



February 30, 2024

Colin Cortes, AICP, CNU-A, Senior Planner  
City of Woodburn Community Development  
270 Montgomery Street  
Woodburn, OR 97071  
Phone: (503) 982-5246

RE: Courtesy review 2 of revised draft site plans following Pre-App 2018-19  
(2600 Newberg Hwy; Tax Lot 052W12DB03700)

CONDITIONAL USE NARRATIVE  
**FOR GASOLINE STATION**

**RESPONSE in RED**

5.03.01 Conditional Use

- A. Purpose: A conditional use is an activity which is permitted in a zone but which, because of some characteristics, is not entirely compatible with other uses allowed in the zone, and cannot be permitted outright. A public hearing is held by the Planning Commission and conditions may be imposed to offset impacts and make the use as compatible as practical with surrounding uses. Conditions can also be imposed to make the use conform to the requirements of this Ordinance and with other applicable criteria and standards. Conditions that decrease the minimum standards of a development standard require variance approval.
- B. Criteria:

1. The proposed use shall be permitted as a conditional use within the zoning district.

**RESPONSE: the zone is Commercial General (CG) and is designate Commercial in Woodburn Comprehensive plan. WDO Table 2.03A use B2 (Automotive maintenance and gasoline stations, including repair services) lists 'GASOLINE STATIONS' as a Conditional Use (CU.) Footnote 3 would allow Gas Station as a permit use if it were further away from residential property. The permitted uses within the development plan (office and retail) have been strategically located to physically buffer (mass of the building) the Gas Station and provided max separation from the residential zone.**

**The Comprehensive plan encourages general commercial development on the east side of the interstate. In this case 4,100 sf of Retail and 6,900 sf of Office space that are permitted uses along with the gas station. This development will provide commercial general commercial uses for the Woodburn community as well as traditional interchange development.**

2. The proposed use shall comply with the development standards of the zoning district.  
Woodburn Development Ordinance Section 5.03 Page 234

**RESPONSE: The development proposal complies with Site Development Standards from Table**

**2.03c. There is no minimum area, width, depth or frontages. The appropriate setbacks have been observed as demonstrated on the site plan**

3. The proposed use shall be compatible with the surrounding properties. Relevant factors to be considered in determining whether the proposed use is compatible include:
  - a. The suitability of the size, shape, location and topography of the site for the proposed use;

**RESPONSE: as demonstrated in development plan, the site is of a suitable size, shape, location, and topography for the proposed uses. All of the components have necessary dimensions, setbacks and clearances to function in a safe and efficient manner.**

- b. The capacity of public water, sewerage, drainage, street and pedestrian facilities serving the proposed use;

**RESPONSE: All necessary utilities are available to the site. The impact to that infrastructure will be similar to those that previously existed on site**

- c. The impact of the proposed use on the quality of the living environment:
    1. Noise;

**RESPONSE: The noise generated will not be excessive, probably indistinguishable from the road noise generated by Interstate 5 and Newberg Hwy and other commercial uses in the neighborhood. The Drive-up windows from the two banks are gone. To the extent noise is undesirable it should be less or remain unchanged.**

2. Illumination;

**RESPONSE: site lighting has been directed down, using “cut-off” type fixtures to minimize impact to the neighborhood**

3. Hours of operation;

**RESPONSE: 24 hours a day. Similar to our neighbors to the west and south**

4. Air quality;

**RESPONSE: In an area that is decidedly automobile oriented, a change in air quality should not be perceived by adjacent properties. Given that the prevailing winds come from the South and West the Gas Station is downwind of adjacent residential areas.**

5. Aesthetics; and

**RESPONSE: while aesthetics is somewhat subjective, the development is pleasing in form, proportions, and materials. It is similar to current commercial developments in the area and is a marked improvement to the existing 70’s bank architecture:**

6. Vehicular traffic.

**RESPONSE: additional traffic will be generated, but in modest amounts, see Transight Consulting, LLC; Traffic Impact Analysis.**

- d. The conformance of the proposed use with applicable Comprehensive Plan policies; and

**RESPONSE: The proposed development has taken every reasonable step to comply with the intent and policies of the Comprehensive plan as well as respond to the adjacent properties. See response below.**

- e. The suitability of proposed conditions of approval to ensure compatibility of the proposed use with other uses in the vicinity.

