



## **HERMANSON PRESERVE**

### **Preliminary Subdivision Application**

#### **Written Narrative**

May 16, 2025

Submitted To:  
**City of Woodburn**  
**Community Development Department**  
270 Montgomery Street  
Woodburn, OR 97071

Owner:  
**Hermanson Preserve Development LLC**  
25030 SW Parkway Ave  
Suite 110  
Wilsonville, OR 97070

Applicant/Owner Representative:  
**LEI ENGINEERING**  
**& SURVEYING**  
OF OREGON  
2564 19th Street SE  
Salem, Oregon 97302

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**Project Description**

<b>Applicant:</b>	Hermanson Preserve Development LLC 25030 SW Parkway Ave Suite 110 Wilsonville, OR 97070
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<b>Site Location:</b>	Marion County Tax Lot 051W18D000100 (no assigned address) along the west side of OR 99E / S. Pacific Highway; south of Judy Street in the Mill Creek Park Addition No. 2 subdivision and of the Fraternal Order of Eagles Aerie No. 3284; north of Northwest Self Storage, and east of Hermanson Pond and the Mill Creek Greenway Trail.
<b>Site Size:</b>	22.3 acres
<b>Zoning:</b>	Medium Density Residential (RM)
<b>Request:</b>	Applicant is requesting a Subdivision to divide Tax Lot 051W18D000100 into 9 single-family lots, 91 duplex lots, and 7 tracts. The single-family lots and duplex lots would have a total of 191 dwellings.

## **Site Description/Existing Conditions**

The subject parcel, Tax Lot 051W18D000100, is located near the southeast limits of the City of Woodburn on the west side of South Pacific Highway (Oregon State Route 99E). It is zoned RM (Medium Density Residential) and is 22.3 acres. The subject parcel is bounded to the north by Mill Creek Park Addition #2 and #4 residential developments, Hawley Street (unclassified, dead-end public street), and 371 South Pacific Highway (a commercially zoned lot). The subject parcel is bounded to the east by South Pacific Highway (major arterial State road), to the south by commercial developments, and to the west by public/semi-public zoned property (Mill Creek and Hermanson Pond). The parcel is undeveloped and covered in vegetation except for the northwest corner of the lot that has been developed with a gravel pedestrian path and passes through a portion of Hermanson Pond.

There is an existing wetland (0.46 acre) in the northwest area of the parcel around Hermanson Pond as delineated by the Department of State Lands (DSL) in a report dated April 22, 2021. The same DSL report delineated another wetland (0.0055 acre) in the southwest corner of the subject parcel.

Water will be provided by an existing 12" water main in the west side of the South Pacific Highway right-of-way. Sanitary sewer services will be connected to a future sanitary sewer manhole in Shalimar Estates (Tax Lot 051W19A002300). Said future manhole will be constructed via a separate permit and will connect to the existing sanitary sewer manhole on Tax Lot 051W19B000200.

## **Applicable Sections from Woodburn Development Ordinance**

### **2.02 Residential Zones**

#### *B. Approval Types (Table 2.02A)*

**Response:** Subject parcel is zoned RM. Proposed uses of 9 lots is single-family detached dwelling, and 91 lots is duplex – both of which are allowed under Section A of Table 2.02A. One tract is proposed to be used for a community club building and facilities which is a Special Permitted Use under Section C of Table 2.02A. The other tracts will be either parks which is allowed under Section B of Table 2.02A, or undeveloped.

#### *C. Development Standards (Tables 2.02E)*

**Response:**

- **Lot Area:** Six interior lots meet the minimum lot size requirement of 6000 sf for a single-family dwelling or duplex. The other 81 interior lots range in size from 4275 to 5822 sf. None of the 13 corner lots meet the minimum lot size requirement of 8000 sf for a single-family dwelling or duplex. The corner lots range in size from 4788 to 7848 sf. Therefore, 94 total lots do not comply with this section and the applicant will apply for a variance.
- **Lot Width:** All interior lots have a minimum 30 ft width. All corner lots have a minimum 40 ft width. Therefore, this application is in compliance with this section.
- **Lot Depth:** All interior and corner lots except for 9 have a minimum depth of 90 ft. The 9 non-compliant lots range in depth from 63 to 87 ft. The applicant will apply for a variance.

- **Street Frontage:** All interior lots have a minimum frontage of 30 ft. All corner lots have a minimum frontage of 40 ft. Therefore, this application is in compliance with this section.
- **Residential Density:** The proposed density of this application is 191 dwellings units over 22.3 acres which is 8.6 units per net acre. This is above the minimum requirement of 5.2 and below the multi-family maximum of 16. Therefore, this application is in compliance with this section.
- **Setbacks:** This application will comply with all required front and side setbacks in this section and in Table 2.02G. The applicant will apply for a variance on all rear setbacks to be set at 20 ft for dwellings less than 28 ft in height.
- **Setback to a Flag Lot Development Vehicular Access Easement:** There are no flag lots designed in this subdivision. Therefore, this application is in compliance with this section.
- **Lot Coverage:** 46 of the lots have proposed buildings that are over the maximum coverage requirement ranging from 0.7 to 3.5% over the maximum. The applicant will apply for a variance for the coverage requirement.
- **Building Height:** All proposed structures are designed to be below the maximum allowed height. Therefore, this application is in compliance with this section.

## **2.05 Overlay Districts**

### ***2.05.05 Riparian Corridor and Wetlands Overlay District***

#### ***B. Boundaries of the RCWOD***

##### ***1. The RCWOD includes:***

- a. Riparian corridors extending upland 50 feet from the top of the bank of the main stem of Senecal Creek and Mill Creek and those reaches of their tributaries identified as fish-bearing perennial streams on the Woodburn Wetlands Inventory Map; and*
- b. Significant wetlands identified on the Woodburn Wetlands Inventory Map. Where significant wetlands are located fully or partially within a riparian corridor, the RCWOD shall extend 50 feet from the edge of the wetland; and*
- c. The 100-year floodplain on properties identified as vacant or partly vacant on the 2005 Woodburn Buildable Lands Inventory.*

##### ***2. The approximate boundaries of the RCWOD are shown on the Zoning Map. The precise boundaries for any particular lot should be verified by the property owner when making a land use application. Map errors may be corrected as provided in this Ordinance (Section 1.02.04).***

**Response: Attached to this application is a Permit Application for a RCWOD and exhibit showing limits of a 50-ft offset from wetlands mapped by Department of State Lands and a 50-ft offset from the surveyed top of bank of Mill Creek.**

#### ***C. Permitted Uses and activities***

*The following uses and activities are allowed, provided they are designed and constructed to minimize intrusion into the RCWOD:*

- 1. Erosion or flood control measures that have been approved by the Oregon Department of State Lands, the U.S. Army Corps of engineers, or another state or federal regulatory agency*
- 2. Maintenance of existing structures, lawns and gardens*
- 3. Passive recreation uses and activities*
- 4. Removal of non-native plant species and replacement with native plant species*
- 5. Public streets and off-street public bicycle/pedestrian facilities that other WDO sections*

require.

