



City of Woodburn
Community Development

Memorandum

270 Montgomery Street

Woodburn, Oregon 97071

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Date: October 25, 2023

To: Melissa Gitt, Building Official

Cc: Alyssa Nichols, Permit Technician
Dago Garcia, P.E., City Engineer
Cole Grube, Project Engineer
Roy Reyes, Project Engineer
Kevin Watson, 4G Development and Consulting (permit applicant)
Andrew Hunt, Senior Project Manager, 4G Development and Consulting
Brian Weiss, Ware Malcomb (architect)
Jenn Glueck, DOWL (civil engineer)

From: Colin Cortes, AICP, CNU-A, Senior Planner *CC*

Subject: **Building permit 971-23-000849-STR Chick-fil-A Planning Division review**

Introduction

On behalf of the Planning Division, I reviewed the building permit application site plans received September 27, 2023 for conformance with the [Design Review DR 22-26](#) land use final decision conditions of approval and notes to the applicant related to Chick-fil-A at 300 [S.] Woodland Avenue (consultant project # DEN23-0014-00; civil's project # 14866.01).

The "[final decision](#)" document with the conditions of approval remains on the [City project webpage](#) or via the City Projects webpage at <www.woodburn-or.gov/projects>.

The project is one building permit application as of October 24:

<i>Permit / Accela/ePermitting Record No.</i>	<i>Building Letter</i>
971-23-000849-STR	n/a

Below is what the applicant needs to do.

Additional Info Needed

A. Condition G1: There was no cover letter; see the lettered item at bottom about re-submittal process.

B. Conditions G4a, D1, D2, D3, & V2:

1. Condition G4a states:

“When public street improvements, and any fees in lieu of public improvements, are due shall be per WDO 3.01.02E and 4.02.12.”

The referenced Woodburn Development Ordinance (WDO) 3.01.02E states:

“When all public improvements are due: The construction of all public improvements, their passing City inspections, and acceptance by the City are due no later than by either 5.01.06B in the context of land division final plat application to the City or *by building permit issuance*, except if (1) the developer applies to the City through the Public Works Department for deferral and (2) the City Administrator or designee issues a document approving and describing a bond or performance guarantee pursuant to Section 4.02.08. Administration of bonding and performance guarantees for improvements that are public defaults to the Public Works Department, and the department shall notify the Community Development Director of deferral applications and any approvals and conditions of approval.” [italics indicate staff emphasis]

Administratively, City staff are willing to defer one thing without bonding – planting of street trees (Condition D2) – until final inspection, for reason of public and private, on-site construction practicality.

Construct conforming improvements, request and have inspection(s), and obtain acceptance by the City of constructed public improvements –and/or the Oregon Department of Transportation (ODOT) where and as applicable.

(Note that if the applicant were to obtain Public Works Engineering Division approval of deferral through WDO 3.01.02E and 4.02.08, a fee of \$4,474 for the privilege of deferring public improvements would be due per final decision Attachment 202, Table 202B, p. 3, row G6d, and Planning staff would assess this through the building permit, with payment due at the same time and the same way as other fees that the City assesses on the building permit.)

2. G4b, G6b, & final decision p. 4 Note A: Conform with the conditions regarding public easements:
 - a. As Condition G6b describes, submit drafts to City staff – Planning Division and the Public Works Department Engineering Division – before recordation to ensure conformance with the details of the conditions and to avoid need to re-record.
 - b. When the applicant revises per staff comments and staff clears drafts for recordation, start the recordation process for which Note A provides initial description. Public Works can provide further details about the process.
 - c. When recordation is complete, provide print and Adobe PDF copies of all the recorded documents so that Planning staff has direct proof and to allow Public Works staff to archive them including for provision through the City geographic information system (GIS). WDO 2.01.05A and Condition G6c require such submittal.

3. CEP:

- a. Is civil engineering plan review applicable and if so begun?
- b. Did the Public Works Department Engineering Division direct that all such review is through ODOT? See and comment on Condition D1d(4) about keeping City staff informed about ODOT actions.
- c. If all such review is *not* through ODOT, where and what is the scope of City Public Works review? Is Public Works handling that scope through civil engineering plan application to and review by Public Works, or is Public Works reviewing through the building permit application? If CEP application to Public Works is applicable, has the applicant yet begun such with the department? See final decision p. 22 Note to the Applicant 17.

