



# Staff Report

**To:** Planning Commission

**Through:** Chris Kerr, AICP, Community Development Director *CK*

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

**Meeting Date:** November 10, 2022 (Prepared November 3, 2022)

**Item:** “Mill Creek Meadows” Planned Unit Development (PUD 22-01)

**Tax Lot(s):** 051W18C000600 [primary] & 800 and 051W19B000200 (1490, 1550, & 1636 Brown St)

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## Issue before the Planning Commission

Planned unit development PUD 22-02 Mill Creek Meadows (Type III) of subdivision SUB 22-01: Commission is to hold a public hearing and make a recommendation to the City Council.

## Executive Summary

### Location

The proposed Mill Creek PUD of 95 dwellings as 80 houses and 15 townhouses on small lots is on three former rural homesteads totaling 18.04 acres along the southerly dead-end of Brown Street. The northern area of the site contains an east-west drainage way that drains west from the Boones Crossing PUD over graveled Brown Street east off the site into Mill Creek. It also contains a City pump station along the south side of the drainage way. Both will remain. The property is zoned Residential Single Family (RS).



*Aerial view with subject property outlined in pink*

### *Development*

Staff and the developer worked diligently to produce a superior site development that includes features such as:

1. Frontage/street improvements including enhanced public amenities in form of wider sidewalks along the major thoroughfares and wider landscape strips along the block faces with townhouses;
2. Street stubs that allow a logical network for future development to extend;
3. Two street connections with Brown Street including an extension of Spring Boulevard east from the Boones Crossing PUD;
4. Lessened driveway curb cuts through shared driveways at flag lots and townhouse lots;
5. Remediation of the riparian corridor of the west tributary of Mill Creek through invasive groundcover removal (e.g. Himalaya blackberry) and restorative plantings;
6. Walking and cycling wayfinding signage;
7. Tree preservation or fees in-lieu;
8. Fees towards City bus service;
9. Dedication of 5.18 acres of public land along the drainage way that drains east off the site into Mill Creek; and
10. Construction of a segment of the Mill Creek Greenway Trail east of Brown Street, tree plantings along the trail, and related improvements such as a modest shelter of 400 square feet and installation of amenities or trail support facilities such as benches, picnic benches, bicycle parking, a dog waste station, a drinking fountain, and a trash receptacle.

The recommended conditions of approval secure things like the above. Site plans are within Attachment 103.

### *Site Plan*

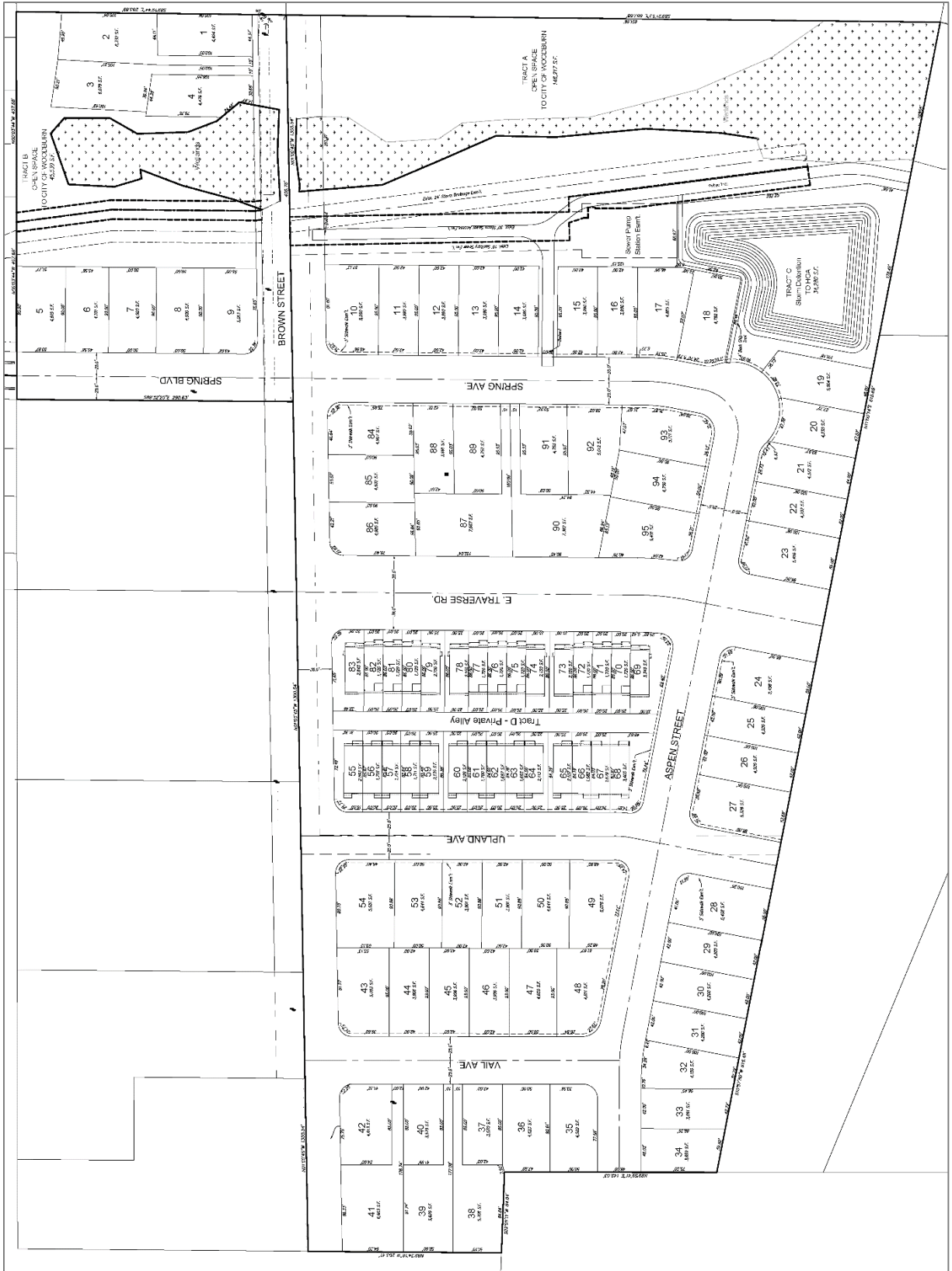
Site plan excerpts follow on the next pages, and larger versions are among the attached site plans (Attachment 103, Sheets 2/6 and 6/6).



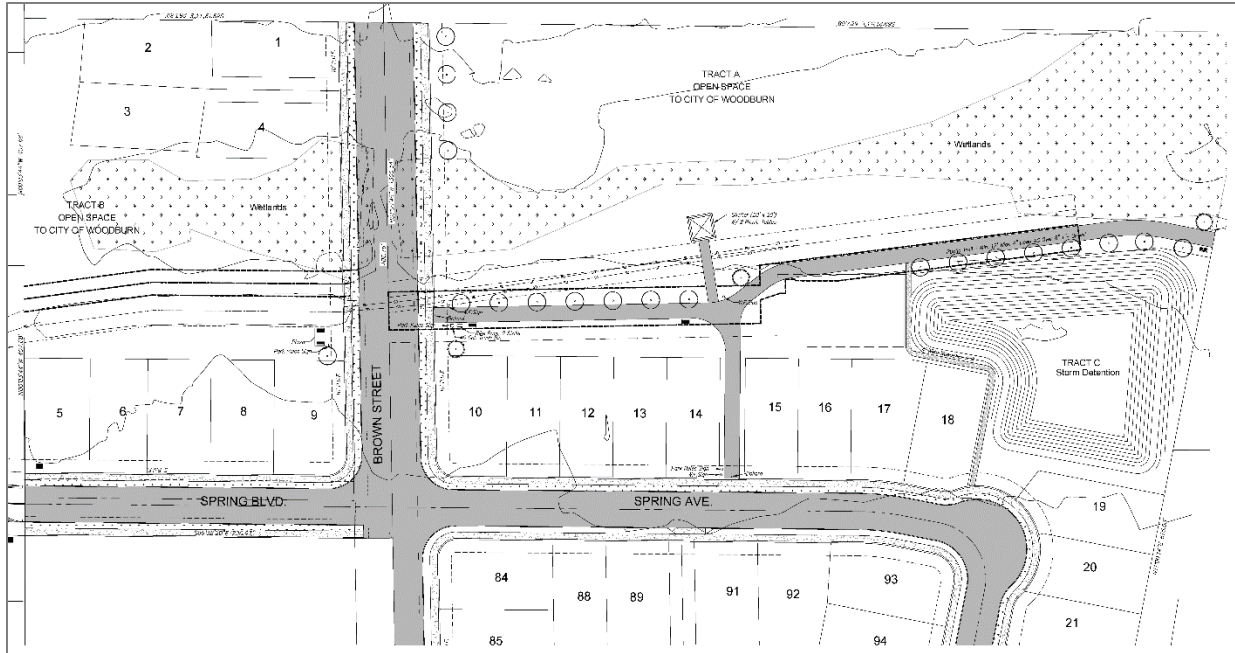
Exhibit Y-1 Proposed Public Land

Site plan (Sheet 6/6) with darker green indicating public land





Site plan (Sheet 2/6); this draft submitted September 29, 2022 correctly shows the Aspen Street south stub



*Site plan (Sheet 4/6) of public land improvements (Tracts A & B); note extent of hatched wetlands*

Staff finds that the proposal meets applicable Woodburn Development Ordinance (WDO) provisions per the analyses and findings (Attachment 102) and with the recommended conditions of approval.

### **Recommendation**

Approval: Staff recommends that the Planning Commission consider the staff report and attachments and approve the consolidated applications package with the conditions that staff recommends.

### **Conditions of Approval**

The conditions are copied from towards the end of the analyses and findings (Attachment 102):

#### *General*

G1. As part of building permit application, the applicant shall submit revised site plans meeting the conditions of approval and obtain Planning Division approval through sign-off on permit issuance.

G2. The applicant or successors and assigns shall develop the property in substantial conformance with the final plans submitted and approved with these applications, except as modified by these conditions of approval. Were the applicant to revise plans other than to meet

conditions of approval or meet building code, even if Planning Division staff does not notice and signs off on building permit issuance, Division staff retains the right to obtain restoration of improvements as shown on an earlier land use review plan set in service of substantial conformance.

G3. References: Attachment 201 serves as a dictionary or glossary defining certain abbreviations, acronyms, phrases, terms, and words in the context of the conditions of approval. The 200 series of attachments are as binding as the conditions of approval in the main body of the final decision.

G4. Due dates / public improvements:

- a. When public street improvements, and any fees in lieu of public improvements, are due shall be per Attachment 205B, Parts A & B unless if and where a condition of approval has more restrictive timing. By this condition, there is more restrictive timing: In any case, they are due no later than by Building Division issuance of certificate of occupancy (C of O) for the first of any of dwellings, regardless of deferral, if any, that PW might have approve through Attachment 205B, Part A, subsection E.
- b. Where phasing is relevant, building permit issuance means issuance for the phase in which the conditioned improvement is located.
- c. Where changes to street addresses are necessary, the developer shall apply through the Planning Division for and obtain approval of an Address Assignment Request. This is due prior to building permit application, and if and where land division is relevant, then also after recordation with County.

G5. Recordation due dates: The applicant shall apply to the County for recordations of items that the City requires no later than 6 months prior to expiration of the land use approval as WDO 4.02.04B establishes and per Attachment 205 B, Part C, and shall complete recordations no later than three years past the land use “final decision” date. The due date to complete recordations shall not supersede when recordations are due relative to the building permit stage.


