



## Final Decision

### Planning Commission

**File number:** MOC 23-02  
**Related files:** DR 22-24 & EXCP 22-13  
**Project name:** Fleet Sales West Shop Building  
**Date of decision:** September 28, 2023  
**Date of mailing:** September 29, 2023  
**Applicant:** Fleet Sales West  
**Landowner:** Walsh Enterprises & Holdings LLC  
**Site location:** 2175 N. Pacific Hwy (Tax Lot 051W08A001800)

#### Summary:

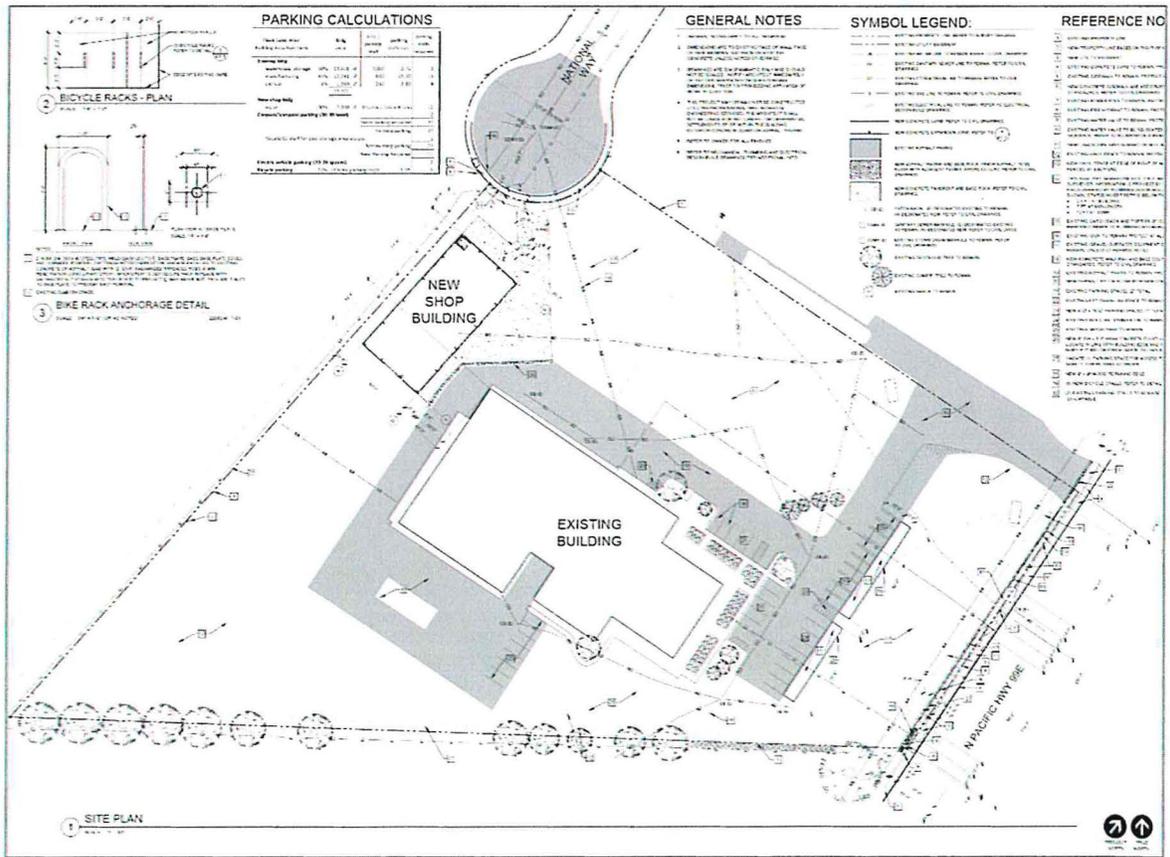
The subject property is 2175 N. Pacific Hwy, a 5.57-acre property in the Commercial General (CG) zoning district that is developed with an industrial manufacturing building and occupied by Fleet Sales West. The company manufactures and sells fleet vehicles (tow trucks, auto loader wreckers, flatbed carriers) to other businesses.

On April 13, 2023, the Planning Commission approved an application package to construct a 7,200 square foot shop building on the property to increase the company's manufacturing output capacity (DR 22-24 & VAR 22-13). Through this Modification of Conditions application, the applicant requested to remove Condition of Approval #6 that requires burial of aboveground power lines along the N. Pacific Highway frontage or payment of a fee-in-lieu.

