



30 April 2024

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

RE: Status of CU 24-02, DR 24-02, PP 24-01, & SA 24-01 “US Market gas station” at 2540 & 2600 Newberg Hwy (Tax Lots 052W12DB03600 [primary] & 3700)

**SEE RESPONSES BELOW IN RED**

Staff reviewed the degree of completion of the Conditional Use (CU) consolidated applications package for the subject property with materials submitted February 8, 2024 and determined it incomplete as of March 8, 2024. Staff sends this letter to demonstrate compliance with Oregon Revised Statutes (ORS) [227.178\(2\)](#).

This letter is divided into two parts:

- Part I: Missing items required to make the application package complete; and
- Part II: Recommendations and initial site plan revision directions that are optional for a completeness response by the applicant and, if the applicant defers, would be resolved by the time of conditioning.

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

Part I

A. Application form: Revise the first page of the uniform app form to add:

**SEE REVISED UNIFORM APPLICATION**

1. Missing references to the second lot: 2540 Newberg Hwy (Tax Lot 052W12DB03600).
2. Landowner e-mail address.

B. Narrative: Revise the conditional use narrative to address WDO Table 2.03A by specifying that the CU request for a “gasoline station” is for that subset of the whole group of “automotive

maintenance and gasoline stations, including repair services” as listed in Table 2.03, Use B2, and so excludes any automotive maintenance and repair services (as appears to be the case).

**SEE REVISED CONDITIONAL USE NARRATIVE**

c. Frontage/street improvements: Oregon Way: Revise the site plan as follows:

1. Revise to delineate and label measurements of both the existing and post-dedication right-of-way (ROW) boundaries. (The applicant can keep the label reading, “33’-0” dedicated right of way per Fig. 3.01E — Access Street”.)

**SEE REVISED SITE PLAN A/A1.1**

2. Delineate post-dedication ROW per what would have been CU 21-02 Condition EX2, that it, “exceeds that width where necessary to accommodate both the existing northbound left turn lane and required half-street improvements.”

**SEE REVISED SITE PLAN A/A1.1**

3. The landscape plan illustrates street trees, Raywood ash species, that the legend indicates as size, “7-8’ large”, the “large” presumably based on the size categories at maturity per WDO Table 3.06B. 3.06.03A.2 requires that Access Streets have medium size trees. Revise accordingly.

**SEE REVISED LANDSCAPE PLAN A/L1.1**

4. Revise the landscape plan legend to note for each tree species height in feet at maturity.

**SEE REVISED PLANT LIST 1/A1.1**

5. Landscape strip:

**SEE REVISED LANDSCAPE PLAN A/L1.1**

a. Revise the call-out note “3.06 ...” to correct from 50 to 30 ft.

b. Demonstrate that the landscape strip conforms with 3.01.03C.1e as well as the 3.01.04B last paragraph (grass and irrigation) and 3.06.03A.3 about root barriers, be it visually or through further revision of the call-out note.

D. Vision clearance area (VCA) / sight triangles: Revise the three highway site plan sight triangles to shift them south to align with the highway right-of-way (ROW) boundary instead of the sidewalk, in order to conform with WDO Figure 3.03A.

**SEE REVISED SITE PLAN A/A1.1**

E. Cross access:

1. Revise the site plans to delineate and note cross access and a cross access easement to be granted on 2600 Newberg Highway to the benefit of both 2540 & 2620 Newberg Highway (Tax Lot 052W12DB03800; Dairy Queen) per 3.04.03D.2 and 3.04.03C.4a. Illustrate a drive aisle stub to the Dairy Queen property that conforms with 3.04.03C.4b.

**THE REQUESTED CROSS ACCESS & EASEMENT ARE NOT PERMISSIBLE BY ODOT AND WOULD ONLY SERVE TO INCREASE CONGESTION FOR THE PROPOSED DEVELOPMENT & CAUSE MORE POTENTIAL FOR CARS SEEKING ACCESS TO THE HWY TO GO THE WRONG WAY OUT THE NORTHWEST DRIVEWAY. WE ARE NOT NECESSARILY OPPOSED TO THIS ACCESS BUT IT IS AN ISSUE THAT OTHERS WOULD NEED TO ADDRESS WITH ODOT.**

2. Revise the site plans to delineate and note cross access and a cross access easement to be granted on 2540 Newberg Highway to the benefit of 2600 Newberg Highway.