G6. Administration:

- a. Conformance: That a land use approval does not reiterate any and each particular detail, provision, requirement, rule, spec, or standard from any of the WDO, other ordinances, resolutions, public works construction code, or department policies does not exempt development from conformance with them.
- b. Copies: The developer, including any succeeding contract purchasers such as homebuilders, shall provide copies of documentation that a City staff person requests regardless if the documentation source is another City staff person or department.
- c. Fees: The developer shall pay fees per Attachment 206.

*Preliminary Subdivision 22-01*

SUB-1. Expiration: Based on ORS 92.040(3), development per the Council land use final decision may continue past the 3-year approval period being established by WDO 4.02.04, as follows:

- a. Street names: The preliminary subdivision proposed street names are acceptable for platting. The developer shall name A & S-V streets beginning with those letters respectively.
- b. Tracts: The developer shall revise to swap designations of Tracts A & B before final plat.
- c. Subdivision Final Plat: The developer shall apply to the City for final plat prior to applying to Marion County for recordation and shall complete final plat recordation by the land use expiration date per WDO 4.02.04B.2.
- d. Orientation: Unless otherwise directed by County surveyor staff, if and where site plans are drawn other than up-is-north, north shall be to the right, and text that runs easterly-westerly (up and down), including of street names, tract letters, and lot numbers, shall be oriented to read south to north or west to east and consistently across plan sets and sheets.

Site plan sheet 24 by 36 inches	Orient text	
	Orient text	

- e. Recordation with County: Same as Attachment 205B, Part D (within 30 calendar days of the Director's signature on the plat Mylar).
- f. Vesting: The decision is vested unless:
  - (1) The developer fails to meet subdivision and PUD requirements, resulting in the City being unable to authorize staff to sign a final plat Mylar by July 1, 2027; or
  - (2) There is no substantial construction as Attachment 205B, Part E defines by July 1, 2030.

SUB-2. Stormwater management facilities / detention ponds: Any stormwater management facilities / detention ponds outside ROW shall be within a common area tract that remains privately owned and maintained by an association.

SUB-3. Documents: Prior to a City official signing the final plat Mylar:

- a. Geotech report: The developer shall submit to the Director a geotechnical report documenting that, whether or not the developer spreads any fill or spoil dirt across lots and tracts, soil is compacted and ready to accommodate the construction of buildings on lots and tracts proposed for development.
- b. Plat: Per Attachment 205B, Part F, upon recordation, the developer shall submit to PW and cc the Director electronic copies (Adobe PDFs) of the plat and easement(s), as well as, where relevant, ancillary documents necessary to conform to conditions of approval and not already addressed on the face of the plat.





*Planned Unit Development 22-01*

PUD-PW1. Sanitary sewer:

- a. Pursuant to the “South Brown Pump Station Drainage Basin Map & Plan” document prepared by the developer as part of the adjacent construction to the west of Boones Crossing subdivision and development, Phases IV & V, and submitted to Public Works, the developer shall construct and extend all identified sanitary sewer trunk lines shown on the subject plans that are located within the subject development (Mill Creek Meadows). The City acknowledges that dwellings within Mill Creek Meadows would not connect to these trunk lines and, therefore, construction of such lines would not be necessary to serve the subject development.
- b. Depths: All sanitary sewer lines shall be constructed at appropriate depths to ensure reasonable connections can be made to serve future regional development to the east and southwest of the subject development.
- c. SDC: The sanitary sewer trunk line(s) identified in paragraph (a), above are considered “qualified public improvements” pursuant to City of Woodburn Ordinance No. 2070 (1991). Therefore, the developer shall be allowed to apply for sewer system development charge (SDC) credit as provided in said ordinance. The amount of developer’s credit for contributions of the qualified public improvements shall be determined pursuant to said ordinance, Section 3(F). The City shall in good faith review a sewer SDC credit application from the developer, and the City shall grant such request up to the full amount of the sewer SDC owed, provided that the request complies with City procedures and applicable state or local substantive approval criteria.
- d. Where the cost of trunk lines identified in paragraph (a.), above, exceeds the amount of available sewer SDC credit for Mill Creek Meadows, the City agrees to negotiate a development agreement with the developer to provide public funds or other value to offset such deficiency. Such compensation may, subject to agreement between the City and developer, provision of future reimbursement credit pursuant to Ordinance No. 2070, Section 3(F)(5), a direct financial contribution from the City, or other agreed value. The parties shall in good faith negotiate the development agreement and, to the extent required by City ordinances, be forwarded by the City Administrator to the City Council for approval.

PUD-PW2. Stormwater management: Prior to civil engineering plan approval through CEP review, the applicant shall provide to PW an Engineer Stamped Storm Drainage Hydraulic Analysis Report that existing downstream storm drainage systems have capacity to handle the additional flow from the subject development (Mill Creek Meadows), have the Mill Creek culvert pipe under Marshall St (in the block between Stark & E. Cleveland Sts) have capacity to handle a 100-year base flood, and to provide final 100-year floodway, floodplain, and wetland

delineation for this development. The applicant is responsible for correcting any capacity and/or deficiencies, including installing new or additional drainage systems. The applicant shall submit to PW an engineered stamped condition report of the existing downstream storm collection system.

PUD-PW3. Final Civil Plan Approval: Civil plans shall comply with current City standards, specifications and details, current Oregon Standard Specifications for Construction, current *MUTCD* and ADA requirements and Marion County requirements, as applicable.

PUD-1. Mods: The City approves PUD modifications only as written in conditions of approval and the 200 series of attachments, particularly Attachment 202. Other modifications that site plans imply are subject to later administrative approval or denial by the Director.

PUD-2. ROWs & streetside PUEs: The developer shall dedicate:

- a. Dedicate ROWs:
  - (1) Traverse: For this segment of the TSP Project R29 "South Arterial" (TSP p. 33), min 78 ft ROW as proposed and modified by PUD from WDO Fig. 3.01C;
  - (2) Brown: ROW that meets or exceeds the min width necessary to conform to WDO Fig. 3.01D "Service Collector", that is, min 72 ft, which is equal to 36 ft measured from centerline; and
  - (3) Local class streets: ROWs that meet or exceed the min widths necessary to conform to WDO Fig. 3.01G, modified by PUD such that local class streets may be min width 50 ft of ROW instead of 60 ft.
- b. Grant streetside PUEs per Attachment 205B, Part G, subsections B & F, except that streetside PUEs on City/public tracts are exempt from max width.

PUD-3. Frontage/street improvements: These shall be as follows:

- a. Traverse: Based on TSP Project R29 "South Arterial" (TSP p. 33), per WDO Fig. 3.01C, modified as follows and by condition parts farther below including f(3) & (4) regarding planter strips and sidewalks. Median:
  - (1) Initial specifications:
    - (a) Location: Within the block between Brown and Aspen (500 block).
    - (b) Basic mins: Curbed, width min 8 ft and max 10 ft between backs of curbs, and min area within curbing of 600 sq ft w/ min 4 trees o.c. spacing average of 30 ft. (Min width not applicable to end tapers that transition to left turn lanes.)
    - (c) Extent/length: For each additional increment of median that is at least 30 ft long, it shall have min 150 sq ft of landscaping min 8 ft wide with min 1 tree.
    - (d) Pavement: If each 150 sq ft of landscaping around each tree is min 8 ft wide, the remaining area within the median, if any, may be surfaced with other than landscaping and per PW specs; however, cobbles, gravel, pebbles, and rocks remain prohibited within 1 ft of backs of curbs.

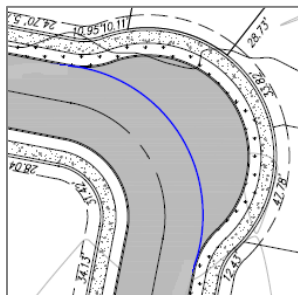
- (2) Additional specifications: Per PW during CEP. For street landscaping, Attachment 205B Part H is applicable, and the developer is prohibited from fee in lieu of median trees. Landscape or planter strips shall have area remaining after street tree plantings landscaped with lawn grass or, if the Public 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.
- (3) SDC: The developer may apply for system development charge (SDC) credit pursuant to SDC ordinances and resolutions in effect at the time of credit application.
- b. Brown: Per WDO Figures 3.01A & D, modified by Condition PUD-3f and as follows:
  - (1) Bridge / crossing of culvert: Shall conform to Attachment 205B, Part J.
  - (2) Electric power line burial/undergrounding: The developer shall:
    - (a) Bury electric power lines and remove poles along Brown west side between the north boundary of the subject property and the south side of Spring ROW. Per Attachment 205B, Part K, subsection B.1b, burial shall be required regardless of the net number of electric power poles.
    - (b) Pay a fee in-lieu of burial of the segment of lines where they cross Brown NE/SW in line with the north boundary of the subject property to the first pole on the west side per Attachment 206.
  - (3) Transition: The east sidewalk north dead-end shall have an ADA-compliant transition spanning between sidewalk and cartway. Remaining specs are per PW.
  - (4) Planter strips and sidewalks: Per condition parts f(3) & (4) below.
- c. Local class streets: Based on WDO Fig. 3.01G as modified by Condition PUD-3f below and as follows:
  - (1) Width face of curb (FOC) to FOC: Each min 27 ft if two-way traffic or 18 ft if one-way.
  - (2) Parking lane(s): Where there is a parking lane or lanes, each lane min width 7 ft. Each street of ROW fewer than 60 ft shall have min one parking lane.
  - (3) Planter strips and sidewalks: Per condition parts f(3) & (4) below.
  - (4) Aspen: The developer shall extend Aspen ROW and its improvements from Vail to the easterly south line of the subject property, with specific requirements of min width 46 ft of ROW, min pavement width between faces of curb of 20 ft, and planter strips and sidewalks min widths per condition parts f(3) & (4) below.
- d. Electric power line burial/undergrounding (other than Brown west side): Per Attachment 205B, Part K.
- e. Street trees: Per Attachment 205B, Part H (1:30) and subsection Table H2.
- f. Modifications:

- (1) Crosswalks / pedestrian crossings along intersection legs per Exhibit PUD-3f(1) shall be patterned poured concrete each min 8 ft wide.



*Exhibit PUD-3f(1): Patterned Poured Concrete Crosswalks (symbolized in purple)*

- (2) Traffic calming: Bulb of street bend: The paved area outside the cartway outer radius, which Exhibit PUD-3f(2) illustrates, shall be patterned poured concrete.



*Exhibit PUD-3f(2) Patterned poured concrete beyond the blue line within street bend bulb*

- (3) Landscape strips: Min width 6 ft and in some locations 7.5 ft, exc. curb width, per Exhibit PUD-3f(3) below.



Exhibit PUD-3f(3): Landscape strips (green: min 7.5 ft wide exc. curb width)

- (4) Sidewalks: Min width 6 ft except along Brown and Traverse 8 ft; see Exhibit PUD-3f(4) below





Exhibit PUD-3f(4): Sidewalks (blue: min 8 ft wide)

- (5) Overlap: The extra width of planter strip and sidewalk shall either (a) overlap outside ROW into streetside PUE or (b) come with additional ROW to accommodate them. Wider sidewalks shall not narrow planter strips.

PUD-4. Streets, dead-end: Barricades/Signage: Based on WDO 3.01.05A.2b & c, the developer shall place:

- a. A barricade with sign at the east end of each of Aspen, Traverse, and Upland; and
- b. A barricade at the south end of Brown.

Consult PW for a barricade detail, and no later than CEP show both it and a modified version with a sign in conformance with 3.01.05A.2c.

