



Final Decision

Planning Commission

File number(s): CU 22-05, DR 22-20, & SA 22-13

Project name: Heritage E.S. / Valor M.S. open-air shelters

Date of decision: April 13, 2023

Applicant: Joanne Rimkeit, Project Manager, Soderstrom Architects, Ltd., 1331 NW Lovejoy St, Suite 775, Portland, OR 97209

Landowner: Woodburn School District, 1390 Meridian Dr, Woodburn, OR 97071 (c/o Casey Woolley, Director of Safety and Operations)

Site location: 440 & 450 Parr Rd; Tax Lot 052W130000500

Summary: The Planning Commission held a public hearing on April 13, 2023 and unanimously approved the consolidated applications package (Type III) with the conditions recommended by staff through the staff report published April 6.

The request is for conditional use, design review, and street adjustment application types to construct open-air shelters for outdoor play. (The open-air shelters are a conditional use because of CU 2019-02 Condition of Approval C11 parts a, f, & h that in October 2019 established thresholds of development enough that the shelters required additional CU review.)

The subject property is in the Public and Semi-Public (P/SP) zoning district.

One party testified (besides the applicant). See the table below in the “Testifiers” section.

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

Conditions of Approval:

General

G1. As part of [building permit application](#), the applicant shall submit revised site plans meeting the conditions of approval and obtain Planning Division approval through sign-off on permit issuance. The applicant shall submit a cover letter indicating what specific plans sheets or document page numbers demonstrate how the submittal meets each condition.

G2. The applicant or successors and assigns 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.


G3. References: Attachment 201 serves as a dictionary or glossary defining certain abbreviations, acronyms, phrases, terms, and words in the context of the conditions of approval. The 200 series of attachments are as binding as the conditions of approval in the main body of the final decision.

G4. ROW/easements: Recordation of required right-of-way (ROW) and public easements is due by building permit issuance.

G5. Recordation due dates: The applicant shall apply to the County for recordations of items that the City requires no later than 6 months prior to expiration of the land use approval as WDO 4.02.04B establishes, and shall complete recordations no later than three years past the land use “final decision” date. The due date to complete recordations shall not supersede when recordations are due relative to the building permit stage.

G6. Administration:

- a. Conformance: That a land use approval does not reiterate any and each particular detail, provision, requirement, rule, spec, or standard from any of the WDO, other ordinances, resolutions, public works construction code, or department policies does not exempt development from conformance with them.
- b. Copies: The developer, including any succeeding contract, shall provide copies of documentation that a City staff person requests regardless if the documentation source is another City staff person or department.
- c. Fees: The developer shall pay fees per Attachment 201.



Conditional Uses 22-05

C1. Fence/fencing/free-standing wall: Regarding any altered or new chain-link fence anywhere on site, if and where 2.06.02D.2 requires coating, it shall be a color other than black or charcoal.

C2. Driveway gate/gating: If any of the driveways were later to be gated:

- a. The gate shall be set back from ROW either (1) min 18 ft from street face of curb, or (2) at edge of streetside PUE if the Public Works Director in writing directs.
- b. A fence permit shall be required, assuming at the time that the WDO would continue to require the permit type.

C3. Architecture:

- a. Color: Wall color of the two open-air shelters for outdoor play shall be other than gray. (This does not preclude an off-white color.)
- b. Pattern: Standing seam metal gable ends of the shelter roofs shall have min two patterns, of which one shall have a min vertical extent of 9 ft.
- c. Clearance: Min vertical clearance between grade and the bottom of the standing seam metal sides that extend down from the roof of each shelter shall be 9.5 ft.

C4. Discontinuance/Revocation: Because the WDO does not specify if and when a conditional use approval would expire were a use to cease, based on WDO 4.02.04B the approval shall expire if the use of public school ceases and three (3) years pass without the use recommencing.

C5. CU Modification: Because the WDO, including 5.03.01, does not specify how changes to an approved conditional use (CU) and related site improvements might trigger another CU or modification of a CU approval, for Director determination the following serve as criteria and – where noted – as factors:

- a. Significant expansion of the use, factors being an increase in any of: total gross floor area (GFA) by 25.0% or more or by an absolute value of 10,000 sq ft or more, the number of buildings (excluding modulars) by 2 or more, the number of modular buildings by 1 or more, and the number of classrooms by 6 or more;
- b. Net increase in open-air shelter area of 10,000 sq ft or larger;
- c. Increase in off-street parking by 12 or more stalls, even if the existing supply were in excess of the minimum required ratio(s);
- d. Net Increase in impervious surface totaling at least 2½ acres;
- e. Any proposal necessitating a Type III or IV land use application type;
- f. City adoption of a unified development ordinance replacing the WDO were to have intervened;

Modification of a specific condition of approval remains pursuant to WDO 4.02.07. Were the City to have amended the WDO to establish modification provisions for conditional uses, the Director may decide that the provisions supersede this condition of approval.



Design Reviews DR 22-20

D1. Grading: If WDO 5.01.04B is applicable, then prior to building permit issuance the applicant shall apply for and obtain a [grading permit](#) from the Planning Division.



Street Adjustments 22-13

The Street Adjustment request is approved per the following conditions:

SA1. ROW & PUE:

- a. ROW: The development is exempt from ROW dedication that WDO 3.01.01A, 3.01.04B, and the applicable street cross section figure(s) within 3.01 would have required.
- b. PUE: The development is exempt from granting of streetside PUE that WDO 3.02 would have required.

SA2. Whereas:

- a. The Street Adjustment (SA) land use application type was formerly known as Street Exception (EXCP) until WDO legislative amendment LA 21-01 via Ordinance No. 2602 adopted May 9, 2022;
- b. The amendment added 4 criteria (WDO 5.02.04C.5-8) and a few factors;
- c. Minimal half-street improvements exist per WDO 3.01.03C.1 and 5.02.04D, and so a variance (VAR) would not also have been required;
- d. The applicant submitted a narrative addressing the criteria;
- e. The applicant is a public school district; and
- f. The criteria are met;

Now, therefore, the development is exempt from street improvements that WDO 3.01.0B & D, 3.01.02, 3.01.04A, and Figure 3.01D would have required.

Notes to the Applicant:

1. Records: Staff recommends that the applicant retain a copy of the subject approval.
2. Fences, fencing, & free-standing walls: The approval excludes any fences, fencing, & free-standing walls, which are subject to WDO 2.06 and the permit process of 5.01.03.
3. Signage: The approval excludes any private signage, which is subject to WDO 3.10 and the permit process of 5.01.10.
4. 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.
5. Technical standards:
 - a. Context: A reader shall not construe a land use condition of approval that reiterates a City technical standard, such as a PW standard, to exclude remaining standards or to assert that conditions of approval should have reiterated every standard the City has in order for those standards to be met.
 - b. Utilities: A condition involving altered or additional sidewalk or other frontage/street improvement that would in the field result in displacement or relocation of any of utility boxes, cabinets, vaults, or vault covers does not exempt the developer from having to move or pay to move any of these as directed by the City Engineer and with guidance from franchise utilities.
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. 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 of a permit type issued by the Public Works Department.
9. Franchises: The applicant provides for the installation of all franchised utilities in 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 a 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 Woodburn Fire District standards and requirements, including how the District interprets and applies Oregon Fire Code (OFC). 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.

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 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 Cassandra Martinez, Administrative Specialist, at (503) 982-5246 or cassandra.martinez@ci.woodburn.or.us.

Testifiers:

<i>Name</i>	<i>Address</i>	<i>Planning Commission</i>	
		<i>Written</i>	<i>Verbal</i>
Tina Stinnett	180 S. 2 nd St, Woodburn, OR 97071		x

Attachments:

- Planning Commission April 13, 2023 Staff Report Attachment 102A. Public Works comments placeholder (Apr. 6, 2023)
- 103. Site plans (Dec. 16, 2022; 3 sheets)
- 104. Transportation System Plan (TSP) Fig. 2 "Functional Roadway Classification"
- 201.* Conditioned Fees

*The 200 series of attachments are details for the conditions of approval.