6. Utilities

7. Water-related and water-dependent uses, including drainage facilities, water and sewer facilities, flood control projects, drainage pumps, public paths, vehicular means of access to such uses, trails, picnic areas or interpretive and educational displays and overlooks, including benches and outdoor furniture

**Response: The subdivision project includes proposed Tracts D & G along the west border of the original property to be used for passive recreation uses and activities, which is allowed by this section. Nearly the entire 50-ft wetlands offset is contained within Tracts D & G. A very small portion (less than 1000 sf) of the 50-ft wetlands offset encroaches upon the proposed public right-of-way for Greenway Terrace. The proposed use in this area is a 12-ft wide sidewalk and 8-ft wide landscape strip, which will be a portion of the Mill Creek Greenway Trail. This public street and off-street public bicycle/pedestrian facility is allowed by this section. Therefore, this application is in compliance with this section.**

*D. Prohibited Uses and Activities*

1. New buildings or structures or impervious surfaces, except for replacement of existing structures within the original building footprint

2. Expansion of existing buildings or structures or impervious surfaces

3. Expansion of areas of pre-existing non-native landscaping such as lawn, gardens, etc.

4. Dumping, piling, or disposal of refuse, yard debris, or other material

5. Removal of vegetation except for:

a. Uses permitted by this Section

b. Perimeter mowing of a wetland for fire protection purposes;

c. Water-related or water-dependent uses, provided they are designed and constructed to minimize impact on the existing riparian vegetation;

d. Removal of emergent in-channel vegetation that has the potential to cause flooding;

e. Hazardous tree removal.

6. Grading, excavation and the placement of fill except for uses permitted by this Section.

**Response: No prohibited uses and activities are proposed in this application. Therefore, this application is in compliance with this section.**

**2.07 Special Uses**

**2.07.04 Community Club Buildings and Facilities**

*B. Criteria*

1. Swimming pools, tennis courts, and similar sports courts or fields shall be set back 20 feet from a property line abutting a residential zone or use.

2. No off-street parking or loading area shall be permitted within 10 feet of the side and rear lot lines.

3. Outdoor lighting shall be directed away from residential property and public streets.

**Response: The clubhouse facilities shown on the site plan are preliminary. The final design will comply with this section. The applicant understands that this may be a condition of approval for the Subdivision application.**

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

**3.01.03 Street Improvements Required for Development**

A. With development, the Internal, Boundary, and Connecting streets shall be constructed to at least the minimum standards set forth below.

*B. Internal Streets*

*Internal streets shall meet all standards of WDO and the TSP.*

*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 the required cross section includes on-street parking;*
- 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.*

**Response: Partial street improvements are proposed for the west side of South Pacific Highway pursuant to typical section shown in Figure 3.01R. The extent of the partial street improvement is shown on Sheet SP-1 of the site plan as being from and including the 7.5-ft wide bike lane through to the 10-ft wide PUE. Full-street improvements are proposed for the extension of Hawley Street pursuant to typical section shown in Figure 3.01G. The applicant is not providing an extension of Deer Run Lane and will submit both a variance application and a street adjustment application.**

*D. Connecting Streets*

- 1. The minimum improvements for a Connecting Street shall be one paved 11-foot travel lane in each direction.*
- 2. Connecting streets shall extend from the boundary street of a development, to the nearest intersection that meets the cross-section and improvement requirements of this Section, or 1,000 feet, whichever is less.*

**Response: The portions of South Pacific Highway that could be considered connecting streets are outside the city limits. Therefore, this section does not apply.**

*G. ADA: The minimum standards of this Section 3.01 apply to development such that implementation includes constructing new or upgrading existing public improvements to be ADA-compliant.*

**Response: All proposed public improvements will be ADA-compliant. Therefore, this application is in compliance with this section.**

*H. Bridges / culvert crossings:*

- 1. ROW: Required ROW shall remain such regardless of the physical width of the crossing, unless the developer obtains approval of Street Adjustment, modification through Planned Unit Development (PUD), or Variance.*
- 2. Parking: Any parking lane(s) required by the applicable standard cross section shall remain required unless the developer obtains approval of Street Adjustment, modification through PUD, or Variance.*
- 3. Sidewalk widths: A developer may omit from a bridge or culvert the street landscape strips, thereby resulting in curb-tight sidewalk, the minimum width of which shall be either 8 ft where there is to be no adjacent on-street parking or 9 ft where there is to be. Where the City considers a segment of a bicycle/pedestrian facility that is Class A or B to be along sidewalk, the minimum width shall widen to the class standard as applicable. Wider width shall apply where ADA per*

*subsection G applies such that it is required.*

*4. Fence/railings: Where (1) a street segment is a bridge or culvert crossing, and (2) the public works construction code requires any pedestrian guardrail, handrail, fall protection railing, or safety railing, then it shall be decorative or ornamental (as examples, having an artistic pattern or resembling wrought iron), and a color other than black or charcoal. Any required fence at each end of railings shall be the same color(s).*

*5. Bridge sides: If the bridge sides are concrete, the surface shall be stamped or treated to resemble either cut stone or rough stone.*

**Response: The applicant is requesting a variance and a street adjustment to not provide an extension of Deer Run Lane, which means there are no proposed bridges nor culvert crossings. Therefore, this section is not applicable.**

*I. TSP and other adopted long-range plans: Where such plans identify improvements within a Boundary Street, on the subject property of a development, or abutting a side or rear boundary of the subject property, the improvement or a proportional share of the improvement shall apply as a public improvement standard for the development.*

*Applying a proportionate share may necessitate a developer applying to modify, adjust, or vary from a standard where and as the WDO allows.*

**Response: Partial street improvements are proposed for the west side of South Pacific Highway pursuant to typical section shown in Figure 3.01R. The extent of the partial street improvement is shown on Sheet SP-1 of the site plan as being from and including the 7.5-ft wide bike lane through to the 10-ft wide PUE. Full-street improvements are proposed for the extension of Hawley Street pursuant to typical section shown in Figure 3.01G. The applicant is not providing an extension of Deer Run Lane and will submit both a variance application and a street adjustment application.**

*J. Off-site public improvements: To provide for the safety of the traveling public and ensure improved access to a development site consistent with Comprehensive Plan policies and WDO purposes and objectives for orderly urbanization and extension of public facilities, the Director may require off-site improvements reasonably related to a development and concurrent with it.*

**Response: The applicant will comply with requirements for off-site improvements that are reasonably related to this project. Therefore, this application is in compliance with this section.**

#### **3.01.04 Street Cross Sections**

*B. All public streets under the jurisdiction of the City of Woodburn shall comply with the cross-sections depicted in this Section, unless the developer obtains approval of Street Adjustment, modification through Planned Unit Development, Zoning Adjustment, or Variance as the WDO allows them to be applicable.*

*1. For local residential streets, the standard cross section is Figure 3.01G. Another among local cross section figures, or a custom cross section, may apply through Street Adjustment or Planned Unit Development.*

**Response: Proposed Pond Place and the extension of Hawley Street will comply with the cross-section in Figure 3.01G. Starting at the access to South Pacific Highway and extending to the proposed Hermanson Pond Observation Area, Greenway Terrace will use a modified Figure 3.01G cross-section that incorporates a bicycle/pedestrian corridor as required by Table 3.01A(1)(c). Greenway Terrace will then taper to a standard Figure**



**3.01G cross-section as it continues southwestwardly. The applicant will apply for a street adjustment for this taper transition and the bicycle/pedestrian corridor modification.**