**RESPONSE: on the east side of the freeway the neighbors include gas stations, fast food and motels and other uses that are appropriate to a commercial zone and interchange development. The retail/office building is oriented to the east and west provides the perfect transition/buffer to the residential properties on the east side of Oregon Avenue. The development responds well to all neighbors. The uses permitted in this zone have been located next to the residential properties. The Commercial faces are oriented toward other commercial**

**activities. Our development will improve the visual fabric along Hwy 21**

Goal

F-1. Encourage infill and redevelopment of existing commercial areas within the community, as well as nodal neighborhood centers, to meet future commercial development needs. **RESPONSE: our redevelopment is entirely within a previous developed site within the I-5 Commercial area.**

Policies

F-1.1 The City should at all times have sufficient land to accommodate the retail needs of the City and the surrounding market area while encouraging commercial infill and redevelopment. The City presently has five major commercial areas: 99E, 1-5 Interchange, the downtown area, the Parr Road Nodal Commercial area, and the 214/211/99E four corners intersection area. No new areas should be established.

**RESPONSE: our development is entirely within a previous developed site within the I-5 Commercial area.**

F-1.2 Lands for high traffic generating uses (shopping centers, malls, restaurants, etc.) should be located on well improved arterials. The uses should provide the necessary traffic control devices needed to ameliorate their impact on the arterial streets.

**RESPONSE: our development is within the recently improved I-5, 214 interchange. This area is best suited for the modest traffic increase.**

F-1.3 Strip zoning should be discouraged as a most unproductive form of commercial land development. Strip zoning is characterized by the use of small parcels of less than one acre, with lot depths of less than 150 feet and parcels containing multiple driveway access points. Whenever possible, the City should encourage or require commercial developments which are designed to allow pedestrians to shop without relying on the private automobile to go from shop to shop. Therefore, acreage site lots should be encouraged to develop "mall type" developments that allow a one stop and shop opportunity. Commercial developments or commercial development patterns that require the use of the private automobile shall be discouraged. and pedestrian oriented, with parking to the rear or side of commercial buildings, and with pedestrian connections to neighboring residential areas.

**RESPONSE: our development has 261' of frontage on Newberg Hwy. ODOT Policy F-1 and F-1.3 are mutually exclusive. Infill development occurs on existing parcels; in this case a "mall type" development is not possible. To the extent possible we have provided pedestrian connection to all buildings on-site and to the two adjacent streets and neighbor to the west (Dairy Queen.) ODOT has grant cross access for tax lots 3600 and 3700 subject to the following conditions**

1. Traffic movements for the private approach at the subject location shall only allow right turns off Hillsboro-Silverton Highway. All other traffic movements shall be restricted.
2. Traffic from Tax Lot 3700 shall be allowed to cross Tax Lot 3600 to access Oregon Way.

**Customers of this development will return Highway 214 via the signalized intersection at Oregon way.**

F-1.5 It would be of benefit to the entire City to have Woodburn's Downtown Design and Conservation District an active, healthy commercial area. Downtown redevelopment should be emphasized and the City should encourage property owners to form a local improvement district to help finance downtown improvements. Urban renewal funds may also be used to fund planned improvements.