Sincerely,



Colin Cortes, AICP, CNU-A

Senior Planner

Affirmed,



Charles Pjper, Planning Commission Chair

April 24, 2023

cc: Chris Kerr, Community Development Director [e-mail]
Dago Garcia, P.E., City Engineer [e-mail]
Melissa Gitt, Building Official [e-mail]
Jason Space, GIS Technician [e-mail]
Joanne Rimkeit, Project Manager, Soderstrom Architects, Ltd., 1331 NW Lovejoy St, Suite 775, Portland, OR 97209 [applicant] [mail & e-mail]
Woodburn School District, c/o Casey Woolley, Director of Safety and Operations, 1390 Meridian Dr, Woodburn, OR 97071 [landowner] [mail & e-mail]
Testifiers: Per the table above. [mail]
Casey Knecht, P.E., Development Review Coordinator, Oregon Dept. of Transportation (ODOT) Region 2 [e-mail]
Marion County Assessor's Office <assessor@co.marion.or.us>
Marion County Geographic Information System (GIS) <gis@co.marion.or.us>
Marion County Land Development Engineering & Permits <mcldep@co.marion.or.us>
Marion County Planning Division <planning@co.marion.or.us>
Marion County Public Works Dept. <mcdpw@co.marion.or.us>

The City Engineer submitted no Public Works comments before the staff report deadline.

Covered Play Structure Additions
Valor MS & Heritage ES
Woodburn School District
450 Parr Rd NE, Woodburn, OR 97071
440 Parr Rd NE, Woodburn, OR 97071



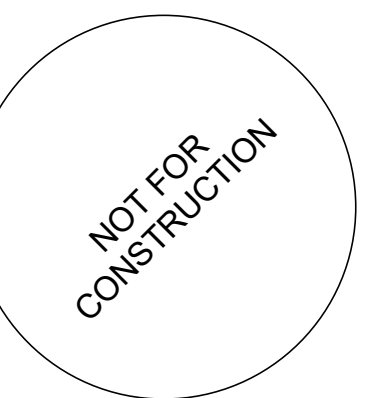
Project

Consultant

Revisions

No.	Description	Date
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LAND USE

Date

12.16.2022

Project Number

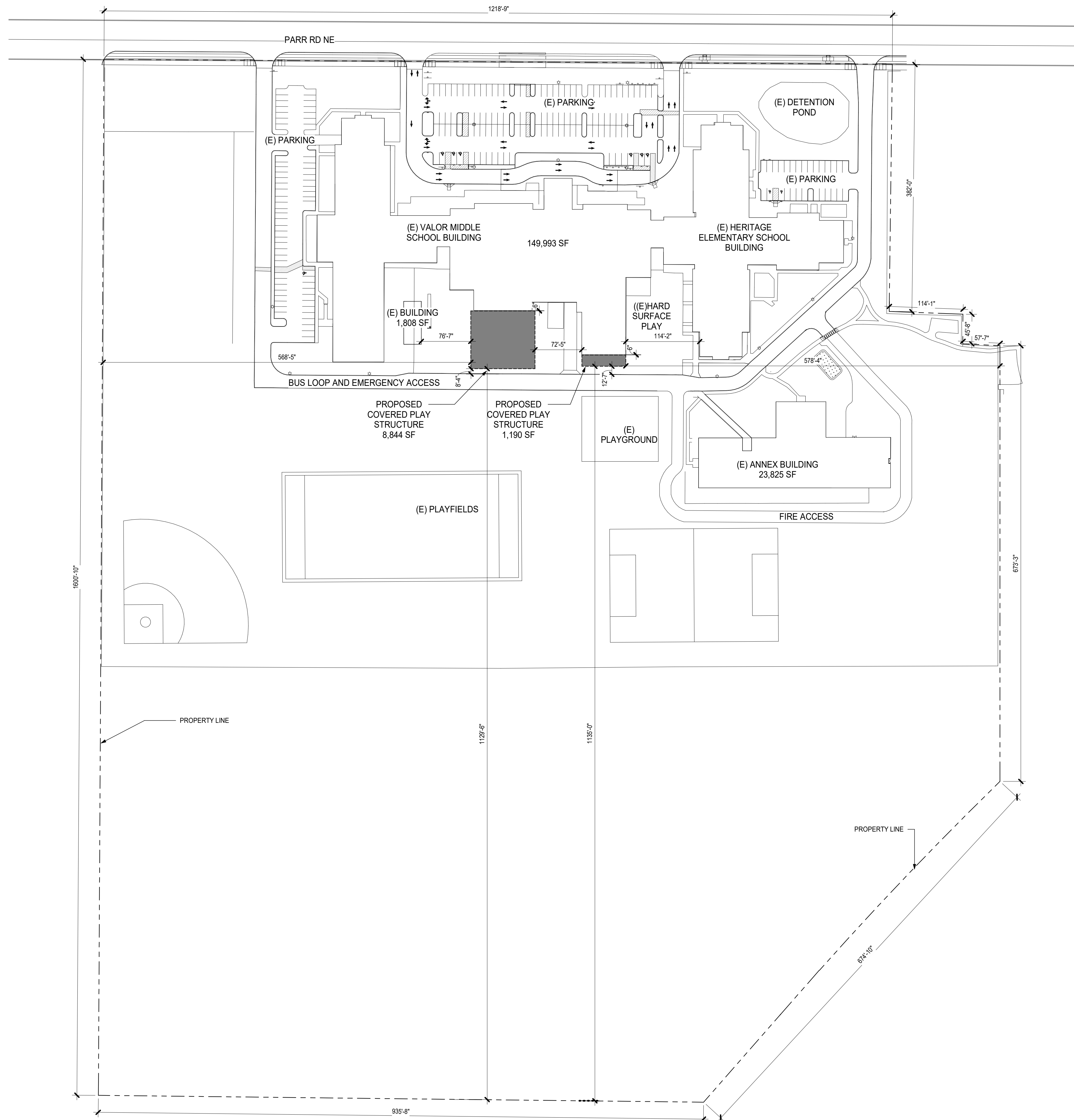
22021

Drawing Title

VALOR MS & HERITAGE ES - SITE PLAN

Sheet No

A1.01-V



1 ARCHITECTURAL SITE PLAN
A1.01-V (1" = 80'-0")





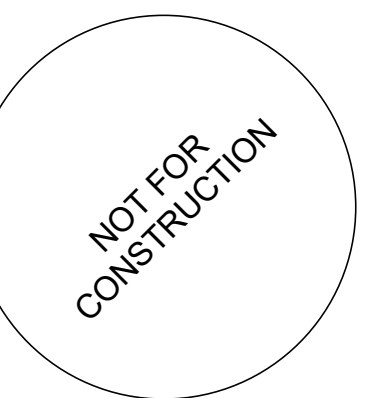
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Revisions