**SEE REVISED SITE PLAN A/A1.1**

- F. Driveway: Regarding the proposed alteration of the highway driveway to be 30 feet width one-way inbound, WDO Table 3.04A, column “Commercial ...”, establishes a max width of 20 ft for a one-way driveway and 24 ft for two-way. There are three options to pursue deviation:

**THE DRIVEWAY HAS BEEN REVISED TO 20ft, SEE REVISED SITE PLAN A/A1.1**

**What would the cities response be if we decided to keep the existing driveway at this location rather than constructing a new one, as we are doing at the SE corner of the site?**

1. Up to 26 ft is permissible administratively through Table 3.04A footnote 7. To make use of this, submit Woodburn Fire District documentation and revise the narrative under 3.04.04 to refer to the documentation. For staff to accept, the Fire Marshal would need to clearly state that he requires 26 ft width per administration of Oregon Fire Code (OFC) Appendix D and what section(s) of the appendix. Pay heed to the Section D103.1 exceptions to minimum width, nos. 2 & 3 (mountable curbing & one-way). See also Part II, Item CC.
2. Up to 26 ft is permissible through Zoning Adjustment (ZA) per 5.02.06C.19c if meeting the criteria and factors of 5.02.06B. To make use of this, apply and pay for a ZA, including application materials that demonstrate how the application would meet the criteria and factors.
3. Wider than 26 ft is allowable through variance.

- G. TIA: Revise the transportation impact analysis (TIA) dated August 13, 2021 and recycled from CU 21-02 to address:

**SEE REVISED TRAFFIC ANALYSIS**

1. WDO 3.04.05, which the City Council amended May 9, 2022 between CU 21-02 and the present CU 24-02; and
2. The City transportation consultant memo (Enclosure 4).

A TIA review fee of \$900 is due per the [Planning Division fee schedule](#), p. 2, blue row. (It wasn't paid February 8.) Have the Administrative Specialist, i.e. the department secretary, invoice through record number 971-24-000013-PLNG. She can assist with payment questions at (503) 982-5246; mention the record number.

**NOTED**

- H. Wide walkway: To conform with WDO 3.04.06, revise the site plans to have a wide walkway — one 8 ft wide — reach the southwest office building main entrance. (If seeking additional room, see Zoning Adjustment allowance for drive aisle widths through Table 3.05B footnote 8 and 5.02.06C.21. 5.02.06C.20 allows for ZA to raise the compact parking max from 20% to 40%.)

**SEE REVISED SITE PLAN A/A1.1**

- I. Parking:

1. Wheel stops. Revise the site plans to illustrate wheel stops conforming with 3.05.02H in the

parking aisle along the lawn wide walkway south side.

**SEE REVISED SITE PLAN A/A1.1**

2. Ratios: Revise the site plan to provide table calculating how minimum off-street parking is determined per 3.05.02C and Table 3.05A. In other words, confirm that parking is per table rows 6 & 12 and yields 46 minimum required stalls. (The draft site plan illustrates 53.)  
**SEE REVISED SITE PLAN SUMMARY A1.1 (per WDO we calculate 42 required spaces)**
3. Compact: 3.05.03C caps compact parking at 20% of minimum required parking. Out of 46 minimum, 20 are proposed: 43.5%. There is Zoning Adjustment allowance through 5.02.06C.20 to raise the compact parking max from 20% to 40%. More than 40% is allowable through variance.  
**PER WDO 3.05.03C THE 20% MAX COMPACT SPACES IS BASED ON THE REQUIRED PARKING SPACES NOT THE AMOUNT PROVIDED. THIS IS BROKEN DOWN ON THE REVISED SITE PLAN SUMMARY A1.1**
4. Dimensions helpful hint: The site plan dimensions a typical standard size parking space at 9 ft wide by 19 ft long; however, Table 3.05B and Figure 3.05C require a stall length of only 18 ft for stalls at 90° or perpendicular to a drive aisle. Additionally, the stall chosen for typical dimensions is along site perimeter landscaping, and Figure 3.05C allows for landscaping overhang of max 11a ft from face of curb, which would allow the paved stall depths to measure as little as 161a ft from face of curb.