The Planning Commission held a public hearing on September 28, 2023 and approved via a 3-2 vote the Modification of Conditions (MOC) application with the modification recommended by staff through the staff report published September 7. No testimony was received by proponents or opponents. The request to remove the burial requirement was denied, and the fee-in-lieu was modified to align with recent precedent set by the Chick-fil-A project (DR 22-26).



Aerial view of the subject property



Proposed site plan

## Conditions of Approval

Section references are to the [Woodburn Development Ordinance \(WDO\)](#).

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. 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. N. Pacific Highway improvements: Half-street right-of-way (ROW) improvements to N. Pacific Highway along the frontage of the subject property shall conform to Figure 3.01B. Complete the following items prior to building permit issuance, unless a performance guarantee is approved by the City pursuant to 3.01.02E and 4.02.08.
  - a. ROW: Dedicate ROW to achieve 50 feet of width from centerline.
  - b. Sidewalk: Construct a 6-foot wide sidewalk along the frontage, with a 1-foot buffer between the widened ROW boundary. The sidewalk may meander around existing power poles and shall transition back into the existing sidewalk to the north and south in a manner acceptable to the Public Works Director.
  - c. Landscape strip: Construct a 6-foot wide landscape planter strip between sidewalk and curb (width measurement includes 6-inch curb). To meet 3.01.04B and 3.06.03A, the landscape strip shall be planted with at least 8 large size street trees and lawn grass or other species of groundcover. Large size trees are defined in Table 3.06B as having a height of 60-120 feet at maturity. Prohibited street tree species are outlined in Table 3.06C.
3. National Way improvements: Half-street right-of-way (ROW) improvements to National Way along the frontage of the subject property shall conform to Figure 3.01F. Complete the following items prior to building permit issuance, unless a performance guarantee is approved by the City pursuant to 3.01.02E and 4.02.08.
  - a. ROW: Dedicate ROW to ensure the improvements in subsections b. and c. are within ROW boundaries.
  - b. Sidewalk: Construct a 6-foot wide sidewalk along the frontage, with a 1-foot buffer between the widened ROW boundary. The sidewalk may meander around existing power poles and shall transition back into the existing sidewalk to the north and south in a manner acceptable to the Public Works Director.
  - c. Landscape strip: Construct a 6-foot wide landscape planter strip between sidewalk and existing curb (width measurement includes 6-inch curb). To meet 3.01.04B and 3.06.03A, the landscape strip shall be planted with at least 3 small size street trees and lawn grass or other species of groundcover. Small size trees

are defined in Table 3.06B as having a height of 18-40 feet at maturity. Prohibited street tree species are outlined in Table 3.06C.

4. Easements: Grant the following easements. A draft copy of each easement shall be provided to the City for review prior to recordation with Marion County. Proof of recordation shall be submitted prior to building permit issuance.
  - a. N. Pacific Hwy streetside PUE: A 10-foot wide public utility easement (PUE) along the widened ROW of N. Pacific Hwy, pursuant to Figure 3.01B and 3.02.01B.
  - b. National Way streetside PUE: A 5-foot wide minimum PUE along the widened ROW of National Way, pursuant to Figure 3.01F and 3.02.01B. Maximum width of this easement is 8 feet per 3.02.01F2a.
  - c. Public sanitary sewer easement: A 16-foot wide PUE centered along the public sanitary sewer line running through the site parallel to N. Pacific Hwy, pursuant to 3.02.01A & C. Alternatively, the N. Pacific Hwy streetside PUE could be widened to accommodate this easement.
5. Street lighting: Pursuant to 3.02.03A, adjacent street lighting for N. Pacific Hwy and National Way 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 building permit issuance, unless a performance guarantee is approved by the City pursuant to 4.02.08.
6. Power line burial: To meet 3.02.04B, the applicant shall either bury the existing power lines along the N. Pacific Hwy frontage of the property or pay a fee-in-lieu of \$67,715 to the City. This condition is due prior to building permit issuance.
7. Underground utilities: Pursuant to 3.02.04, all utility services to and within the development shall be underground.
8. Shared access: To meet 3.04.03C & D2:
  - a. Grant a shared access easement at least 20 feet wide benefiting Tax Lots 051W08A001700, 5400, & 5600 that allows access to N. Pacific Hwy. Pursuant to 3.04.01A2, a draft copy of the easement shall be provided to the City for review prior to recordation with Marion County. Proof of recordation shall be submitted prior to building permit issuance.
  - b. Construct paved drive aisle improvements up to the property boundaries within this easement.
9. Parking:
  - a. Accessible parking: Pursuant to 3.05.03B, site plans shall provide accessible parking stalls to meet ORS 447.233.