No.	Description	Date

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Issuance

LAND USE

Date

12.16.2022

Project Number

22021

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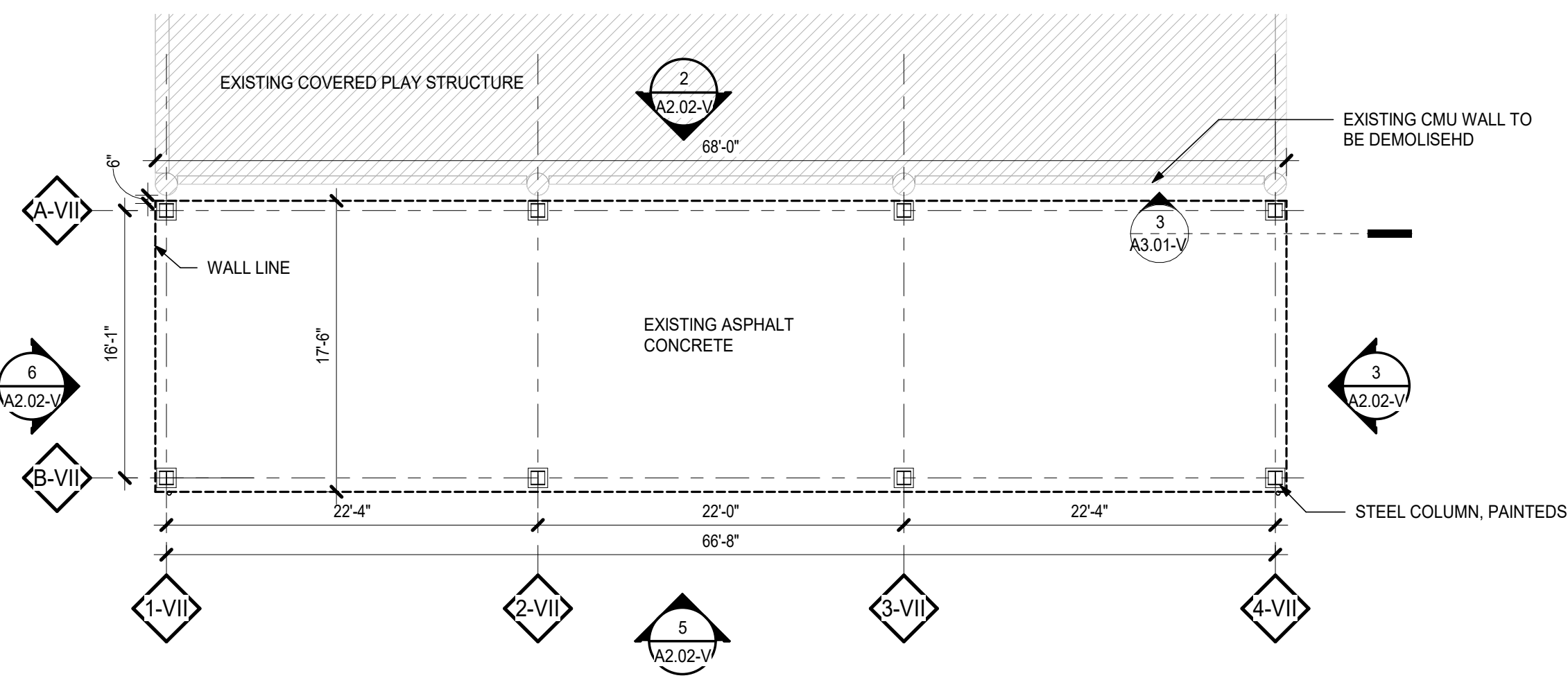
VALOR MS & HERITAGE ES FLOOR AND ROOF PLANS

Sheet No

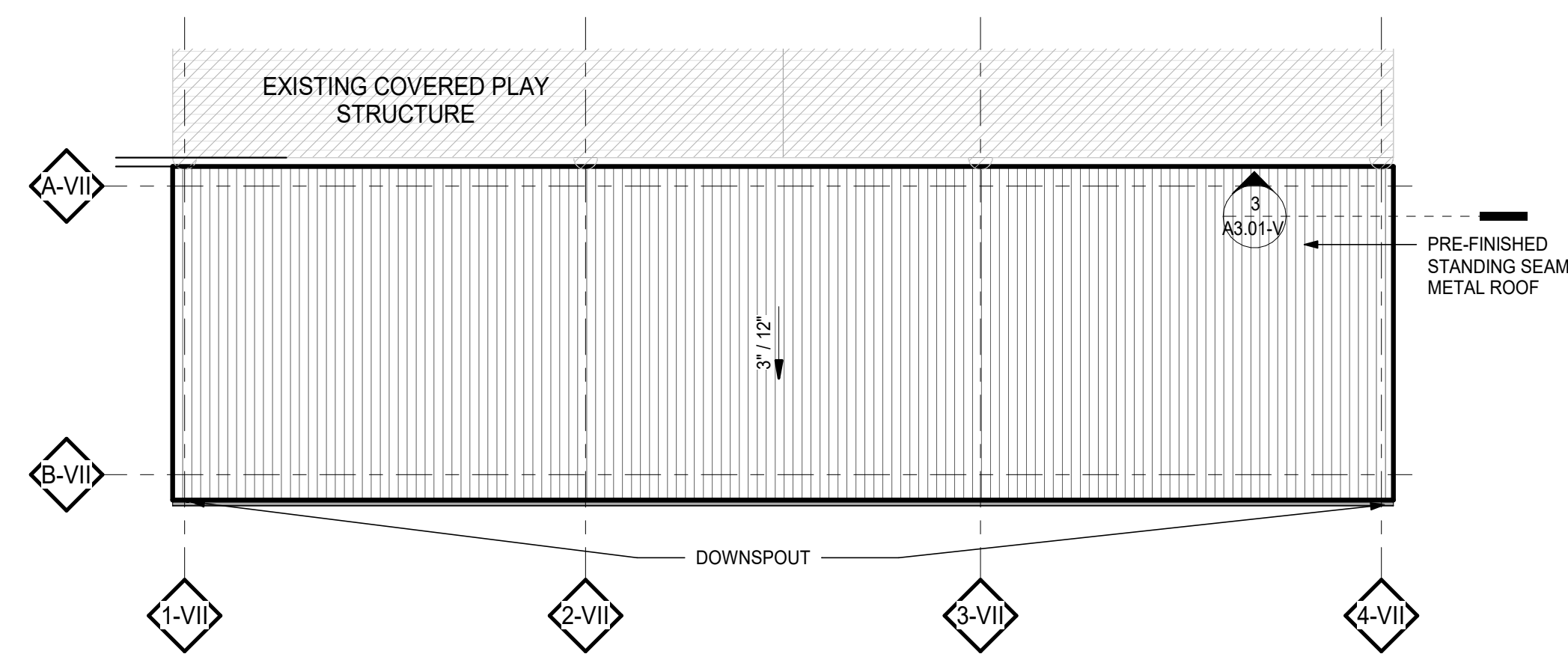
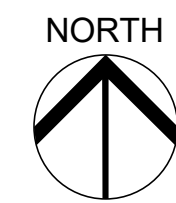
A2.01-V

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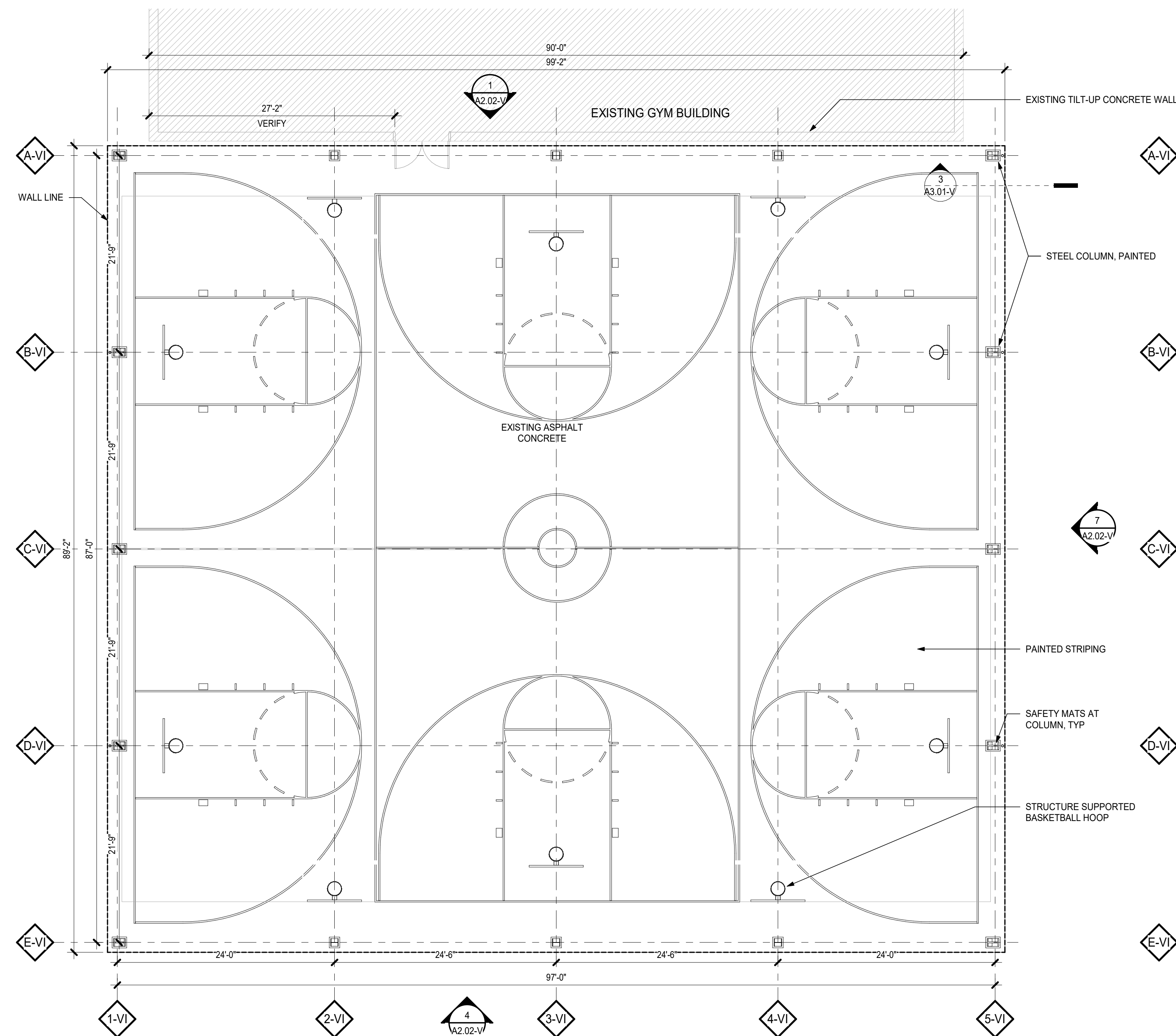
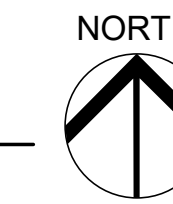
- STANDING SEAM METAL ROOF-GA 24 MBCI-SNOW WHITE
- METAL WALL PANEL-GA 24 MBCI PBU-ALMOND
- METAL TRIM, GUTTER-GA 22
- METAL DOWNSPOUT-RECTANGULAR
- PAINTED STEEL COLUMN
- SAFETY MAT



