



PO Box 1920, Silverton, OR 97381
www.cascadiapd.com / 503-804-1089

CITY OF WOODBURN
APPLICATION FOR
LAND USE REVIEW

WOODBURN
CONSTRUCTION COMPANY
WAREHOUSE/OFFICE
BUILDING

Location: 635, 669, and 681 Ray J Glatt Circle
T.L. 3500 of T.M. 051W07AC

Prepared by: Steve Kay, AICP
Mason McGonagall, Ph.D. Arch

Prepared for: Woodburn Construction Company
669 Ray J Glatt Circle
Woodburn, OR 97071
(503) 981-9504

October 8, 2025

APPLICANT'S STATEMENT

PROJECT NAME:	Woodburn Construction Company Warehouse/Office Building
REQUEST:	Preliminary Approval of a Type III Design Review Application with Concurrent Street Adjustment Application and Variance for a Proposed 14,110 sq. ft. Warehouse/Office Building and Associated Site Improvements within the Commercial Office (CO) Zone
PROPERTY LOCATION:	669, 681, 683, and 685 Ray J. Glatt Circle Woodburn, OR 97071
APPLICANT'S REPRESENTATIVE:	Steve Kay, AICP Cascadia Planning + Development Services P.O. Box 1920 Silverton, OR 97381 503-804-1089 steve@cascadiapd.com
APPLICANT:	Woodburn Construction Company 669 Ray J Glatt Circle Woodburn, OR 97071
PROPERTY OWNER:	ALJW LLC P.O. Box 129 Woodburn, OR 97071
SITE DESCRIPTION:	Tax Lot 3500 of Tax Map 051W07AC
TOTAL SITE AREA:	2.08 Acres +/-

I. APPLICABLE REGULATIONS

A. Woodburn Comprehensive Plan

B. Woodburn Development Ordinance

Volume 1: Organization and Structure

Chapter 1.04: Nonconforming Uses and Development

Volume 2: Land Use Zoning and Specific Use Standards

Chapter 2.03: Commercial Zones

Volume 3: Development Guidelines and Standards

**Chapter 3.01: Streets, Greenways & Other Off-Street Bicycle/Pedestrian
Corridors, and Bus Transit**

Chapter 3.02: Utilities and Easements

Chapter 3.03: Setbacks and Open Space

Chapter 3.04: Vehicular & Bicycle Pedestrian Access

Chapter 3.05: Off-Street Parking and Loading

Chapter 3.06: Landscaping

Chapter 3.07: Architectural Design

Chapter 3.10: Signs

Chapter 3.11: Lighting

Volume 4: Administration and Procedures

Chapter 4.02: Review, Interpretation and Enforcement

Volume 5: Application Requirements

Chapter 5.03: Type III (Quasi-Judicial) Decisions

II. BACKGROUND:

The applicant, Woodburn Construction Company, is requesting preliminary approval of a Design Review application with concurrent Variance and Street Adjustment applications for the development of a new warehouse/office building and associated site improvements. The subject site is addressed as 669, 681, 683, and 685 Ray J Glatt Circle and is developed with two commercial buildings in the northern portion of the site. The property is identified by the Marion County Assessor's Office as Tax Lot 3500 of Tax Map 051W07AC. The applicant is proposing to develop a 14,110 sq. ft. warehouse and office building in the southern portion of the 2.08-acre site. Since the structure is greater than 500 sq. ft., approval of the Design Review, Variance, and Street Adjustment applications will be reviewed through the Type III process.

The subject site is zoned Commercial Office (CO), which permits a variety of commercial retail and services, light industrial, and residential uses. To the north of the site is a CO zoned parcel that is developed as the Legacy Health Imaging Center. To the northwest are several CO zoned parcels that are developed with a parking lot for the imaging center. To the west of the site is a CO zoned parcel that is utilized by Woodburn Ambulance Services. Also to the west is a CO zoned parcel that is developed with a clinic which is operated by Legacy Health. To the south of the site is a large CO zoned parcel that was developed by the First Presbyterian Church of Woodburn. To the southeast of the subject property are additional CO zoned parcels that are utilized by Wave Broadband, several law offices, and an accounting service.

The submitted Existing Conditions Plan indicates that the subject site slopes down from the west to the east side of the property. The plan identifies the location of existing trees, structures, utilities, and easements on the property. There are no wetlands, drainageways, or natural hazard areas on the site (see Exhibit 4).

Public utilities are located within the vicinity of the proposed development and can be extended to serve the proposed use. The attached Utility Plan indicates that public water and sanitary sewer will be extended from Ray J Glatt Circle to the site through an existing 27-ft. wide easement on the adjacent property, addressed as 635 Ray J Glatt Circle. The submitted Grading and Drainage Plan demonstrates that stormwater will be detained on-site before it is released to the public storm main line within Ray J Glatt Circle at the pre-development rate.

The submitted Site Plan and Transportation Engineer Memo indicate that public transportation facilities are available and can serve the proposed use (see Exhibits 4 and 5). Primary access to the proposed development will be provided from the west through an existing access and utility easement across the Woodburn Ambulance Services property, addressed as 1040 N Boones Ferry Road. Secondary access to the warehouse and office use will be provided from through an existing access and utility easement that crosses the Legacy Health Imaging Center property, addressed as 693 Ray J Glatt Circle.

Due to the configuration of the subject property, the location of existing development that prevents access to Ray J Glatt Circle, an existing easement in the northwest corner of the property, and the need to utilize access easements at midpoints along the north and west boundaries of the site, the applicant requesting a variance and several adjustments to City standards. To site the proposed warehouse structure in the southern portion of the site, allow for the development of a future office building, and provide enough parking for the proposed uses, the applicant is requesting approval of a Variance application for Section 3.04.03(D) standards. This request is to eliminate the requirement to provide a vehicle connection to the First Presbyterian Church to the south of the site. Also, due to the location of existing development on the site, the applicant has submitted a Variance application to forego Section 3.04.06(D) requirements to provide an 8-ft. walkway from the entry of the proposed structure to the existing sidewalk along Ray J Glatt Circle. In addition, to provide consistency with existing road frontage improvements on neighboring parcels, the applicant is proposing a Street Adjustment to Section 3.01.01(D) standards to retain the existing sidewalk improvements along Ray J Glatt Circle.

This Applicant's Statement addresses applicable provisions of the Woodburn Development Ordinance. Copies of the Application Form, Property Deed and Easement Agreements, City Pre-Application Conference Report, Preliminary Development Plans, Transportation Engineer Memo, Hydrant Flow Test, and Letter in Support of Cross Connection Variance have been attached to this narrative. The exhibits and narrative demonstrate that the submitted land use applications meet the criteria for approval.

III. FINDINGS

A. WOODBURN COMPREHENSIVE PLAN

COMMENT:

Except where required by the Woodburn Development Ordinance, this application is not required to address City goals and policies related to the development of land, since the Woodburn Comprehensive Plan is implemented by the Code.

B. WOODBURN DEVELOPMENT ORDINANCE

VOLUME 1: ORGANIZATION AND STRUCTURE

Chapter 1.04: Nonconforming Uses and Development

Section 1.04.03: Nonconforming Development

C. Redevelopment:

- 3. Non-residential: New development that adds to or alters existing development shall conform. Regarding development nonconformities on the remainder of a site:**

b. Full Redevelopment:

(1) Thresholds: Where:

(a) Building gross floor area increases by more than either 500 square feet for non-industrial or 1,000 square feet for industrial, or by 25% or more from an existing amount, whichever is less;

(b) Off-street parking increases from zero to 20 stalls or more total or from an existing amount by 25% or more; or

(2) Standards: Upgrade all nonconformities exterior to buildings. This includes any of frontage, street, and public improvements that are nonconforming.

COMMENT:

The applicant is proposing to develop a 14,110 sq. ft. contractor warehouse/office building and a new 44-stall parking area in the southern portion of the site. The attached Existing Conditions Plan demonstrates that the 2.08-acre site is currently developed with two structures totaling 8,880 sq. ft. and a 24-stall parking area in the northern area of the site. Since the proposed structure exceeds 500 sq. ft. and the development includes more than 20 parking stalls, the thresholds for upgrades to nonconforming development on the site are met.

The Overall Site Plan demonstrates that existing structures on the property prevent access from the proposed development area to Ray J Glatt Circle. Access to Ray J Glatt Circle will be provided through an existing easement to the north that crosses the adjacent Legacy Health Imaging Center property. Access to Boones Ferry Road to the west is provided through an existing access easement that crosses the adjacent Woodburn Ambulance Services property. Since the subject property fronts Ray J Glatt Circle, and to provide consistency with the road improvements adjacent to neighboring parcels, the applicant is proposing a Street Adjustment to Section 3.01.01(D) standards to maintain the existing sidewalk improvements along the roadway.

The attached Architectural Site Plan and Planting Plan demonstrate that the applicant is proposing to upgrade nonconforming development on the site to comply with Section 1.04.03.C.3.b(2) to the extent feasible. As required, the applicant will install bicycle parking stalls adjacent to the existing buildings to meet current standards. Additional improvements to address current City standards include the restriping of parking stalls and the delineation of ADA access aisles in the northern parking lot. The attached Planting Plan illustrates that landscaping requirements for the entire site are met (see Exhibit 4). However, due to the location of existing development on the site, the applicant has submitted a Street Adjustment application for Section 3.04.06(D) to forego the requirement to provide an 8-ft. walkway from the entry of the new structure in the southern portion of the site to the existing sidewalk along Ray J Glatt Circle.

VOLUME 2: LAND USE ZONING AND SPECIFIC USE STANDARDS

Chapter 2.03: Commercial Zones

- A. The City of Woodburn is divided into the following commercial zones:**
 - 3. The Commercial Office (CO) zone is intended primarily for office type development, with limited retail activity.**

COMMENT:

The subject site is located within the CO zone; therefore, the standards of this chapter apply.

B. Approval Types (Table 2.03A)

COMMENT:

In the southern portion of the subject property, the Woodburn Construction Company is proposing the development of a 14,110 sq. ft. contractor warehouse/office building, a parking lot, and other associated site improvements. The proposed uses are permitted uses in the CO zone per Table 2.03A. As required, all materials storage will be provided within the proposed structure.

