

May 9, 2022

To: Planning Commission (May 12, 2022)

From: Colin Cortes, AICP, CNU-A, Senior Planner

Cc: McKenzie Granum, Assistant City Attorney  
Chris Kerr, Community Development Director *CK*,  
Ron Ped, Ronald James Ped Architect, PC

Subject: Addendum to Agenda Item 6a: US Market Gas Station (CU 21-02)

**Summary:**

Staff received the attached May 6, 2022 letter of testimony from Rebecca L Hayes, a resident of Panor 360 condominiums that are at 950 Evergreen Road and border the southwest of the proposed development. This cover memo provides context.

The letter third paragraph states, “A 6-foot ‘architectural wall’ will not be adequate, this should be changed to a 12-foot Noise Abatement Wall where our property line meets with the proposed Market Gas Station.” The recommended Condition CU2b(2) (pp. 12-13) requires along the Panor 360 property a minimum height of 8 feet plus a two-inch cap, not 6 feet.

Regarding Option 2 comment 1, “Convenience stores typically operate long hours or even 24 hours”, staff notes that per Woodburn Development Ordinance (WDO) 5.03.01B, one of the factors for criterion 3 is hours of operation.

Regarding Option 2 comment 3, “Having a charging station for Hybrid Auto leaves the question, where would the travelers go while their vehicles are charging?”: Recommended Condition CU7 requires one electric vehicle (EV) parking stall with charging and that it be at or near the commercial office space. One or more employees would work in the commercial office while the EV charges.

Regarding Option 2 comment 4 about traffic:

- a. Per WDO 5.03.01B, one of the factors for criterion 3 is vehicular traffic.
- b. The applicant submitted a traffic impact analysis (TIA) dated August 13, 2021 and available via the [CU 21-02 City project webpage](#).
- c. TIA page 31 lists findings and recommendations.
- d. Recommended Condition T-A (p. 22) requires funding of a study of the intersection of the highway & Oregon Way both for both signal timing and reduction of vehicle turning or angle crashes, which TIA p. 12 identified as a problem.

**Recommendation:**

As per the staff report.

**Attachment(s):**

- Public testimony by Rebecca L. Hayes of [950 Evergreen Rd, Apt. 205](#), May 6, 2022 (3 pages)

Residents of Panor 360 Condominium  
950 Evergreen Road  
Woodburn, OR 97071  
503-981-6059

May 5, 2022

Planning Commission  
City of Woodburn  
270 Montgomery Street  
Woodburn, Oregon 97071-4730

**Subject: CU 21-02 US Market Gas Station, 2540-2600 Newberg Hwy.**

To: Planning Commissioners

Attention: Mayor Eric Swensen and City Council Members,

We are a 90-unit Condominium with over 100 senior citizens (55 plus), located next to the proposed project. There are obstacles inherent with aging that Seniors face daily, including lack of sleep with its a negative impact on health and quality of life. We have purchased what we hope to be our final residence. We pay taxes and are concerned with the value of our investment decreasing.

We oppose having another gas station, while we already have a Chevron and Arco within 1,058- feet from our front door. In addition to those two-gas stations with adjoining convenience stores, a Shell Station and convenience store are on the West side, immediately off the I5 exit.

The other concern we have is the noise volume and environmental pollution. Gas stations with adjoining convenience stores normally operate around the clock or at least long hours, with a constant flow of autos with exhaust fumes, increased noise, and lights. We are already subjected to constant traffic noise from loud mufflers, revving engines, and loud music. With Baker & Baker Towing service on the corner of Newberg Highway and Evergreen Road, we hear extremely loud large truck backup alarms and what sounds like police alarms, sometimes so loud as to cause ear pain even at a distance usually starting at the evening hour. *A 6-foot "architectural wall" will not be adequate, this should be changed to a 12-foot Noise Abatement Wall where our property line meets with the proposed Market Gas Station.*

Should this proposal be accepted, we would like to state for the record that Option #1 is preferred and a much better choice for Panor 360 residents. However, we have some questions and concerns.

1. Architectural Wall – We request an actual Noise Abatement Wall of 12-feet surrounding our property lines.
2. Having propane tanks and trash bins right next to property belonging to condo owners increases danger from fumes, rodents, homeless people, and criminals. These need to be relocated.
3. An office building would be acceptable, so long as there are appropriate trees and greenery planted next to our property for both buffering & reduction of damage done to the ozone. We need more green areas especially with noticeable climate changes and a residential area close.

Option #2 – Is not acceptable for us.

1. Convenience stores typically operate long hours or even 24 hours. Most of our residents have problems sleeping as it is. The constant traffic would generate continual automobiles, noise from autos, music & people, exhaust fumes, and headlights. This makes it even harder to get any quality sleep in their own home.

2. With the property line backing up to Senior Citizens residences, a Convenience Store provides a variety of problems, one of them including a hang-out for criminal activity and a much louder crowd of people in addition to the existing Dairy Queen.
3. Having a charging station for Hybrid Auto leaves the question, where would the travelers go while their vehicles are charging? The traffic flow according to the diagram in Option 2 does not clearly indicate the flow of ALL traffic. Will all traffic be directed to go around the convenience store? Having this occur will definitely increase noise volume next to our property line.
4. Before this project is approved at location of 2540 & 2600 Newburg Hwy (Tax Lots 052W12SB03600 & 3700) we submit that serious evaluation of changes to traffic flow and safety crossovers be completed. If ODOT does not give serious consideration to the increase volume of traffic this will bring, more accidents occurring around the site is of deep concern.

We are asking you to address our concerns, comments and suggestions while processing/finalizing this project. Thank you for your time and attention on our concerns with many repercussions that building another gas station/convenience store will generate.

Sincerely,



Rebecca L Hayes, Owner & Resident

Panor 360 Condominium Homeowners & Residents

C:

Casey Knecht, Development Review Coordinator, ODOT Region 2  
Chris Kerr, AICP Community Development Director, City of Woodburn  
Colin Cortes, AICP, CNU-A Senior Planner, City of Woodburn  
Jimmy Apple, Panor 360 Board of Directors, President  
Jean Britton, Panor Manger

See Attachment

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MAY 06 2022

COMMUNITY DEVELOPMENT  
DEPARTMENT

	Name	Unit#	Date	Signature
1	JOHN BOORE	103	5/5/22	John Boore
2	WILLIAM BROOMFIELD	108	5/5/22	William Broomfield
3	MURVA JUSTICK	328	5/5/22	Murva Justick
4	MARINE EDWARDS	303	5/5/22	Marine Edwards
6	Rosalie Carman	302	5/5/22	Rosalie Carman
7	STEVEN H. PHILLIPS	304	5/5/22	Steven H. Phillips
8	L. JOHNSON	301	5/5	L. Johnson
9	LARRY WILLIAMS	102	5/5/2022	Larry Williams
10	PATRICK CLANCY	223	5/6/22	Patrick Clancy

	Name	Unit#	Date	Signature
1	JIMMY L. APPLE	326	5-05-22	Jimmy Apple
2	JUDY SCOTT	307	5-5-22	Judy Scott
3	MAURZEN O'ROURKE	215	5-5-22	Maurzen O'Rourke
4	CAROLYN W SHINDLEBOWER	204	5-5-22	Carolyn W Shindlebower
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