woodburn Residential Care Facility
Date of decision: January 13, 2022
Date of mailing: January 18, 2022
Applicant: Sam Hehr, BAMA Architecture
Landowner: S & O Rehab LLC
Site location: 550 N. 1st Street (Tax Lot 051W18AB01600)

Summary:

The Planning Commission held a public hearing via the GoToMeeting teleconference platform on January 13, 2022 and unanimously approved the Design Review (DR) and Variance (VAR) application package with the conditions recommended by staff through the staff report published January 6. No parties testified in opposition.

The subject property is the historic Old City Hall building at 550 N. 1st Street, within the Downtown Development and Conservation (DDC) zoning district. Old City Hall was decommissioned as a public building in 1977. It sat unoccupied until the 1990s when a restaurant operated out a portion of the building, however the restaurant closed in the late 1990s and it has been vacant ever since.

The project approved by the Planning Commission is to renovate the Old City Hall building and convert it into a 25-unit residential care facility. The renovation work is focused primarily inside the building; minor restoration work is proposed to the exterior (replacing some windows and entryways) but the existing historic architectural facade will be maintained. The applicant has been working with both the State Historic Preservation Office (SHPO) and the Oregon Department of Human Services (DHS) to ensure the project complies with applicable state requirements.

The applicant included a single variance request to exceed the maximum density allowed for care facilities in the Downtown Development & Conservation (DDC) zone, which the Planning Commission approved.



Street view of Old City Hall (photo taken 12/30/2021)



Front elevation plan

Conditions of Approval

General

G-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.

G-2. Public Works: Follow the attached "Public Works Conditions December 22, 2021" (Attachment 101A).

Design Review

DR-1. Prior to building permit issuance, the applicant must meet one of the following:

- a. Provide documentation of Oregon Department of Human Services residential care facility license requirements that require the existing driveway accessing N. 1st Street to remain in order to serve the facility, or
- b. If the existing driveway accessing N. 1st Street is not required to be maintained as part of the residential care facility license through Oregon Department of Human Services, the developer shall remove the driveway approach and construct restorative improvements including curb and sidewalk. Such work shall be in compliance with applicable Public Works Department standards and permitting requirements. Civil plans for the improvements must be approved prior to building permit issuance, while the actual improvements are due prior to building permit final inspection.

DR-2. The developer shall protect and preserve this tree throughout the construction process of this development. Tree protection measures are per Attachment 104 (City of Portland tree protection rules).

DR-3. Pursuant to WDO 3.07.07B.8.b., any new rooftop equipment must be screened from view from the street.

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. 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.
2. Records: Staff recommends that the applicant retain a copy of the subject approval.
3. 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.
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, 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.
6. 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.
7. 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.
8. 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.
9. Franchises: The applicant provides for the installation of all franchised utilities and any required easements.

10. 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.
11. 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.
12. 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.
13. SDCs: The developer pays System Development Charges prior to building permit issuance.

Expiration

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

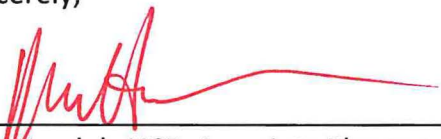
1. A building permit to exercise the right granted by the decision has been issued;
2. The activity approved in the decision has commenced; or
3. A time extension, Section 4.02.05, has been approved.

Appeals

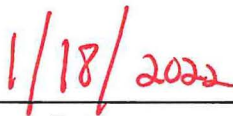
Per WDO 4.01.11E., the decision is final unless appealed pursuant to Oregon Revised Statutes (ORS), state administrative rules, and WDO [4.02.01](#). The appeal to City Council due date is twelve (12) days from the mailing date of this final decision notice per 4.02.01B.1. A valid appeal must meet the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

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

Sincerely,



Dan Handel, AICP, Associate Planner

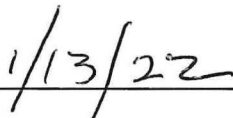


Date

Affirmed,



Charles Piper, Chair, Planning Commission



Date

attachment: Public Works Conditions December 22, 2021 (Planning Commission Staff Report Attachment 101A)



**RESIDENTIAL CARE FACILITY
550 n 1ST Street
DR 21-11 & VAR 21-05
Public Works Comments**

December 21, 2021

CONDITIONS OF LAND USE APPROVAL:

GENERAL CONDITIONS:

1. The applicant, not the city, is responsible for obtaining permits from any county, state, federal agencies, which may require approval or permit.
2. Right-of-way and public utility easement shall be properly recorded prior to permit issuance if required.
3. System Development Fees shall be paid prior to building permit issuance.
4. All work within the public rights-of-way or easements within city jurisdiction shall conform to plans approved by the Public Works Department and shall comply with Public Works Right-of-Way permit issued by the Public Works Department.

STORM SEWER:

1. No Right-of-Way permits were requested by the applicant for storm sewer work within the public Right-of-Way.
2. Marion County plumbing permits must be issued for all storm work installed on private property.

SANITARY SEWER:

1. No Right-of-Way permits were requested by the applicant for sanitary sewer work within the public Right-of-Way.
2. The applicant shall complete a City of Woodburn Nonresidential Wastewater Survey and comply with the conditions of the Wastewater Permit prior to building permit issuance. Contact Carol Leimbach, City of Woodburn Industrial Waste Coordinator, at 503-982-5283.
3. A Grease trap may be required to be installed on the sanitary service, either as a central unit or in the kitchen/food preparation area. Contact Marion County Plumbing Department for permit and installation requirements, (503) 588-5147.



4. Marion County plumbing permits must be issued for all private sanitary sewer work installed on private property and private easements.

WATER:

1. No Right-of-Way permits were requested by the applicant for water service connections work within the public Right-of-Way.
2. Fire protection requirements shall comply with the Woodburn Fire District standards and requirements. Additional fire hydrants for fire protection, if required, shall be a city maintained system and installed by the applicant. The system shall be placed within the public right-of-way or public utility easement and be constructed in accordance with Public Works Department requirements, specifications, standards and permit requirements
3. 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. Contact Byron Brooks, City of Woodburn, Water Operations Manager, for proper type and installation requirements of the backflow device at 503-980-2435. Applicant to install and RP devices behind the domestic water meter.
4. Marion County plumbing permits must be issued for all waterline work installed beyond the Public Right-of-Way, on private property.