



# Final Decision

## Planning Commission

**File number(s):** DR 22-02, EXCP 22-01, & VAR 22-01

**Project name:** Speculative Industrial Development

**Date of decision:** January 12, 2023

**Date of mailing:** January 13, 2023

**Applicant:** Peter Skei, Specht Development, Inc.

**Landowner:** SPW2 LLC

**Site location:** Tax Lot 052W140000800 (no assigned address, NE corner of Evergreen Road / Parr Road)

### Summary:

The Planning Commission held a public hearing on January 12, 2023 and approved the Design Review (DR), Exception to Street Right of Way and Improvement Requirements ("Street Exception", EXCP), and Variance (VAR) application package with the conditions recommended by staff through the staff report published January 5, except that condition 6c was modified based on staff recommendations in the memo dated January 12, 2023. The motion to approve passed with six votes to approve and one dissenting vote. No parties testified in opposition.

The subject site is located at the southwest terminus of Evergreen Road on vacant (farm) land. This property was included as part of the City's successful expansion of the Urban Growth Boundary (UGB) completed in 2016 which amended the designation of this site to Southwest Industrial Reserve (SWIR). The SWIR is intended to support industrial uses on large parcels of land. The property was annexed into the City in March of 2021, after which it was officially assigned the SWIR zoning district and Interchange Management Area (IMA) overlay district.

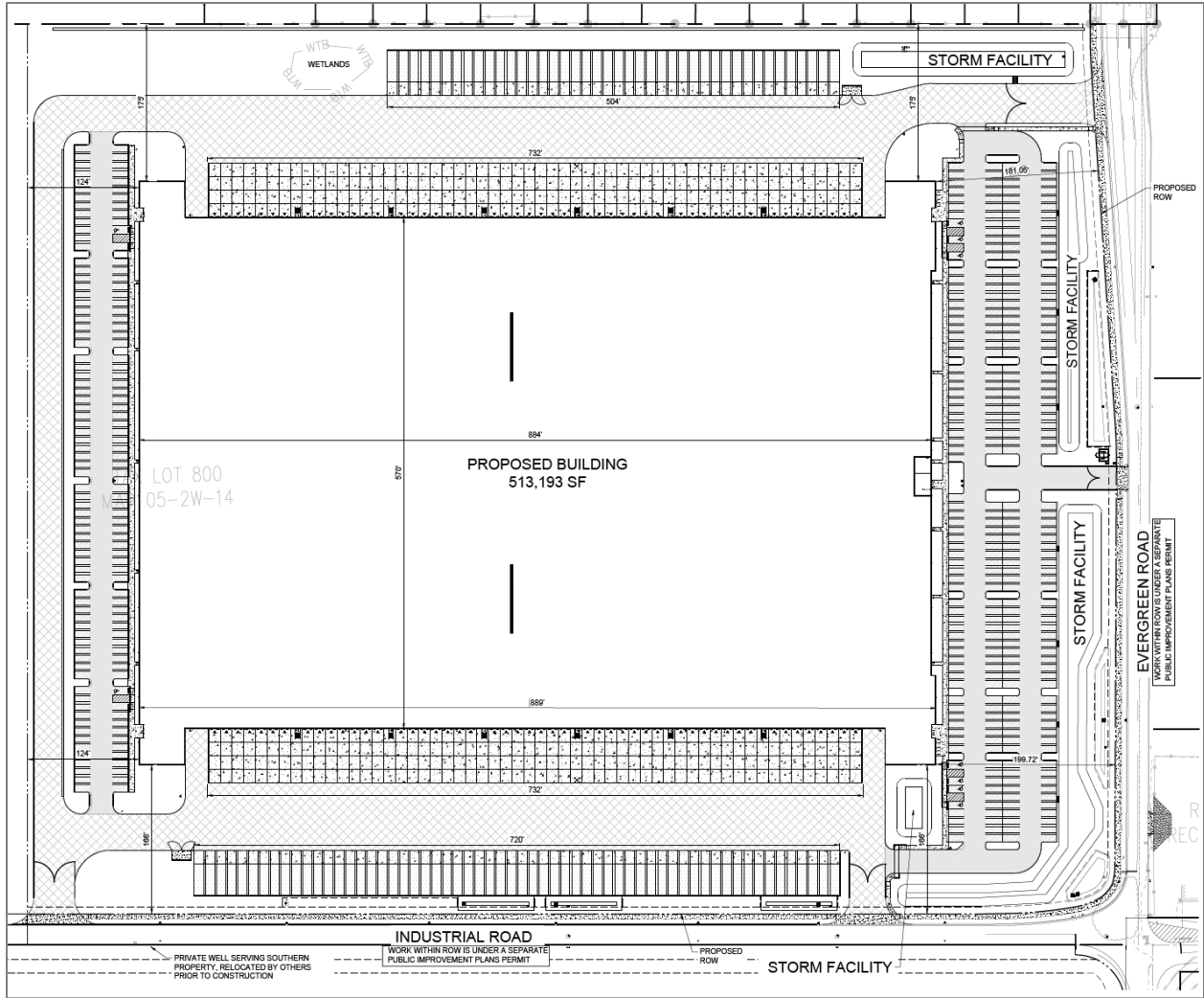
The Planning Commission approved a new 513,193 square foot single-story industrial building with on-site trailer storage/fleet parking, passenger vehicle parking, stormwater detention facilities, landscaping, and a screening wall along the north property line. There is no specific