PUD-5. Tree preservation:

- a. For trees to be preserved, the developer shall preserve using the means per Attachment 204.
- b. For trees to be removed, the developer shall pay fees per Attachment 206.

PUD-6. Public land: The developer shall dedicate Tracts A & B to the City. Refer to Attachment 203 for required improvements.



Exhibit Y-1: Tracts to Dedicate to City (at north shaded in darker green)

PUD-7. Environmental remediation: The developer shall remediate per Attachment 204, Part C.

PUD-8. Lot and tract development standards: The standards shall be per Attachment 202.

PUD-9. City/public tract and common area tract improvements: Improvements shall be per Attachment 203.

PUD-10. Association: The developer shall establish a maintenance association per Attachment 203, Part E.

PUD-11. PUD Final Plan Approval Process:

- a. The developer shall conform to WDO 5.01.07, the purpose of which is to ensure that the PUD is in substantial conformance with the conditions of the PUD Detailed Development Plan (DDP) approval, including regarding street improvements, public improvements outside ROW if any, and common area improvements. The developer shall apply to the Director for PUD Final Plan Approval no later than when applying to PW for CEP review.
- b. Scope: The scope of DDP includes any topic for which any given final decision condition of approval, and any separate document it might reference, is too general to establish

- civil engineering standards and construction levels of detail. It also includes any topic or situation for which no standard exists through previous adoption by PW. The Final Plan Approval process is to establish any and all design details deferred from land use review.
- c. CEP: The developer shall incorporate a PUD Final Plan Approval by the Director into CEP review by PW and the civil engineering plan set that PW would approve through CEP.



*Planned Unit Development 22-01: Transportation*

T-A1. Traffic safety: Regarding the four-way intersection of Brown, Bridlewood Ln, & Comstock Ave, the developer shall conduct traffic safety and feasibility study resulting in a written report that includes recommendations about intersection improvement design(s). The study cost is capped at \$10,000; the Public Works Director may require a copy of invoice or receipt. Methodology and details per PW. The report scope is limited to a recommendation upon the conceptual design of intersection improvements to address traffic safety, and the City shall not require the developer to construct the recommended design. Due no later than PW CEP approval.

T-BP1. Bicycle/pedestrian on-site improvements: The developer shall construct or install bicycle/pedestrian improvements per Attachment 203.

T-BP2. Bicycle/pedestrian off-site design work: The developer shall prepare and draw a conceptual design for the segment of the Mill Creek Greenway Trail on City-owned Tax Lot 051W18DC04100 (Tax Lot 4100) NE to Deer Run Ln. The conceptual design work cost is capped at \$5,000; the Assistant City Administrator may require a copy of invoice or receipt.

- a. See Attachment 205 for details.
- b. Fee in-lieu: Prohibited unless the Assistant City Administrator authorizes in writing.
- c. Nothing in this land use approval with conditions necessarily makes such improvements, which are a PUD enhanced public amenity, credited or eligible for credits towards system development charges (SDCs). Credit, if any, remains for the developer to apply for through process established by SDC ordinances and resolutions administered by PW and parks and recreation staff.
- d. This condition shall not be construed to require the developer to construct these off-site improvements. Were to the developer to opt to construct them, the City would favorably consider parks SDC credit through due process.

T-T1. School bus shelter: To further TDM through bus transit, the developer shall build or install a school bus shelter on a common area tract closest to wherever the Woodburn School District bus would stop within or next to the development. Follow the direction of the school district facilities manager, or absent that default to min 48 sq ft, 6 ft narrowest dimension, and 8 ft min height clearance. Affix a min 1½ by 1 ft sign face with text min 4-inch high indicating that the shelter is a school bus stop. The shelter may be on a public tract if the Recreation Services Manager allows and may be within any of ROW or a streetside PUE if PW allows. Another shelter that a developer provides for another purpose may do double duty as the school bus top shelter if it continues to meet all the other requirements, whatever they may be, for that purpose as well as this condition, and the shelter is within 18 ft of ROW.

## **Actions**

The Planning Commission may instead act on the land use application to recommend to:

1. Approve with modified conditions, or
2. Deny, based on WDO criteria or other City provisions.

## **Attachment List**

101. Marked Tax Maps (2 sheets)
102. Analyses & Findings
- 102A. Public Works comments (October 19, 2022)
103. Site plans (submitted May 27, 2022 except Sheet 2/6 submitted Sept. 29; 9 sheets)
- 104A. Transportation System Plan (TSP) Table 2 marked excerpt from page 33: Project R29
- 104B. TSP Fig. 2 “Functional Roadway Classification”
- 104C. TSP Fig. 6 “Local Street Connectivity Plan”
- 201.\* PUD 22-01 Mill Creek Meadows: Dictionary & Glossary
202. PUD 22-01 Mill Creek Meadows: Lot & Tract Development Standards
203. PUD 22-01 Mill Creek Meadows: Common Area Improvements & Public Easements
204. PUD 22-01 Mill Creek Meadows: Tree Preservation & Protection and Environmental Remediation
205. PUD 22-01 Mill Creek Meadows: Mill Creek Greenway Trail Off-site Design Work
- 205B. PUD 22-01 Mill Creek Meadows: Further Details for Conditions of Approval
206. PUD 22-01 Mill Creek Meadows: Conditioned Fees

\*The 200 series of attachments are details for the conditions of approval.



05 1W 18C  
MOBILE HOME PARK

# 05 1W 18C WOODBURN



**MARION COUNTY, OREGON**  
SW1/4 SEC18 T5S R1W W.M.  
SCALE 1" = 200'

### LEGEND

- LINE TYPES**
- Taxlot Boundary
  - Road Right-of-Way
  - Railroad Right-of-Way
  - Private Road ROW
  - Subdivision/Plat Bndry
  - Waterline - Taxlot Bndry
  - Historical Boundary
  - Easement
  - Railroad Centerline
  - Taxcode Line
  - Map Boundary
  - Waterline - Non Bndry

- CORNER TYPES**
- + 1/16TH Section Cor.
  - ⊙ DLC Corner
  - ⊕ 1/4 Section Cor.
  - ⊕ Section Corner
  - 16, 15, 21, 22

**NUMBERS**

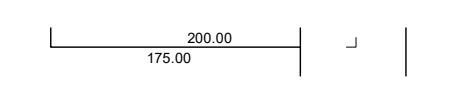
Tax Code Number  
**00 00 0**

Acreege  
**0.25 AC**

All acres listed are Net Acres, excluding any portions of the taxlot within public ROWs

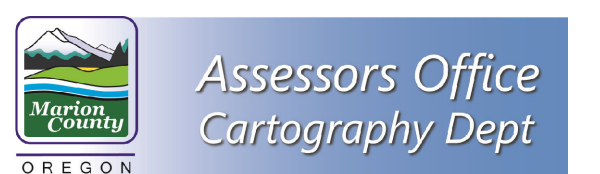
**NOTES**

Tick Marks: A tick mark in the road indicates that the labeled dimension extends into the public ROW



CANCELLED NUMBERS	
100	
200	
201	
300	
400	
500	
1000	
1300	
1301	
1400	
1401	
1402	
1403	
1404	
1500	

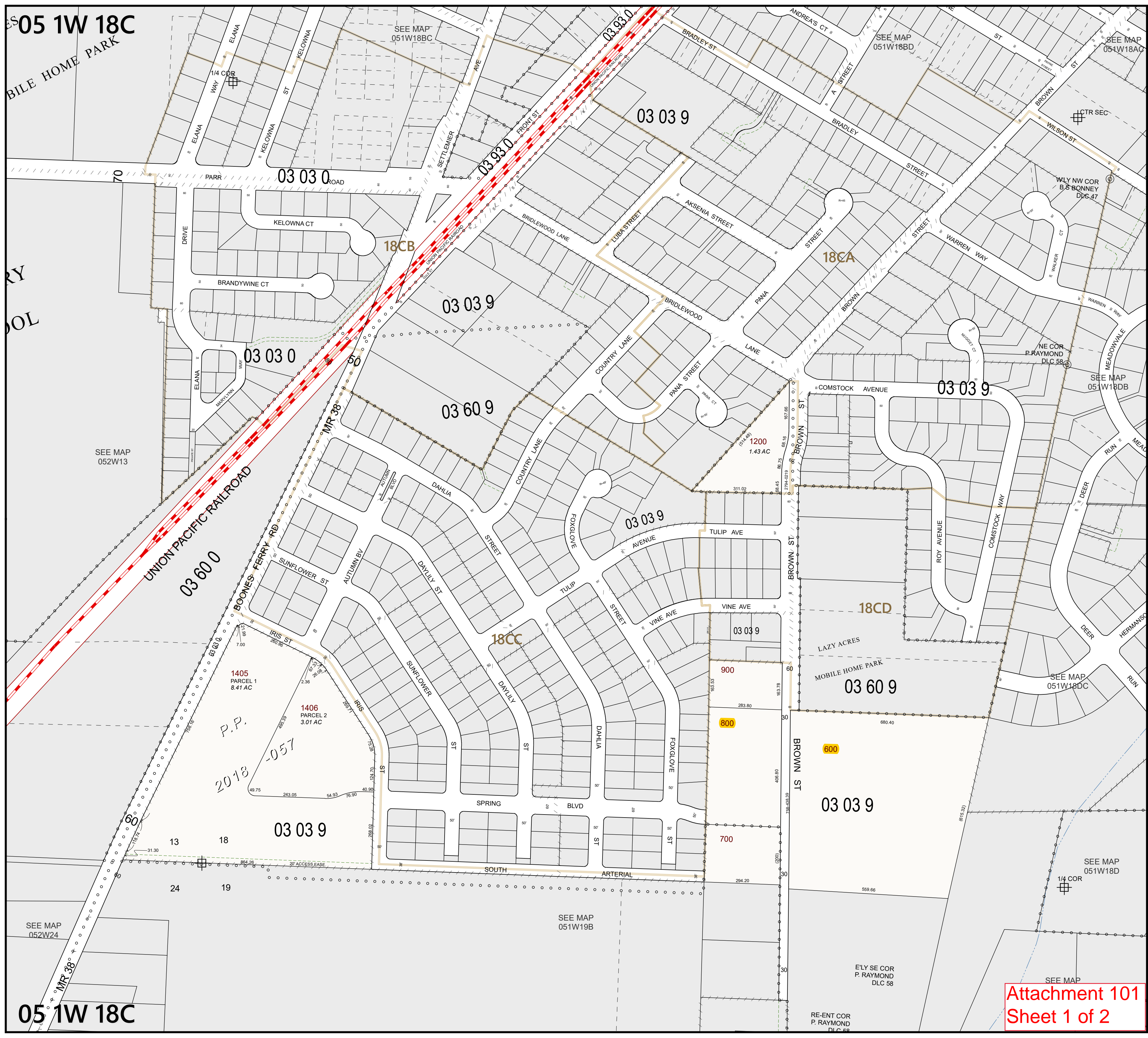
DISCLAIMER: THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY



FOR ADDITIONAL MAPS VISIT OUR WEBSITE AT [www.co.marion.or.us](http://www.co.marion.or.us)

PLOT DATE: 4/29/2022

# WOODBURN 05 1W 18C



**Attachment 101  
Sheet 1 of 2**

05 1W 18C



05 1W 19B

05 1W 19B  
WOODBURN



MARION COUNTY, OREGON  
NW1/4 SEC19 T5S R1W W.M.  
SCALE 1" = 200'