C. Development Standards (Table 2.03D)

COMMENT:

The attached Architectural Site Plan illustrates that the proposed contractor warehouse/office building meets the required 15-ft. front and 10-ft. side and rear setbacks for the CO zone. As discussed above, all adjacent properties are also located within the CO zone (see Exhibit 4). Table 2.03D indicates that the CO zone does not have lot area, lot depth, lot width, or street frontage requirements. As demonstrated on the attached Building Elevations, the proposed shop building height complies with the maximum 35-ft. height standard.

VOLUME 3: DEVELOPMENT GUIDELINES AND STANDARDS

Chapter 3.01: Streets, Greenways & Other Off-Street Bicycle/Pedestrian Corridors, and Bus Transit

Section 3.01.01: Applicability

- A. Right-of-way standards apply to all public streets.**
- B. Improvement standards apply to all public and private streets, public alleys, sidewalks, landscape strips, and on and off-street public bicycle pedestrian corridors. Standards do not exclude conformance with the public works construction code that the Public Works Department administers.**
- C. The Woodburn Transportation System Plan (TSP) designates the functional class of major thoroughfares and local streets.**
- D. This applies to all development as Section 1.02 defines, and is not limited to partitions, subdivisions, multi-family, commercial or industrial construction, or establishment of a manufactured dwelling or recreational vehicle park; however, a lesser set of standards applies to infill residential development of 4 or fewer dwellings and where no land division or Planned Unit Development is applicable, including construction of a single family dwelling or placement of a manufactured dwelling on an infill lot. See Section 3.01.03C.2.**

COMMENT:

The attached Architectural Site Plan demonstrates that the subject site fronts Ray J Glatt Circle, however existing structures on the property prevent access to the new building's location (see Exhibit 4). As discussed above, alternate access to the proposed structure will be provided through easements on adjacent properties. Ray J Glatt Circle is classified as a Service Collector street and the current right-of-way width of 60-ft. meets City standards. Per the attached Pre-Application Conference Report, the existing frontage improvements are required to be upgraded to a 6-ft. landscape strip and 6-ft. sidewalk. However, to provide consistency with existing road improvements that are in an area with fully developed parcels, the applicant is proposing a Street Adjustment to Section 3.01.01(D) standards to maintain the existing sidewalk improvements along Ray J Glatt Circle.

Section 3.01.02: General Provisions

- A. No development shall be approved, or access permit issued, unless the internal streets, boundary streets and connecting streets are constructed to at least the minimum standards set forth in this Section, or are**

required to be so constructed as a condition of approval.

- B. Private streets are prohibited, except in manufactured dwelling parks, pursuant to State statute (ORS Chapter 446 and OAR 918-600). All private streets in manufactured dwelling parks shall comply with the standards of the Woodburn Development Ordinance (WDO) and State statute.
- C. Materials and construction shall comply with specifications of the City of Woodburn.
- D. The standards of this Section may be modified, subject to approval of a Street Adjustment, Planned Unit Development, Zoning Adjustment, or Variance. Other sections restrict where and how these application types apply.
- E. 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.
- F. Fees in-lieu: Per Section 4.02.12.

COMMENT:

The attached Pre-Application Conference Report indicates that the site's existing curbtight sidewalk along the Ray J Glatt Circle frontage are required to be replaced with a 6-ft. wide planter strip and a 6-ft. wide sidewalk to meet current City standards (see Exhibit 3). However, to provide consistency with the existing road improvements in an area with fully-developed parcels, a Street Adjustment applicant has been submitted to maintain the existing sidewalk improvements along Ray J Glatt Circle. As required, the applicant has addressed the Street Adjustment criteria under Section 5.02.04(C) in the narrative provided below.

Section 3.01.03: Improvements Required for Development

- C. **Boundary Streets.**

1. The minimum improvements for a Boundary Street may be termed “half-street” improvements and shall be as follows, except per subsection 2:
 - a. One paved 11-foot travel lane in each direction, even though this results in required improvements being slightly more than half-street by exceeding what the applicable cross section figure would require for a half-street;
 - b. On-street parking on the side of the street abutting the development, if on-street parking is indicated in the TSP;
 - c. Curb on the side of the street abutting the development;
 - d. Drainage facilities on the side of the street abutting the development;
 - e. Landscape strip with street trees and lawn grass on the side of the street abutting the development; and
 - f. Sidewalk on the side of the street abutting the development.

COMMENT:

The attached Pre-Application Conference Report indicates that the existing right-of-way, pavement width, curb, and storm facilities along the Ray J Glatt Circle frontage current meet City standards (see Exhibit 3). However, the report indicates that the existing curbtight sidewalk is required to be replaced with a 6-ft. planter strip and a 6-ft. sidewalk along the site’s frontage. Through the submittal of a Street Adjustment application, the applicant is proposing to modify the boundary street standards. The request to retain the existing sidewalk will provide design uniformity for an area with fully-developed parcels that front Ray J Glatt Circle.

Section 3.01.04: Street Cross-Sections

- A. These standards are based on the functional classification of each street as shown in the Woodburn TSP. The street right-of-way and improvement standards minimize the amount of pavement and right-of-way required for each street classification, consistent with the operational needs of each facility, including requirements for pedestrians, bicycles, and public facilities.

COMMENT:

The attached Pre-Application Conference Report indicates that Ray J Glatt Circle is designated as a Service Collector and a cross section is provided for a Local Residential Street with the report (see Exhibit 3). The report states that the existing right-of-way, pavement width, and curb meet City standards. However, removal of the existing curbtight sidewalk and installation of a 6-ft. wide planter strip and 6-ft. wide sidewalk are required to meet current standards. To provide consistency with the road improvements adjacent to neighboring parcels, the applicant is proposing a Street Adjustment to Section 3.01.01(D) standards to maintain the existing sidewalk improvements along Ray J Glatt Circle.

Section 3.01.05: Street Layout**C. Block Standards**

- 1. Block length shall not be less than 200 feet and not more than 600 feet, except where street location is precluded by any of the following;**
 - a. Natural topography, wetlands, significant habitat areas or bodies of water, or pre-existing development;**
 - b. Blocks adjacent to arterial streets, limited-access highways, collectors or railroads;**
 - c. Residential blocks in which internal public circulation provides equivalent access.**
- 2. In any block that is longer than 600 feet, as measured from the right-of-way line of the street to the right-of-way line of the adjacent street, a bikeway/ pedestrian facility shall be required through and near the middle of the block.**
- 3. On any block longer than 1,200 feet, corridors per Section 3.01.07 and 3.01.08 may be required through the block at 600 foot intervals.**
- 4. In a proposed development including partition and subdivision, or where redevelopment potential exists and a street connection is not proposed, one or more off-street bicycle/pedestrian facilities may be required as partition or subdivision connection paths or shortcut paths to connect a cul-de-sac or other public street to other public streets, to other**

bicycle/pedestrian facilities, or to adjoining land to allow for future connections.

COMMENT:

Between Tukwila Drive and Hillsboro-Silverton Hwy. (Hwy. 214), the existing block length is approximately 2,900-feet. Existing development, including the OGA Golf Course, prevents the construction of a new east-west street between Ray J Glatt Circle or Meridian Drive and N Boones Ferry Road. Consistent with Section 3.01.05.C.4, the applicant is proposing to develop a 5-ft. wide off-street pedestrian connection through the middle of the site, from the sidewalk along Ray J Glatt Circle to the west boundary of the site (see Exhibit 4).

Chapter 3.02: Utilities and Easements

Section 3.02.01: Public Utility Easements & Public Access Easements

- A. The Director shall require dedication of specific easements for the construction and maintenance of municipal water, sewerage and storm drainage facilities located on private property.**
- B. Streetside: A streetside public utility easement (PUE) shall be dedicated along each lot line abutting a public street at minimum width 5 feet. Partial exemption for townhouse corner lot: Where such lot is 18 to less than 20 feet wide, along the longer frontage, streetside PUE minimum width shall be 3 feet; or, where the lot is narrower than 18 feet, the longer side frontage is exempt from streetside PUE.**
- C. Off-street: The presumptive minimum width of an off-street PUE shall be 16 feet, and the Public Works Director in writing may establish a different width as a standard.**

COMMENT:

The attached Existing Conditions Plan indicates that an existing 8-ft. wide public utility easement is currently located along the Ray J Glatt Circle frontage. Per the attached Utility Plan, public water and sanitary sewer will be extended from Ray J Glatt Circle to the site through an existing 27-ft. wide easement on an adjacent property, addressed as 635 Ray J Glatt Circle. The submitted Grading and Drainage Plan demonstrates that stormwater will be detained on-site before it is released to the public storm main line within Ray J Glatt Circle at the pre-development rate.

Section 3.02.03: Street Lighting

- A. Public Streets:**

Public streets abutting a development shall be illuminated with street lights installed to the standards of the City and the electric utility. A developer shall provide documentation to the attention of the Public Works Director indicating that any needed illumination complies with the standards. A developer is to refer to Illuminating Engineering Society (IES) of North America Recommended Practice 8, Roadway Lighting (RP-8) or other source as the public works construction code specifies.

COMMENT:

The attached Existing Conditions Plan identifies the location of existing street lights along Ray J Glatt Circle in the vicinity of the subject site (see Exhibit 4). Due to the location of the existing lighting, no additional street lighting is proposed.

Section 3.02.04: Underground Utilities

- B. Street:** All permanent utility service within ROW resulting from development shall be underground, except where overhead high-voltage (35,000 volts or more) electric facilities exist as the electric utility documents and the developer submits such documentation.
 - 1. Developments along Boundary Streets** shall remove existing electric power poles and lines and bury or underground lines where the following apply:
 - a. A frontage with electric power poles and lines is or totals minimum 250 feet; and**
 - b. Burial or undergrounding would either decrease or not increase the number of electric power poles. The developer shall submit documentation from the electric utility.**

Where the above are not applicable, a developer shall pay a fee in-lieu, excepting residential development that has 4 or fewer dwellings and involves no land division.

- 2. Fees in-lieu: Per Section 4.02.12.**

COMMENT:

As shown on the Utility Plan, existing and proposed utilities are installed underground, as required. No fees-in-lieu are proposed.