tenant proposed at this time and the applicant has stated that they anticipate initiating construction as a “speculative” building. The applicant will be constructing all required public improvements under the Code (two frontage improvements) and paying their proportionate share to mitigate identified capacity and safety issues at several locations. Also, in coordination with the County and City staff, the applicant is completing an important transportation connection (Evergreen Road and Parr Rd.) on an interim basis and providing the ROW and improvements necessary for the eventual complete buildout of that intersection. Additionally, Staff and the applicant have come to consensus on a condition of approval (6a) which will restrict truck traffic from this property from travelling north on Evergreen Road once an alternate route (Stacey Allison) is available.

The Commission approved the applicant’s two Street Exception requests, which were necessary due to the fact that some of the surrounding properties have not yet been annexed. The Commission also approved the applicant’s Variance request related to driveway spacing.



*Aerial view of the subject property*



Approved site plan

## 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 this application, except as modified by these conditions of approval. This may include construction of public infrastructure improvements (streets and utilities) prior to private site development, in accordance with plans approved by the Public Works Department. 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 the approved land use review plan set prior to building permit final inspection in service of substantial conformance.
2. **Public Works conditions:** Follow the attached “Public Works Conditions” (Attachment 102).
3. **Grading Permit:** Prior to beginning any grading work on-site, the applicant shall apply for and obtain a Grading Permit per WDO 5.01.04.
4. **Wall/Fence Permit(s):** To demonstrate conformance with WDO 3.06.06, the applicant shall submit detailed plans for the architectural wall on the north property line. To demonstrate conformance with WDO 2.06.02 and 5.01.03, the applicant shall submit application for and obtain approval of a Fence Permit for any fencing.
5. **Sign Permit(s):** To demonstrate conformance with WDO 3.10 and 5.01.10, submit application for and obtain approval of a Sign Permit for any new signage.
6. **Traffic mitigation:**
  - a. **Truck access:** In the future, when and if the City designates a truck route (alternative to Evergreen Road) east of Interstate 5 between the SWIR and the I-5 Interchange, which is adopted by the City and is operational with adequate capacity, the owner will be required to post signage limiting exiting truck movements at the Evergreen Road driveways to right turns, so departing trucks will proceed only southbound on Evergreen Road. Such signage modifications will be subject to approval by the Public Works Department.
  - b. **Evergreen Road corridor traffic mitigation:** To alleviate current and future safety and capacity issues on Evergreen Road at Hayes St., Stacy Allison Way, and Harvard St. (“Evergreen Corridor”), the developer shall pay to the City \$63,000 to fund a transportation planning and design study for the corridor. Fee payment is due prior to shell building permit issuance.
  - c. **Parr Road / Butteville Road intersection mitigation:** Either subsection i. or ii. below shall apply:
    - i. Should Marion County continue to retain jurisdiction over this intersection, at the time of building permit issuance, pay to the County \$425,121 to

alleviate current and future safety issues at this intersection. Proof of fee payment is due prior to permit issuance; or

- ii. Should the City of Woodburn have obtained jurisdiction over this intersection at the time of building permit issuance, pay to the City \$211,555 to alleviate current and future safety issues at this intersection.