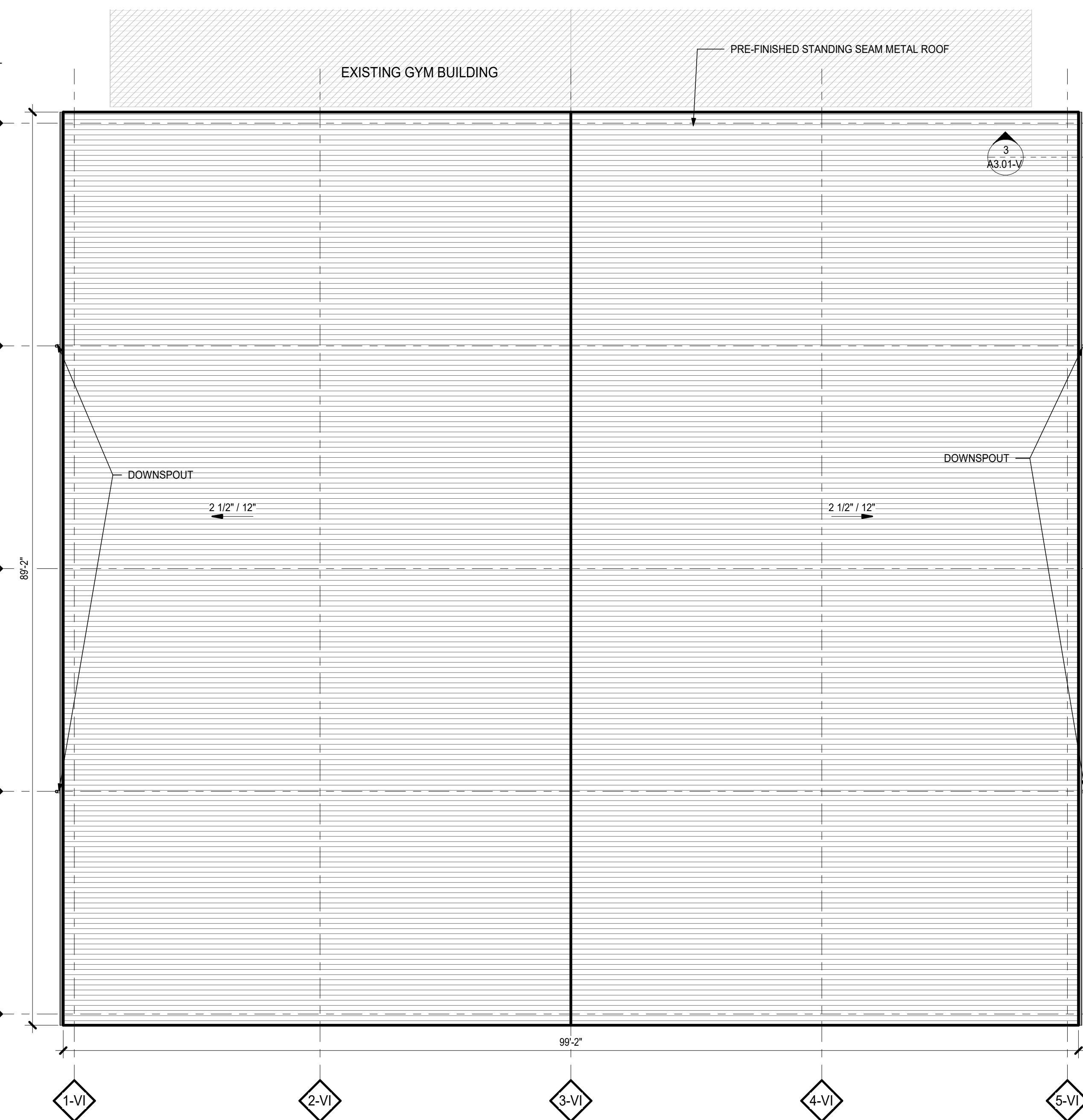
3 OVERALL FLOOR PLAN - HERITAGE ES
A2.01-V (1/8" = 1'-0")