- b. Carpool/vanpool stalls: Pursuant to Table 3.05C, illustrate and note on plans at least two carpool/vanpool parking stalls that meet the standards in 3.05.03H.
  - c. Electric vehicle stalls: Pursuant to Table 3.05E, illustrate and note on plans at least two electric vehicle parking stalls that meet the standards in 3.05.03I. Charging stations shall provide Level 2 charging per 3.05.03I2. Provide striping and signage for each electric vehicle stall to meet 3.05.03I3 & 4.
  - d. Bicycle parking: To meet 3.05.06C6, revise plans to cover/shelter at least half of the required bicycle parking stalls.
  - e. Parking striping: To meet 3.05.02K and Figure 3.05C, all parking spaces shall be delineated by double parallel lines.
10. Sign Permit: To demonstrate conformance with 3.10 and 5.01.10, submit application for and obtain approval of a Sign Permit for any new signage.
11. Fence Permit: To demonstrate conformance with 2.06.02 and 5.01.03, submit application for and obtain approval of a Fence Permit for any new fencing.
12. Landscaping: Pursuant to 3.05.02D4, 3.05.02E1, Table 3.06A, and 3.06.05B, revise plans to illustrate landscaping within the setback abutting a street for both N. Pacific Hwy and National Way. Per Table 2.03C, this setback is noted to be a minimum of 5 feet. Landscape planting shall be a density of at least 1 Plant Unit per 15 square feet of setback area (excluding driveway area). As part of the revisions to meet this condition, the proposed landscaping screening parking stalls from N. Pacific Hwy may shift to be along the property line.
13. Variance vesting: The subject Variance approval is vested only for the scope of development work approved through this Design Review. Any future development or redevelopment of the property would be required to meet the applicable requirements at that time.

## 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, Oregon Department of Transportation (ODOT), Public Works storm water practices and the Storm Drainage Master Plan. The applicant shall provide a final hydraulic analysis for the

development and collection system, including the downstream capacity of the proposed storm sewer system. All required on-site detention area for the runoff from this site will need to be provided in accordance with the hydraulic analysis. The detention system is to be maintained by the applicant in perpetuity.

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, ODOT, as well as current Public Works construction specifications, Standard Drawings, Standard Details, and General Conditions.
10. ODOT review: Applicant is required to obtain a permit from ODOT for all work within ODOT jurisdiction. Applicant to provide a copy of the ODOT permit approval prior to building permit issuance.
11. Franchises: The applicant provides for the installation of all franchised utilities and any required easements.
12. 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.
13. 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.
14. 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.
15. 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, pursuant to Section 4.02.05, has been approved.

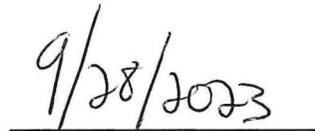
**Appeals**

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 4.02.01B1. A valid appeal must meet the requirements of 4.02.01.

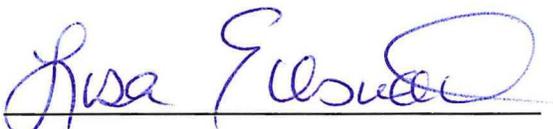
A copy of the decision is available for inspection at no cost, and the City would provide a copy at reasonable cost at the Community Development Department, City Hall, 270 Montgomery Street, Woodburn, OR 97071. For questions or additional information, contact the Planning Division at (503) 982-5246 or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

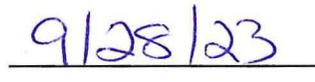
Sincerely,

  
\_\_\_\_\_  
Dan Handel, AICP, Planner

  
\_\_\_\_\_  
Date

Affirmed,

  
\_\_\_\_\_  
Lisa Ellsworth, Chair, Planning Commission

  
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Date