Chapter 3.03: Setbacks and Open Space

Section 3.03.01: Setbacks

A. Setbacks

1. No required setback provided for any building or structure shall be considered as providing a setback for any other building.
2. No required setback for any building or structure shall be considered as providing lot coverage for another building, except for a common area not required to be located within a lot, when owned by a homeowner's association in a Planned Unit Development (PUD).

B. Setbacks shall be open and unobstructed by buildings or structures from the ground to the sky, except as may otherwise be permitted in this Section and in Accessory Structures (Section 2.06).

C. No portion of a lot necessary to meet the standards for lot area, width, frontage, setbacks, lot coverage, open space, or other requirement of this Ordinance shall have more than one owner, except through a zoning adjustment, or variance.

COMMENT:

The attached Architectural Site Plan demonstrates that the proposed setbacks are compliant with the above standards (see Exhibit 4).

Section 3.03.02: Street Widening Setbacks

A. Street Widening Setbacks are necessary when the existing street right-of-way is less than the designated right-of-way in the Woodburn Transportation System Plan, including as relates to Section 3.01.05F "Local Street Connectivity Plan". Street Widening Setbacks ensure that development will conform with setback and vision clearance requirements, after a full right-of-way has been acquired.

- B. Street Widening Setback distances shall be measured at right angles to the center line of street rights-of-way.**
- C. Where dedicated rights-of-way are less than the Street Widening Setback, the setback abutting a street shall be measured from the Street Widening Setback. All regulations applicable to setbacks abutting streets and vision clearance areas shall apply to the area between the lot line and the Street Widening Setback. Fences and walls are allowed up to the property line.**

COMMENT:

The Existing Conditions Plan demonstrates that the current right-of-way width at Ray J Glatt Circle meets Service Collector Street standards. The Site Plan demonstrates that the existing setbacks meet City standards. Therefore, street widening setbacks or dedication of right-of-way widths is not required for the proposed development (see Exhibit 4).

Section 3.03.06: Vision Clearance Area

- A. A vision clearance area (Figures 3.03A and B) is an area at the intersection of two streets, a street and a driveway, or a street and an alley, in which visual obstructions are limited for safety purposes.**
- B. The vision clearance area is formed by a combination of the following lines:**
 - 1. At the intersection of two public streets: a line extending 30 feet from the two lot lines adjacent to a street, and a third line drawn across the corner of the lot that connects the ends of the lines.**
 - 2. At the intersection of a public street and a private street: a line extending 30 feet from the lot line adjacent to the public street, a line extending 30 feet from the outside edge of the pavement on private street, and a third line drawn across the corner of the lot that connects the ends of the lines.**
 - 3. Within the DDC zone (Figure 3.03B): a line extending 20 feet from the two curb lines, and a third line drawn across the corner of the lot that connects the ends of the lines.**
 - 4. At the intersection of a public street and an alley: a**

line extending ten feet from the intersection along the back of curb, a line extending ten feet from the property line Woodburn Development Ordinance Section 3.03 Page 160 along the alley and a line drawn across the corner of the lot that connects the ends of the lines.

5. At the intersection of a public street and a driveway: a line extending ten feet from the intersection along the back of curb, a line extending ten feet along the side of the driveway, and a third line drawn across the corner of the lot that connects the ends of the lines.
 6. At the intersection of a private street and a driveway: a line extending ten feet from the outside edge of pavement on the private street, a line extending ten feet along the side of the driveway, and a third line drawn across the corner of the lot that connects the ends of the lines.
 7. If a street is subject to a Street Widening Setback, the Street Widening Setback shall be used to define the vision clearance area.
- C. Vision clearance area shall contain no plants, fences, walls, structures, signs, parking spaces, loading spaces, temporary or permanent obstructions exceeding 42 inches in height (measured from the top of the curb or, where no curb exists, from the street centerline), except:

COMMENT:

As demonstrated by the submitted Site Plan, the existing driveway for the site meets City vision clearance area standards (see Exhibit 4). No trees, utility poles, plants, fences, walls, structures, signs, or visual obstructions of any kind are proposed within the required vision clearance areas.

Chapter 3.04: Vehicular & Bicycle/Pedestrian Access

Section 3.04.01: Applicability and Permit

A. Street Access

Every lot and tract shall have minimum access per subsection 1. or 2.:

1. Direct access to an abutting public street, alley, or shared rear lane; or

2. Access to a public street by means of a public access easement and private maintenance agreement to the satisfaction of the Director, revocable only with the concurrence of the Director, and that is recorded. The easement shall contain text that pursuant to Woodburn Development Ordinance (WDO) 3.04.03B.3, the public shared access (ingress and egress) right of this easement is revocable only with the written concurrence of the Community Development Director.

COMMENT:

The attached Architectural Site Plan and Easement Agreement indicates that access from the proposed development to Boones Ferry Road and Ray J Glatt Circle will be provided by connecting to existing off-site driveways along the west and north boundaries of the site (see Exhibit 4). Primary access to the establishment will be provided from the west through an existing access easement across the Woodburn Ambulance Services property, addressed as 1040 N Boones Ferry Road. Secondary access to the business will be provided from through an access easement that crosses the Legacy Health Imaging Center property, addressed as 693 Ray J Glatt Circle.

B. Access to City Streets

A City access permit shall be required for any new or modified vehicular access to a street that is under City jurisdiction.

COMMENT:

The applicant is proposing to use an existing vehicular access point along N Boones Ferry Road, and an easement that crosses the Woodburn Ambulance property, when accessing the development site. Additional vehicular access for the proposed development site will be provided from Ray J Glatt Circle through an existing easement which crosses the Legacy Health Imaging Center parking lot. The Existing Conditions Plan indicates that the existing development in the northern portion of the subject property has direct access to Ray J Glatt Circle (see Exhibit 4). No new vehicular street access is proposed with this application.

Section 3.04.03: Access Management: Driveway Guidelines and Standards

D. Access management:

2. **Commercial:** Any development within a commercial zoning district that Section 2.03A lists shall grant shared access to adjacent lots and tracts partly or wholly within any of the same districts. An alley or shared rear lane may substitute for meeting this standard if the alley

provides equivalent public access. Zoning Adjustment is permissible.

COMMENT:

The attached Site Plan illustrates that the applicant is proposing to provide vehicle connections to adjacent parcels to the west, north, and east of the subject site in conformance with the above standards (see Exhibit 4). As discussed under Section 5.03.12, the applicant is requesting a variance to Section 3.04.03.D standards to forgo a vehicle connection to the adjacent parcel to the south of the site.

Section 3.04.05: Traffic Impact Analysis

- A. A Traffic Impact Analysis (TIA) may be required by the Director prior to the approval of a City access permit when the Director estimates a development proposal may generate either 100 or more additional, peak hour trips, or 1,000 or more additional daily trips, within ten years of a development application.**

COMMENT:

Since the project will not result in the generation of 100 or more peak hour trips or 1,000 or more additional daily trips, this application does not require a Traffic Impact Analysis (TIA). The attached Transportation Engineer Memo discusses why the threshold for a TIA has not been met (see Exhibit 5).

Chapter 3.05: Off-Street Parking and Loading

Section 3.05.01: Applicability

The provisions of this Section shall apply to the following types of development:

- A. All requirements and standards of Section 3.05 shall apply to any new building or structure constructed after the effective date of the Woodburn Development Ordinance (WDO).**
- B. Any additional parking or loading required to accommodate a change in use, or expansion of an existing use, shall conform to all parking, loading and landscaping standards of the WDO.**

COMMENT:

The applicant is requesting preliminary approval of a Type III Design Review application for a new contractor warehouse/office building. Therefore, off-street parking and loading provisions apply to the proposed development.

Section 3.05.02: General Provisions

- A. All required parking and loading spaces shall be retained and maintained in accordance with the standards of the WDO.**

COMMENT:

As required, the proposed parking spaces will be maintained in accordance with City standards.

- B. The land for off-street parking and loading areas shall either be:**
 - 1. Owned in fee title by the owner of the structure or site being served by the parking area, or**

COMMENT:

As demonstrated by the attached Site Plan, the proposed off-street parking area is within the subject site, which is under the same ownership as the proposed building area (see Exhibit 4).

- D. Location**

- 1. Off-street parking and loading spaces shall be provided on the same lot as the primary building or use except that:**

COMMENT:

The Architectural Site Plan demonstrates that off-street parking spaces are located on the same lot as the proposed building (see Exhibit 4).

- 2. Off-street parking shall be located either in the same zone, in a more intensive zone or in a zone where parking is allowed as a permitted use, or subject to approval as a conditional use.**

COMMENT:

The attached Architectural Site Plan demonstrates that the proposed warehouse/office building and off-street parking spaces are both located in the CO zone (see Exhibit 4).

- 4. In non-residential districts, off-street parking and storage shall be prohibited within a setback adjacent to a street, except if screened per Section 3.06.05B. Vehicle parking within the public right-of-way shall not be eligible for fulfilling any required off-street parking requirement.**

COMMENT:

The attached Architectural Site Plan illustrates that the required off-street parking area is not located within a street setback area (see Exhibit 4).

E. Setback

1. In commercial and industrial zones, the parking, loading, and circulation areas shall be set back from a street a minimum of five feet.
2. Parking, loading, and circulation areas shall be set back from a property line a minimum of five feet, unless there is a shared use agreement to the satisfaction of the Director, verifying shared use between the separate properties.

COMMENT:

The attached Architectural Site Plan indicates that minimum 5-ft. setbacks for the proposed parking area are maintained around the perimeter of the site (see Exhibit 4).

- F. All vehicle parking and loading areas shall be paved to the standards of this ordinance (Section 3.04.04), except that in the IP, IL, SWIR, and P/SP zones, storage areas used for equipment that may damage pavement may be stored on a gravel-surface storage area. A gravel storage area shall be constructed to a minimum of surfacing of: six inches of one inch minus to three inch minus gravel. If three inch minus is used, the top two inches shall be one inch minus. The property owner shall maintain a gravel storage area to ensure continued drainage and dust control. A paved access apron to any paved access road is required, regardless of the storage area surface.
- G. All vehicle parking, loading, and storage areas shall be graded and provide storm drainage facilities approved by the Director.

COMMENT:

The attached Preliminary Utility Plan demonstrates conformance with the above grading, paving, and drainage standards.