4 OVERALL ROOF PLAN - HERITAGE ES
A2.01-V (1/8" = 1'-0")



1 OVERALL FLOOR PLAN - VALOR MS
A2.01-V (1/8" = 1'-0")



2 OVERALL ROOF PLAN - VALOR MS
A2.01-V (1/8" = 1'-0")





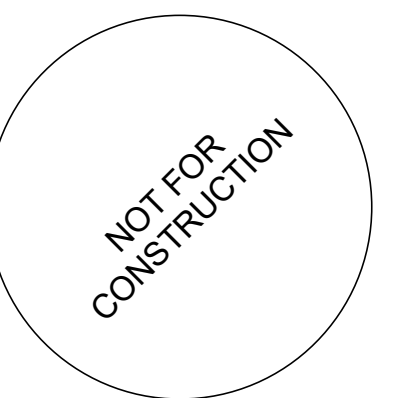
Project

Consultant

Revisions

No.	Description	Date
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Stamp



Issuance

LAND USE

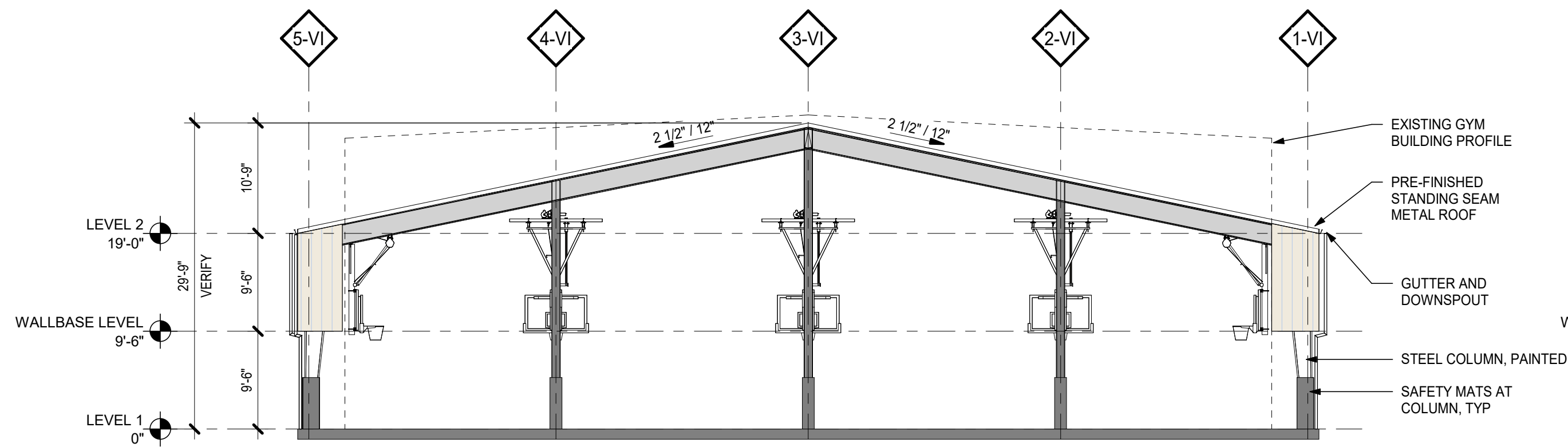
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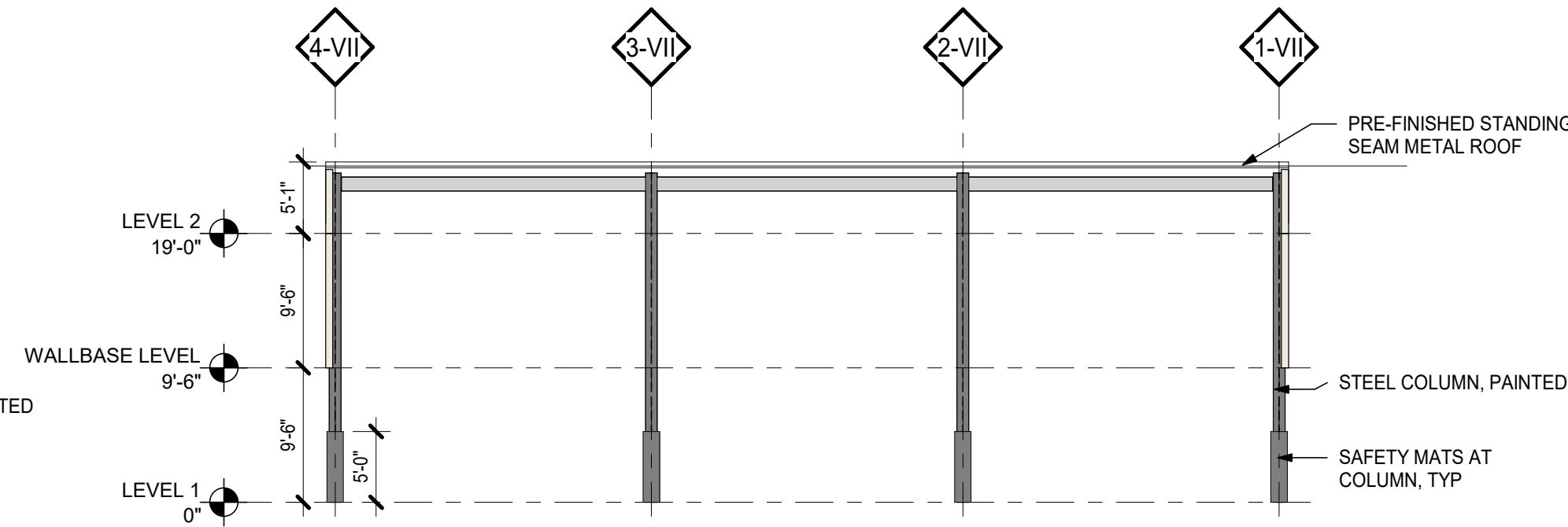
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VALOR MS & HERITAGE ES EXT ELEVATIONS & VIEWS

Sheet No

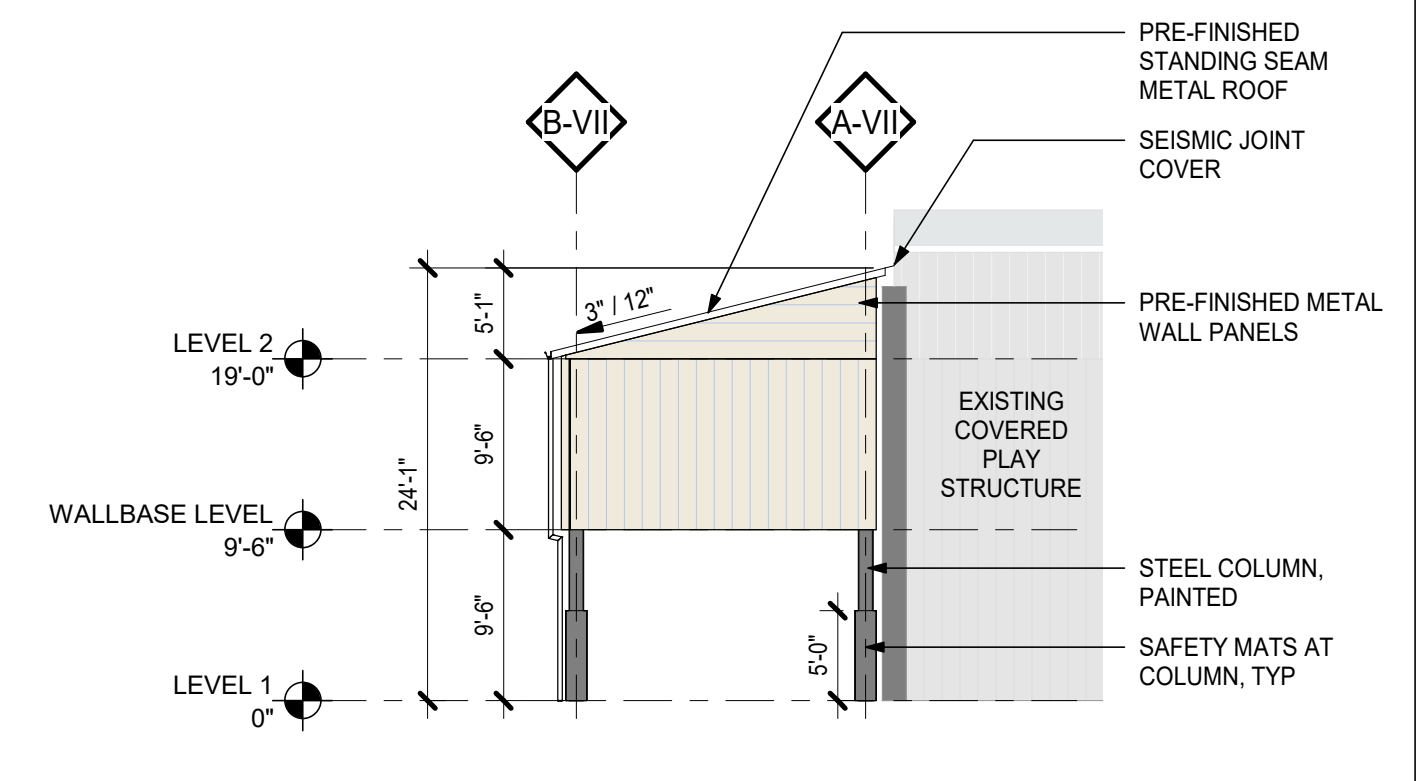
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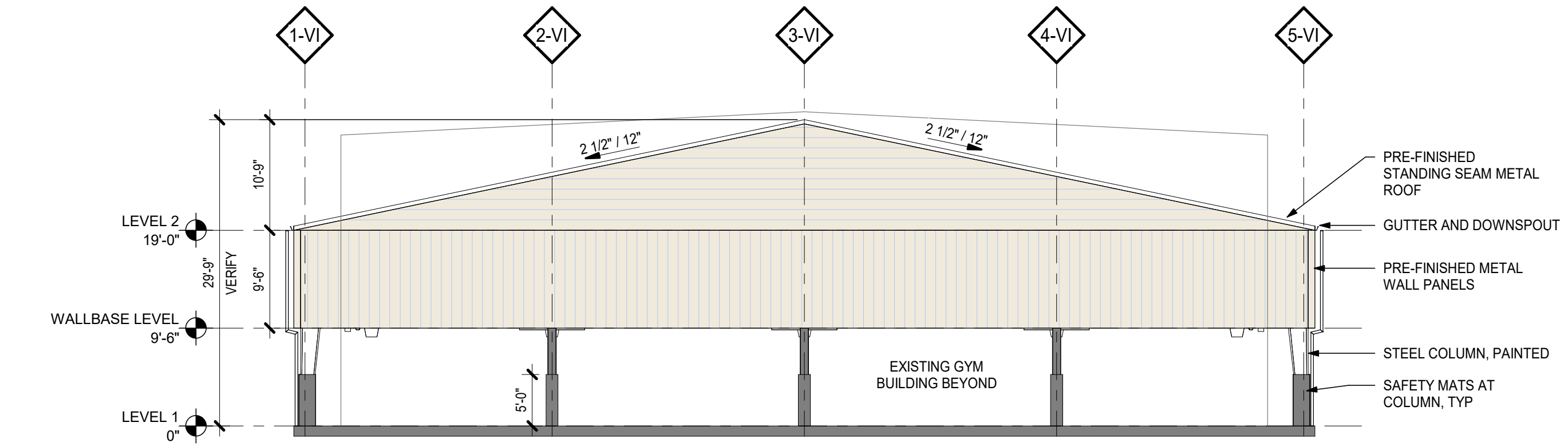
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A2.02-V (3/32" = 1'-0")