*3. S. Pacific Highway from E. Cleveland Street to South UGB: The Director may administratively allow a developer to apply cross section Figure 3.01R to that segment of S. Pacific Highway instead of 3.01B. If the administrative option is closed, a developer may request to apply Figure 3.01R through Street Adjustment. If the City approves, among other conditions it may require any of the same ROW dedication as Figure 3.01B would have required, a wider streetside PUE equivalent to such ROW, or a combination of some excess ROW and wider PUE.*

*Landscape or planter strips shall have area remaining after street tree plantings landscaped with lawn grass or, if the Public Works Director in writing allows, a species of groundcover. Cobblestones, gravel, pebbles, and rocks are prohibited. Bark dust, mulch, or wood chips are permissible only within the immediate vicinity of a street tree trunk. The developer shall install landscape strip irrigation, and shall provide temporary irrigation during construction, per the public works construction code.*

**Response: The application proposes to apply cross section Figure 3.01R to the partial street improvements on South Pacific Highway. The portion of South Pacific Highway is within the area from E. Cleveland Street to South UGB. Landscaping plan will be completed by others and will comply with the WDO. Therefore, with Director approval, application is in compliance with this section.**

**3.01.05 Street Layout****B. Termination of Streets and Off-Street Bicycle/Pedestrian Facilities****2. Temporary Dead End Streets**

*Streets extensions that result in temporary dead end streets, or stub streets, shall:*

- a. Be extended to the adjoining land when it is necessary to give access to, or permit, a future division of adjoining land;*

**Response: Full-street improvements are proposed for the extension of Hawley Street pursuant to typical section shown in Figure 3.01G. The applicant is not providing an extension of Deer Run Lane and will submit both a variance application and a street adjustment application.**

- b. Require a barricade at the end of the street to be installed and paid for by the property owners. It shall not be removed until authorized by the City of Woodburn.*

- c. Have an all-weather sign at the temporary street terminus, installed by the property owners, that states: "This Street is Planned for Future Extension".*

**Response: Barricades and signage will be installed at the ends of Hawley Street, Pond Place, and Greenway Terrace. Therefore, this application is in compliance with this section.**

**3. Continuity of Off-Street Bicycle/Pedestrian Facilities**

*Public bikeway and pedestrian facilities, other than those incorporated in a street right-of-way, shall either:*

- a. Provide for a continuous system, with each segment originating and terminating with a connection to a public street, a public alley, a shared rear lane, a greenway, a public park, or to a designated activity center; or*

**Response: The proposed bicycle/pedestrian corridor along Greenway Terrace connects to the existing gravel path around Hermanson Pond. Therefore, this application is in compliance with this section.**

*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.*

**Response: One block in the center of the site containing Lots 43-100 is greater than 600 feet, but exception 3.01.05(C)(1)(c) applies. Therefore, this application is in compliance with this section.**

- 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.*

**Response: The block containing Lots 43-100 is the result of a design compromise that accommodates the City's request from PRE 24-17 to make the Mill Creek Greenway a public vista. The subdivision overall has excellent bicycle/pedestrian facilities including a 12-foot wide sidewalk running along said block.**

*D. Street Access*

*Residential development subject to either OFC Section D106 (100 or more multiple-family dwellings) or D107 (30 or more single-family or duplex dwellings) shall comply. Where applicability of either section to a residential development is unclear, then the presumptive standard shall be that if a development has 30 or more dwellings, it shall have two or more means of public access to any of a street, alley, or shared rear lane if a shared rear lane has a public access easement.*

**Response: Two accesses are provided: Greenway Terrace is a public right-of-way and Hermanson Lane is a privately maintained shared rear lane with a public access easement. Therefore, this application is in compliance with this section.**

*E. Alleys and Shared Rear Lanes:*

- 2. Cross section: The alley standard cross section is Figure 3.01J.*

**Response: Hermanson Lane applies a modified cross-section Figure 3.01J. The modification widens the drive lanes to allow fire truck access up to the maximum 20-ft wide pavement, and a sidewalk allows bicycle/pedestrian access. Pursuant to 3.01.04(C) and 3.01.04(Note 3.01J), no street adjustment or variance is required. Therefore, this application is in compliance with this section.**

*F. Local street connectivity plan:*

*3. Standards:*

- a. Cross section: Based on Section 3.01.04B.1, the presumptive minimum width shall be 70 feet for a full width future street corridor or 35 feet for a half-street corridor. The Director may establish a wider standard if more than a half-street width but less than full width is within the development.*

**Response: This section requires a 70-ft width, but references Section 3.01.04B.1, which in turn references Figure 3.01G, which states 60-ft right-of-way three times. This**

application is assuming a 60-ft right-of-way for the future street corridor standard. Therefore, this application is in compliance with this section.

*b. Extent: The presumptive minimum extent begins at an existing street and either connects to a different street or protects future connection. The Director may determine extent of a street connection by considering factors including:*

- (1) TSP Figures 2, 8 & 9;*
- (2) An applicable off-street bicycle/pedestrian facility in or adjacent to a development;*
- (3) Access management per Section 3.04;*
- (4) Existing and future bus transit;*
- (5) Proximity to parks and public schools;*
- (6) Context of developments in the vicinity;*
- (7) Whether a development is in a region within the UGB that has a sparse street network;*
- (8) The layout of regional public potable water, sanitary sewer, and drainage and stormwater management lines and facilities; and*
- (9) Where applicable, the ability of development to conform to subsection D above regarding two means of public access.*
- (10) Where applicable, the RCWOD that Section 2.05.05 regulates.*

**Response: Greenway Terrace and Hawley Street rights-of-way extend to the property boundary. Pond Place has a proposed 60-ft street reservation easement extending to the property boundary. Lots 78 and 77 – which flank either side of the reservation easement – shall have dwellings oriented to face the future extension of Pond Place. Therefore, this application is in compliance with this section.**

#### *3.01.06 Street Names*

**Response: Street names for this application were chosen from a guide provided by the City of Woodburn in the Pre-Application Meeting PRE 25-02 Follow-up Notes. Therefore, this application is in compliance with this section.**

#### *3.01.07 Off-Street Public Bicycle/Pedestrian Corridors*

*C. Corridor width: The corridor of land dedicated to accommodate the facility and related improvements and landscaping shall be either dedicated to the City or covered with one or more public easements that accomplish granting the City and the public access. The minimum width shall be per Table 3.01A:*

**Response: This application proposes a 12-ft wide paved bicycle/pedestrian facility in the Greenway Terrace right-of-way that connects South Pacific Highway to the Mill Creek Greenway. Therefore, this application is in compliance with this section.**

#### *3.01.08 Mill Creek Greenway*

**Response: Per Pre-Application Meeting PRE 25-02 Follow-up Notes:**

*Parks and recreation: Per PRE 24-17, “Guidance by the Community Services Director (parks and recreation manager) is pending regarding the Mill Creek Greenway and additional park land, if any. More specifics would come after the pre-app or application. Based on what was PRE 22-15 agenda item A4 and that the site plan was similar – and acknowledging that the present draft site plan proposes a clubhouse on Tract E – expect to dedicate to the City/public as park land southwest Tract E in whole or its westerly portion.”*

The clubhouse tract has been re-lettered to Tract F. A proposed Hermanson Pond Observation Area has been added to the site plan in Tract D. The applicant will await guidance from the Community Services Director.