**NOTED**

5. C/V: Revise the site plans to label 2, not 1, carpool/vanpool (C/V) stalls as Table 3.05C requires among 46 minimum parking spaces, and it also conform with the “convenient locations” standard of 3.05.03H.1.  
**SEE REVISED SITE PLAN A/A1.1**
6. EV: Revise the site plans to relocate the 2 proposed and required electric vehicle (EV) parking spaces to conform with the 3.05.031.1 “convenient locations” standard.  
**SEE REVISED SITE PLAN A/A1.1**

J. Landscaping:

1. Irrigation: Revise the landscape plan conform with 3.06.02A regarding irrigation and if applicable, subsection B.  
**SEE REVISED LANDSCAPE PLAN A/L1.1 & ADDED IRRIGATION PLAN A/L1.2**
2. Parking area landscaped islands/peninsulas: Revise the site and landscape plans to conform with 3.06.03C, particularly for the two parking aisles between the fuel pumps and the south office building.  
**SEE REVISED SITE PLAN A/A1.1 & LANDSCAPE PLAN A/L1.1**

- K. Bicycle parking: Revise the site plans and if necessary building elevations such that bicycle parking conforms with 3.05.06C.6 (50% coverage/sheltering).  
**BICYCLE PARKING AT THE CONVENIENCE STORE HAS BEEN SHIFTED TO UNDER BUILDING AWNINGS. SEE REVISED SITE PLAN A/A1.1**

- L. Recycling and trash enclosure: Revise the site plan elevation Detail 1 to illustrate conformance with 3.06.06B.6 (coloration other than gray on a least 80% of surface).  
**SEE REVISED CMU COLORS 2/A1.1**

M. Window: On the elevations sheet, revise Detail D to include the building chamfered corner window that Detail F illustrates.

**SEE REVISED ELEVATION D/A3.1**

N. Lighting:

1. Revise the lighting plan to note that exterior wall-mounted light fixtures are to be mounted max 8 ft above grade to conform with 3.11.02B.1.

**SEE REVISED LIGHTING PLAN A/E1.1**

2. Revise the sheet to note that exterior light fixtures hues / color temperatures are to conform with 3.11.02C.

**SEE REVISED LIGHTING PLAN A/E1.1**

3. Submit cut/spec sheets for the vendor models. They may be incorporated within the plan sheet.

**SEE PDF "Site Lighting cut sheets"**

O. Queueing: The application materials need more information about how queueing and circulation would operate. Guiding questions include:

1. Are some pumps allocated for self-serve and others for attendant service or "mini serve"?

***We will operate a half & half model: 6 designated pumps for full service and 6 for self-service.***

**SEE REVISED SITE PLAN A/A1.1**

2. How is queueing handled in the field during operations?

***Traffic queueing will be managed through the strategic placement of signage and pavement lines, which will offer the safest and most efficient flow of traffic. Our staff will be on hand to provide assistance if any queries arise. SEE REVISED SITE PLAN A/A1.1 & QUEUING PLAN B/A1.1***

3. What would prevent queued vehicles from backing up onto the highway?

***To prevent cars from backing onto the highway, we will ensure that the lot is adequately proportioned to accommodate a backup of 3-4 cars. This scenario is unlikely, but we will also utilize the layout effectively to prevent this. SEE QUEUING PLAN B/A1.1***

4. Because the site plan indicates no attendant booth, where and how would the attendant(s) be stationed?

***Similar to other gas stations, attendants will be positioned safely either inside the store or near a gas pump when assisting with fueling vehicles.***

P. Phasing plan: Revise the phasing plan to address substantively the criteria. Also explain the number, locations, and timing of phases and refer to plan Sheet A1.1a that delineates phase boundaries.