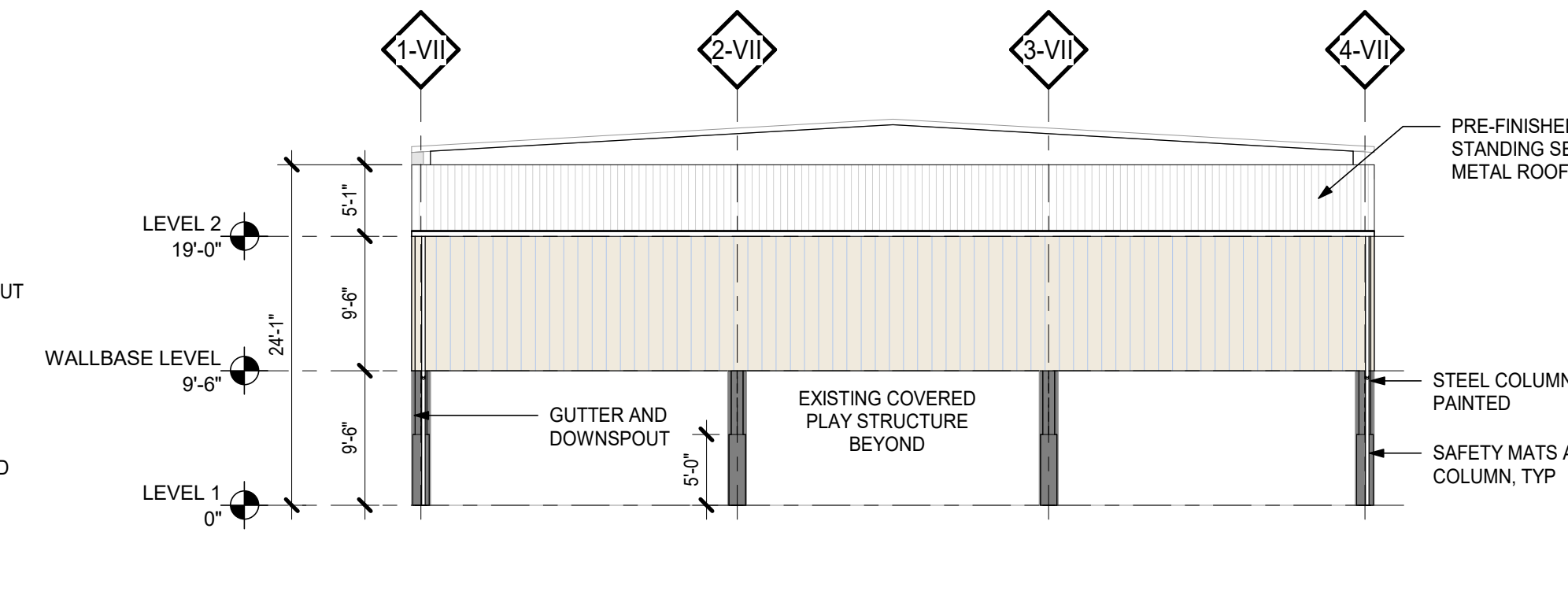
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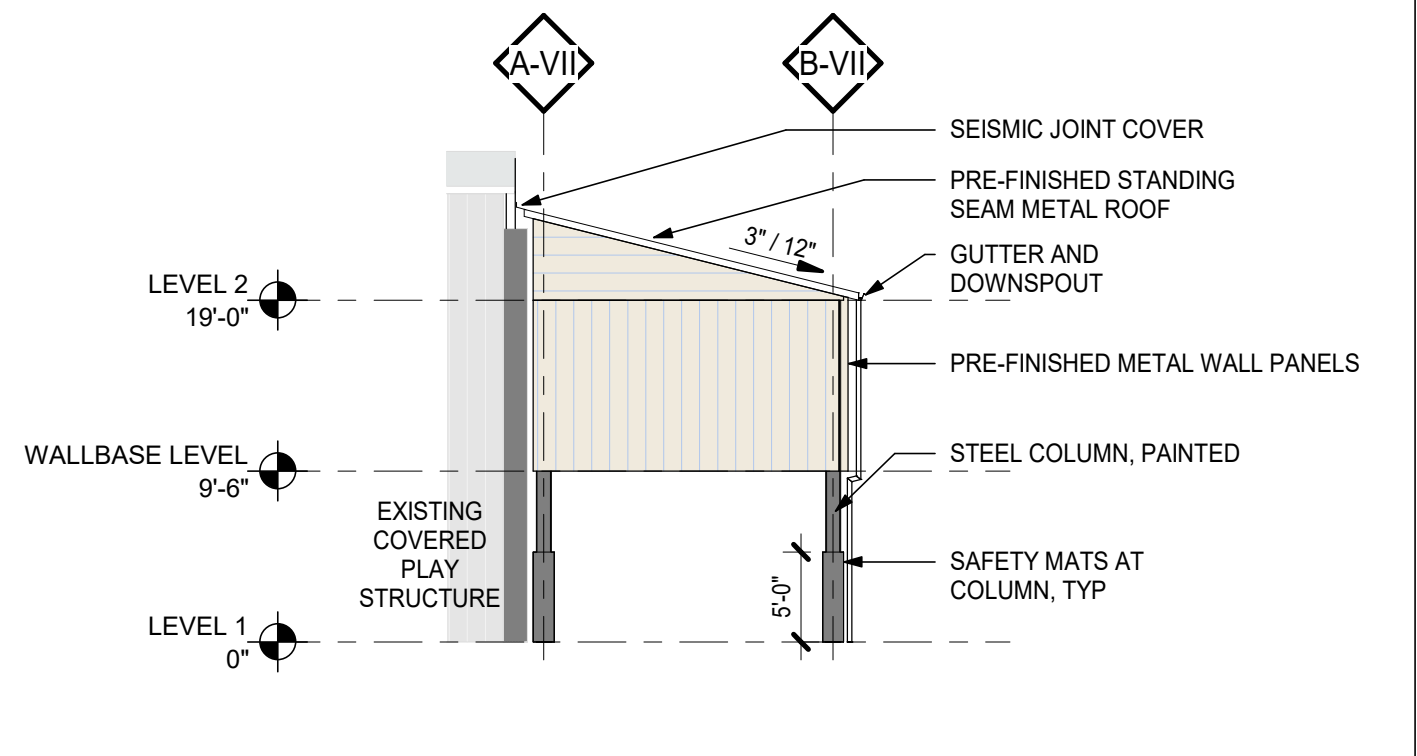
3 EAST ELEVATION - HERITAGE ES
A2.02-V (3/32" = 1'-0")