### **3.03 Setbacks and Open Space**

#### **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.*

**Response: The subdivision will comply with this section. The applicant understands that this may be a condition of approval for the Subdivision application.**

#### **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.*

**Response: South Pacific Highway falls under the Major Arterial Road Classification. However, the standard cross-section in the project area is Figure 3.01R which has a minimum right-of-way of 80 ft. Pursuant to Table 3.03A(Other), the Street Widening Setback from Centerline is 40 ft. The existing right-of-way to centerline is 40 ft. Therefore, no Street Widening Setback is required, and this application is in compliance with this section.**

#### **3.03.03 Projections into the Setback Abutting a Street**

*A. Chimneys, flues, bay windows, steps, eaves, gutters, sills, pilasters, lintels, cornices, planter boxes and other ornamental features may not project more than 24 inches into the setback abutting a street.*

*B. Covered, unenclosed porches shall maintain at least a 5 foot setback from the property line or Street Widening Setback.*

*C. A balcony, outside stairway or other unenclosed, unroofed projection may not project into a minimum front or street setback of the primary building so much that it would*

*encroach into the streetside public utility easement (PUE). (Regarding PUEs, see Section 3.02.01.)*

*D. Arbors, archways, pergolas and trellises shall be exempt from the setback abutting a street.*

*E. Uncovered decks, not more than 18 inches above final grade, shall maintain at least a three foot setback from the property line or Street Widening Setback.*

*F. Flag poles shall maintain at least a five foot setback from the property line or Street Widening Setback.*

**Response: The subdivision will comply with this section. The applicant understands that this may be a condition of approval for the Subdivision application.**

#### **3.03.04 Projections into the Side Setback**

*A. Chimneys, flues, bay windows, steps, eaves, gutters, sills, pilasters, lintels, cornices, planter boxes and other ornamental features may not project more than 24 inches into a side setback.*

*B. Fire escapes, when not prohibited by any other code or ordinance, may not project into a side setback farther than one-third of the width of the setback, or less than three feet.*

*C. Uncovered decks, not more than 18 inches above final grade, shall maintain at least a three foot setback from the property line or Street Widening Setback.*

**Response: The subdivision will comply with this section. The applicant understands that this may be a condition of approval for the Subdivision application.**

#### **3.03.05 Projections into the Rear Setback**

*A. Chimneys, flues, bay windows, steps, eaves, gutters, sills, pilasters, lintels, cornices, planter boxes and other ornamental features may project not more than 24 inches into the rear setback.*

*B. A balcony, outside stairway or other unenclosed, unroofed projection may not project more than 10 feet into a rear setback. In no case shall such a projection come closer than 5 feet from any lot line or Street Widening Setback.*

*C. Covered, unenclosed porches, extending not more than 10 feet beyond the rear walls of the building, shall maintain at least a 10 foot setback from the rear property line or 5 feet from Street Widening Setback, or, may have a zero setback along an alley or shared rear lane except it shall be set back to not encroach with the PUE, if any, along the alley or shared rear lane.*

*D. Uncovered decks not more than 18 inches above final grade shall maintain at least a three foot setback from the property line or Street Widening Setback.*

*E. No permitted projection into a rear setback shall extend over an alley, unless the projection is minimum 14 feet above alley grade and the Public Works Director in writing authorizes, or, come within six feet of an accessory structure.*

*F. Accessory structures are not considered projections into a rear setback, but have separate setback requirements listed in this Ordinance (Section 2.06).*

**Response: The subdivision will comply with this section. The applicant understands that this may be a condition of approval for the Subdivision application.**

#### **3.03.06 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:*

- 1. Trees, provided branches and foliage are removed to a height of 7 feet above grade;*
- 2. Utility poles;*

3. Utility boxes less than ten inches at the widest dimension; and
4. Traffic control signs and devices.

**Response: The subdivision will comply with this section. The applicant understands that this may be a condition of approval for the Subdivision application.**

### **3.04 Vehicular & Bicycle/Pedestrian Access**

#### **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.
3. Alley: Where proposed or required, every lot and tract abutting it shall access it instead of a public street.
4. Shared rear lane: Where proposed or required, and it has a public access easement the same as per subsection 2, it may substitute for an alley, and every lot and tract abutting it shall access it instead of a public street.

**Response: The subdivision meets these criteria. Therefore, this application is in compliance with this section.**

##### *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.*

**Response: The subdivision will comply with this section. The applicant understands that this may be a condition of approval for the Subdivision application.**

##### *D. Access to State Highways*

*Access to a transportation facility under the jurisdiction of the Oregon Department of Transportation (ODOT) shall be subject to State requirements. The Director may incorporate ODOT requirements into the conditions of approval for any application.*

**Response: The subdivision will comply with this section. The applicant understands that this may be a condition of approval for the Subdivision application.**

#### **3.04.03 Access Management: Driveway Guidelines and Standards**

##### *B. Number of Driveways*

1. For residential uses, along streets the maximum number of driveways per lot frontage shall be as follows and if and as subsection D further limits:
  - a. Single-family dwelling and dwelling other than multiple family and other than townhouse: One driveway for every 100 feet of lot frontage. For a corner lot wider than 25 feet, the Director may prohibit a driveway on one of the frontages based on the factors of street functional class and whether the required street cross section includes on-street parking.

**Response: The subdivision meets these criteria. Therefore, this application is in compliance with this section.**

2. Oregon Fire Code: A minimum of two driveways shall be provided in developments as follows:

b. Where OFC Appendix D Section D107 is applicable (30 or more single family dwellings or duplexes);

d. Exceptions:

(2) The Woodburn Fire District Fire Marshal may in writing exempt subject development from a second driveway if determining that instead of a second driveway, one or more development Boundary, Connecting, or Internal Streets, public alleys, or shared rear lanes with public access, can serve as the one or more “fire apparatus access roads” that OFC Appendix D references and requires.

**Response: The proposed subdivision has more than 30 duplexes. Two fire lanes are provided: Greenway Terrace and Hermanson Lane. Therefore, with Fire Marshal approval, exemption 3.04.03(B)(2)(D)(2) applies.**

3. For nonresidential uses, the number of driveways should be minimized based on overall site design, including consideration of:

a. The function classification of abutting streets;

b. The on-site access pattern, including parking and circulation, joint access, turnarounds and building orientation;

c. The access needs of the use in terms of volume, intensity and duration characteristics of trip generation.

**Response: The subdivision meets these criteria. Therefore, this application is in compliance with this section.**

#### C. Joint Access

2. A partition, subdivision, or PUD should be configured so that lots abutting a Major Arterial, Minor Arterial, Service Collector, or Access Street have access to a local street, alley, or shared rear lane. Access to lots with multiple street frontages should be from the street with the lowest functional class.

**Response: The subdivision meets these criteria. Therefore, this application is in compliance with this section.**

3. Every joint driveway or access between separate lots shall be per the same means as in Section 3.04.01A.2.

**Response: The lots that take access on Hermanson Lane will comply with this section. Therefore, this application is in compliance with this section.**

#### 4. Standards:

a. Easement: Per Section 3.04.01A.2 and minimum width 20 feet.

b. Improvements: The easement and the drive aisle or aisles it follows shall align along centerline. Each shared access drive aisle shall extend to the property line with no terminating curb and no fixed barrier mounted to the drive aisle. The drive aisle minimum width is 20 feet if without side curbs and 21 feet inclusive of side curbs.