If Specht has paid to Marion County the assessment under i. above but improvements have not been completed when the City obtains jurisdiction of the Parr Road / Butteville Road intersection and receives funds previously collected by Marion County, within 90 days of such receipt the City shall refund the excess contribution amount in excess of the amount in ii above to Specht.

- d. Whole contribution: Payment of the applicable contribution in c.i or c.ii above shall exempt the development site from further assessment or participation in any district formation, assessment of fees, or other obligations formed or established before December 31, 2033 that support improvement of the Evergreen Corridor or the Parr Road / Butteville Road intersection.

7. Transportation Demand Management (TDM):

- a. The developer shall include with the first building permit for tenant improvements the document submitted into the record entitled, "Transportation Demand Management (TDM) Strategies Specht/Weisz 50 acres Speculative Development".
- b. Subject to the TDM requirements in the Employee Commute Options (ECO) Rule (Oregon Administrative Rules 340-242-0200 through 0290) administered by the Oregon Department of Environmental Quality (DEQ), building tenants shall, within six months of the issuance of their first certificate of occupancy, submit an official TDM Plan to the City to the attention of the Community Development Director. The Plan shall include a list of enforceable, programmatic TDM strategies and measures intended to reduce peak hour vehicle trips generated by the proposed development. At a minimum, the Plan shall include:
  - i. Ongoing incentives for ride-sharing, using transit, biking, or walking to work. These can include providing transit passes, carpool/vanpool parking spaces, indoor bike parking facilities, and on-site lockers and personal showers.
  - ii. Designation of a property manager or tenant employee or contracting with a contractor to serve as an on-site TDM program manager for monitoring and enforcement.
  - iii. Provisions for an annual report to be provided to the City to the attention of the Community Development Director that references this condition of approval, includes a summary of what the targets were, review of how well targets were met, performance measures, comparison with the prior report, and the effectiveness of the TDM program elements implemented.
  - iv. Expiration: The reporting requirements of this condition shall expire on December 31, 2033.

- c. Bicycle Parking: Prior to shell building permit issuance, the developer shall modify plans to conform with the new bicycle parking standards in WDO 3.05.06, which the City Council adopted on June 30, 2022 via Ordinance No. 2602.
  - d. Transit: Prior to shell building permit issuance, the developer shall pay \$73,000 to Woodburn Transit to support and expand the City's transit system for this area.
- 8. Street lighting: Pursuant to WDO 3.02.03A, adjacent street lighting shall comply with City of Woodburn and Portland General Electric (PGE) standards and specifications. The applicant shall either provide documentation to the attention of the Public Works Department indicating that existing illumination complies with the standards or install new lighting to conform. This is due prior to shell building permit issuance.
- 9. Underground utilities: Pursuant to WDO 3.02.04, all utility services to and within the development shall be underground.
- 10. Trash enclosure: To meet WDO Table 3.06.06, provide trash enclosure design drawings to demonstrate the design standards outlined in 3.06.06B are met. This is due prior to - shell building permit issuance.
- 12. Exterior lighting: Pursuant to WDO 3.02.03, all exterior lighting fixtures shall be full cut off or fully shielded.
- 13. System Development Charges (SDC) deferral: All SDC's will be assessed at the time of the first certificate of occupancy on a tenant-by-tenant basis until full building occupancy is reached.
- 14. Along the development site's public street frontages, the applicant shall plant street trees pursuant to WDO 3.06.03A and provide grass in the landscape strip between the curb and right-of-way.
- 15. Temporary dead end streets: The developer shall install barricades and signage as required by WDO 3.01.05A2 for temporary dead end streets. Include detail drawings of these items as part of civil engineering plan review.