4 SOUTH ELEVATION - VALOR MS
A2.02-V (3/32" = 1'-0")



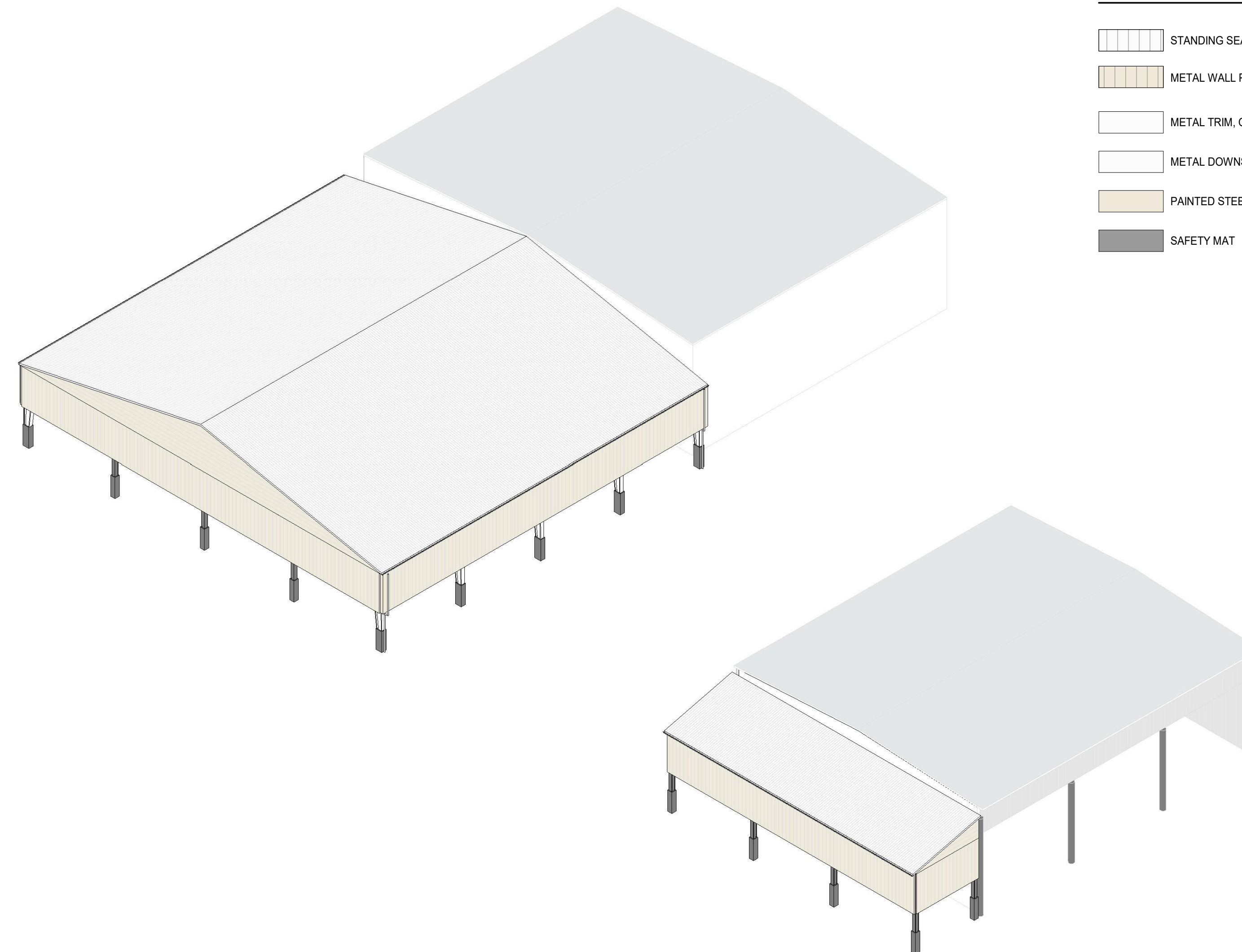
5 SOUTH ELEVATION - HERITAGE ES
A2.02-V (3/32" = 1'-0")



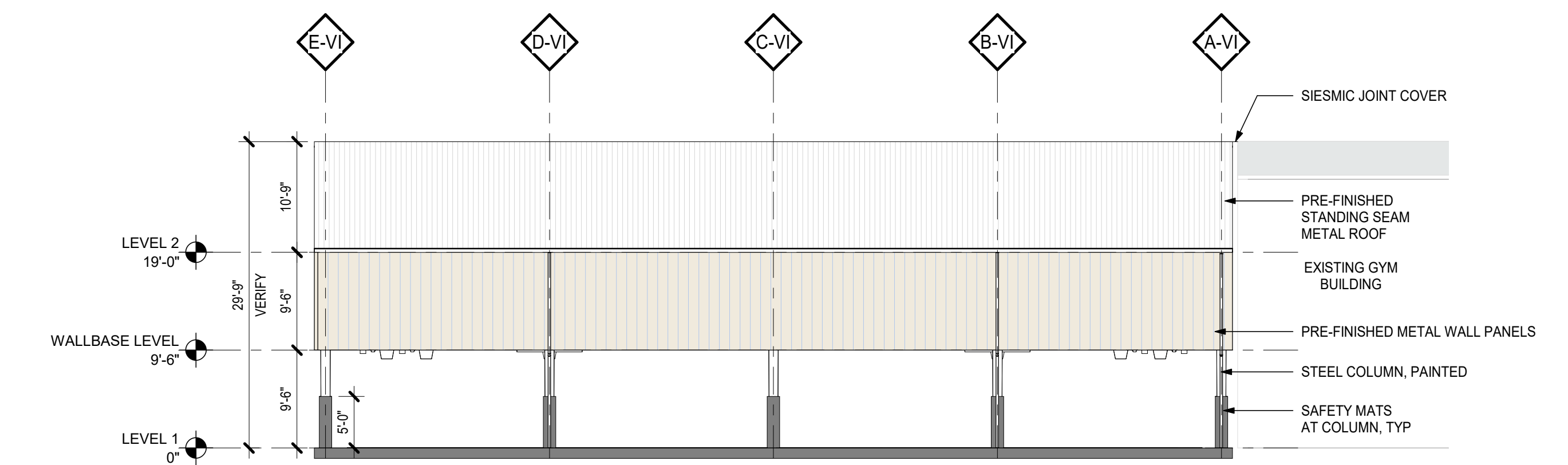
6 WEST ELEVATION - HERITAGE ES
A2.02-V (3/32" = 1'-0")

