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VIA E-MAIL - chris.kerr@ci.woodburn.or.us; colin.cortes@ci.woodburn.or.us;
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Woodburn Planning Commission
City of Woodburn
Attn: Chris Kerr, Colin Cortes, Cassandra Martinez
270 Montgomery Street
Woodburn, OR 97071

RECEIVED

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COMMUNITY DEVELOPMENT
DEPARTMENT

Re: Woodburn Fast Serv Inc. and LB Group, LLC
2540-2600 Newberg Highway, Woodburn, OR
City File No. CU 21-02

Dear Planning Commission:

This letter supplements my letter of May 12, 2022 in this matter on behalf of Woodburn Fast Serv Inc. and LB Group, LLC. We have reviewed the supplemental staff report dated June 2, 2022 and have the following additional comments on behalf of our clients.

In the supplemental report, staff has not addressed most of the issues that I raised in my May 12 letter. The proposed approval remains too vague and uncertain for the public to provide meaningful comment, recommends legally insufficient findings and improperly defers the determination of compliance with applicable criteria to future, non-public administrative processes.

The revised staff report does adequately identify and evaluate the applicable Comprehensive Plan policies, so that ground for objection is withdrawn.

With respect to the requested exceptions to street right of way and improvement requirements, the previous staff report contained no analysis of any applicable criteria. The updated report does attempt to analyze the applicable criteria, but the analysis is still insufficient.

The applicant seeks two exceptions to street improvement requirements. First, it requests an exception to not reconstruct both frontages with a landscape strip between the sidewalk and the street. Currently, the sidewalks directly abut the streets. It is well known that a landscape strip between street and sidewalk is a safety improvement, to create a buffer between persons on the sidewalk and traffic

in the street. Staff, however, takes the position that because the current situation is unsafe, very few people use the sidewalk, and with few people using the sidewalk a landscape strip is not justified. This is just backwards analysis – the point of the landscape strip is to improve safety and thereby encourage increased use of the sidewalk. Existing unsafe conditions that discourage use do not justify the continuation of those unsafe conditions.

Second, the applicant requests an exception from on-street parking requirements on Oregon Way, which staff justifies by "assuming" what half-street improvements the developer will build based on what ODOT "typically asks" for. This is not analysis of criteria based on evidence in the record. It is straight-up speculation about what might happen based on things that might be required, or might not.

Furthermore, none of this analysis is responsive to the actual approval criteria in WDO 5.03.03.B. Those criteria, in summary, require an evaluation of the quantitative use of public improvements by persons visiting the proposed development, and the resulting need for further public improvements. In other words, if the nature of the development is that its users will not make much use of certain public improvements, then it is perhaps justifiable to grant an exception to those public improvement standards. Nothing in staff's analysis evaluates these issues. In fact, persons visiting this project will make rather significant use of the public improvements for which exceptions are sought (particularly off-street parking), so granting the requested exceptions is in fact not justified.

In summary, and without restating them here in full, my clients reiterate the objections made in my May 12 letter as supplemented herein, with the exception of the concerns about findings of compliance with Comprehensive Plan policies.

Thank you for your consideration of these comments. Please enter this letter into the record of this matter.

Best regards,



David J. Petersen

DJP/rkb

cc (via e-mail): Robert J. Barman
Garry L. LaPoint
Wayne K. Kittelson
Danny Draper