4. Condition D3a (east unnamed Boundary Street ROW specs):

The site plans don't conform to the part of the condition about, "the specifications of WDO interpretation [memo INT 22-0608 'Off-Street Public Bicycle/Pedestrian Facility Specifications'](#), Parts A & B.1-4, which include trees, and assuming Class C." Below is specific direction about how this is implemented, going by the [memo](#) sections:

- a. Part B.4a(1): 2 trees: The west side of the bicycle/pedestrian path is missing two trees at minimum size at planting per WDO Table 3.06B and species other than per Table 3.06C. Revise the landscape plan.
 - b. Table INT 22-0608B, row “Bench”: 2 benches:
 - (1) Add to the corridor the missing 1 of 2 benches, preferably on the west side.
 - (2) Revise either Sheet L1.0 or the Sheet L1.1 legend bottom left bottom to correct the bench spec to that per the memo: “[T]he City spec model (with back) is [Dumor Bench 88](#)-60PL in “cedar” color and with support posts in black.”
 - c. Table INT 22-0608B, row “Bicycle parking”: 2 stalls / 1 U-rack: Add to the corridor the missing U-rack of a model per the second and specs columns.
 - d. Table INT 22-0608B, row “Signage”: 2 wayfinding pole sign installation: Install two wayfinding signs per the specs column and mimicking memo p. 6 Fig. INT 22-0608. For both, from the figure substitute “Mill Creek Greenway Trail” with “Hillyer Bicycle/Pedestrian Path”. For the north one, list min two destinations – Hillyer Lane, and, Hillyer Lane at Woodland Avenue – and mileages or distance in feet. For the south one, list min one destination – Oregon Highway 219 / Newberg Highway – and mileage or distance in feet.
5. Condition D3c (east unnamed Boundary Street ROW curb ramp): The building plan set, Sheet C2.0 site plan, doesn’t conform with Condition D3c because it’s missing the Hillyer Ln curb ramp that the condition describes. Revise accordingly.
- C. Condition G7 (grading permit): Address whether or not 5.01.04B requires a grading permit. If yes, submit one through Cassandra Martinez, Administrative Specialist or Heidi Hinshaw, Associate Planner.
- D. Condition D8 (driveway max width): The Hillyer Ln middle driveway doesn’t conform. Sheet C5.1 “fire plan” shows clearly that 26 ft is not required for the illustrated fire truck turning radii and that the WDO Table 3.04A maximum of 24 ft remains applicable. Revise to narrow the driveway from 26 ft measured along the apron between flares to 24 ft.

E. Condition D10 (bicycle parking):

1. Call-out: The Sheet C2.0 site plan call-out 21 floating near the middle driveway and Construction Note 21 don't relate to each other. (It appears the call-out is supposed to be number 22, which doesn't exist, to relate to Note 22, and call-out 21 is supposed to be at the building NW corner.)
2. Signage: As applied to the site plan, WDO 3.05.06C.4 requires a bicycle parking sign (see example WDO Fig. 3.05H, right side example) at the building SE corner, which is near the Hillyer Ln wide walkway. Revise accordingly.
3. Coverage/sheltering: Sheet C2.0 doesn't illustrate and note minimum (min) 50% coverage/sheltering of the bicycle parking per 3.05.06C.6 and Condition D10.
4. Dimensions: Sheet A-100, Detail A3, doesn't dimension correct min width of bicycle stalls per 3.05.06C.3, which refers to Fig. 3.05E. Revise accordingly.

F. Condition D14 (trash enclosure): Condition parts a. & b. aren't met (color other than gray & min 80% scoring/texture/pattern). Revise Sheet A-103, Detail C2 accordingly.

G. Condition V5 (EV): Condition part b. about electric vehicle (EV) parking isn't met:

1. Revise Sheet C2.0, Construction Note 33 to either (a) read, "to be added **in the future by building permit final inspection** ..." or, (b) mimic Sheet C5.0 utility plan, Franchise Utility Construction Note 1.
2. Demonstrate conformance with 3.05.03I.2, 3, & 4 (charging Level 2 or higher, striping, and signage). At least add to Sheet C2.0 Construction Note 33, "Conform to WDO 3.05.03I.", and conclude the note with reference to a revised sheet or sheets. Have the sheet or sheets illustrate details.

H. Condition V6e (landscaping as screening): Evergreen hedge or shrubbery shall be screen at-grade electrical and mechanical equipment, including a transformer, along min two sides, min 1 shrub per 2 ft of screened side and of min medium size category at maturity per WDO Table 3.06B. Revise Sheets C2.0 site plan and C5.0 utility plan to indicate if any and if so and where; this would allow City staff to compare with the landscape plan.