- H. All parking spaces, except those for residential development other than multiple-family dwellings, shall be constructed with concrete or rubber bumper guards or wheel barriers maximum 4 inches high that prevent vehicles from damaging structures, projecting over

walkways so as to leave less than 4.5 feet of unobstructed passage, or projecting over wide walkways, abutting properties, or rights-of-way.

COMMENT:

As shown on the Site Plan, the existing and proposed parking spaces for employee and customer parking include curbs which limit the overhang of vehicles so that minimum 4.5-ft. wide unobstructed walkways are provided (see Exhibit 4).

- I. Maneuvering areas shall be designed in compliance with this Section (Table 3.05B). Off street parking areas shall be designed so that no backing or maneuvering within a public right-of-way is required. These provisions do not apply to dwellings other than multiple family.**

COMMENT:

The submitted Site Plan demonstrates that the existing and proposed off-street parking areas are designed with maneuvering areas consistent with Table 3.05B standards, and no backing and maneuvering into adjacent streets is required (see Exhibit 4).

- J. All uses required to provide 20 or more off-street parking spaces shall have directional markings or signs to control vehicle movement, and any dead-end drive aisle 50 feet or longer shall have an MUTCD-compliant “no outlet” sign.**
- K. Except for dwellings other than multiple-family, off-street parking spaces shall be delineated by double parallel lines on each side of a space, except a side adjacent to any of curb or ADA parking accessible aisle. The total width of the lines shall delineate a separation of two feet. The lines shall be four inches wide (See Figure 3.05C).**

COMMENT:

As required, the new parking area in the southern portion of the site includes striping and signage which meets the above standards (see Exhibit 4).

- L. Parking area lighting for all developments shall conform to Chapter 3.11.**

COMMENT:

As required, the applicant will install parking area lighting for the new development in compliance with the above standards.

- M. Required parking spaces shall be available for parking of operable vehicles of residents, customers, patrons and employees and shall not be used for the storage of vehicles or materials or for the parking of fleet vehicles, except for those fleet vehicles:**
 - 1. Driven by an employee to the site each work day from home, or**
 - 2. Stored during periods other than normal business hours.**

COMMENT:

As required, off-street parking within the development site will comply with the above standards (see Exhibit 4).

- N. Walkway crossings: Parking areas with multiple aisles shall have minimum 1 walkway or wide walkway that passes through the parking area to the aisle farthest from the building. Each walkway crossing shall conform to Section 3.04.06D.**

COMMENT:

Multiple aisle parking is not proposed for the site. Therefore, this standard does not apply.

Section 3.05.03: Off-Street Parking

- A. Number of Required Off-Street Parking Spaces**
 - 1. Off-street vehicle parking spaces shall be provided in amounts not less than those set forth in this Section (Table 3.05A).**
 - 2. Off-street vehicle parking spaces shall not exceed two times the amount required in this Section (Table 3.05A).**
- B. ADA: Accessible parking shall be provided in amounts not less than those that ORS 447.233 requires. The number of accessible spaces shall be included as part of total required vehicle parking spaces.**
- C. A maximum of 20 percent of the required vehicle parking spaces may be satisfied by compact vehicle parking spaces.**
- D. Off-street vehicle parking spaces and drive aisles shall**

not be smaller than specified in this Section (Table 3.05B).

COMMENT:

The attached Architectural Site Plan indicates that the proposed structure provides a total combined office use area of 9,496 sq. ft. and 4,614 sq. ft. of warehouse space. The existing structures on the site provide a total of 8,880 square feet. Table 3.05A.50 indicates that 1 off-street parking space is required per 5,000 sq. ft. of warehouse, and 1 off-street parking space is required per 350 sq. ft. of office space. Based on these parking calculations, a minimum of 54 parking spaces is required within the site for the combined uses. The maximum number of parking spaces is 108 stalls. The Overall Site Plan indicates that a total of 67 parking stalls will be provided within existing and proposed parking areas on the site. Of the spaces provided, 4 spaces will be ADA accessible and 3 Phase 2 EV stalls will be installed in the new parking area in order to meet the minimum 5% EV stalls requirement. Therefore, the above standards are met (see Exhibit 4).

- E. A developer shall provide off-street bicycle parking per the minimums and standards in Tables 3.05D & G and the additional standards in Section 3.05.06.**

COMMENT:

Per the above standards, 14 bicycle parking stalls are required for the existing and proposed uses. The attached Site Plan illustrates that 10 parking spaces are adjacent to the proposed warehouse/office structure (see Exhibit 4). An additional 4 spaces will be provided adjacent to the existing structures in the northern portion of the site.

F. Garages

COMMENT:

The applicant is not proposing garages with this application. Therefore, these standards do not apply.

- H. Carpool/vanpool (C/V) stalls shall meet the following standards:**

- 1. Convenient locations: The distance from a stall, in whole or in part, shall be maximum 50 feet to a building perimeter walkway or, where there is no perimeter walkway, a building main or staff-only entrance.**
- 2. Striping: Stripe each stall in lettering 1 ft high min "CARPOOL/VANPOOL" or similar.**
- 3. Signage: Post at each stall a wall-mounted or pole-mounted sign for "Carpool/Vanpool" or similar. Each sign 1½ by 1 foot minimum with top of a posted sign between 5½ and 7 feet high max above**

vehicular grade.

COMMENT:

For existing and proposed uses in the CO zone, Table 3.05(C) indicates that 2 carpool/vanpool parking stalls shall be provided for the 54 required parking spaces on the site. As required, 2 carpool/vanpool parking spaces are identified on the attached site plan, and will be striped and signed to meet the above standards (see Exhibit 4).

- I. **Electric vehicle (EV) includes both electric vehicle and plug-in hybrid vehicle, and EV parking stalls shall meet the following standards:**
 1. **Convenient locations:** The distance from a stall, in whole or in part, shall be maximum 50 feet to a building perimeter walkway or, where there is no walkway, a building main or staff-only entrance.
 2. **Charging level:** minimum Level 2 (240 volt alternating current [AC] charging), or faster charging.
 3. **Striping:** Stripe each stall in lettering 1 ft high min “ELECTRIC VEHICLE CHARGING” or similar and stencil of an EV image or logo.
 4. **Signage:** Post at each stall a wall-mounted or pole-mounted sign for “Electric Vehicle Charging” or similar and include an EV image or logo. Each sign 1½ by 1 foot minimum with top of a posted sign between 5½ and 7 feet high max above vehicular grade.
 5. **Management/operations:** The landowner or property manager shall keep EV stalls available for EVs and plug-in hybrid vehicles and keep conventional gasoline vehicles from parking in them...

COMMENT:

The attached Enlarged Site Plan indicates that 3 electric vehicle parking stalls will be provided within the new parking area, meeting the 5% standard for the site’s 54 required parking spaces (see Exhibit 4). As required, the EV parking spaces will provide the above charging level, and striping and signage will meet the above standards.

Section 3.05.04: Off-Street Loading & Unloading

- A. **Standard: Loading and unloading for all multiple-family**

dwelling and non-residential development shall not encroach within the ROW of a street with a functional class designation higher than local.

COMMENT:

As shown on the Architectural Site Plan, 2 loading bays are provided within the proposed warehouse structure (see Exhibit 4).

Section 3.05.05: Shared Parking

- A. Shared parking shall be allowed through a Zoning Adjustment, Design Review, Conditional Use, or Planned Unit Development.**

COMMENT:

The applicant is not proposing to develop shared parking, therefore the above standards do not apply.

Section 3.05.06: Bicycle Parking Standards

- C. Standards: Developers shall install parking in lockers or racks that meet the following:**
 - 1. Surface: The area devoted to bicycle parking shall be paved if outdoors or otherwise hard surfaced if enclosed or indoors. Outdoor pavement shall be asphalt, bricks, cobblestone rectangular pavers, concrete pavers, poured concrete, structurally supported fiber cement or wood planking, or combination.**
 - 2. Facility: Where bicycle parking is provided with racks, they shall meet the following:**
 - a. The rack shall be designed so that the bicycle frame and one wheel can be locked to a rigid portion of the rack with a U-shaped shackle lock, when both wheels are left on the bicycle;**
 - b. If the rack is a horizontal rack, it shall support the bicycle at two points, including the frame; and**
 - c. The rack must be securely anchored with tamper-resistant hardware.**
 - 3. Dimensions. Bicycle parking spaces, aisles and**

clearances shall be per Table 3.05G, which Figures 3.05E, F, & G illustrate.

4. **Signage:** If bicycle parking is not visible from sidewalk, wide walkway, or the main entrance of the building(s), a developer must install a permanent sign, minimum 1 by 1.5 feet, at the main entrance of each primary building indicating the location of bicycle parking. Figure 3.05H illustrates examples.
5. **Proximity:** A developer shall construct or install bicycle parking within maximum 50 feet of the main entrance and per Figures 3.05J-L.
6. **Covered/sheltered:** A developer shall cover or shelter from precipitation among the total required bicycle parking minimum 50 percent of any and all parking that is outdoors.
8. **Plan review:** The developer or contractor shall submit the following information with applications for any of land use or building permit review:
 - a. **Location;** where not obvious, access route(s) to; and number of bicycle parking stalls;
 - b. **Notated dimensions** of all stalls, aisles, maneuvering areas, and clearances; and
 - c. **If applicable,** information adequate to illustrate the racks and stalls that meet a particular set of standards.

COMMENT:

The attached Enlarged Site Plan and associated details demonstrate that the proposed bike racks are located within 50-ft. of the entrances to the new warehouse/office building. As required, the proposed 10 bicycle parking spaces are located on a concrete surface, the racks will be anchors to the surface, and the spaces meet the above dimensional standards (see Exhibit 4). Meeting the above standards, a minimum of 50% of the spaces adjacent to the new building are covered and required signage will be installed. An additional 4 bicycle parking spaces will also be established next to the existing structures in accordance with City standards.

Chapter 3.06: Landscaping

Section 3.06.01: Applicability

The provisions of this Section shall apply:

- A. To the site area for all new or expanded multiple-family dwelling and non-residential development, parking and storage areas for equipment, materials and vehicles.**
- B. Dwellings other than multiple-family need comply only with the street tree and significant tree provisions of this Section.**

COMMENT:

The applicant is requesting approval of a Type III Design Review application for the development of a new warehouse/office building. Because use of the proposed structure and parking area are non-residential development, the standards of this Chapter apply.