**Response: The modified cross-section Figure 3.01J proposed for Hermanson Lane provides a 6-foot wide sidewalk on one side of the drive lane, making the cross-section asymmetrical. The overall width of the drive lanes and sidewalk together is, however, centered within the private street boundary, which meets the intent of this section.**

*D. Access management:*

*1. Residential development other than multiple-family dwellings: The Director may require that two or more dwellings across two or more lots within a partition, subdivision, or Planned Unit Development to share driveways, for example, by requiring detached houses on adjoining lots to share a driveway along a common lot line.*

**Response:** The applicant understands that the Director may choose to require shared driveways on common lot lines. The intention of the requested variances connected to this subdivision is to enable higher density residential development in the RM zone. The housing types and lot sizes make it impractical to design shared driveways along common lot lines because doing so would force the side setback to be 20-ft or more instead of 5-ft.

*Table 3.04A – Access Requirements***Response:**

- **Paved Width of Driveway:** Driveway approaches are 16-ft wide.
- **Corner Clearance:** 30-ft minimum corner clearances are provided.
- **Turnarounds:** Fire apparatus turnarounds are provided for in the proposed subdivision as shown on sheet FA-1 of the site plan.

**Therefore, this application is in compliance with this section.**

*3.04.04 Driveway & Drive Aisle Improvement Standards*

*The portion of a driveway on private property shall be paved. Asphalt, brick, poured concrete, concrete pavers, and square or rectangular cobblestone pavers are allowed. Particularly within emergency-only fire lanes and lanes for maintenance vehicle access to private drainage and stormwater management facilities, but also anywhere on private property, reinforced cellular concrete (cast on-site) grass paving surface (“grasscrete”) is allowed also. Gravel is allowed only for property with residential zoning, where no land division is involved, and for existing development other than multiple-family dwelling. Gravel must be minimum 10 feet from the ROW of a street.*

**Response:** The subdivision meets these criteria. Therefore, this application is in compliance with this section.

*3.04.05 Transportation Impact Analysis*

**Response:** The subdivision will comply with this section. The applicant understands that this may be a condition of approval for the Subdivision application.

*3.04.06 Bicycle/Pedestrian Access between Sidewalk and Building Entrances*

*C. Walkway: Minimum 1 per frontage except where a wide walkway supersedes. Minimum width 6 feet and may have stairs. For residential development of other than multiple-family dwellings, each lot shall have a walkway minimum 2 feet wide of minimum length such that it connects sidewalk with an entrance to each and every dwelling on a given lot. The walkway shall not overlap a driveway, and where a walkway is flush with a driveway, it shall either (1) be raised minimum 3 inches, have curbing which may be mountable, and be minimum 3 feet and 3 inches wide, or (2) be dyed, patterned, stamped or otherwise treated or of a different paving material than the driveway to visually distinguish it from the adjacent driveway.*

**Response:** The subdivision meets these criteria. Therefore, this application is in compliance with this section.



*D. Walkway and wide walkway crossings: A development with crossings of drive aisles shall have one or more crossings made visually distinct from adjacent vehicular pavement and minimum width equal to that of the walkway.*

*1. Wide walkways: Minimum width 8 ft each. Every crossing along a wide walkway shall be either an extension of wide walkway poured concrete at the same grade as adjacent vehicular area or in the form of a speed table, also known as a raised walkway crossing, minimum 4 inches high and with vehicular side ramps maximum slope ten percent and with striped warning triangles. ADA-compliant transitions or ramps shall be minimum 5 feet wide. For multiple-family dwelling development, the speed table option shall be a requirement.*

*2. Walkways: Where there are walkways and any of them cross drive aisles, all of the crossings along minimum 1 walkway shall be either an extension of walkway poured concrete at the same grade as adjacent vehicular area and same width as the walkway or in the form of a speed table, also known as a raised walkway crossing, minimum 4 inches high. A developer shall stripe remaining walkway crossings with any of hatch or ladder pattern or three or more bars perpendicular to the crossing.*

**Response: The subdivision will comply with this section. The applicant understands that this may be a condition of approval for the Subdivision application.**

### **3.05 Off-Street Parking and Loading**

#### **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.*

**Response: Except for improved parking pads abutting garage doorways, the only proposed off-street parking is on Tract F for the clubhouse. The clubhouse facilities shown on the site plan are preliminary. The facilities' maximum occupancy could change before final design. Therefore, parking requirements could also change. The final design will comply with WDO standards. The applicant understands that this may be a condition of approval for the Subdivision application.**

*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*

**Response: The off-street parking is on the same land as the structure being served and will have common ownership. Therefore, this application is in compliance with this section.**

*C. When calculations for determining the number of required off-street parking spaces results in a fractional space, any fraction of a space less than one-half shall be disregarded, and a fraction of one-half or greater shall be counted as one full space.*

**Response: The final design of the clubhouse facilities will comply with this section. The applicant understands that this may be a condition of approval for the Subdivision application.**

*D. Location*

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

*a. In RS, RIS or RM zones, parking spaces for non-residential uses permitted in the zone may be located on another site, if such site is within 250 feet of the lot containing the primary building, structure or use.*

- b. In any zone other than RS, RIS or RM, the parking spaces may be located on another site, if such site is within 500 feet of the site containing the primary building, structure or use.*
- 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.*

**Response: The off-street parking will be provided on the same lot as the primary building in RM zone. Therefore, this application is in compliance with this section.**

- 3. In residential districts, off-street parking and storage shall be prohibited within a yard abutting a street, except within a driveway leading to a garage or carport.*

**Response: The final design of the clubhouse facilities will comply with this section. The applicant understands that this may be a condition of approval for the Subdivision application.**

*E. Setback*

- 2. Parking, loading, and circulation areas shall be set back from a property line a minimum of five feet, excepting any of (a) interior lot lines of lots in a development that have the same owner or that have outbuildings as part of a complex of buildings sited amid parking, such as in an office or industrial park or strip mall, (b) a shared access and use agreement between or among landowners per Section 3.04, and (c) shared access in the specific context of residential development of other than multiple-family dwellings.*

*F. All vehicle parking and loading areas shall be paved to the standards of this ordinance*

*G. All vehicle parking, loading, and storage areas shall be graded and provide storm drainage facilities approved by the Director.*

*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*

*I. Maneuvering areas shall be designed in compliance with this Section (Table 3.05B). Offstreet 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.*

*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).*

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

*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.*

*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.*

**Response: The final design of the clubhouse facilities will comply with this section. The applicant understands that this may be a condition of approval for the Subdivision application.**

**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).*

**Response:**

- **Lots with single-family dwellings will have two off-street improved parking pads.**
- **Lots with duplexes will have two off-street improved parking pads.**
- **The number of off-street parking spaces on Tract F will be at least 1 space per 4 occupants and not more than 2 spaces per 4 occupants. The number of occupants is to be determined.**

**Therefore, this application is in compliance with this section.**

*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).*

*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.*

**Response: The final design of the clubhouse facilities will comply with this section. The applicant understands that this may be a condition of approval for the Subdivision application.**

*F. Garages**1. For dwellings other than multiple-family:*

- a. The parking spaces required by this section (Table 3.05A) shall be in a garage or garages; however, garages or carports are not required for duplexes, triplexes, quadplexes, townhouses, and cottage clusters in compliance with OAR 660-046-0220(2)(e)(D).*
- b. There shall also be an improved parking pad, abutting the garage doorway, for each opposing parking space within a garage if the garage abuts a street. Each parking pad shall have the minimum dimensions of 8 feet wide by 18 feet long.*