MATERIALS LEGEND

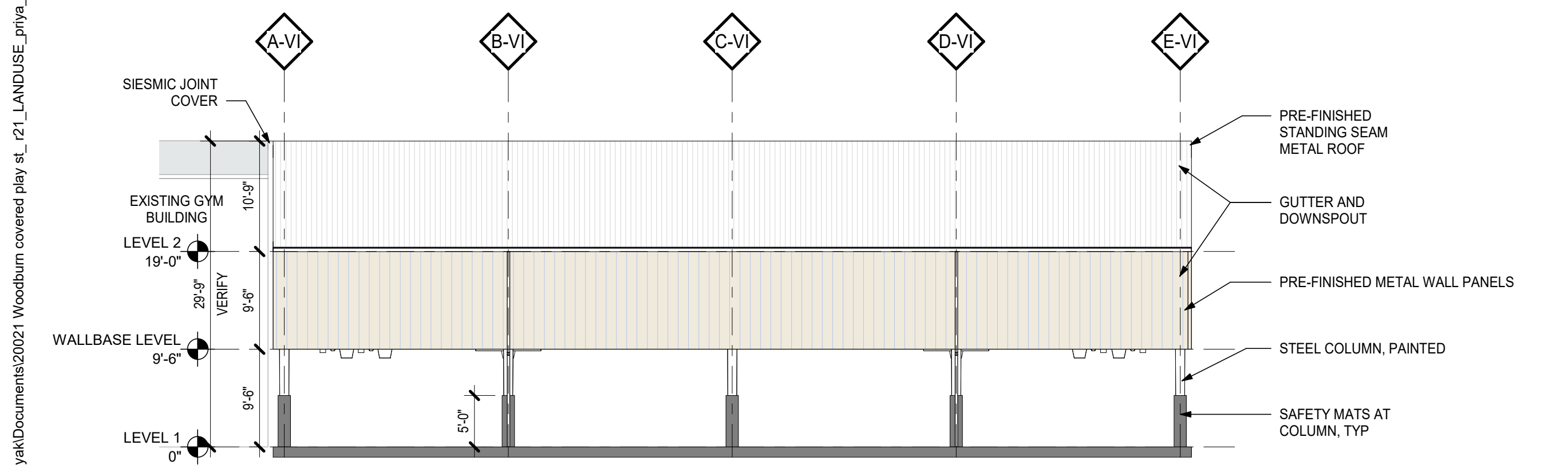
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- METAL WALL PANEL-GA 24 MBCI-PBU-ALMOND
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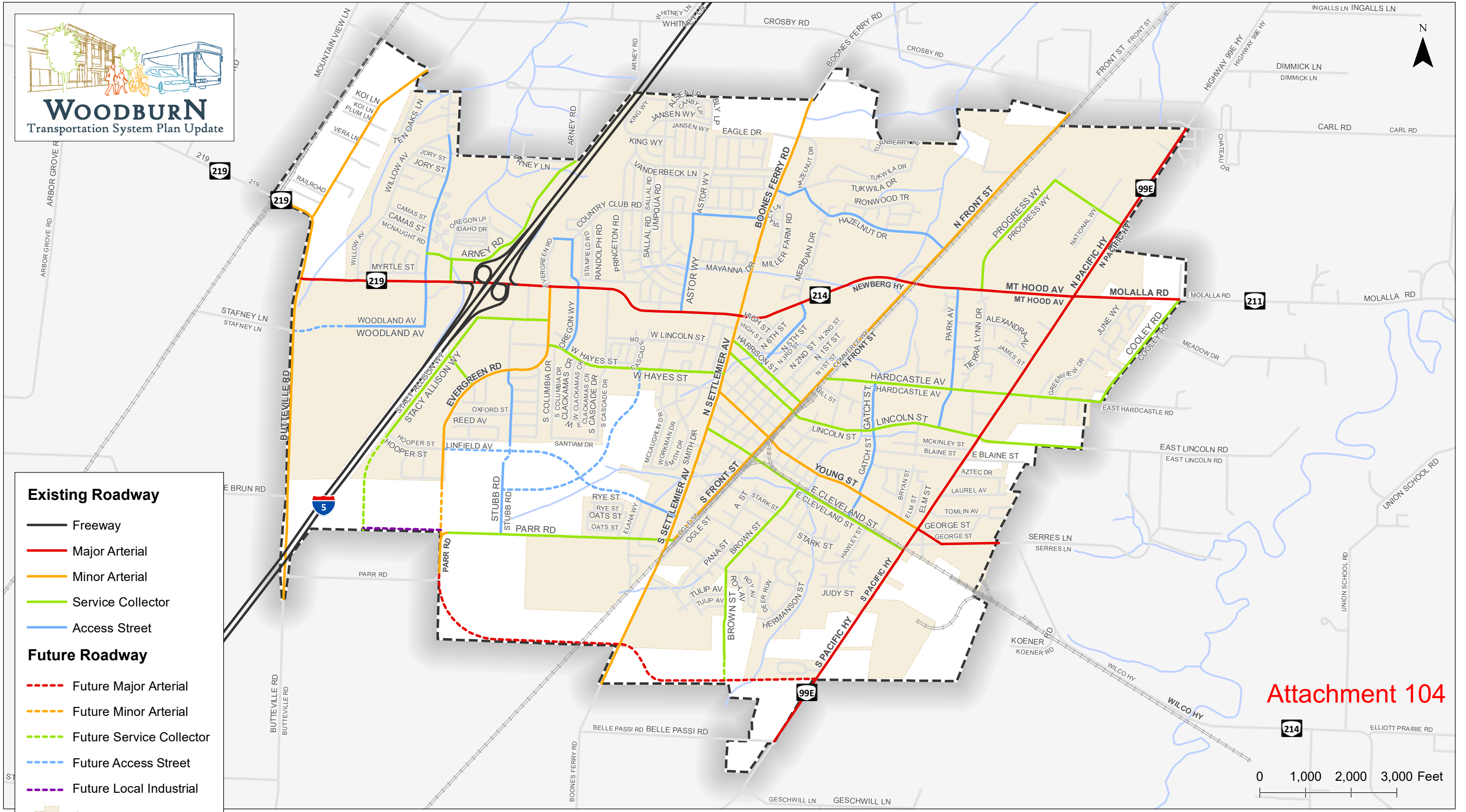
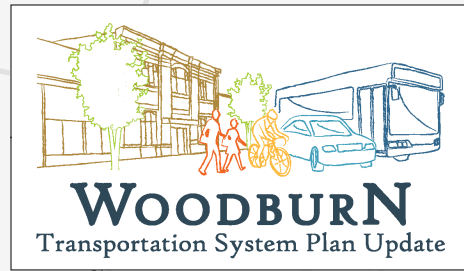
9 ORTHOGRAPHIC VIEW



7 EAST ELEVATION - VALOR MS
A2.02-V (3/32" = 1'-0")



8 WEST ELEVATION - VALOR MS
A2.02-V (3/32" = 1'-0")



Existing Roadway

- Freeway
- Major Arterial
- Minor Arterial
- Service Collector
- Access Street

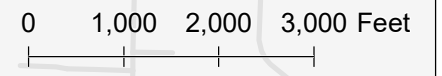
Future Roadway

- - - Future Major Arterial
- - - Future Minor Arterial
- - - Future Service Collector
- - - Future Access Street
- - - Future Local Industrial

City Boundary

Urban Growth Boundary

Attachment 104



**Functional Roadway Classification
Woodburn, Oregon**

**Figure
2**

Note: Future roadway alignments are approximate and subject to further refinement.

Coordinate System: NAD 1983 HARN StatePlane Oregon North FIPS 3601 Feet Intl
Data Source: City of Woodburn, Oregon Department of Transportation

H:\1212\1071 - Woodburn TSP Update\GIS\TSP02 Functional Roadway Classification.mxd - mmcormick - 5:25 PM 9/16/2019

CU 22-05 & 06 schools open-air shelters:

Attachment 201: Conditioned Fees

All of the following conditioned fees are due as applicable, whether or not mentioned directly by a condition of approval.

Part A. Fee Provisions

1. Any and all conditioned fees are in addition to, and not in place or as discounts of, any existing charge or fee however termed ordinarily assessed based on any existing ordinance, resolution, or administrative policy, inc. adopted fee schedules. If and when the City amends any ordinance, resolution, or administrative policy, inc. a fee schedule, to increase a charge or fee that is (a) the same kind of charge or fee that is conditioned, (b) the amended charge or fee amount would exceed the amount conditioned, and (c) the increase takes effect before the conditioned fee is due, then the developer shall pay the greater amount.
2. Payments of conditioned fees shall reference a final decision case file number and the condition of approval letter/number designation, be it in a check memo field or through a cover or transmittal letter.
3. For fees due by building permit issuance, a developer may request the Director to allocate payments the same as allowed for fees in-lieu by WDO 4.02.12A.2, specifically, to pay across issuance of two or more structural building permits for the subject development.

For all administrative and logistical questions about payment of land use conditioned fees outside the context of assessment and payment through building permit, the developer is to contact the Administrative Assistant at (503) 982-5246 and refer to this attachment within the applicable CU case file number final decision.

For payment method policy details, the developer is to contact the Finance Department at (503) 982-5222, option zero, for payment method policy details.

Part B. Fee Table

<i>Table 201B. Fee Table</i>					
<i>Condition Reference</i>	<i>Fee Type</i>	<i>Amount</i>	<i>Context</i>	<i>Timing</i>	<i>Staff Tracking:</i>
G6c through this 200 series attachment	Public Works Dept. (PW), or ODOT as applicable, civil engineering plan (CEP) review: Review by Planning Division	\$250; \$346	Original/1 st submittal; each subsequent inc. deferral/piecemeal	Upon CEP application to PW	
	Inspections by Planning Division	\$75; \$346	1st inspection or “walkthrough”; each subsequent	Inspection requests related to public (street) improvements and building permits	

[General ledger (GL) account 363-000 3678 “Developer Contributions”.]