Section 3.06.02: General Requirements

- A. Building plans for all uses subject to landscaping requirements shall be accompanied by landscaping and irrigation plans.**
- B. All required landscaped areas shall be irrigated unless it is documented that the proposed landscaping does not require irrigation.**
- C. All shrubs and ground cover shall be of a size upon installation so as to attain 80% of ground coverage within 3 years.**
- D. Installation of plant materials and irrigation specified in an approved landscaping plan shall occur at the time of development and shall be a condition of final occupancy. Should site conditions make installation impractical, an acceptable performance guarantee may be approved, subject the requirements of this Ordinance (Section 4.02.08).**
- E. The property owner shall be responsible for maintaining all landscaping, fences, and walls in good condition, so as to present a healthy and orderly appearance. Unhealthy and dead plants shall be removed and replaced, in conformance with the original landscape plan.**
- F. The required number of plant units shall be met by a combination of plant materials listed in this Ordinance (Table 3.06B).**
- G. Required plant units need not be allocated uniformly**

throughout specified landscaping areas, but may be grouped for visual effect.

- H. Landscaped areas that are not covered by plant materials shall be covered by a layer of bark mulch or decorative rock, a minimum of two inches in depth.
- I. A minimum 4 inch high and wide concrete curb shall be provided between landscaped areas and parking and circulation areas.
- J. Plant materials shall be appropriate to the climate and environment of Woodburn. Inclusion of plants identified in "Suggested Plant Lists for Required Landscaping", published by the Portland Bureau of Development Services, can be used to meet this standard. A landscape architect, certified arborist or nursery person may also attest to plant appropriateness.
- K. Prohibited trees identified by this ordinance (Table 3.06C) do not count towards required landscaping.

COMMENT:

The attached Planting Plan demonstrates that the proposed landscaping materials meet Table 3.06B standards (see Exhibit 4). As required, the property owner will provide ongoing maintenance of the landscape materials in accordance with the above standards.

Section 3.06.03: Landscaping Standards

A. Street Trees

The purpose of the street tree provisions is to get and preserve street trees, to shade those walking and provide them psychological protection from passing vehicles, to calm those driving, to help spatially define streets through canopy, to absorb stormwater and pollutants, to reduce the urban heat island effect, and to raise value of adjacent property.

Within the public street right-of-way abutting a development, street trees shall be planted to City standards, prior to final occupancy or earlier if conditioned.

- 1. A number of trees equal to one tree per every 30 feet of street frontage within a block face, shall be planted within the right-of-way.

2. **Street trees shall be planted according to the Boundary Street classification per the Transportation System Plan:**

- a. **Large trees shall be planted along Major and Minor Arterial streets. Regardless of street classification, a developer shall plant large trees also along all streets that either are in the Neighborhood Conservation Overlay District (NCOD) or are boulevards, and for boulevards also in the medians;**
- b. **Medium trees shall be planted along Service Collector and Access/Commercial Streets;**
- c. **Small trees shall be planted along all other streets.**

Refer to Table 3.06B below for the definition of size categories at maturity.

3. **Root barriers: The developer shall install root barriers per the public works construction code.**

4. **Fee in-lieu: Per Section 4.02.12.**

B. Site landscaping shall comply with Table 3.06A.

COMMENT:

The attached Planting Plan indicates that 2 additional street trees will be installed along the site's Ray J Glatt Circle frontage to meet the above standards. Proposed site landscaping for the development area in the southern portion of the site is also included on the Planting Plan, demonstrating compliance with Table 3.06A requirements (see Exhibit 4). The Planting Plan indicates that landscaping comprises at least 20 percent of the proposed and existing paved surface area with even distribution for all off-street parking and circulation. The planting density in other yard areas also meets the 1 planting unit per 50 square foot requirement. In accordance with the above standards, the proposed parking landscape islands meet minimum width and area requirements and include curbs.

- C. **Parking area landscape island standards: Landscape islands or peninsulas shall cap each aisle end to protect parked vehicles from moving vehicles, emphasize vehicular circulation patterns, and shade vehicles and pedestrians. Structured parking is exempted.**

1. **Each south, southwest, and west island or peninsula cap of a parking aisle shall be minimum 84 square feet within back of curbing, narrowest dimension 6 feet within back of curbing, and**

contain a tree.

2. Remaining islands and peninsulas shall be minimum 28 square feet within back of curbing and narrowest 2 feet within back of curbing, except where subsection 3 below supersedes.
3. There shall be no more than 10 consecutive parking spaces in a parking aisle without a mid-aisle landscape island or peninsula. For consecutive parking spaces that include one or more accessible/ADA spaces and their aisles, the maximum shall be 9 consecutive parking spaces. Mid-aisle landscape islands or peninsulas shall be to the same standards as subsection 1 above.
4. At drive aisle crossings of walkways and wide walkways that respectively Sections 3.04.06D and 3.05.02N describe, each south, southwest, and west side shall have a landscape island or peninsula to the same standards as subsection 1 above.

COMMENT:

The attached Planting Plan indicates that the applicant is proposing to install parking lot landscaping to protect parked vehicles from moving vehicles, delineate the parking area, and to provide shade to meet the above standards (see Exhibit 4). The submitted plan demonstrates that all of the above dimensional standards are met.

Section 3.06.05: Screening

- A. Screening between zones and uses shall comply with Table 3.06D

COMMENT:

The subject site and all adjacent parcels are zoned CO and have been developed with complimentary nonresidential uses. Therefore, per Table 3.06D, screening is not required for the proposed development.

Section 3.06.06: Architectural Walls

- B. Design Standards and Guidelines

COMMENT:

Architectural walls are not required or proposed for the subject site. Therefore, the above design standards and guidelines do not apply.

- C. Retaining walls should/shall meet the texture and color requirements of architectural walls in or abutting residential districts, where the texture and color requirements apply to the visible face of the retaining wall.

COMMENT:

The applicant is not proposing the installation of retaining walls in or abutting residential districts. Therefore, the above standard does not apply.

Section 3.06.07: Significant Trees on Private Property

B. Applicability:

- 1. Removal or preservation of any Significant Tree on private property, which is defined in Chapter 1.02 under “Tree, Significant”. Applicability extends to unincorporated territory that is the subject property of an Annexation application.

COMMENT:

A significant trees is defined as containing a 24-in. or larger diameter trunk at 4-ft. above grade. The Existing Conditions Plan indicates that a 30-in. diameter tree is located in the southeast corner of the site. Therefore, the standards of this section apply.

- C. Application type: Significant Tree Removal Permit per Section 5.01.11. Any of the following land use applications may substitute if necessary anyway and the Director uses it to administer the Significant Tree preservation and removal provisions: Conditional Use, Design Review, Planned Unit Development, Preliminary Partition or Subdivision, Riparian Corridor and Wetlands Overlay District (RCWOD) Permit, Variance, and Zoning Adjustment. Neither Grading Permit approval nor building demolition permit issuance constitute approval to remove trees.

COMMENT:

The attached Architectural Site Plan and Grading Plan indicate that the applicant is proposing to retain the existing significant tree in the southeast corner of the site. The submitted Planting Plan illustrates that the retained tree will be incorporated into the landscape design (see Exhibit 4). Therefore, a Significant Tree Removal Permit is not required for the proposed development.

Section 3.06.08: Tree Protection During Construction

- C. **Protection methods:** The site or tree plan shall demonstrate that the contractor will adequately protect trees to be preserved during construction using one of the methods described below:

1. **Prescriptive Standards:**

- a. **RPZ encroachment:** The root protection zone (RPZ) is defined and illustrated by example in Chapter 1.02. Encroachments into each RPZ that exist prior to new development or redevelopment, including buildings, other structures, pavement and utilities, may remain. New encroachments into the RPZ are permissible if:
- (1) The total area of all new encroachments is less than 25.0 percent of the remaining RPZ area when existing encroachments are subtracted; and
 - (2) No new encroachment is closer than half the required radius distance. See Figure 3.06A below.

COMMENT:

The submitted Detailed Site Plan and Grading Plan demonstrate that less than 25% of the root protection zone of the significant tree in the southeast corner of the site will be impacted by the proposed development, consistent with the above standards.

b. **Protective construction fencing:**

- (1) **Protective construction fencing** consisting of a minimum 6-foot high metal chain link construction fence, secured with 2-foot metal posts shall be established at the edge of the RPZ and permissible encroachment area. (See Figure 3.06B below.) Substitution with high-density polyethylene (HDPE) or other

rolled or soft plastic construction fencing is prohibited. Any of existing building, other structures, and existing secured and stiff fencing at least 3.5 feet tall above grade can serve as protective fencing.

- (2) When a root protection zone extends beyond the development site, protection fencing is not required to extend beyond the development site. Existing structures and/or existing secured fencing at least 3.5 feet tall can serve as the required protective fencing.

- c. **Installation:** The contractor shall install the protective construction fencing before either any ground disturbing activities including clearing and grading or the start of construction and shall remain in place until final inspection by Community Development Department staff.
- d. **Prohibition:** The following is prohibited within any RPZ: ground disturbance or construction activity including vehicle or equipment access, excluding access over existing streets or driveways; storage of equipment or materials including soil; temporary or permanent stockpiling; new buildings; new impervious surface; underground utilities; excavation or fill; and trenching or other construction activity.
- e. **Plan review:** The applicant or contractor shall submit with applications for any of Tree Removal Permit review, civil engineering plan review (led by the Public Works Department Engineering Division), grading permit review, or building

permit review information as the Director determines necessary to administer standards for tree preservation and protection during construction, including a drawing or drawings necessary to constitute a tree preservation and protection plan.

- f. **Sign posting:** On each fenced enclosure, the applicant or contractor shall affix, mount, or post signage as follows:

COMMENT:

As required, all of the above tree protection measures will be utilized during construction activities. City staff will verify that the above measures will be implemented when detailed plans are submitted for building permit review.

Chapter 3.07: Architectural Design

Section 3.07.06: Standards for Non-Residential Structures in Residential, Commercial and Public/Semi Public Zones

A. Applicability and Procedure

The following design guidelines shall be applicable to all non-residential structures and buildings in the RS, RSN, R1S, RM, RMN, CO, CG, and P/SP zones.