**PHASING PLAN HAS BEEN REMOVED, NO PHASING OF THE PROJECT IS ANTICIPATED**

Q. Public Works: See the enclosed Public Works Department comments (Enclosure 1). The contact is Dago Garcia, P.E., City Engineer, (503) 982-5248, [dago.garcia@ci.woodburn.or.us](mailto:dago.garcia@ci.woodburn.or.us).

1. Applicant needs to provide additional information on how the proposed private storm system and private sewer system comply with the City's Storm Drainage and Sanitary Sewer ordinances, see ordinance [1790](#) and [2620](#). The gas pumps area shall comply with Federal, State, and City's regulations for containment of spills and storm discharges.

Pending ODOT's and Marion County Plumbing permit review and approval the minimum requirement is to have an oil/water and sand separator on the private storm system.

Pending Marion County Plumbing permits approval, the minimum requirement is to have an oil/water separator and grease interceptor in the private sewer system. Please submit the attached "nonresidential wastewater discharge Survey" form to Carol Limbach for additional information/requirements ([carol.leimbach@ci.woodbur.or.us](mailto:carol.leimbach@ci.woodbur.or.us)).

**SEE REVISED UTILITY PLAN A/C1.2 & OIL WATER SEPARATOR & GREASE INTERCEPTOR CUT SHEETS 2 & 3/C1.2 (nonresidential wastewater discharge survey is in process and will be submitted upon completion)**

- R. Building Division: See the enclosed Building Official comment (Enclosure 2). The contact is Melissa Gitt, Building Official, (503) 980-2430, [melissa.gitt@ci.woodburn.or.us](mailto:melissa.gitt@ci.woodburn.or.us).

1. Removal or re-routing of the existing sewer line shown on pg. A1.3 of the design review site plan, is required prior to construction of the 4,110 sq. ft. convenience store building. No building sewers or other drainage piping, constructed of materials other than those approved for use under or within a building, shall be installed under or within 5 feet of a building. See the 2023 OPSC, section 312.3 for specific code language

**SEE REVISED DEMO PLAN B/A1.2 & UTILITY PLAN A/C1.2**

- S. Woodburn Fire District: See the enclosed Fire Marshal comment (Enclosure 3). The contact is James Gibbs, Fire Marshal, (503) 982-2360, [gibbsj@woodburnfire.com](mailto:gibbsj@woodburnfire.com).

1. I need more info on the wall separating the office and market.  
**THE WALL SEPARATING THE CONVENIENCE STORE FROM THE OFFICES IS A FULL HEIGHT STANDARD STUD FRAMED WALL WITH SOUND INSULATION & GYP. BOARD ON EACH SIDE. NO OCCUPANCY SEPARATION REQUIRED PER OSSC TABLE 508.4**
2. I need to know the height of the cover over the pump area because the fire access goes under the cover.  
**THE MINIMUM CLEAR HEIGHT OF THE CANOPY IS 14'-0" SEE REVISED FIRE ACCESS PLAN A1.3**
3. I need to know where all the fire hydrants are and the distances between the hydrants and the buildings as well as the GPM of each hydrant. A test result of each fire hydrant.  
**FIRE HYDRANT TESTING IS IN PROCESS AND WILL BE MADE AVAILABLE UPON COMPLETION. SEE REVISED FIRE ACCESS PLAN A1.3**
4. We do not allow the reductions in appendices in 2022 Oregon Fire Code.  
**NOTED**
5. I need the construction type of all buildings and all fire rated or fire wall information.  
**THERE IS NO FIRE RATED CONSTRUCTION ANTICIPATED. SEE REVISED FIRE ACCESS PLAN A1.3**

## Part II

Part II anticipates developer actions and revisions, whether before or after public hearing and ideally before staff finalizes conditions of approval. Read in whole first, taking notes, before asking staff to clarify or revising app materials. I'd be happy to set up a virtual meeting between staff and the applicant or applicant's team to help understand the items and continue discussion from there. A phone call to me would also suffice, (503) 980-2485.

AA.Sidewalk Oregon Way: Revise to widen to 8 ft between street corner and driveway north side, per what would have been CU 21-02 Condition EX2c(3), not narrowing the landscape strip to do so.