LEGEND

- LINE TYPES**
- Taxlot Boundary
  - Road Right-of-Way
  - Railroad Right-of-Way
  - Private Road ROW
  - Subdivision/Plat Bndry
  - Waterline - Taxlot Bndry
  - Historical Boundary
  - Easement
  - Railroad Centerline
  - Taxcode Line
  - Map Boundary
  - Waterline - Non Bndry

- CORNER TYPES**
- + 1/16TH Section Cor.
  - ⊙ DLC Corner
  - ⊕ 1/4 Section Cor.
  - ⊕ 16, 15 Section Corner
  - ⊕ 21, 22

**NUMBERS**

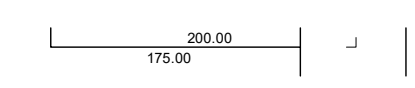
Tax Code Number  
**00 00 0**

Acreege  
**0.25 AC**

All acres listed are Net Acres, excluding any portions of the taxlot within public ROWs

**NOTES**

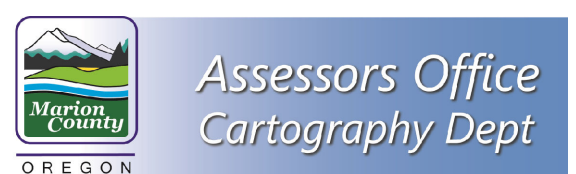
Tick Marks: A tick mark in the road indicates that the labeled dimension extends into the public ROW



**CANCELLED NUMBERS**

2400			
2500			
3001			

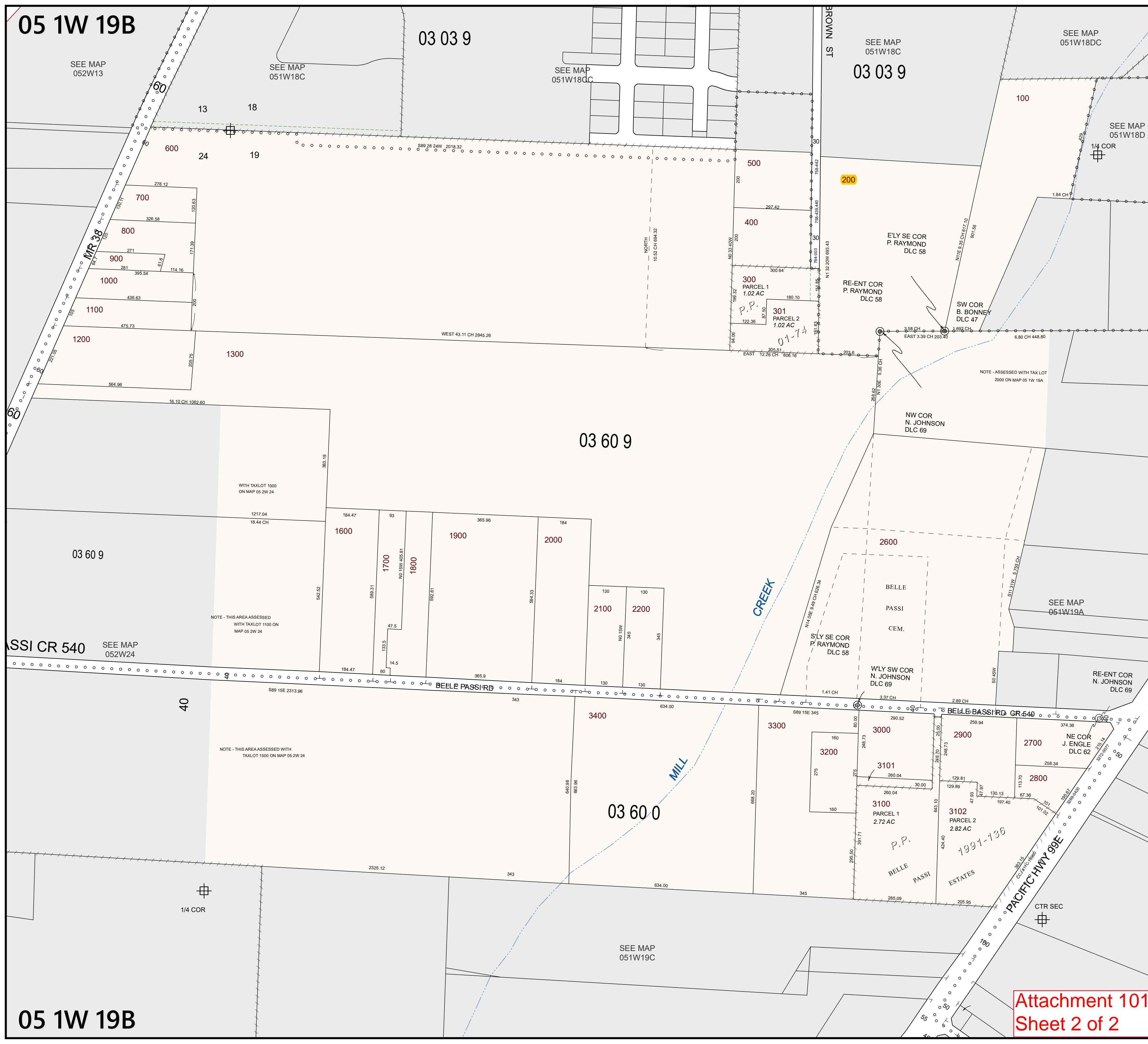
DISCLAIMER: THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY



FOR ADDITIONAL MAPS VISIT OUR WEBSITE AT [www.co.marion.or.us](http://www.co.marion.or.us)

PLOT DATE: 10/16/2020

WOODBURN  
05 1W 19B



Attachment 101  
Sheet 2 of 2

05 1W 19B

# PUD 22-01: Analyses & Findings

This attachment to the staff report analyzes the application materials and finds through statements how the application materials relate to and meet applicable provisions such as criteria, requirements, and standards. They confirm that a given standard is met or if not met, they call attention to it, suggest a remedy, and have a corresponding recommended condition of approval. Symbols aid locating and understanding categories of findings:

<i>Symbol</i>	<i>Category</i>	<i>Indication</i>
✓	Requirement (or guideline) met	No action needed
✗	Requirement (or guideline) not met	Correction needed
⊖	Requirement (or guideline) not applicable	No action needed
▲	<ul style="list-style-type: none"> <li>Requirement (or guideline) met, but might become unmet because of condition applied to meet separate and related requirement that is not met</li> <li>Plan sheets and/or narrative inconsistent</li> <li>Other special circumstance benefitting from attention</li> </ul>	Revision needed for clear and consistent records
■	Deviation: Planned Unit Development, Zoning Adjustment, and/or Variance	Request to modify, adjust, or vary from a requirement

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

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**Project Name & Case File Numbers**

The project name is Marion Pointe. The land use application master/parent case file number is Planned Unit Development PUD 22-02, and the children/corollary case file number is Preliminary Subdivision SUB 22-01.

**Location**

<i>Address(es)</i>	1490, 1550, & 1636 Brown St
<i>Tax Lot(s)</i>	Tax Lots 051W18C000600 [primary] & 800 and 051W19B000200; respectively 8.06, 2.68, & 7.30 acres, totaling 18.04 acres
<i>Nearest intersection</i>	Brown St & Vine Ave

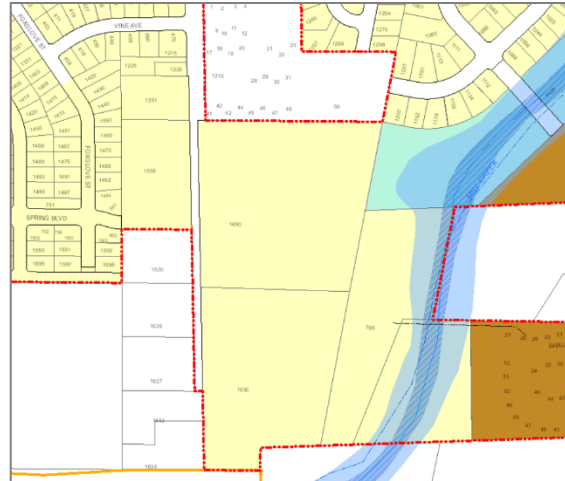
**Land Use & Zoning**

<i>Comprehensive Plan Land Use Designation</i>	Low Density Residential
<i>Zoning District</i>	Residential Single Family (RS)
<i>Overlay District(s)</i>	n/a
<i>Existing Use(s)</i>	Three vacant rural homesteads and drainage way from Boones Crossing subdivision and residential development at the west to Mill Creek at the east

For context, the comprehensive plan land use map designations and zoning are illustrated below with excerpts from the City geographic information system (GIS) and the zoning is tabulated further below:



Comprehensive Plan land use map excerpt



Zoning map excerpt

<i>Cardinal Direction</i>	<i>Adjacent Zoning</i>
North	RS
East	Northerly: P/SP; Southerly: RS
South	Easterly: No City zoning because outside city limits; Westerly: No City zoning because outside city limits and UGB
West	Northerly: RS; Southerly: No City zoning because outside city limits

## Statutory Dates

<i>Application Completeness</i>	June 24, 2022
<i>120-Day Final Decision Deadline</i>	December 21, 2022 per both Oregon Revised Statutes (ORS) <a href="#">227.178</a> and a 30-day extension via the applicant's written request September 1, 2022 based on ORS 22.178(5) as well as a second 30-day extension via the applicant's written request October 25, 2022. (The nearest and prior regularly scheduled City Council date would be December 12, 2022.)



# Riparian Corridor and Wetlands Overlay District (RCWOD) Provisions

## RCWOD Provisions

### 2.05.05 Riparian Corridor and Wetlands Overlay District

#### A. Purpose

The Riparian Corridor and Wetlands Overlay District (RCWOD) is intended to conserve, protect and enhance significant riparian corridors, wetlands, and undeveloped floodplains in keeping with the goals and policies of the Comprehensive Plan. The RCWOD is further intended to protect and enhance water quality, prevent property damage during floods and storms, limit development activity in designated areas, protect native plant species, maintain and enhance fish and wildlife habitats, and conserve scenic and recreational values.

#### 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).

The application materials include a memo “Mill Creek Meadows Riparian Corridor and Wetlands Overlay District (RCWOD)” dated May 23, 2022 submitted May 27, 2022 to the applicant from Juniper Tagliabue, Wetland Ecologist with Schott & Associates Ecologists & Wetlands Specialist. Page 2 addresses 2.05.05B.1, which defines the RCWOD boundary definition, by explaining that:

“The site does not contain the mainstem of Mill Creek and is not located within 50 feet of it. The offsite portion of Mill Creek is an upper tributary, defined as an intermittent channel on the National Hydrography Dataset (NHD) and is not the mainstem. No Significant Wetlands are mapped onsite on the Woodburn Wetland Inventory Map (Fig.1). Additionally, as mapped by FEMA, the subject property is not located within the 100-year flood plain. As defined above, the subject property should not be subject to the RCWOD.” (p. 2)

The Fig. 1 attached to the memo is an excerpt from a January 2000 City local wetlands inventory (LWI) map covering Section 18 (of Township 5 South and Range 1 West). At the time, the urban growth boundary (UGB) and city limits were smaller, and the survey stopped closest to the subject property at the east boundary. The map shows gray shading for wetlands stopping short of the boundary. The City had not commissioned a more recent LWI.

Staff accepts. (Incidentally, no other overlay districts from 2.05 apply.)

— Not applicable.