COMMENT:

Since the proposed building is a non-residential structure within the CO zone, the architectural design guidelines and standards of this section apply.

B. Architectural Design Guidelines

1. Mass and Bulk Articulation Guidelines

- a. **Building facades visible from streets and public parking areas should be articulated, in order to avoid the appearance of box-like structures with unbroken wall surfaces.**
- b. **The appearance of exterior walls should be enhanced by incorporating three-dimensional design features, including the following:**

- 1) Public doorways or passage ways through the building
- 2) Wall offsets or projections
- 3) Variation in building materials or textures
- 4) Arcades, awnings, canopies or porches

COMMENT:

The submitted Overall Site Plan demonstrates that the proposed warehouse/office building is surrounded by existing development and is not visible from the street. However, the attached Building Elevations illustrate that the front elevation of the structure includes public entries, wall offsets, variations in building materials, and canopies consistent with the above standards (see Exhibit 4).

2. Materials and Texture Guidelines

- a. Building exteriors should exhibit finishes and textures that reduce the visual monotony of bulky structures and large structural spaces. Building exteriors should enhance visual interest of wall surfaces and harmonize with the structural design.
- b. The appearance of exterior surfaces should be enhanced by incorporating the following:
 - 1) At least 30% of the wall surface abutting a street should be glass.
 - 2) All walls visible from a street or public parking area should be surfaced with wood, brick, stone, designer block, or stucco, or with siding that has the appearance of wood lap siding.
 - 3) The use of plain concrete, plain concrete block, corrugated metal, plywood, T-111 and sheet composite siding as exterior finish materials for walls visible from a street or parking area should be avoided.
 - 4) The color of at least 90 percent of the wall, roof and awning surface visible from a street or public parking area

should be an “earth tone” color containing 10 parts, or more of brown or a “tinted” color, containing 10 parts or more white.

- 5) Fluorescent, “day-glo,” or any similar bright color shall not be used on the building exterior.

COMMENT:

The proposed warehouse/office building is surrounded by existing development and is not visible from the street. However, the submitted Building Elevations demonstrate the façade facing the parking area includes a mix of vertical metal siding and brick veneer as exterior finish materials (see Exhibit 4). As required, the color of the materials will be earth tones, meeting the above standards.

3. Multi-Planed Roof Guidelines

- a. The roof line at the top of a structure should establish a distinctive top to the building.
- b. The roof line should not be flat or hold the same roof line over extended distances. Rather, the roof line should incorporate variations, such as:
 - 1) Offsets or jogs in the plane of the roof;
 - 2) Changes in the height of the exterior wall for flat roof buildings, including parapet walls with variations in elevation or cornices.

COMMENT:

The attached Building Elevations illustrate that a multi-planed gable roofline is proposed. As required, the roofline jogs to different heights in accordance with the above standards (see Exhibit 4).

4. Roof-Mounted Equipment Guidelines

All roof-mounted equipment, except solar collectors, should be screened from view by:

- a. Locating roof-mounted equipment below the highest vertical element of the building, or
- b. Screening roof-mounted equipment using materials of the same character as the structure’s basic materials

COMMENT:

Roof-mounted equipment is not proposed, therefore the above standards do not apply.

5. Weather Protection Guidelines

All building faces abutting a street or a public parking area should provide weather protection for pedestrians. Features to provide this protection should include:

- a. A continuous walkway at least eight feet wide along the face of the building utilizing a roof overhang, arcade, awnings or canopies**
- b. Awnings and canopies that incorporate the following design features:**
 - 1) Angled or curved surfaces facing a street or parking area**
 - 2) A covering of fabric, or matte finish vinyl**
 - 3) A constant color and pattern scheme for all buildings within the same development**
 - 4) No internal back lighting**

COMMENT:

The submitted Architectural Site Plan and Building Elevations illustrate that the parking area elevation of the proposed structure includes canopies and a minimum 8-ft. wide walkway, meeting the above weather protection guidelines.

C. Building Location Guidelines

- 1. Within the prescribed setbacks, building location and orientation should complement abutting uses and development patterns.**
- 2. The maximum setback from each street should/shall be 80 feet. Minimum 80 percent of the width of a street-facing façade should/shall meet the setback maximum.**

COMMENT:

The submitted Architectural Site Plan indicates that the existing structures on the site are located within 80-ft. of the Ray J Glatt Circle frontage (see Exhibit 4). The proposed structure does not have a street-facing façade, however the building does meet the setbacks of the CO zone and is complimentary with surrounding uses and development patterns.

Chapter 3.10: Signs

COMMENT:

The applicant is not proposing to install signs with this Design Review application. Therefore, these standards do not apply.

Chapter 3.11: Lighting

Section 3.11.02: Standards

- A. Full cut-off: All exterior lighting shall be full cut-off or fully shielded. Figure 3.11A illustrates examples of both unacceptable and acceptable fixtures.**
- B. Heights: Mounting height limits as measured to light fixture underside shall be:**
 - 1. Wall: 8 feet above finished grade within 5 feet.**
 - a. Within a commercial or industrial zoning district and above a loading bay, berth, or dock, the height limit shall instead be 14.5 feet above vehicular grade.**
 - b. For all developments and uses, ground floor wall-mounted fixtures are exempt if:**
 - 1) placed under a canopy, fixed awning, roof overhang, secondary roof, or building recess;**
 - 2) a ground floor canopy or fixed awning is minimum 96 square feet and 8 feet narrowest dimension;**
 - 3) a roof overhang or secondary roof is minimum 72 square feet and 8 feet narrowest dimension;**

- 4) a building recess is minimum 72 square feet and 8 narrowest dimension;
 - 5) an adjacent combination of building recess and, projecting from the main wall plane, either (a) a ground floor canopy or fixed awning or (b) a roof overhang or secondary roof, total minimum 72 square feet and 8 narrowest dimension;
 - 6) a ground floor canopy, fixed awning, roof overhang, secondary roof, or building recess is with maximum 14 feet height clearance above grade; and
 - 7) the fixture is mounted no lower than at the same level as the underside of the ground floor canopy or fixed awning or within and flush with the building recess ceiling.
- c. Uplighting: For purpose of accenting architecture, limited uplighting is allowed as follows:
- 1) limited to wall-mounted or wall recessed track fixtures,
 - 2) allowed only below a building recess or projection such as a cornice, eave, or roof overhang, minimum 4 square feet and narrowest dimension 2 feet,
 - 3) fixture upside no lower than 6 feet from recess ceiling or projection bottom, and
 - 4) fixtures are full cut-off or fully shielded at and below the horizontal.

COMMENT:

As required, exterior wall mounted lighting on the proposed warehouse will be installed to meet the above specifications. City staff will verify that the above standards are met when detailed plans are submitted for building permit review.

2. Poles within parking areas: 14.5 feet above vehicular grade within 5 feet of any parking or

vehicular circulation area or its curbing. 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. **Other poles:** 10 feet above finished grade. Includes poles along walkways, wide walkways, and off-street bicycle/pedestrian facilities where they do not pass through or along parking areas. Within an industrial zoning district operations or storage yard, minimum 20 feet from a lot line the height limit shall instead rise to 20 feet.

COMMENT:

As required, parking area lighting poles within the site will comply with the above height and shielding standards. City staff will verify that the above standards are met when detailed plans are submitted for building permit review.

- C. **Hue / color temperature:** Excepting industrial development, if a fixture uses light emitting diode (LED) technology, it shall emit a warm, yellowish white light instead of cool, bluish white light. A color temperature within the range of 2,700 to 4,000 degrees Kelvin presumptively meets the requirement.

COMMENT:

All exterior lighting will comply with the above hue and color temperature standards.

- D. **Property line:** Lighting shall not shine or reflect onto (1) ROW, (2) greenways, (3) off street public bicycle/pedestrian corridors, or (4) adjacent residentially zoned property. Pole-mounted fixtures other than those in parking areas, and wall-mounted fixtures, that abut any of (1)-(3) are exempt if they are sited within 20 feet of any of (1)-(3), and conform to subsection B.1 or 3 above.

COMMENT:

As required, wall mounted exterior lighting and parking area lighting will be shielded to prevent shine and glare onto street rights of-way. There are no greenways, bicycle/pedestrian corridors, or residential zoned parcels within the vicinity of the subject site.

- F. **Plan review:** The developer or contractor shall submit information, such as a site plan of fixture type

installation locations and vendor cut or spec sheets, adequate to demonstrate conformance.

COMMENT:

To demonstrate compliance with the above section, lighting fixture information will be included when detailed plans are submitted for building permit review.

VOLUME 4: ADMINISTRATION AND PROCEDURES

Chapter 4.02: Review, Interpretation and Enforcement

Section 4.02.08: Performance Guarantees

- A. When an applicant has an obligation to construct or improve public facilities or to construct improvements imposed as a condition of approval, the obligation shall be fulfilled prior to the issuance of a building permit unless the City Administrator has granted a written waiver of this requirement and the applicant has filed with the City Administrator a performance guarantee. The performance guarantee shall state the nature of the obligation, the time in which the obligation is to be met, identify the property subject to the obligation and contain security in a form acceptable to the City Administrator and in an amount equal to 120 percent of the cost of fulfilling the obligation as estimated by the City Administrator for the year in which fulfillment of the obligation is anticipated. A sufficient performance bond, cash deposit or a letter of credit are considered acceptable forms of security. Return of the security to the applicant shall be conditional upon the applicant fulfilling the obligation.**

COMMENT:

The attached Overall Site Plan and Utility Plan indicate that the applicant is proposing to install access and utility improvements for the new warehouse/office building (see Exhibit 4). If required, a performance guarantee for public improvements will be provided to the City prior to the issuance of a building permit.

VOLUME 5: APPLICATION REQUIREMENTS

Section 5.02.04: Adjustment to Street Improvement Requirements ("Street Adjustment")

- B. Applicability:** Per the Purpose subsection above about improvements, and regarding ROW Street Adjustment may be used to narrow minimum width. Regarding alleys or off-street bicycle/pedestrian corridor or facility standards, see instead Zoning Adjustment.