**Response: The subdivision meets these criteria. Therefore, this application is in compliance with this section.**

**3.08 Partitions and Subdivisions****3.08.01 Requirements**

*All partitions and subdivisions shall comply with the standards of ORS Chapter 92 and the Woodburn Development Ordinance.*

**Response: The subdivision will comply with this section. The applicant understands that this may be a condition of approval for the Subdivision application.**



## **HERMANSON PRESERVE Street Adjustment Application**

May 16, 2025

Submitted To:  
**City of Woodburn**  
**Community Development Department**  
270 Montgomery Street  
Woodburn, OR 97071

Owner:  
**Hermanson Preserve Development LLC**  
25030 SW Parkway Ave  
Suite 110  
Wilsonville, OR 97070

Applicant/Owner Representative:  
**LEI ENGINEERING  
& SURVEYING**  
OF OREGON  
2564 19th Street SE  
Salem, Oregon 97302

**Project Description**

**Applicant:** Hermanson Preserve Development LLC  
25030 SW Parkway Ave  
Suite 110  
Wilsonville, OR 97070

**Applicant  
Representatives:** Jamie Van Agtmael, PLS  
LEI Engineering & Surveying of Oregon  
2564 19th Street SE  
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541-521-8449  
jamie@leiengineering.com

Erik de Guzman  
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**Civil Engineer:** Greg Zartman, PE, Principal Engineer  
LEI Engineering & Surveying of Oregon  
2564 19th Street SE  
Salem, Oregon 97302  
541-521-8449  
greg@leiengineering.com

**Land Surveyor** Chris Fogerson, PLS, PE  
LEI Engineering & Surveying of Oregon  
2564 19th Street SE  
Salem, Oregon 97302  
503-984-1037  
chris@leiengineering.com

**Site Location:** Marion County Tax Lot 051W18D000100 (no assigned address) along the west side of OR 99E / S. Pacific Highway; south of Judy Street in the Mill Creek Park Addition No. 2 subdivision and of the Fraternal Order of Eagles Aerie No. 3284; north of Northwest Self Storage, and east of Hermanson Pond and the Mill Creek Greenway Trail.

**Site Size:** 22.3 acres

**Zoning:** Medium Density Residential (RM)

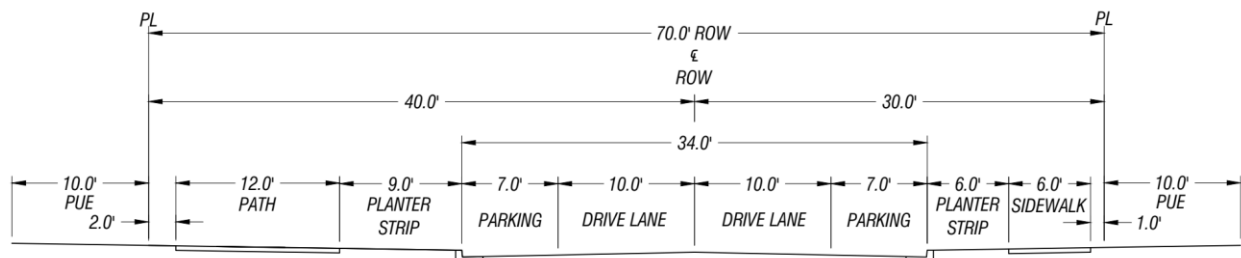
**Request:** Applicant is requesting a Subdivision to divide Tax Lot 051W18D000100 into 9 single-family lots, 91 duplex lots, and 7 tracts. The single-family lots and duplex lots would have a total of 191 dwellings.

## Street Adjustment – Greenway Terrace

### Request Details

Applicant requests a Street Adjustment to use the Modified WDO Figure 3.01G as shown below for a portion of Greenway Terrace from the access onto South Pacific Highway to approximately the proposed connection with the pedestrian trail around Hermanson Pond. This portion of Greenway Terrace is depicted as Section 'A' on the attached site plan. Proceeding westward, this application also requests a tapered Transition Section. The remaining portion of Greenway Terrace will apply the standard cross-section, WDO Figure 3.01G, as shown below and depicted in the attached site plan as Section 'B'.

The purpose of this Street Adjustment is to comply with WDO 3.01.08, requiring a bicycle/pedestrian corridor for the Mill Creek Greenway.



Modified WDO Figure 3.01G

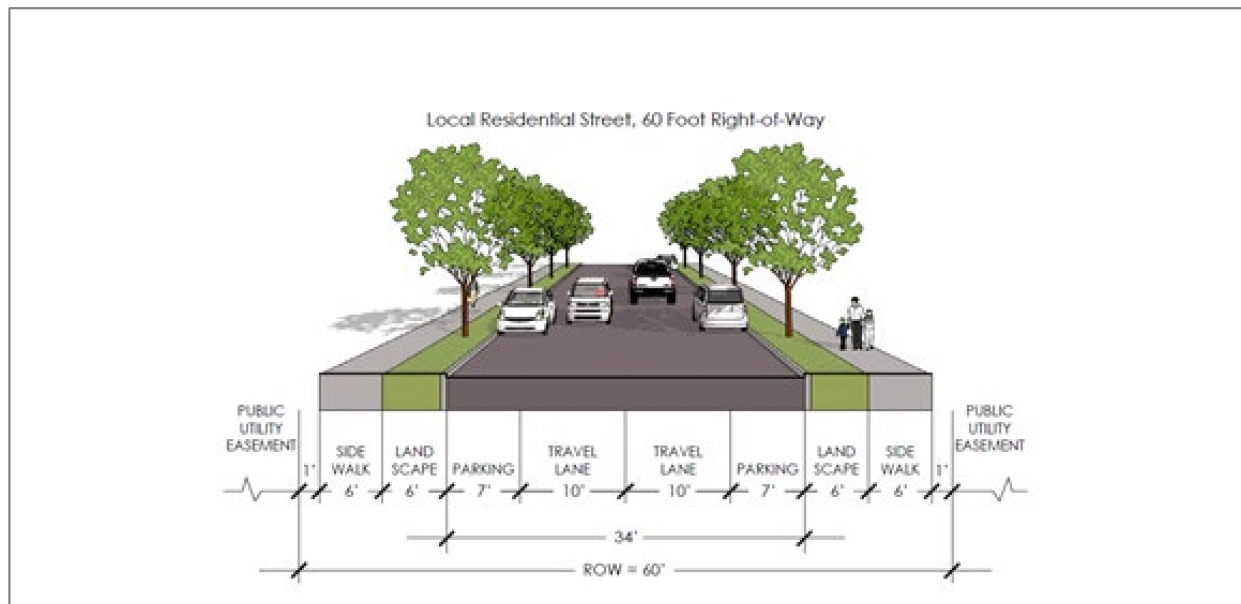


Figure 3.01G – Local Residential Street with Parking Both Sides, 60 Foot Right-of-Way

## Criteria

*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;*

**Response:** The proposed Street Adjustment will provide more than the minimum required facilities shown in the standard cross-section.

*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;*

**Response:** The proposed Street Adjustment will provide more than the minimum required facilities shown in the standard cross-section.

*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;*

**Response:** The proposed Street Adjustment will provide more than the minimum required facilities shown in the standard cross-section.

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

**Response:** The proposed Street Adjustment will provide more than the minimum required facilities shown in the standard cross-section.