## **Public Works Comments**

### **A. CONDITIONS OF LAND USE APPROVAL:**

1. The Applicant, not the City, is responsible for obtaining any necessary permits from the State, Marion County, Oregon Division of State Lands, US Army Corps of Engineering and/or federal agencies that may require such permit or approval for the construction of this development.
2. Applicant, not the City, is responsible for obtaining any necessary permits from adjacent property owners that may require such permits or approval for work within their property boundaries.
3. Applicant to provide a final Engineer stamped storm drainage hydraulic analysis report for detention, conveyance system and a final 100 year floodway, floodplain, and wetland delineation for this development. The storm drainage hydraulic analysis shall comply with, Oregon Division of State Lands, US Army Corps of Engineering and City's requirements, as applicable. Applicant is responsible for correcting/upgrading any existing storm drainage capacity deficiencies, including upgrading private and public storm drainage systems or installing a new drainage system as per City's and Marion County's requirements and per approved Storm Drainage Hydraulic Analysis Report.
4. Applicant is responsible for obtaining approval from the City's Planning Division and Woodburn Fire District for dead-end turnarounds requirements for public streets and private share access.

### **B. CONDITIONS TO BE COMPLETED PRIOR TO CIVIL PLANS APPROVAL:**

1. Applicant to provide a copy of approved permit(s) from the Oregon Division of State Lands and US Army Corps of Engineering and Marion County, as applicable, if a permit shall be obtained for discharging storm drainage into state lands.
2. If required, a Permit from the Oregon Division of State Lands and US Army Corps of Engineering will need to be obtained to mitigate/delineated wetlands. This shall be obtained prior to city issuance of permit. The applicant, as applicable, shall also obtain other required regulatory permits.
3. Department of Environmental Quality Erosion Control 1200C permit will need to be obtained for this development prior to City issuing approval of civil plans.
4. Applicant to update the water main plans along proposed Industrial Road. The proposed water main to be located along the proposed development frontage, under the proposed sidewalk area and with a minimum 4ft of cover.
5. Applicant to provide for the installation of all franchise utilities and shall provide any required easements for these facilities. All permanent utility services to the development shall be underground.
6. Applicant to provide street lighting along all future public streets. Streetlights shall be in accordance with street lighting plans approved by the City and conforming to Portland General Electric installation (PGE) and under PGE's option B.
7. Applicant to construct private storm sewer systems, including detention facilities in accordance

with approved plans and drainage 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. The property owner shall maintain all on-site detention areas in perpetuity.

8. The Applicant, by this Development, shall not cause storm water runoff to be impounded on adjacent properties.
9. All sewer mains are a gravity system and the termini of sewer lines locations, depths, and sizes shall be such that it is suited for future extensions to adjoining areas.
10. 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.
11. The applicant in accordance with all state regulations and requirements shall abandon on-site existing water wells and subsurface sewage disposal systems.
12. Applicant to provide a flexible pavement structured designed, for all new public streets, by a registered professional engineer using subgrade reaction appropriate for the site, traffic index, and a 20-year design life for pavement system. Structure thicknesses shall not be less than values form table on City of Woodburn Standard Detail No. 42001 (Typical Pavement Structure).
13. The owner/applicant shall be required to enter into an improvement agreement.
14. Applicant to pay all public improvements (right-of-way) fees for all public improvements that are to be maintained by the City as per Ordinance #1795.
15. Final review of the Civil Plans will be done during the Development Application for Construction. Public infrastructure will be designed and constructed in accordance with plans approved by Public Works, Marion County and complying with City, Marion County, State and Federal requirements/guidelines current at the time of the development application.
16. Provide and record the required right-of-way dedications and public utility easements, at time of final plat recordation.
17. All public improvements shall be deemed complete prior to final plat recordation.
18. Applicant is required to coordinate work with Brighton Pointe Subdivision for all improvements that may affect/impact this development:
  - a. Improvements to Parr Road
  - b. Installation of future public sewer, storm, and water mains.
  - c. Franchise Utilities relocations.
  - d. Etc.



## 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. Demolition Permits: Demolition of any existing structures may require [Demolition Permit](#) approval through the Building Division.
3. Records: Staff recommends that the applicant retain a copy of the subject approval.
4. 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.
5. Signage: The approval excludes any signage, which is subject to WDO 3.10 and the permit process of 5.01.10.
6. 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.
7. 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.
8. 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.
9. 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.

10. Franchises: The applicant provides for the installation of all franchised utilities and any required easements.
11. 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.
12. 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.
13. 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.
14. 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](mailto:planning@ci.woodburn.or.us).

Sincerely,



Chris Kerr, Community Development Director

1-12-23  
Date

Affirmed,



Charles Piper, Chair, Planning Commission

1/12/23  
Date

attachments:

1. Site Plans (Planning Commission Staff Report Attachment 104)