



City of Woodburn
Community Development

Memorandum

270 Montgomery Street

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Date: March 26, 2024

To: Melissa Gitt, Building Official

Cc: Alyssa Nichols, Permit Technician
Curtis Stultz, Public Works Director
Dago Garcia, P.E., City 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 revised site plans and additional materials received March 8 & 12, 2024 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 March 25:

<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.

(Italicized items are citations from the October 25, 2023 memo.)

Additional Info Needed

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.)

The applicant’s response letter of March 12, 2024 stated, “Acknowledged. The applicant will pay all fees prior to permit issuance. No deferral of public improvements is requested with this civil engineering/building permit submittal.”

What’s the timeframe for construction of public improvements and inspection requests?

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.

Thank you for submitting draft public easements per Condition G6b: a streetside PUE (Exhibit G) and a (sidewalk overlap) public access easement (Exhibit H).

Because Planning staff have no comments on either, the outstanding item is now dedication/recordation process through the Public Works Department Engineering Division due by building permit issuance. See again land use final decision document Note A from p. 4:

“Note A: Absent platting or re-platting, dedication of ROW and granting of public easements necessitates a process through Public Works (PW) and City Council acceptance separate from land use approval, which could take several weeks. Upon tentative land use approval by the Planning Commission, contact PW to begin and finish dedication and granting sooner. The City Council usually meets [second and fourth Mondays](#), and agenda packet materials are due to the City Recorder by the prior Tuesday at noon.”

The contact is Dago Garcia, P.E., City Engineer, (503) 982-5248, dago.garcia@ci.woodburn.or.us.

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.*

The applicant's response letter of March 12, 2024 stated (p. (3):

"ODOT and the City of Woodburn have informed us on October 27, 2023, that the plans that we have submitted to ODOT are no longer being reviewed by that jurisdiction. We have revised our ODOT submittal only to include the domestic water connection on Highway 219, the two light poles, and the pedestrian path located east of our site. We have revised the Off-Site plan set for Dago Garcia to review to include the proposed work on Hillyer Lane. Our application for Grading Permit (971-23-000133-PLNG) was approved on 11/22/2023."

When it's ready, submit to the Planning Division a plotted copy as well as an Adobe PDF of the civil plan set of frontage/public/street improvements that the Public Works Department Engineering Division stamped approved (per Conditions G4a & G6c). The civil plan review contact is Dago Garcia, P.E., City Engineer, (503) 982-5248, dago.garcia@ci.woodburn.or.us.

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: ...

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.

About c., the applicant’s letter confused two required bicycle parking locations. The on-site supply at the building wasn’t at missing; what’s missing is at the east – off-site within the path right-of-way.

Add to the corridor the missing U-rack spec model. (Note: The paved pad it would be on needs to be the same dimensions as the two stalls, a total of 4 x 6 ft.)

About d., Sheet C2.0 Construction Notes 42 & 43 direct to, “See National Sign Sheets”. The submittal lacked this set. More importantly, incorporate wayfinding signage details directly within the building permit plan set.

E. Condition D10 (bicycle parking): ...

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.

Per Sheet C2.0 and others, the problem is that the building north canopy proposed to provide the coverage/sheltering in plan view cuts across the middle of the bicycle parking stalls. The way the requirement is administered is that minimum 50% of *whole* stalls are to be covered/sheltered. 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.

Revise Sheet A-103, Detail C2 to specify that the symbolized color is other than gray.

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

...

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.

Conclude Sheet C2.0 Construction Note 33 with reference to a revised sheet or sheets. Have the sheet or sheets illustrate details – specifically:

- Minimum Level 2 charging (3.05.031.2);
- Striping (I.3); and
- Signage (I.4).

For each, revision can be any of adding to the construction note a *pro forma* statement of conformance with I.2, copying a vendor cut or spec sheet into a details sheet, or having Note 33 mimic for EV parking the specificity of Note 36 about carpool/vanpool parking.

The plans need to be specific enough that a contractor knows what to install and what City staff would expect to see constructed and installed in the field.

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.

With the applicant's response letter of March 12, 2024 (p. 6) in mind, and that it's unclear which of the 30% or 15% minimum area per Condition V7a that the proposal would have the north elevation meet, the problem is that while it's correct that wall area along kitchen volume is exempt from transparency, the floor plan per Sheet A-201 illustrates that the volumes along the north end of the building aren't kitchen but are mostly an "office" and a "multipurpose" room separate from the kitchen to the south.

This means that what's required is (i) specification for each of the four elevations whether each is meeting the 30% or 15% standard (by specifying the proposed percentage of area), and (ii) for the north elevation that the minimum area be transparent along the office and multipurpose rooms. Revise elevation Sheet A-301 accordingly.

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.

Revise Sheets A-221, A-230, & C2.0 to have the foyer door canopy to be minimum depth 8 ft, that is, extending at least 8 ft out from the wall.

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.

Revise Sheets A-221, A-230, & C2.0 to have the employee north door canopy to be minimum depth 8 ft, that is, extending at least 8 ft out from the wall.

J. WDO Chapter 3.11 (exterior lighting):

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)

Provide vendor cut or spec sheets for the models represented by "B" & "C".

They might be missing because among the E series sheets, cover Sheet G-000 lists E-101 through E-104, but only E-102 was provided. The applicant's response letter refers to a Sheet E-211 for make and model, but there was no such sheet.

d. 3.11.02D (property line).

There are 0.5 footcandles or more at the property line near the 1st and 3rd "C" pole fixtures starting at the west lot line and going east. Revise to address:

- 3.11.02B.2, "Parking area poles within 24 feet of ROW, greenways, or off-street public bicycle/pedestrian facilities, shall have the public-facing perimeter of the fixture underside with housing or a shield minimum 6 inches high."
- 3.11.02D(1), "Lighting shall not shine or reflect onto .. ROW".

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.

Please include PDFs of all submitted plan sets, not just the C0.0 set.

Attachment(s):

none