## Subdivision Preliminary Approval Provisions

### Subdivision Preliminary Approval Provisions

#### 5.03.10 Subdivision Preliminary Approval

**A. Purpose:** The purpose of a Type III Subdivision decision is to ensure that the division of properties into 4 or more lots complies with the standards of this Ordinance (Sections 2 and 3). Subdivisions are allowed in all zones, provided the proposal meets applicable standards.

**B. Criteria:** Preliminary approval of a Subdivision shall require compliance with the following:

1. That approval does not impede the future best use of the remainder of the property under the same ownership or adversely affect the safe and efficient development of the remainder of any adjoining land or access thereto.

2. That the proposed development shall be served with city streets, water, sewer and storm drainage facilities with adequate capacity.

3. That the plan for the development takes into account topography, vegetation and other natural features of the site.

4. That adequate measures have been planned to alleviate identified hazards and limitations to development:

a. For wetlands these shall be the measures required by the Division of State Lands for regulatory wetlands.

b. For unstable areas, demonstration that streets and building sites are on geologically stable soil considering the stress and loads.

5. The preliminary plat complies with all applicable provisions of this Ordinance (Sections 2 and 3), except where waived by variance.

Because the subdivision is for planned unit development (PUD), which can and does modify WDO provisions, the criteria are examined through the PUD provisions, including modification by PUD to establish a smaller minimum lot area standard.

Staff adds regarding criterion B.1 that it is the basis for a condition requiring a south stub of Aspen Street to adjoin 875 S. Pacific Hwy (Tax Lot 051W19A002000). This adds to the 3 street stubs that staff had requested and the developer proposes for each of Brown Street, Upland Avenue, and E. Traverse Road (the "South Arterial" from the Transportation System Plan, Table 2, p. 33, Project R29 and with conceptual alignment mapped in TSP Figures 2 & 3). The subject property east boundary would have two stubs and the south boundary two stubs. Specifically, Mill Creek diagonally crosses 875 S. Pacific Hwy NE/SW and leaves a NW corner of the property bound by the creek and north and west lot lines. The Aspen Street stub adjoins this area and allows for its development in the indefinite future without a street crossing the creek.

Regarding criterion B.2, a PUD requires minimum improved common area per 3.09.06, and the proposal includes such through dedication of public land with Mill Creek Greenway Trail improvements, including amenities and support facilities, that provide recreational capacity necessary for the Mill Creek Planned Unit Development project and its future residents.

■ *PUD*: Staff further addresses WDO and modified subdivision standards below under the Planned Unit Development Provisions section.



## Planned Unit Development Provisions

### Planned Unit Development Provisions

#### 3.09

The purpose of this Section is to establish the requirements for Planned Unit Developments (PUDs). PUDs allow flexible development standards, unique street cross-sections, and more variety in permitted uses. They are especially appropriate when developing properties with unique topographic, geotechnical, or other constraints. They also encourage innovation and creative approaches for developing land. In exchange for the ability to modify development and use standards, PUDs must provide common open space and enhanced public amenities.

PUD is a discretionary land use application type allowing developers to modify WDO provisions – such as getting smaller minimum lot areas and higher residential density – in exchange for a minimum area of open space, minimum common area improvements, and what the City interprets to mean “enhanced public amenities” and the criterion in 5.03.06B.6, “That the requested flexibility in development standards is justified by commensurate public benefits”. The conditions of approval and the related 200 series of attachments establish PUD development standards and common area improvements.

For more, see *Enhanced Public Amenities / Commensurate Public Benefits* some pages below.

#### 3.09.01 Allowable Types and Minimum Area of PUDs

##### A. Transfer of Density PUD

1. A Transfer of Density PUD shall consist entirely of property in any residential zone, or in more than one residential zone. A Transfer of Density PUD may only be used to transfer residential density from undevelopable areas of a site (riparian corridor, floodplain, wetlands, unstable soils or slopes) to developable areas of a site, but not to increase the overall number of dwelling units allowed on the site.

Note: This development option is often called cluster housing.

2. There is no minimum site area for a Transfer of Density PUD.

##### B. Residential PUD

1. A Residential PUD shall consist entirely of property zoned RS, RM, RSN, RMN, R1S, or P/SP, or in more than one such zone. A PUD is not allowed in the Neighborhood Conservation Overlay District (NCOD).

2. A Residential PUD shall contain a minimum of two acres.

##### C. Mixed-Use PUD

1. A Mixed-Use PUD may consist of property in any zone or zones. A Mixed- Use PUD is not allowed in the Neighborhood Conservation Overlay District (NCOD).

2. A Mixed-Use PUD shall contain a minimum of three acres.

The applicant's narrative (n.d. and submitted January 19, 2022, p. 2) states, "This PUD is a Transfer of Density PUD. It provides for the transfer of density from the proposed open space containing wetlands and bordering lands." The PUD covers the whole of the subject property that is residentially zoned.

✓ The provisions are met.

### **3.09.02 Allowed Uses**

#### **A. Transfer of Density PUD**

**Single-family dwellings, manufactured dwellings, duplexes, row houses, and multiple-family dwellings shall be allowed in a Transfer of Density PUD.**

#### **B. Residential PUD**

**Any use allowed in any residential zone shall be allowed in a Residential PUD (see Table 2.02A). No separate Conditional Use process shall be required for any use that is described in the Detailed Development Plan and the project narrative.**

#### **C. Mixed-Use PUD ...**

The proposal includes houses and row houses – and no conditional use as if for a Residential PUD.

✓ The provisions are met.

### **3.09.03 Density Transfer**

**A. Any PUD may be used to transfer residential density from undevelopable areas of a site (riparian corridor, floodplain, wetlands, unstable soils or slopes) to developable areas of a site. Up to 40 percent of the density may be transferred, except as provided in Sections B through G, below. No more than 100 percent of the density may be transferred.**

**B. If the PUD dedicates to the City or provides an easement for a trail or bike path shown in any adopted City Plan, an additional 20 percent of the density may be transferred.**

**C. If the PUD dedicates to the City property abutting a public park, the Commission may allow up to an additional 20 percent of the density to be transferred, commensurate with the amount and usability of the property dedicated.**

**D. If the improved common area of the PUD is available for use by the public, the Commission may allow up to an additional 10 percent of the density to be transferred, commensurate with the amount and usability of the improved common area. The area must be permanently posted with a sign reading, "This common area is available for use by the public."**

**E. If the PUD plan proposes landscaping or buffering that exceeds the WDO minimum standards by at least 25 percent, the Commission may allow up to an additional 20 percent of the density to be transferred, commensurate with the amount, quality, and variety of the enhanced landscaping or buffering.**

**F. If the PUD plan proposes stormwater mitigation measures that exceed minimum City standards by at least 25 percent, the Commission may allow up to an additional 10 percent of the density to be transferred, upon a recommendation by the Public Works Department.**

**G. If the PUD plan proposes other environmental, sustainability, or architectural enhancements, the Commission may allow up to an additional 10 percent of the density to be transferred, commensurate with the amount, quality, and community benefit of the enhancements. Such enhancements may include, but are not limited to, solar heating or electrical generation, community gardens, public art, mitigation of off-site stormwater, and greywater diversion.**

The applicant's narrative (p. 2) states, "The proposed PUD does include an area of designated wetlands. Density calculations are provided below. The 40% base density for the designated wetlands area is used in those calculations." It adds:

"Note: The maximum density permitted in the RS zone per Comprehensive Plan Policy Table 1 is 7.26

Units Per Net Buildable Acre.

Gross Site Area = 813,347 sf

- Brown Street ROW (61,327 sf)

- Internal Street ROW (145,295 sf)

- Wetlands (54,905 sf)

Net Buildable Area = 551,820 sf

Maximum Permitted Base Density =  $551,820 \text{ sf} / 43,550 \text{ sf/Acre} \times 7.26 \text{ Units/Acre} = 92 \text{ Units}$

Density Transfer from Wetlands :

(Note: Our review of FEMA mapping shows no floodplain or floodway on the property. The density transfer calculation assumes 60% allowable transfer - 40% base plus 20% bonus due to dedication of open space for City trail system).

$54,905 \text{ sf} / 43,560 \text{ sf/Ac} \times 7.26 \text{ U/Ac} \times .6 = 5 \text{ Units.}$

Maximum allowable density = 97 Units."

In short, the proposal is to make use of 3.09.03A (40%, environmental constraint) and B (20%, public bicycle/pedestrian trail), but *not* also C (20%, public land adjacent to public land) or D (10%, public land), keeping the total percentage at 60%.

✓ The provisions are met.

### **3.09.04 Conceptual Development Plan**

**A. PUDs require both a Conceptual Development Plan and a Detailed Development Plan. These reviews may be accomplished sequentially or as a consolidated review, at the applicant's discretion.**



**B. A Conceptual Development Plan shall include drawings and a narrative describing the surrounding neighborhood, existing site conditions, general development areas, phasing, land uses, building envelopes, architectural theme, landscaping and buffering, streets, bicycle and pedestrian circulation, common areas, utility locations, sign theme, and other information the Director may deem necessary to convey the concept plan.**

The narrative (p. 3) indicates that the applicant seeks a consolidated review of the Conceptual and Detailed Development Plans.

✓ The provisions are met.

### **3.09.05 Detailed Development Plan**

**A. PUDs require both a Conceptual Development Plan and a Detailed Development Plan. These reviews may be accomplished sequentially or as a consolidated review, at the applicant's discretion.**

**B. No building, grading, access, or other development permit may be issued until a Detailed Development Plan has been approved for at least one phase of the project.**

**C. Buildings shown on a Detailed Development Plan are exempt from Design Review if they are in substantial conformity to the Detailed Development Plan (see Section 3.07.01.B).**

**D. A Detailed Development Plan shall include drawings and a narrative sufficient to demonstrate compliance with the Conceptual Development Plan and any conditions of approval previously imposed. A Detailed Development Plan shall provide specific information regarding the site layout, architecture, and proposed amenities. A Detailed Development Plan that proposes land uses not in the Conceptual Development Plan or that deviates by more than ten percent from any development standard in the Conceptual Development Plan for any phase, or that does not meet the standards of this Section shall not be approved. The applicant may request that the decision-maker approve such a plan as an amended Conceptual Development Plan.**

The narrative (p. 3) indicates that the applicant seeks a consolidated review of the Conceptual and Detailed Development Plans.

Staff applies a PUD condition, similar to as was done for the Smith Creek Development (ANX 2017-05), Dove Landing PUD (ANX 2020-03), and Marion Pointe PUD (ANX 22-02), to conform to 5.01.07, the purpose of which is to ensure that the PUD is in substantial conformance with the conditions of the Detailed Development Plan (DDP) approval.

▲ Staff applies a *PUD condition* for PUD Final Plan Approval process.