I. Condition V7 (architecture): Condition parts aren't met:

1. Part a(1): At least 30% of wall area shall be transparent fenestration/glass/glazing/windows, applicable to the developer's choice of minimum 2 among the north, east, south, and west elevation views. No elevation meets this requirement.
2. Part a(2): At least 15% of wall area shall be transparent fenestration/glass/glazing/windows, applicable to the remaining 2 elevations. No elevation meets this standard. For example, the north elevation view appears to have 17.2% window area, but a comparison with floor plans shows that the two windows are blind, which doesn't conform with the transparency requirement.
3. Part b(2): Restrooms foyer door canopy of min area 64 sq ft. As staff measured on Sheet A-221, the proposed area is 21 square feet (sq ft). Additionally, Part b requires 8 ft narrowest dimension, and it doesn't conform.
4. Part b(3): Employee north door canopy of min area 40 sq ft. As staff measured on Sheet A-221, the proposed area is 21 square feet (sq ft). Additionally, Part b requires 8 ft narrowest dimension, and it doesn't conform.

J. WDO Chapter 3.11 (exterior lighting):

1. The cover sheet index lists illumination Sheets IL-1.0 & IL-2.0, but these aren't within the building permit plan set.
2. There are two sheets labeled Sheet LL1 / OMD-8.
3. The lighting sheets doesn't demonstrate if and how there is conformance with 3.11.02:
 - a. 3.11.02A (full cut-off or fully shielded)
 - b. 3.11.02B (max mounting heights for wall-mounts / wall packs, parking area poles, and, if any, other poles)
 - c. 3.11.02C (hue / color temperature)
 - d. 3.11.02D (property line).

Submit revised and as needed an additional sheet or sheets per 3.11.02F "Plan review" that demonstrate conformance. Here are guiding questions:

- Where are exterior light fixtures?
- What vendor and models are they?
- What is the type of each installation? (Wall, parking area pole, or other pole)
- Does each wall and pole installation meet the max mounting height?
- Does a sheet delineate the illumination area around each fixture?
- If there is any uplighting, does it conform with 3.11.02B.1b “Uplighting: ...” found on WDO p. 282?
- Is a conforming color temperature indicated for each model?
- Does a plan sheet key each installation to a legend, list, matrix, schedule, or table of models?

K. Administrative details:

1. Flagpole: Sheet C2.0 site plan: Construction Note 20 notes a flagpole. Note that a 40-foot height maximum is the standard per WDO Table 3.10.10B, header “Flags”, third bullet. Revise the note to add, “ ... and maximum 40 feet height conforming with Woodburn Development Ordinance (WDO) Table 3.10.10B.”
2. Do-not-enter sign: Sheet C2.0 site plan: Construction Note 31: The call-out 31 placement seems incorrect – too far east, past parking – to accurately indicate the proper placement of a do-not-enter sign for the drive-thru exit.
3. Sheet L1.0: General Note 7: Delete reference to “Planning” and instead write, “Oregon Department of Transportation (ODOT) and/or City of Woodburn Public Works Department for rights-of-way”.
4. Sheet L2.0: Revise to copy the above-revised Note 7.
5. Rooftop units (RTUs) screening: Sheet A-230: Revise to add a note indicating rooftop units screening per Woodburn Development Ordinance (WDO) 3.07.06B.4.
6. Color elevations: Sheet A-301: Revise to submit the elevations in color.

L. Re-submittal Process:

1. Use a dated cover or transmittal letter to cite and address each Planning Division review item by directing to a plan sheet or document. Specify the building permit record number(s), building letter, plan sheet number(s), and where relevant detail or note number(s), or document page number(s) where conformance is demonstrated, i.e. where the revision or additional information is.
2. Provide illustrations and notes through any of plan sheets primarily; however cut or spec sheets or other document types, may substitute when they are the best form for demonstrating conformance, such as for easements.
3. Besides submitting two paper copies of revised or additional documentation, upload PDFs of new or revised plans to the applicable Accela building permit record(s).
4. Submit revisions through the Building Division per its policies. Do not piecemeal additional information; submit a package of revised and additional information. Do not make direct submittal only to me; the applicant may courtesy copy me or mark materials to my attention while still routing them through the Building Division per its policies.
5. Provide demonstrations of conformance through building permit drawings to the max extent feasible such that they remain when the contractor receives site copies of approved plan sets. (If it's not on the plans or on the plans but too vague to act upon, a contractor won't know about it or do it right away.)
6. Feel free to ask me for any clarifications or further direction prior to re-submittal, (503) 980-2485.

Attachment(s):

none