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

**Response:** The purpose of the proposed Street Adjustment is to comply with WDO 3.01.08.

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

**Response:** The purpose of the proposed Street Adjustment is to comply with WDO 3.01.08.

*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.*

**Response:** The proposed Street Adjustment will provide more than the minimum required facilities shown in the standard cross-section.

*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.*

**Response:** The proposed Street Adjustment will provide more than the minimum required facilities shown in the standard cross-section.

## **Street Adjustment - Deer Run Lane**

### **Request Details**

In conjunction with this Street Adjustment, the Applicant is also submitting a Variance Application to remove the requirement to extend Deer Run Lane into the proposed subdivision under WDO Sections 3.01.03 and 3.01.05. Extending the street improvements would necessitate the design, engineering, permitting, and construction of a Mill Creek crossing, which presents excessive regulatory and financial burden.

As an alternative, the applicant proposes to dedicate Tracts D and G to the City of Woodburn and construct a public Observation Area that connects to the existing pedestrian trail system around Hermanson Pond. This approach enhances pedestrian connectivity and public access to natural amenities while avoiding significant impacts to Mill Creek and its surrounding environment. This proposal also supports the goals of the Riparian Corridor and Wetlands Overlay District by avoiding encroachment into protected areas and maintaining the natural character and function of the Mill Creek system.

The Street Adjustment requested is to dedicate a 60-ft wide reserved right-of-way for the future construction of Deer Run Lane, without building any of the street improvements at this time in exchange for the considerations listed above.

### **Criteria**

*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;*

**Response:** The 60-ft wide reserved right-of-way for the future construction of Deer Run Lane will have all the equivalent characteristics of the standard cross-section WDO Figure 3.01G and can be constructed when the design, engineering, permitting, and construction of a Mill Creek crossing becomes economically feasible.

*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;*

**Response:** The 60-ft wide reserved right-of-way for the future construction of Deer Run Lane will have all the equivalent characteristics of the standard cross-section WDO Figure 3.01G and can be constructed when the design, engineering, permitting, and construction of a Mill Creek crossing becomes economically feasible.

*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;*

**Response:** The 60-ft wide reserved right-of-way for the future construction of Deer Run Lane will have all the equivalent characteristics of the standard cross-section WDO Figure 3.01G and can be constructed when the design, engineering, permitting, and construction of a Mill Creek crossing becomes economically feasible.

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

**Response:** The 60-ft wide reserved right-of-way for the future construction of Deer Run Lane will have all the equivalent characteristics of the standard cross-section WDO Figure 3.01G and



can be constructed when the design, engineering, permitting, and construction of a Mill Creek crossing becomes economically feasible.

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

**Response:** The requirement to design, permit, and construct a Mill Creek crossing imposes a substantial regulatory and financial burden that is disproportionate to the scale and anticipated revenue of the proposed subdivision. The cost of constructing this crossing – within a protected riparian corridor and regulated wetland area – exceeds the projected lot sales income and renders the improvement economically infeasible. The request is therefore based on practical limitations and environmental considerations, not developer preference or cost avoidance.

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

**Response:** The application is not based on nonconforming Boundary Street frontages.

*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.*

**Response:** The 60-ft wide reserved right-of-way for the future construction of Deer Run Lane will have all the equivalent characteristics of the standard cross-section WDO Figure 3.01G and can be constructed when the design, engineering, permitting, and construction of a Mill Creek crossing becomes economically feasible.

*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.*

**Response:** The 60-ft wide reserved right-of-way for the future construction of Deer Run Lane will have all the equivalent characteristics of the standard cross-section WDO Figure 3.01G and can be constructed when the design, engineering, permitting, and construction of a Mill Creek crossing becomes economically feasible.



## **HERMANSON PRESERVE Variance Application**

### **Written Narrative**

May 16, 2025

Submitted To:  
**City of Woodburn**  
**Community Development Department**  
270 Montgomery Street  
Woodburn, OR 97071

Owner:  
**Hermanson Preserve Development LLC**  
25030 SW Parkway Ave  
Suite 110  
Wilsonville, OR 97070

Applicant/Owner Representative:  
**LEI ENGINEERING  
& SURVEYING**  
OF OREGON  
2564 19th Street SE  
Salem, Oregon 97302

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**Project Description**

**Applicant:** Hermanson Preserve Development LLC  
25030 SW Parkway Ave  
Suite 110  
Wilsonville, OR 97070

**Applicant  
Representatives:** Jamie Van Agtmael, PLS  
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**Civil Engineer:** Greg Zartman, PE, Principal Engineer  
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**Site Location:** Marion County Tax Lot 051W18D000100 (no assigned address) along the west side of OR 99E / S. Pacific Highway; south of Judy Street in the Mill Creek Park Addition No. 2 subdivision and of the Fraternal Order of Eagles Aerie No. 3284; north of Northwest Self Storage, and east of Hermanson Pond and the Mill Creek Greenway Trail.

**Site Size:** 22.3 acres

**Zoning:** Medium Density Residential (RM)

**Request:** Applicant is requesting a Subdivision to divide Tax Lot 051W18D000100 into 9 single-family lots, 91 duplex lots, and 7 tracts. The single-family lots and duplex lots would have a total of 191 dwellings.

## **Variances Regarding Increasing Middle Housing**

### **Request Details**

Applicant is requesting to reduce the minimum requirements of section 2.02 Residential Zones – Table 2.02E:

- Lot Area:
  - Request to reduce minimum lot area for interior lots with single-family dwelling or duplex to 4000 sf.
  - Request to reduce minimum lot area for corner lots with single-family dwelling or duplex to 4500 sf.
- Request to reduce average lot depth to 60 ft (9 lots have depths ranging from 63-87 ft).
- Request to reduce rear setback to 20 ft for all dwellings with a height less than 28 ft.
- Request to increase maximum lot coverage to 45% for single-family dwellings and dwellings other than multiple-family with a primary building height more than 16 ft.

The purpose of the requested variances is to relax some of the lot standards to an extent that would not substantially degrade the livability or safety of the development in order to achieve more dwelling units.

### **Criteria**

1. Strict adherence to the standards of Table 2.02E would make it impossible for the property owner to create development consistent with the mandates of House Bill 2001. These variances are justified under the applicable sections of ORS 197A (see below) amended by HB2001 and the findings of the City of Woodburn Housing Needs Analysis (see below).
2. The requested variances will not unreasonably impact existing or potential uses or development on the subject property or adjacent properties. The requested variances will keep the development within the maximum Residential Density (units per net acre) for the RM zone, consistent with the City of Woodburn Comprehensive Plan. The proposed construction of 12-ft wide bicycle and pedestrian facilities for the Mill Creek Greenway will improve the overall livability of the surrounding residential development as well as provide the public enjoyment of the Hermanson Pond and Mill Creek vista. The Hawley Street termination at the property boundary and the Pond Place Street Reservation Easement improve the future development potential of the adjacent Tax Lot 051W18D000200. The requested variances increase the number of potential dwelling units without precluding these benefits to the surrounding properties.

## **Justification for Variances from Oregon Revised Statutes**

### ***ORS 197A.100 Housing production strategy.***

...

(3) *Actions that may be included in a housing production strategy include:*

(a) *The reduction of financial and regulatory impediments to developing needed housing, including removing or easing approval standards or procedures for needed housing at higher densities or that is affordable;*

...