### **3.09.06 Development Standards**

**A PUD is intended to allow flexibility in the development standards of Sections 2.02 through 2.04 and 3.01 through 3.10. The Detailed Development Plan may propose modified standards without a separate Variance. Any standard that is not proposed for modification shall apply to the PUD. The development standards stated below shall not be modified through the PUD process.**

**A. Common area and density shall comply with Table 3.09A.**

Common Area and Density Standards for Planned Unit Developments Table 3.09A				
		Transfer of Density	Residential	Mixed-Use
Common Area, Minimum	Four or fewer dwelling units	All undevelopable site area		
	Five or more dwelling units, or nonresidential uses	30 percent of gross site area, including all undevelopable site area <sup>1</sup>		
Improved Common Area, Minimum	Four or fewer dwelling units	None		
	Five or more dwelling units	100 square feet per dwelling unit		
	Nonresidential uses	None	None	None
Residential Density, Minimum (units per net acre)		Pursuant to the Comprehensive Plan <sup>2</sup>		
Residential Density, Maximum (units per net acre)		Not specified <sup>4</sup>		
<ol style="list-style-type: none"> <li>1. At least one common area shall be sized to accommodate a circle 25 feet in diameter.</li> <li>2. In residential zones only. There is no minimum for non-residential zones.</li> <li>3. Child care facility for 13 or more children, group home for six or more persons.</li> <li>4. The maximum density is determined by setbacks, off-street parking, open space, and other requirements. Pursuant to Comprehensive Plan Policy Table 1, Note (p. 7), allowable densities may be increased through PUD above the maximum(s) of the base zone(s).</li> </ol>				

First, before applying standards from the table, definitions from 1.02 are in order:

- “Common area”: Not defined.
- “Improved common area”: Not defined. However, the next section beyond Table 3.09A, which is 3.09.06B, states that, “Common areas are deemed improved if they are provided with benches, playground equipment, gazebos, picnic facilities, or similar amenities. Lawn area by itself does not constitute improvement. Trails or paths do not constitute improvement, unless they connect to the public trail system. Common meeting or recreation rooms are deemed to be improved common areas.”
- “Open space, common” (1.02): “An area, feature, building or other facility within a development which has been dedicated in common to the ownership within the development, or to the public, specifically for the purpose of providing places for recreation, conservation or landscaping, and which is intended for the use of the residents and property owners of the development.”
- “Open space, usable common” (1.02): “Common open space, the use of which conforms with use and development guidelines specified by the Woodburn Development Ordinance.”

It appears that through the table, “common area” describes the same as “open space, common”. “Improved common area” could mean the same as “open space, usable common”, except that the definition is vague and refers to WDO guidelines and specifications that simply don’t exist except for 3.09.06B, so the description in 3.09.06B stands. Staff concludes that the City through PUD can define the details of what “improved common area” and “similar amenities” mean as standards and require that they be met. Staff concluded the same and acted accordingly for the Smith Creek Development (ANX 2017-05), Dove Landing PUD (ANX 2020-03), and Marion Pointe PUD (ANX 22-02) as examples.

Second, looking at the applicable standards from the table, they are as follows:

<p>Common Area, Minimum: Five or more dwelling units, or nonresidential uses</p>	<p>30 percent of gross site area, including all undevelopable site area<sup>1</sup></p> <p><sup>1</sup>At least one common area shall be sized to accommodate a circle 25 feet in diameter.</p>	<p>Narrative (p. 8): “The gross site area, less Brown Street right-of-way is 752,020 sq. ft. Thirty percent of this area, or 225,606 sq. ft., is required to be reserved as open space. The two tracts of open space provided on the site plan have a total area of 226,027 sq. ft. This requirement is met. The proposed open space will meet the improvement criteria of Section 309.06.B as discussed below and will exceed the minimum 9,500 sq. ft. of area.”</p> <p>Staff concurs.</p>
<p>Improved Common Area, Minimum: Five or more dwelling units</p>	<p>100 square feet per dwelling unit</p>	<p>The narrative (pp. 8 &amp; 9) states, “Applicant Response:” in full, the subsequent blank appearing to be in error.</p> <p>The next section beyond Table 3.09A, which is 3.09.06B, defines improved common area.</p> <p>What the applicant proposes on land use review PUD Sheets 2, 4, &amp; 6 and civil plan Sheet 4 is improved common area, and a PUD condition or conditions recognize or expand these improvements.</p>

<p>Residential Density, Maximum (units per net acre)</p>	<p>Pursuant to the Comprehensive Plan<sup>2</sup></p> <p><sup>2</sup>In residential zones only. There is no minimum for non-residential zones.</p>	<p>Through Policy Table 1 starting on plan p. 7, the table has a footnote stating, “Note: ... Allowable densities may be increased through the discretionary planned unit development review process.” The application materials do not explicitly request to do so, the proposed PUD makes use of density transfer provisions for environmentally constrained area and a public land density bonus that 3.09.03D allows, and by modification through PUD the developer proposes to modify development standards such as to shrink minimum lot area and make setbacks shallower. The conditioned development standards allow for greater density than the development standards of WDO Table 2.02B would otherwise have allowed. As of the revised site plan submittal of September 29, 2022, the proposed number of dwellings is 95, 80 houses and 15 townhouses, with one house or townhouse per lot.</p>
<p>Residential Density, Maximum (units per net acre)</p>	<p>Not specified<sup>4</sup></p> <p><sup>4</sup>The maximum density is determined by setbacks, off-street parking, open space, and other requirements. Pursuant to Comprehensive Plan Policy Table 1, Note (p. 7), allowable densities may be increased through PUD above the maximum(s) of the base zone(s).</p>	<p>As examined above for 3.09.03 (density transfer) and in the first row of this table, the proposal assumes the Comprehensive Plan max density, which is 7.26, and a maximum of 97 dwelling units. The proposal is 95 dwellings, equal to 7.11 DUs per net acre.</p> <p>Additionally, Oregon House Bill (HB) 2001 (2019) and OAR 660-046 took effect that require most cities including Woodburn to allow “middle housing” –</p>

		<p>duplexes, triplexes, quadplexes, cottage clusters, and townhouses – as follows:  (a) All middle housing types in areas zoned for residential use that allow for the development of detached single-family dwellings; and  (b) A duplex on each lot or parcel zoned for residential use that allows for the development of detached single-family dwellings.</p> <p>The max densities are as follows:</p> <ul style="list-style-type: none"> <li>• 7.26 DUs per net acre for the potential max 97 houses on 97 lots; and</li> <li>• 28.4 DUs per net acre for the proposed 95 lots to allow a theoretical maximum of four dwellings per lot composed of a combination of houses and middle housing across 95 lots.</li> </ul> <p>Note: Accessory dwelling units (ADUs) are not defined as part of “middle housing” and don’t count against max density.</p> <p>In service of substantial conformance and out of caution, a PUD condition establishes as a development standard min density as a little less than what’s proposed, and higher than 7.0, the min density necessary as a city planning rule of thumb to make bus service viable at a frequency of at least once every 30 minutes.</p>
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Lastly, here staff addresses development standards in lieu of addressing them in the Subdivision Preliminary Approval Provisions section: A PUD condition establishes development standards, each on either modified by PUD or as in the WDO. Because the standards accommodate the proposed subdivision, the proposed subdivision meets them.

✓ The provisions are met.

**B. Improved Common Area**

1. Common areas are deemed improved if they are provided with benches, playground equipment, gazebos, picnic facilities, or similar amenities. Lawn area by itself does not constitute improvement. Trails or paths do not constitute improvement, unless they connect to the public trail system.
2. Common meeting or recreation rooms are deemed to be improved common areas.
3. Improved common areas are subject to the performance guarantee provisions of Section 4.02.08.

Staff addressed this through 3.09.06A above.

**C. Streets**

1. A PUD shall conform to and, where possible, enhance existing or planned vehicle, pedestrian and bicycle networks, including connections and functionality. Note: See Figures 7-1 (Functional Classification Designations), 7-3 (Pedestrian Plan), and 7-4 (Bicycle Plan) of the Transportation System Plan.
2. All streets shall be public.
3. Boundary and connecting streets shall use the street sections of Section 3.01.04.
4. Internal streets may use the street sections of Section 3.01.04, or the PUD may propose other street sections, provided that the streets:
  - a. conform to the Oregon Fire Code (see Figures 3.04C and 3.04D)
  - b. include sidewalks, and
  - c. are constructed to the specifications of the Public Works Department.

**D. Parking**

If a front setback of less than 20 feet is proposed, the requirement of Section 3.05.03 for an improved parking pad for single-family and duplex dwellings may be satisfied by on-street parking or by a common off-street parking lot.

**E. Signs**

1. A PUD may include a sign plan to require a common architectural design and location.
2. The standards of the Mixed Use Village (MUV) zone shall apply to commercial uses in the residential zones of a Mixed-Use PUD.

The street improvements as proposed or conditioned meet or exceed 3.01, including Figures 3.01A, C, & G, or are custom as modified by PUD. The applicable classes of streets are illustrated below.

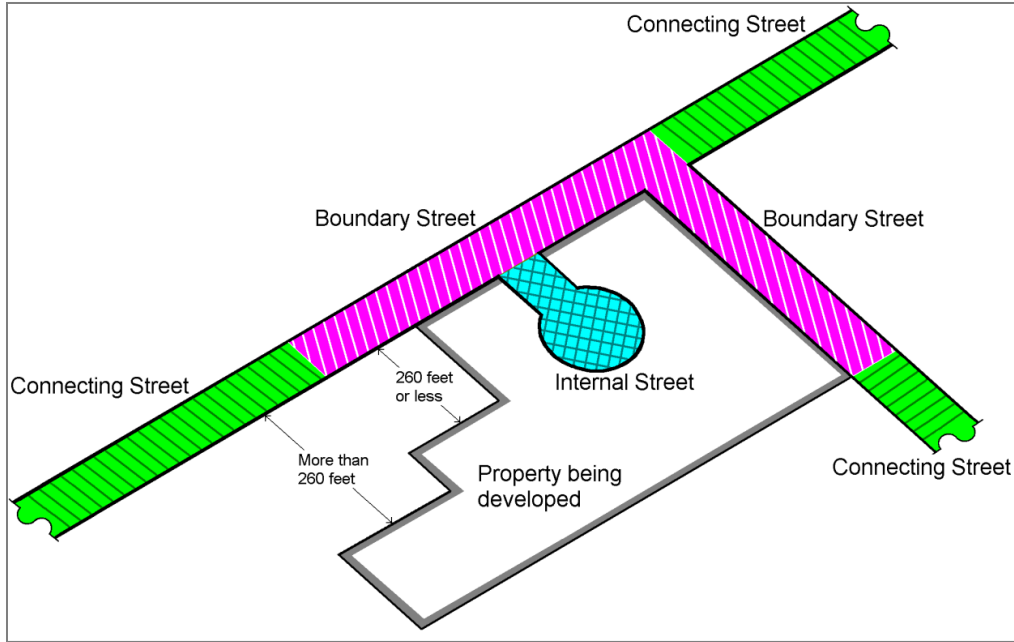


Figure 3.01A – Internal, Boundary, and Connecting Streets

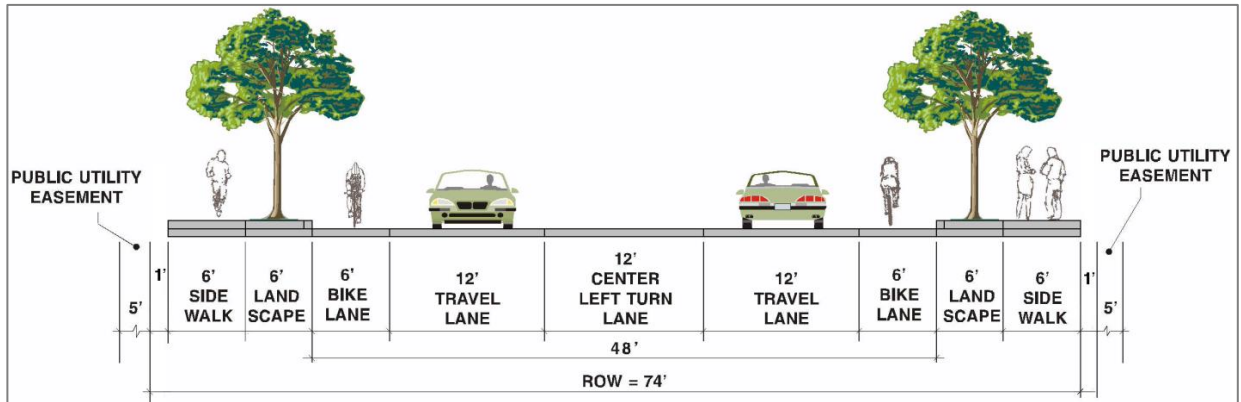


Figure 3.01C – Minor Arterial (This applies to E. Traverse Road.)