COMMENT:

The applicant is requesting approval of a Street Adjustment to retain the existing frontage improvements along Ray J Glatt Circle. Currently, the road frontage improvements consist of 18-ft. of pavement from centerline, a 6-in. curb, and a 5-ft. curbtight sidewalk. The attached Pre-Application Conference Report indicates that the existing pavement width and curb meets City standards, however a 6-ft. landscape strip and a 6-ft. sidewalk are required to meet Service Collector standards (see Exhibit 3). Therefore, this section applies to the proposed reduction to the sidewalk and planter width standards.

C. Criteria:

- 1. The estimated extent, on a quantitative basis, to which the rights-of-way and improvements will be used by persons served by the building or development, and whether the use is for safety or convenience;**

COMMENT:

The existing 5-ft. curbtight sidewalk along the site frontage currently serves employees and customers of businesses that are located within the existing structures in the northern portion of the site. Since the raised sidewalk and curb protect pedestrians from vehicle travel lanes within the right-of-way, there are no existing safety concerns. The sidewalk along the frontage connects to a continuous 5-ft. wide curbtight sidewalk system along both sides of the entire length of Ray J Glatt Circle. The attached Preliminary Site Plan illustrates that the proposed development in the southern portion of the property includes a pedestrian path from the proposed parking area to the existing parking area, permitting customers and employees to connect to the existing public sidewalk system. With the exception of the subject site, every properties which fronts Ray J Glatt Circle is fully developed. Therefore, it is unlikely that this existing curbtight sidewalk system will be replaced with a separated sidewalk meeting current City standards within the foreseeable future.

- 2. The estimated level, on a quantitative basis, of rights-of-way and improvements needed to meet the estimated extent of use by persons served by the building or development;**

COMMENT:

To meet current City standards, approximately 134 lineal feet of sidewalk improvements would need to be removed along the site's frontage for the installation of the 6-ft. planter strip and 6-ft. wide sidewalk. There are 12 parcels and at least 18 businesses with employees and customers that currently use the existing sidewalk system along Ray J Glatt Circle. The submitted Detailed Site Plan and Building Floor Plans illustrate that the proposed building will support 2 additional businesses which could use the existing sidewalk system (see Exhibit 4).

3. **The estimated impact, on a quantitative basis, of the building or development on the public infrastructure system of which the rights-of-way and improvements will be a part;**

COMMENT:

As mentioned above, employees and customers from approximately 18 businesses currently use the existing sidewalk system along Ray J Glatt Circle. Since this is a looped road that only serves these businesses, through pedestrian traffic does not use the existing sidewalk system. The proposed building will support an additional 2 businesses which might use the existing sidewalk along Ray J Glatt Circle. Therefore, based on the number of potential users of the existing sidewalk system, the current 5-ft. wide curbtight sidewalk system has adequate capacity to serve both the existing and planned development.

4. **The estimated level, on a quantitative basis, of rights-of-way and improvements needed to mitigate the estimated impact on the public infrastructure system.**

COMMENT:

Approximately 18 businesses front Ray J Glatt Circle and are currently utilizing 5-ft. wide curbtight sidewalks on both sides of the street. Since only 2 more businesses will utilize the existing sidewalks with the proposed development, there will only be a small impact to the existing sidewalk improvements.

5. **The application is not based primarily on convenience for a developer or reducing civil engineering or public improvements construction costs to a developer.**

COMMENT:

The primary reason for the Street Exception application is to maintain continuity of the pedestrian improvements along Ray J Glatt Circle. As discussed above, if 134 lineal feet of curbtight sidewalks were replaced with a separated sidewalk, there would be a disruption to the existing streetscape aesthetic along the right-of-way. Since all of the other properties which front the right-of-way are fully developed, it is unlikely that sidewalks adjacent to those properties would be replaced in the foreseeable future.

6. **The application is not based primarily on the existence of adjacent or nearby nonconforming Boundary Street frontages.**

COMMENT:

When most of the properties along Ray J Glatt Circle were developed in the 1990s, the street improvements met city standards and a complete sidewalk system was installed. The applicant's request is not based on the current sidewalk conditions of just the adjacent property frontages, but this request is based on existing conditions along the entire roadway, as well as the fact that all other parcels fronting Ray J Glatt Circle are fully developed.

7. **Narrowing of ROW minimum width, if proposed, is not to a degree more than necessary to meet other criteria. In no case shall ROW total fewer than 35 feet, whether or not the total is allocated across centerline or to its side, except that this base requirement would not apply if subsection H below applies.**

COMMENT:

The applicant is not proposing a narrowing of the right-of-way with this Street Adjustment application, therefore this criterion does not apply.

8. **A Street Adjustment would provide a customized cross section alternative to the standard or standards and that meets the relevant purposes of Section 3.01, or the City reasonably can condition approval to achieve such.**

COMMENT:

The proposed street cross section will continue to provide adequate pedestrian facilities for the businesses that front the roadway. The existing 5-ft. wide sidewalk provides sufficient width for the limited pedestrian traffic which currently uses the facilities, as well as additional pedestrian use generated by the proposed development. As such, the existing facility meets the intent of Section 3.01 standards.

- D. Minimum Standards:** To ensure a safe and functional street with capacity to meet current demands and to ensure safety for vehicles, bicyclists and pedestrians, as well as other forms of non-vehicular traffic, the minimum standards for rights-of-way and improvements for Boundary and Connecting Streets per Sections 3.01.03C & D continue to apply. Exempting from or lessening or lowering those standards shall require a Variance. Deviation from applicable public works construction code specifications would be separate from the WDO through process that the Public Works Department might establish.

COMMENT:

The boundary street, Ray J Glatt Circle, is currently developed with frontage improvements including a sidewalk on the side of the street that abuts the development. Therefore, the existing improvements meet Section 3.01.03(C) standards. Ray J Glatt Circle is not a connecting street, therefore 3.01.03(D) standards do not apply.

- E. Factors: Street Adjustment applications, where and if approved, shall have conditions that customize improvements and secure accommodations for persons walking and cycling, not only driving, that meet the purposes of Section 3.01. The City may through approval with conditions require wider additional ROW dedication along the part or the whole of an extent of the subject frontage to accommodate either adjusted improvements or improvements that vary from standards.**

COMMENT:

The existing facilities within Ray J Glatt Circle currently accommodate vehicular, bicycle, and pedestrian traffic. It is not anticipated that additional right-of-way dedication will be required as a condition of approval for this Street Adjustment application.

- F. Bicycle/pedestrian facility:** If and where a Street Adjustment application requests to substitute or omit one or more required bicycle facilities, such as bicycle lanes, and the City approves the application, then the following should apply: For each substitute or omitted facility, the developer would construct a minimum width 8 feet bicycle/pedestrian facility on the same side of street centerline as the substituted or omitted

facility. The City may condition wider.

COMMENT:

The applicant is not proposing to substitute or omit a required bicycle facility. Therefore, this criterion does not apply.

G. Landscape strip: If and where a Street Adjustment application requests to adjust one or more required landscape strips from between curb and sidewalk, and the City approves the application, then the list below should apply. This subsection is not applicable to bridge / culvert crossing.

1. Sidewalk: Construction of sidewalk minimum width 8 feet on the same side of street centerline as the adjusted landscape strip. The City may condition wider.

COMMENT:

As discussed above, the applicant is proposing to maintain the continuity of the 5-ft. wide curbtight sidewalk improvements along Ray J Glatt Circle. If 134 lineal feet of 8-ft. wide sidewalks were installed, there would be a significant disruption to the existing streetscape aesthetic along the right-of-way.

2. Planting corridor: For each landscape strip that is relocated, delineation and establishment of a street tree planting corridor along the back of sidewalk in such a way as to allow newly planted trees to not conflict with any required streetside PUE to the extent that the Public Works Department Engineering Division in writing defines what constitutes a conflict. To give enough room for root growth, the corridor minimum width would be either 6 feet where along open yard or 7 ft where it would be flush with a building foundation. This would include installation of root barriers between the trees and street centerline to public works construction code specification.

COMMENT:

Consistent with the above standards, there is an existing 6.5-ft. wide planting corridor with street trees behind the existing sidewalk along Ray J Glatt Circle (see Exhibit 4).

3. ROW: Where necessary to meet the above standards, dedication of additional ROW

even if the additional is more than the minimum additional dedication that Section 3.01 requires.

COMMENT:

The existing right-of-width of Ray J Glatt Circle is 30-ft. from centerline along the site's frontage, meeting City standards. Therefore, additional right-of-way dedication is not required.

4. **Planting in ROW required: Street trees would not be planted in the yard outside ROW.**

COMMENT:

The submitted Existing Conditions Plan demonstrates that the existing street trees along the site's frontage are located within the right-of-way (see Exhibit 4).

- H. **If the applicable Boundary Street minimums are the lesser minimums for residential development of 4 or fewer dwellings and where no land division is applicable, as Section 3.01.03C.2 allows, then allowed adjustment is:**

COMMENT:

Ray J Glatt Circle is a looped street that only serves commercial uses. Therefore, the above standards do not apply.

- I. **Plan review: An applicant shall submit among other administratively required application materials scaled drawings, including plan and cross section views, of proposed street improvement widths, extents, and details as well as existing conditions and proposed development site plans that include property and easement lines and physical features some distance beyond the boundaries of the subject property for fuller context.**

COMMENT:

As required, the submitted Preliminary Development Plans meet the above standards (see Exhibit 4).

Chapter 5.03: Type III (Quasi-Judicial) Decisions

Section 5.03: General Requirements

- A. The purpose of this Section is to identify what types of actions are considered Type III decisions. Type III decisions involve significant discretion and evaluation of subjective approval standards, yet are not required to be heard by the City Council, except upon appeal. The process for these land use decisions is controlled by ORS 197.763. Notice of the application and the Planning Commission or Design Review Board hearing is published and mailed to the applicant, recognized neighborhood associations and property owners. The decision of the Planning Commission or Design Review Board is appealable to the City Council. The City Council's decision is the City's final decision and is appealable to the Land Use Board of Appeals.
- B. To initiate consideration of a Type III decision, a complete City application, accompanying information, and filing fee must be submitted to the Director. The Director will evaluate the application as outlined in this Section.