**SEE REVISED SITE PLAN A1.1**

BB. Electric power lines and poles: This is an advisory instead of a request for revised or additional application materials. Electric power lines and poles exist along the highway. Expect to conform with 3.02.04B, which the City Council amended May 9, 2022 between CU 21-02 and the present CU 24-02, by either removing and burying or paying a fee in-lieu.

The fee in-lieu would be \$272.11 per lineal ft x 265 ft of frontage per [Marion County Tax Map 052W12DB](#) = \$72,109. Staff would charge it through the building permit, and payment would be due at permit issuance along with other permit fees. Because this would be cheaper than the work, staff assumes the applicant will default to paying the fee in-lieu (and will proceed to charge it upon building permit application) and wanted to alert the applicant to avoid a later surprise.

**WE PLAN TO PAY THE FEE IN-LIEU**

CC. Driveway: Regarding the proposed alteration of the highway driveway to be 30 feet width one-way inbound, revise the site plan to propose outside the ROW apron and within the throat decorative textured pavers, mountable curb, or combination that lies outside the circulation area of the typical passenger car and serves for circulation of fuel trucks.

The purpose is to calm drivers by subconsciously having them keep to within the asphalt, especially if their vehicles vibrate when encroaching onto the textured pavers, and to also provide for safe and effective pavement for truck circulation. See also Part I, Item F.

**SEE ITEM F RESPONSE IN PART 1**

DD.CU 21-02: Revise to conform with what would have been [CU 21-02](#) Conditions as bulleted below and highlighted in Enclosure 5:

- CU1a1, regarding the convenience store northerly east awning.  
**SEE REVISED ELEVATIONS D/A3.1**
- CU1a3(b), regarding the south office building north awnings and a south awning or canopy.  
**SEE REVISED ELEVATIONS G & H/A3.1**
- CU1b(1), regarding the mandoor screen wall.  
**SEE REVISED ELEVATIONS D/A3.1**
- CU1f(2)(a)(1) & (2), regarding east, south, and west elevations. In other words, tabulate percentages for these as was done for the north elevation.  
**SEE REVISED ELEVATIONS A & C/A3.1**

- CU2b(2), the Architectural Wall being 9'-2" instead of 8 ft.  
**SEE REVISED SITE PLAN A/A1.1 & ELEVATIONS I/A3.1**
- CU2c, stair-stepped height limits in yards abutting streets per 2.06.02. That is, revise the site plan note or symbology to demonstrate conformance with Figures 2.06A & B, not just the sight triangle. **SEE REVISED SITE PLAN A/A1.1**
- CU2e, Architectural Wall color. **SEE REVISED CMU COLORS 2/A1.1**
- CU2g, Architectural Wall details. **SEE REVISED ARCHITECTURAL SCREEN WALL DETAIL 1/A1.1**
- CU5f(c), aligning the patio flush with door outer swing. That is, revise elevation Detail G to shift the slab east if the door swings west or west if it swings east.  
**SEE REVISED SITE PLAN A/A1.1 & ELEVATIONS G/A3.1**
- CU10(2), adding a trash receptacle along the wide walkway to and from the Oregon Way sidewalk. **SEE REVISED SITE PLAN A/A1.1**

EE. SDCs: Regarding [system development charges \(SDCs\)](#), the traffic one can be very expensive per [Resolution No. 2188](#) (April 25, 2022), Exhibit "A" that provides for charges based on Institute of Transportation Engineers (ITE) codes including ITE code 960, super convenience market/gas station, based on vehicle fueling positions. Regarding a car wash, footnote 3 explains, "For ITE codes not listed in the schedule above, the SDC charges shall be calculated in accordance with the April 2022 Transportation System Development Charges Study." Please investigate, ask the Public Works Department [Engineering Division](#) any questions about SDC administration, and determine if the developer's budget can accommodate all SDCs.

**NOTED**

*Attachment(s):*

Documents: REVISED Conditional Use Narrative  
REVISED Traffic Study

Applications: REVISED Uniform Application

Cut Sheets: Site lighting Cut Sheets

Drawings: ARCH: (A1.0, A1.1, A1.2, A1.3, C1.1, C1.2, E1.1, L1.1, L1.2, & A3.1)

Sincerely,

Ronald James Ped  
Architect, PC