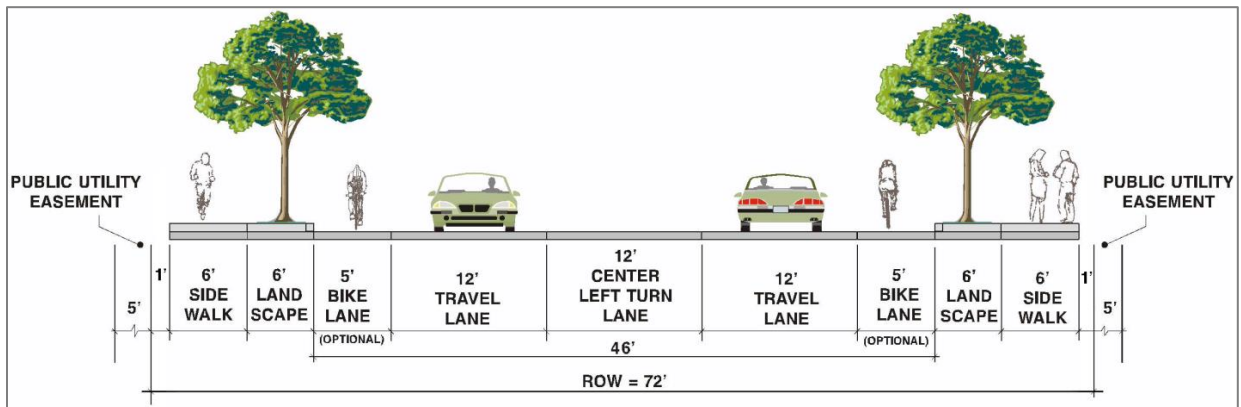


Figure 3.01C – Minor Arterial (This applies to Brown Street.)



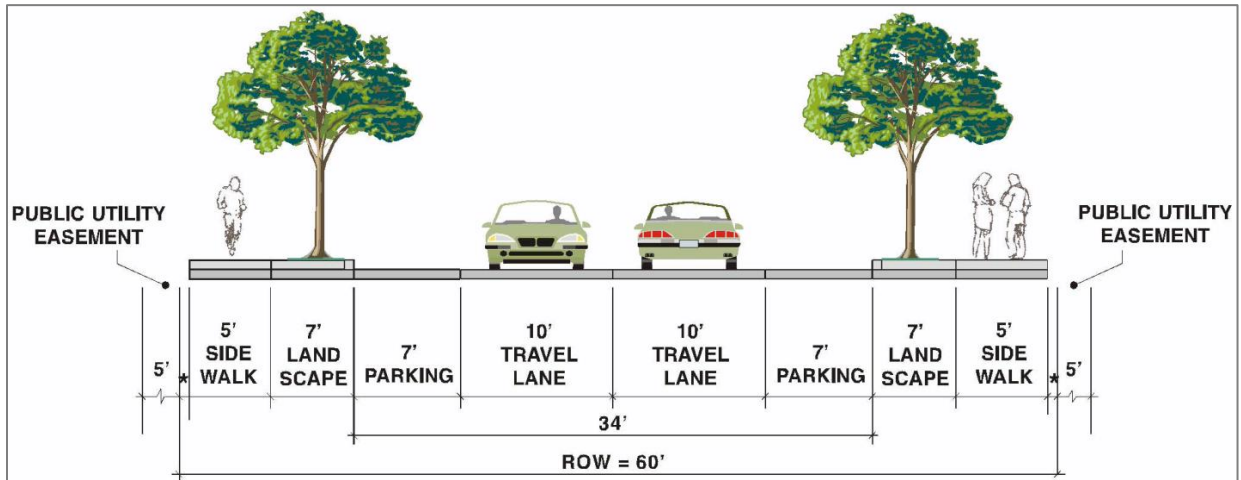


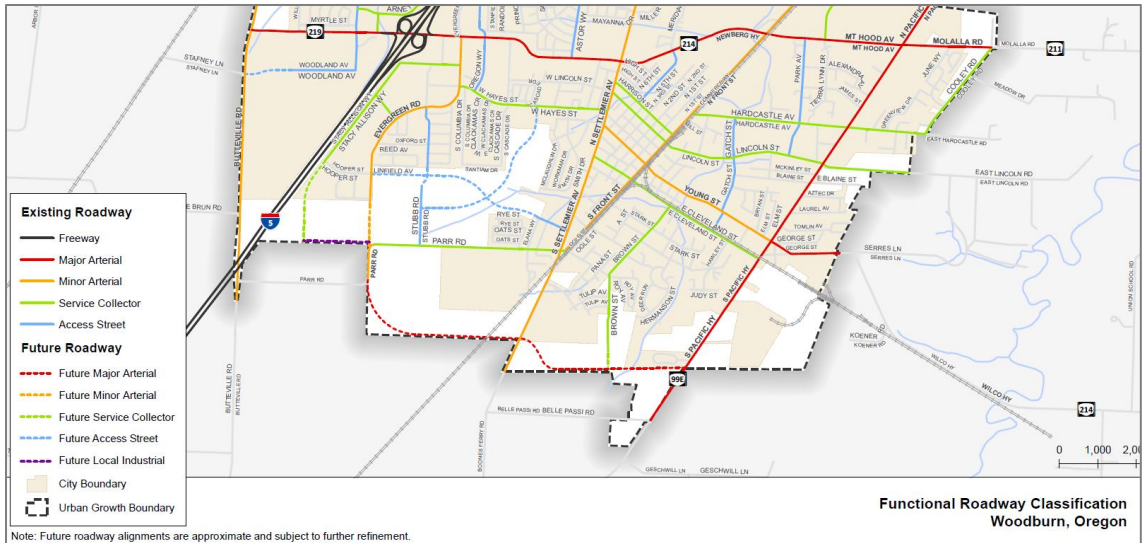
Figure 3.01G – Local Residential Street with Parking Both Sides, 60 Foot Right-of-Way (This applies to remaining streets.)

Conditions of approval customize the figures.

There are two chief items to note:

1. South Arterial: The proposed development is the first to develop a segment of the planned “South Arterial” and name it E. Traverse Road. The road by approximately the year 2039 is to manifest and traverse the southern region of the urban growth boundary (UGB) east-west per the Transportation System Plan (TSP) adopted September 2019, specifically its Table 2 “Roadway Plan Projects” p. 33 Project R29 and Figures 2 “Functional Roadway Classification” and 3 “Roadway Plan Elements”, excerpted below:

R29	South Arterial	City	New roadway	Construct the Southern Arterial from Evergreen Road to OR 99E (2 lanes)	Medium	\$12,250,000
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- a. Applicable cross section: The TSP contains a conflict in that the text listing of R29 specifies the South Arterial as a two-lane road, while Figure 2 indicates that it is Major Arterial class for which the WDO standard cross section is a four-lane highway per Figure 3.01B.

For pre-application meeting PRE 21-25 on September 8, 2021, agenda p. 3, Item A4 identified the conflict and indicated that staff resolved the conflict (in favor of the literal text over the conceptual figure) and that the developer and future developers of the rest of the planned road should proceed accordingly per Figure 3.01C “Minor Arterial” class.

- b. Alignment:

Regarding the alignment per TSP Figure 2, upon PRE 21-25 the Community Development Director, Public Works Director, and City Engineer agreed to interpret and administer such that the easterly regional alignment (east of S. Boones Ferry Road) would follow not the south boundary of the subject property but instead the rough middle so that it would align with a previously built segment of a differently aligned South Arterial based on the previous TSP adopted 2005. (That segment is a four-block long improved half-street within the south boundary of the Boones Crossing PUD, located one block south of Spring Boulevard, and identified with the placeholder designation South Arterial – no name or suffix – as platted and that appears in Google Maps. )

2. Local streets:

The proposal includes modification by PUD of the standard local street cross section from the 60-foot one of Figure 3.01G to a 50-foot custom one. The site plan sheets of street cross sections lack a local street one. A PUD condition specifies the cross section standards for local class streets that will be the premise for the developer and the Public Works Department Engineering Division during civil engineering plan review (CEP). Landscape strips (with street trees) and sidewalks remain required.

Street improvements include wider sidewalks along major thoroughfares to encourage walking and accommodate cyclists who feel safer on sidewalk and to serve as transition to and from the Mill Creek Greenway Trail.

▲ Staff applies a *PUD condition* to specify street improvements.

### **3.09.09 Owners/Tenants Association**

**Any land and structures not dedicated to the public, but reserved for the common use of the owners or tenants, shall be subject to control by an association of owners or tenants.**

Administration of the requirement comes after land use approval with conditions.

▲ Staff applies a *PUD condition* to ensure conformance.

### **3.09.10 Phasing**

**A. A PUD may be developed in phases, pursuant to Section 5.03.05.**

**B. Phases shall be functionally self-contained with regard to access, parking, utilities, open spaces, and similar physical features, and capable of occupancy, operation, and maintenance upon completion.**

**C. The phased provision of common areas and improvements shall be roughly proportional to the development of housing and other elements intended for private ownership.**

**D. At least one improved common area sized to accommodate a circle 25 feet in diameter shall be provided with the first phase.**

There's no phasing.

⊖ Not applicable.

### **[Other]**

ORS 92.040(3) sets a 10-year expiration on development approvals in order to help with the issue of entitlement "vesting". It also local governments to set shorter periods, and staff opts to do so in case the project begins to manifest during the 3-year land use approval window but slows down or stops afterwards. A SUB condition sets an ultimate deadline. As an example, were another recession like the Great Recession to occur and lead to a "zombie" project, it would be clear when an apparently dormant project was dead.

▲ Staff applies a *SUB condition* to clarify the issue of “vesting”.

A geotechnical or “geotech” report is necessary for subdivision improvements. It became necessary for Smith Creek Development building permits, and the master developer happened to have prepared one in keeping with private agreements with homebuilders and so was able to submit it on short notice. Thankfully, the report document no field conditions that needed correction. The Building Official thought Public Works handled Geotech reports, and this item isn’t a WDO requirement or a Planning Division policy item. So, staff established a condition that gets the developer to submit a copy prior to the City by or at building permit stage.

▲ Staff applies a *SUB condition* regarding a geotech report.

PUD per the opening purpose statement of 3.09 refers to “enhanced public amenities”, which as interpreted by staff includes upgrades to public works. The Public Works Department asked for what became one or more PUD-PW conditions to reinforce public works topics with the Public Works comments that are Attachment 102A.

▲ Staff applies one more *PUD-PW conditions* supporting Public Works Department indications.

## *Enhanced Public Amenities / Commensurate Public Benefits*

PUD conditions and conditioned fees generally are necessary to meet the criterion found in 5.03.06B.6, “That the requested flexibility in development standards is justified by commensurate public benefits”. The City interprets this to include “enhanced public amenities” and upgrades through “unique street cross-sections” as the PUD purpose statement that opens 3.09 states. “Enhanced public amenities” include common area and “off-street” improvements. Examples are to preserve trees outside ROW, specifying how to apply and remediate the RCWOD, and specifying common area improvements. In this case, there are no off-site parkland or bus transit improvements.