- 5.03.01 Conditional Use
- 5.03.02 Design Review, Type III
- 5.03.03 Adjustment to Street Improvement Requirements ("Street Adjustment")
- 5.03.04 Manufactured Dwelling Park, Preliminary Approval
- 5.03.05 Phasing Plan for a Subdivision, PUD, Manufactured Dwelling Park or any other Land Use Permit
- 5.03.06 Planned Unit Development (PUD), Preliminary Plan Approval
- 5.03.07 Planned Unit Development (PUD), Design Plan Final Approval
- 5.03.08 Special Conditional Use - Historically or Architecturally Significant Building
- 5.03.09 Special Use as a Conditional Use
- 5.03.10 Subdivision Preliminary Approval
- 5.03.11 Telecommunications Facility, Specific Conditional Use
- 5.03.12 Variance

COMMENT:

The applicant is requesting approval of a Design Review application for the development of a 14,110 sq. ft. warehouse/office building for a contractor and another undetermined tenant. A concurrent Variance application to Section 3.04.03(D) standards has been submitted to eliminate the requirement to provide a vehicle connection to the First Presbyterian Church to the south of the site. Also, due to the location of existing development on the site, the applicant has submitted a Variance application to forego Section 3.04.06(D) requirements to provide an 8-ft. walkway from the entry of the proposed structure to the existing sidewalk along Ray J Glatt Circle. In addition, to provide consistency with the road improvements adjacent to neighboring parcels, the applicant is proposing a Street Adjustment to Section 3.01.01(D) standards to maintain the existing sidewalk improvements along Ray J Glatt Circle. As required, the concurrent applications are subject to the Type III review process.

Section 5.03.02: Design Review, Type III

- A. Purpose: The purpose of Type III design review is to ensure that new buildings or additions to existing buildings comply with Land Use and Development Guidelines and Standards of this Ordinance (Sections 2 and 3).**
- B. Type III Design Review is required for the following:**
 - 3. Structures greater than 2,000 square feet in the CO, CG, MUV, DDC, and NNC zones.**

COMMENT:

The proposed 14,110 sq. ft. warehouse/office building is located in the CO zone, therefore a Type III Design Review application is required.

Section 5.03.03: Adjustment to Street Improvement Requirements ("Street Adjustment") Same as Section 5.02.04 except that land use review is Type III.

COMMENT:

Through the submitted Street Adjustment application, the applicant is requesting to maintain the existing sidewalk improvements and forego the requirement to provide 6-ft. planter strip and a 6-ft. sidewalk along the Ray J Glatt Circle frontage. As required, the application will be reviewed through the Type III procedure.

Section 5.03.12: Variance

- A. Purpose: The purpose of this Type III Variance is to allow use of a property in a way that would otherwise be prohibited by this Ordinance. Uses not allowed in a particular zone are not subject to the variance process.**

Standards set by statute relating to siting of manufactured homes on individual lots; siding and roof of manufactured homes; and manufactured home and dwelling park improvements are non-variable.

B. Criteria: A variance may be granted to allow a deviation from development standard of this ordinance where the following criteria are met:

- 1. Strict adherence to the standards of this ordinance is not possible or imposes an excessive burden on the property owner, and**

COMMENT:

The proposed warehouse/office building exceeds 500 sq. ft., therefore Section 1.04.03.C.3 standards apply. Due to the location of existing development on the site and configuration of the subject property, it is not feasible to provide pedestrian connectivity meeting City standards from the entrance of the new structure to the sidewalk along Ray J Glatt Circle. If a new 8-ft. walkway were extended from the new building entrance to Ray J. Glatt Circle per Section 3.04.06.B standards, existing walkways in the northern parking area would have to be completely reconstructed, the access drive in the parking lot would be reduced to only 22-ft. wide, and at least 3 parking spaces would be eliminated. The extension of a walkway is also limited by an existing landscaping wall between the development site and the existing parking area in the northern portion of the subject site. Therefore, based on existing development, the applicant is proposing to install a 5-ft. walkway from the building entrance, continue the walkway on the east side of the existing parking lot on the Legacy Health property, and provide a connection to the northern parking lot on the subject site. If the Variance is not approved, impacts from the 8-ft. walkway would significantly reduce the functionality of the Legacy Heath parking lot and the northern parking lot on the subject site, creating a financial hardship to the applicant, and would ultimately imposing an excessive burden on the property owners.

The site's configuration, existing development, and access to the site limit where a new structure can be sited on the property. Due to the need to locate the warehouse/office structure in the southern portion of the site, reserve enough area for a future office building, and provide enough parking for the uses, the applicant is requesting approval of a Variance application for Section 3.04.03(D) standards to eliminate the requirement to provide a vehicle connection to the First Presbyterian Church to the south of the site. Strict adherence to the vehicle access standards is not possible due the need to orient the parking area with the existing access easements, avoid other easements which cross the property and site the proposed and future structures where developable land remains.

- 2. Variance to the standards will not unreasonably impact existing or potential uses or development on the subject property or adjacent properties.**

COMMENT:

The submitted Overall Site Plan demonstrates that the proposed variance to the walkway connection standard will not unreasonably impact existing or potential uses, or impact development on the subject property or on adjacent properties. The proposed 5-ft. walkway connection between the new structure and Ray J Glatt Circle is routed where it will not negatively impact the functionality of existing parking areas on the Legacy Health property and on the subject site.

The requested Variance to the vehicle connectivity standards will also not result in unreasonable impacts to development on the subject property or adjacent properties. The existing development in the northern portion of the subject site will continue to maintain access to Ray J Glatt Circle, while the proposed development in the southern portion of the site will be provided connections through existing access easements on the Legacy Health and Woodburn Ambulance properties (see Exhibits 2 and 4). The parcel to the south of the site will continue to maintain access to N Boones Ferry Road.

C. Factors to Consider: A determination of whether the criteria are satisfied involves balancing competing and conflicting interests. The factors that are listed below are not criteria and are not intended to be an exclusive list and are used as a guide in determining whether the criteria are met.

- 1. The variance is necessary to prevent unnecessary hardship relating to the land or structure, which would cause the property to be unbuildable by application of this Ordinance. Factors to consider in determining whether hardship exists, include:**
 - a. Physical circumstances over which the applicant has no control related to the piece of property involved that distinguish it from other land in the zone, including but not limited to, lot size, shape, and topography**
 - b. Whether reasonable use similar to other properties can be made of the property without the variance.**
 - c. Whether the hardship was created by the person requesting the variance.**

COMMENT:

The Existing Conditions Plan demonstrates that the southern 1.27 acres of the subject site is vacant and can be developed with permitted uses in the CO zone. With the exception of the First Presbyterian Church property to the south of the site, all of the other adjacent parcels with frontage either on Ray J Glatt Circle or N Boone Ferry Road are fully developed. Due to the irregular shape of the subject site and location of existing structures, the proposed development area would be land locked if it did not have established access easements along the north and west property lines. Due to the location of the easements, new structures can only be located along the southern property line and in the northeast corner of the development area.

The submitted Architectural Site Plan illustrates that the remainder of the development area is reserved for needed parking and landscape areas (see Exhibit 4). If an 8-ft. wide pedestrian path were required between the new structure and the site's frontage on Ray J Glatt Circle, existing walkways in the northern parking area would have to be completely reconstructed, the access drive in the parking lot would be reduced to only 22-ft. wide, and at least 3 parking spaces would be eliminated. If vehicle connections were required between the development area and adjacent southern parcel, the size of the proposed structure would be significantly diminished and reasonable development of the site could not occur. The lot's shape, the location of existing development, and access limitations are also factors why the requested variances are necessary to alleviate the hardship.

2. **Development consistent with the request will not be materially injurious to adjacent properties. Factors to be considered in determining whether development consistent with the variance materially injurious include, but are not limited to:**
 - a. **Physical impacts such development will have because of the variance, such as visual, noise, traffic and drainage, erosion and landslide hazards.**
 - b. **Incremental impacts occurring as a result of the proposed variance.**

COMMENT:

If approved, the variances will not unreasonably impact existing or potential uses or development on the site or on adjacent properties. Access for existing development on and adjacent to the site will be maintained as currently provided. Access for the vacant portion of the First Presbyterian Church property will continue to be provided from the church parking area and their driveway connection to N Boones Ferry Road. The proposed warehouse/office use will be developed in accordance with City standards, therefore significant visual, noise, traffic and drainage, erosion, or landslide impacts will not be associated with the development.

3. **Existing physical and natural systems, such as but not limited to traffic, drainage, dramatic land forms or parks will not be adversely affected because of the variance.**

COMMENT:

The attached Grading and Erosion Control Plan and Utility Plan indicates that drainage will be managed so that natural systems will not be impacted by the new building construction and other site improvements. The attached Existing Conditions Plan also demonstrates that there are no dramatic land forms associated with the subject site (see Exhibit 4).

- 4. Whether the variance is the minimum deviation necessary to make reasonable economic use of the property;**

COMMENT:

Since the applicant is proposing to complete all other required improvements that are not impacted by the lot's configuration, access constraints, or existing development on the site, the requested variance is the minimum deviation necessary.

- 5. Whether the variance conflicts with the Woodburn Comprehensive Plan.**

COMMENT:

The Woodburn Development Ordinance implements Woodburn Comprehensive Plan goals and policies pertaining to the development of land. As required, this narrative has addressed how all applicable sections of the Ordinance have been met.

- 6. If and where a variance includes a request to vary from minimum public improvements per Section 3.01, from Section 5.02.04E about Street Adjustment factors, those factors are applicable as Variance additional factors.**

COMMENT:

As discussed above, the applicant is requesting approval of a Street Adjustment application to retain the existing curbtight sidewalk along Ray J Glatt Circle. As required, the applicant has addressed how the street adjustment criteria have been met in this narrative under Section 5.02.04.

IV. SUMMARY AND CONCLUSIONS

Based on the above findings, the applicant has demonstrated compliance with applicable sections of the Woodburn Development Ordinance. Therefore, the applicant requests that the submitted applications be approved.

VI. EXHIBITS

- 1. Application Form**
- 2. Property Deed and Easement Agreements**
- 3. Pre-Application Conference Report**
- 4. Preliminary Development Plans**
 - Civil Engineering Plans**
 - Landscape Plans**
 - Architectural Plans**
- 5. Transportation Engineer Memo**
- 6. Hydrant Flow Test**
- 7. Letter from Neighbor in Support of Cross Connection Variance**