**RESPONSE: NA this site is not within the Downtown area**

F-1.6 Commercial office and other low traffic generating commercial retail uses can be located on collectors or in close proximity to residential areas if care in architecture and

site planning is exercised. The City should ensure by proper regulations that any commercial uses located close to residential areas have the proper architectural and landscaping buffer zones. **RESPONSE: we have placed a low impact office adjacent to the residential area. We have complied with the prescribed screening and setbacks. The filling station is screened from the Multifamily development to south (zoned commercial) by the mass of the office building. Only Third floor units on the North side of east wing can see the filling station over the roof of the office (about a football field away.) An 8' tall wall is surrounds the he single family residents that front on Oregon Way.**

F-1.7 The Downtown Goals and Policies are included in Section K of the Plan and are intended as general guidelines to help the City and its residents reshape the downtown into a vital part of the community. Generally, development goals are broken into four categories, short-term goals, intermediate term goals, long-term goals, and continual goals. Whenever development is proposed within the CBD these goals should be reviewed and applied as necessary so as to maintain balance and uniformity over time. Although not part of the Downtown Plan or Woodburn Comprehensive Plan, Urban Renewal funding can help to realize the goals and policies embodied in these land use plans. **RESPONSE: NA this site is not within the Downtown area**

F-1.8 Ensure that existing commercial sites are used efficiently. Consider the potential for redevelopment of existing commercial sites and modifications to zoning regulations that intensify development to attract new investment. **RESPONSE: our redevelopment is entirely within a previous developed site within the I-5 Commercial area.**

F-1.9 Adopt a new NNC (Nodal Neighborhood Commercial) District, to be applied in two Nodal Development Overlays:

- (a) Near the intersection of Parr Road and the Evergreen Road extension (approximately 10 acres); and
- (b) At the north boundary of the UGB along Boones Ferry Road, north of the Mill Creek tributary (2-5 acres).

**RESPONSE: NA not within the area of Parr and Evergreen Road**

F-1.10 The Downtown Gateway sub-district of the CG zoning district is an area which extends eastward from Highway 99E towards downtown. Special use provisions within the sub-district shall allow multi-family residential development either as a stand-alone use or as part of a vertical mixed use project. The intent of allowing multi-family residential development in this area is to provide more consumers living within an area of commercial development and to provide 24-hour a day life into the eastern entrance to the downtown. **RESPONSE: NA this site is not within the Downtown area**

F-1.11 The Highway 99E commercial corridor south of Lincoln should be redeveloped over time with more intense mixed use development. The Mixed Use Village Overlay (MUVO) designates an area that is intended to promote efficient use of land and urban services; create a mixture of land uses that encourages employment and housing options in close proximity to one another; restrict land extensive commercial, storage, and industrial uses; and encourage pedestrian-oriented development.

**RESPONSE: NA this site is not on Hwy 99 E**

F-1.12 In order to spur desired development and redevelopment within the MUVO, and

consistent with the recommendations of the Highway 99E Corridor Plan, the City will apply the Mixed Use Village zone in a strategic area in the vicinity of the Young Street intersection. **RESPONSE: NA this site is not on Hwy 99 E**

F-1.13 The city shall initiate a legislative zone change to designate remaining land within the area designated MUVO and within the City limits as MUV at such time as ODOT includes a project to improve Highway 99E south of Lincoln in the Development Statewide Transportation Improvement Program (DSTIP).

**RESPONSE: NA this site is not in the designated area**

F.1.14 Property owners within the MUVO and within the City limits may petition the City to initiate a legislative zone change to MUV for their property at any time. Land outside City limits within the MUVO shall be zoned MUV upon annexation.

**RESPONSE: NA this site is not in the designated area**

F-1.14 The City intends to beautify the Highway 99E commercial corridor through measures such as replacement of overhead power and telephone lines with underground utilities, enhancing street lighting in the corridor, providing for non-conforming sign amortization, providing enhanced streetscape furnishings in key pedestrian areas, and establishing a storefront improvement program. The City will explore options to fund such improvements, including its Capital Improvement Program, formation of a Local Improvement District, and Urban Renewal funds.

**RESPONSE: NA this site is not on Hwy 99 E**

Sincerely,

Ronald James Ped  
Architect, PC