(d) *Target development on identified development-ready lands*

...

(f) *Actions that:*

*(A) Increase housing diversity, efficiency and affordability, including new construction and the preservation of naturally occurring affordable housing;*

*(B) Allow greater housing choice for households and greater flexibility in location, type and density;*

*(C) Reduce cost or delay and increase procedural certainty for the production of housing*

**Response:** The 9 single-family lots and 91 duplex lots proposed in the Hermanson Preserve subdivision application meet the definition of needed housing in this ORS section, as well as being consistent with the intention to increase housing diversity, efficiency, and affordability. The requested variances for development standards for lot area, lot depth, setbacks, and lot coverage are consistent with the reduction of regulatory impediments mentioned in this ORS section.

## **Justification for Variances from City of Woodburn Housing Needs Analysis**

### ***Section V. Key Findings and Recommendations***

#### ***KEY FINDINGS FROM THE HOUSING NEEDS ANALYSIS***

- *Based on the population growth forecasts for the Woodburn UGB (20-year population growth of 8,845 people) and housing and demographic characteristics, the baseline housing needs forecast plans for 3,012 net new dwelling units. A variety of housing is needed over the next 20 years, including 1,322 owner-occupied dwellings and 1,690 renter-occupied dwellings.*

**Response:** The proposed 191 dwelling units are consistent with these findings and would not be possible without the requested variances.

### ***Recommended Housing Actions***

*The City will need to optimize the available land within the UGB by considering the following:*

1. *Continue to encourage medium and high-density development within RM, RMN, DDC, NNC, MUV and appropriate sites within the CO and CG zones.*
2. *Consider amendments to development code standards regarding setbacks, parking requirements, etc. to ensure full utilization of vacant land for future development.*

**Response:** The proposed 191 dwelling units are consistent with these recommended actions and would not be possible without the requested variances.

## **Variances Regarding Deer Run Lane**

### **Request Details**

The applicant requests a variance from WDO Sections 3.01.03 and 3.01.05, specifically the requirement to extend Deer Run Lane into the proposed subdivision. Fulfilling this requirement would necessitate the design, engineering, permitting, and construction of a crossing over Mill Creek – an undertaking that imposes excessive regulatory and financial burdens. The applicant also requests relief from the associated fees-in-lieu of construction for this street connection.

In exchange for granting this variance, the applicant proposes dedicating significant tracts of land to the City of Woodburn and constructing public amenities that align with the City's planning goals. These provisions will protect sensitive natural resources, enhance public access to open space, and preserve future right-of-way connectivity without causing unreasonable impacts on surrounding properties.

### **Proposed Public Benefits Details:**

- Dedicate the following tracts of land to the City of Woodburn (see Exhibit Sheet VA-1):
  1. Hermanson Preserve Tracts D and G
    - Approximately 2.18 acres along the east bank of Mill Creek
    - These tracts contain riparian areas, wetlands, and 100-year floodplain
    - Dedication ensures long-term preservation and public ownership of critical environmental resources
  2. Hermanson Preserve Tract E
    - Approximately 0.23 acres
    - Proposed site (with Deer Run Lane ROW) for a neighborhood park (see below)
  3. 60-ft Reserved Right-of-Way for Deer Run Lane
    - Aligned with the existing Deer Run Lane in Cam's Subdivision
    - Extends from the property boundary to a future intersection with Greenway Terrace
    - Dedication ensures long-term connectivity while avoiding impacts from Mill Creek crossing construction
    - Proposed site (with Tract E) for a neighborhood park (see below)
  4. Tax Lot 051W19B000100
    - Approximately 4.91 acres
    - Contains Mill Creek, its westerly riparian corridor, wetlands, and 100-year floodway
    - Under contract for acquisition
    - Dedication provides potential Minor Arterial connection (see below)
  5. Portion of Tax Lot 051W19A002200
    - Approximately 1.70 acres
    - Contains Mill Creek, its westerly riparian corridor, wetlands, and 100-year floodway
    - Under contract for acquisition
    - Dedication provides potential Minor Arterial connection (see below)

- Construct the following amenities:
  1. Observation Deck located in Tract D
    - A 10-ft wide wooden deck extending from the 12-ft wide bicycle/pedestrian facilities on Greenway Terrace to the existing pedestrian gravel trail around Hermanson Pond
    - Provides recreation and educational opportunities without disturbing wildlife
    - Enhances public appreciation of the riparian environment
    - See Exhibit Sheet SP-3
  2. Neighborhood Park (Tract E and Deer Run Lane ROW)
    - Located on a bluff overlooking Mill Creek and the surrounding riparian corridor
    - Proposed amenities include:
      - Pickleball courts
      - Children's playground
      - Paved walking paths designed to serve neighborhood residents and visitors while preserving the natural aesthetic of the area
    - See Exhibit Sheet VA-2

### **Additional Justification – Long-Term Transportation Planning**

While extending Deer Run Lane would provide a limited local connection between Cam's Subdivision and the Hermanson Preserve Subdivision, its functional classification as a Local Residential street means it is intended for low-volume, neighborhood-level traffic. Constructing a Mill Creek crossing solely for this low-capacity connection would require significant investment for relatively little transportation benefit. The costs – both financial and environmental – are disproportionate to the road's intended function.

In contrast, the applicant is proposing the dedication of Tax Lot 051W19B000100 and a portion of Tax Lot 051W19A002200, which would enable the City to pursue a far more impactful transportation connection. These dedications provide a potential corridor for a future Minor Arterial roadway – one capable of carrying higher traffic volumes and serving a broader regional need (see "Future 74.0' Minor Arterial Right-of-Way" on Exhibit Sheet VA-1). A Mill Creek crossing located in this corridor could eventually provide a connection all the way from South Boones Ferry Rd to South Pacific Highway (OR-99E), by way of South Arterial and East Traverse Rd. This would be a far more significant improvement of east-west connectivity across this part of the city.

By preserving and transferring this land to public ownership now, the City gains an opportunity to plan for a meaningful long-term infrastructure investment without needing to negotiate future right-of-way acquisition or face potential development constraints. This strategic value makes the proposed variance and dedications an even more advantageous option for the City, compared to pursuing the less beneficial and less practical Deer Run Lane connection.

### **Criteria**

1. Constructing a Mill Creek crossing represents a substantial engineering, regulatory, and financial burden that far exceeds the scale and feasibility of the proposed subdivision. The crossing would have complex permitting requirements from multiple agencies, including the Oregon Department of State Lands and the U.S. Army Corps of Engineers. Design and construction would require extensive hydrological studies, wetland delineation, mitigation planning, and costly structural engineering. In addition to these technical and regulatory hurdles, the crossing would impose a significant financial



burden that is disproportionate to the scale of the subdivision and inconsistent with the level of infrastructure typically expected of residential developers in similar contexts.

2. The requested variance will not unreasonably impact existing or potential uses or future development. The proposed dedications and improvements:
  - Protect and enhance the Mill Creek riparian corridor and wetlands, aligning with the goals of the Riparian Corridor and Wetlands Overlay District
  - Preserve future connectivity by dedicating right-of-way while avoiding excessive infrastructure burden and significant environmental impacts
  - Expand public access to natural areas and recreational amenities
  - Reflect a balanced approach that supports urban development without compromising sensitive environmental resources
  - Provides the City a potential corridor for a future Minor Arterial roadway through South Arterial and East Traverse Road.