One of the commensurate public benefits principal for contemplating approval of a PUD is conformance with select content in the WDO as the City Council recently amended it via Ordinance Nos. 2602 (May 9, 2022 effective June 8) & 2603 (June 13, 2022 effective June 30). For example, WDO 3.01.04B now makes explicit that 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 and that cobblestones, gravel, pebbles, and rocks are prohibited. Staff applies this content to the PUD. Whether compared to newer or older versions of WDO 2.02, the development is for smaller lots and more dwellings that are possible only through PUD. With standard subdivision, review would have been less discretionary, but the development would have had to conform to larger minimum lot areas, deeper minimum setbacks, stricter maximum lot coverages, and a lower density maximum. The developer opted to apply for PUD 22-01 with SUB 22-01.

Staff also notes for the developer, PUD is a tool for getting in increase in number of lots and houses than a standard subdivision which allows for greater profit. In exchange, the City gets enhanced public amenities. For example, staff interprets enhanced public amenities to include through easement public access to common area off-street bicycle/pedestrian paths. Another example is improved public land.

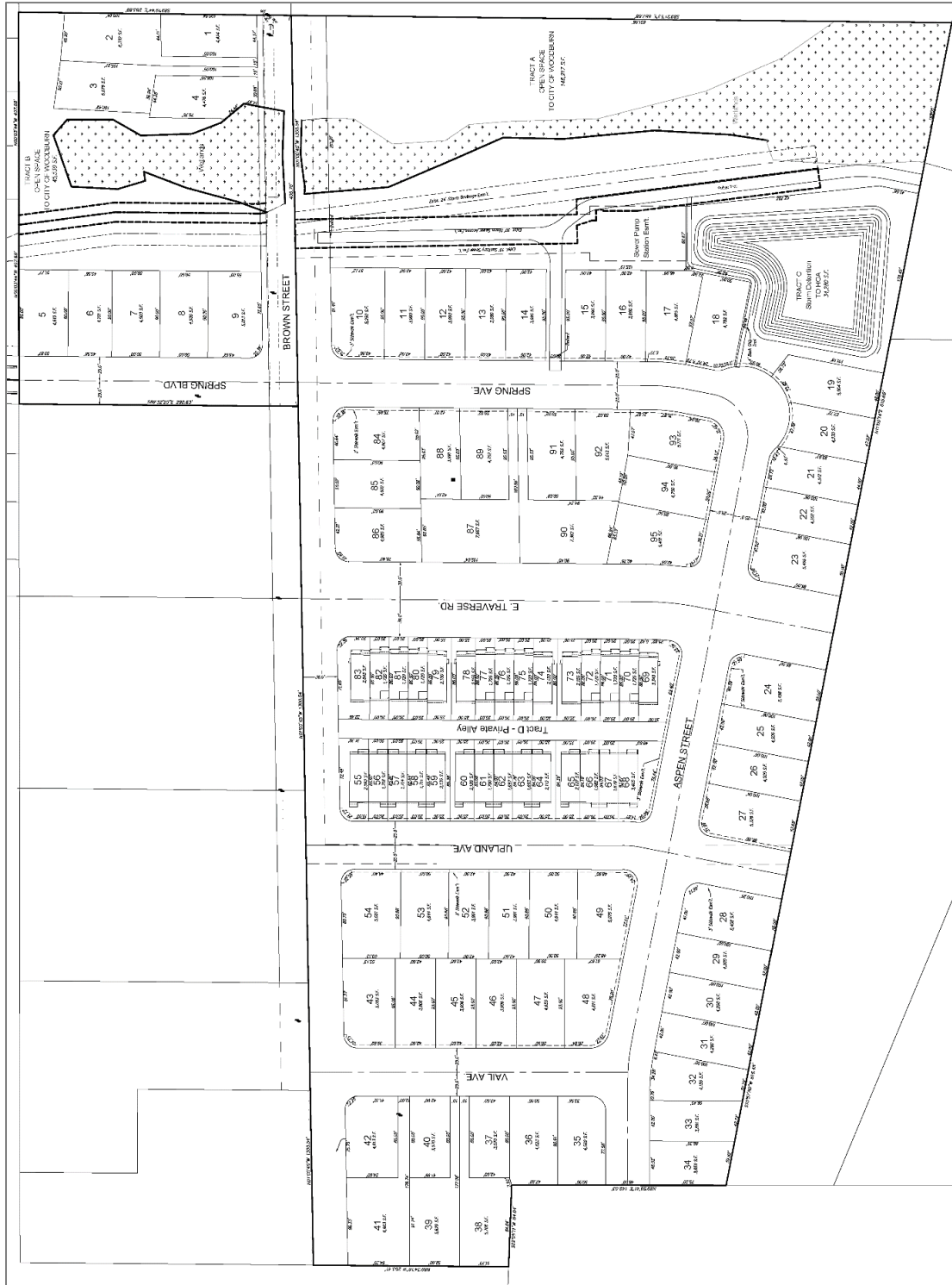
Another enhanced public benefit is establishing necessary details and specifications about administering and implementing development that are not found in the WDO at all but are necessary to lessen, disagreement, and confusion among the developer and staff during permit reviews (especially civil engineering plan review). For example, a condition requires that the developer remove from the public land the invasive species Himalaya blackberry (if any), a sensible response to the situation of the subject property with an eye to future property acceptance and maintenance by the City.

There are also conditions about tree preservation (or fee in-lieu).

The public land improvements conditioned through Attachment 203 are necessary because were it not for the public land that the developer is to dedicate to the City, there would have been no recreational common area at all because the two private common area tracts are to be a stormwater detention pond and a shared rear lane (i.e. private alley) behind the townhouse lots. See site plan excerpts as Exhibits 2 & 6 below:







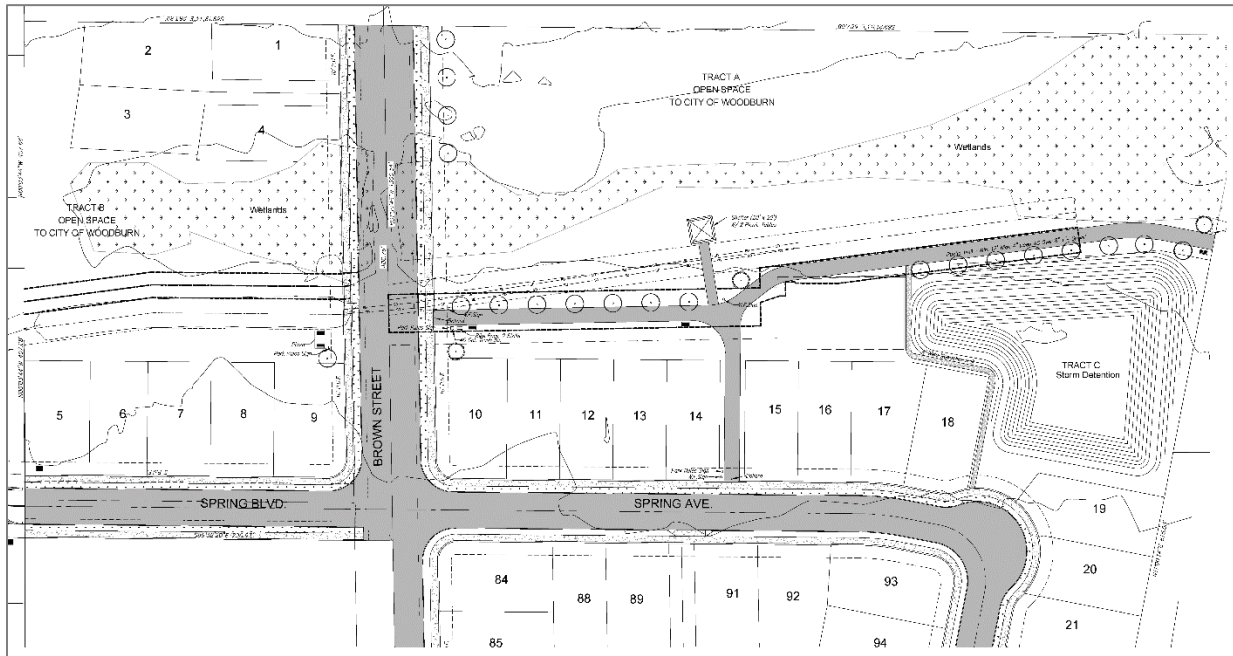


Exhibit 4 (excerpt of site plan Sheet 4/6 submitted May 27, 2022)

Similar as if for a recreational private common area, unimproved public land for this development would be insufficient for recreation. The conditioned improvements bring about a segment of the Mill Creek Greenway Trail and related amenities or trail support facilities. Looking back to the earlier analysis of Table 3.09A and the terms from the table:

- “Common area”: Not defined.

No further analysis.

- “Improved common area”: Not defined. However, the next section beyond Table 3.09A, which is 3.09.06B, states that, “Common areas are deemed improved if they are provided with benches, playground equipment, gazebos, picnic facilities, or similar amenities. Lawn area by itself does not constitute improvement. Trails or paths do not constitute improvement, unless they connect to the public trail system. Common meeting or recreation rooms are deemed to be improved common areas.”

In other words, these kinds of improvements are the recreational capacity that is necessary to serve the Mill Creek Meadows Planned Unit Development project itself. Leaving the drainage way, minor wetlands, and specifically the open ground around them in an unimproved state would not meet the intent of “improved common area”, including the 3.09.06B.1 description, “Lawn area by itself does not constitute

improvement.” (For the extent of wetlands, see the hatched area within both Exhibits 2 & 4 above). Also, the trail itself is an improvement only because it connects with Brown Street sidewalk and the segment preserves ability for the Mill Creek Greenway Trail to eventually span between the existing trail farther northeast near Deer Run Lane and the segment necessary for the Mill Creek Meadows development. It is the amenities or trail support facilities Within Attachment 203 that are in keeping with the description of “improved common area” that would provide the needed commensurate public benefit. These improvements are similar to conditioned improvements for other segments of Mill Creek Greenway Trail within other developments, the prime example so far being the Smith Creek Development and the trail segment that is west of S. Settlemier Avenue and follows that drainage way and minor wetlands of that development.

- “Open space, common” (1.02): “An area, feature, building or other facility within a development which has been dedicated in common to the ownership within the development, or to the public, specifically for the purpose of providing places for recreation, conservation or landscaping, and which is intended for the use of the residents and property owners of the development.”

Apart from the land that the developer is to dedicate to the City, there would have been no recreational common area at all because the two private common area tracts are to be a stormwater detention pond and a shared rear lane (i.e. private alley) behind the townhouse lots. (See Exhibits 2 & 6 above). The detention pond, one that would fill temporarily with excess water as needed and otherwise be empty is not designed for double-use as a recreational space like a rain garden, is not conserving natural area or wilderness, and is proposed with minimal landscaping for ease of association maintenance (Exhibit 4 above). The shared rear lane is a vehicular access and utility corridor not designed for recreation, conservation or landscaping. In short, there is no private common area that is a park-like environment, and the public land is the only “common open space” that the development has.

- “Open space, usable common” (1.02): “Common open space, the use of which conforms with use and development guidelines specified by the Woodburn Development Ordinance.”

Staff applies this provision this to mean that, because:

- a. WDO 3.09.06 including Table 3.09A does not include among the non-modifiable PUD development standards a specific list of amenity or support facility types and numbers for the Mill Creek Greenway Trail or other off-street bicycle/pedestrian facility;
- b. Such is not found in the remainder of the WDO;

- c. For previous planned unit developments, including ANX 2017-05 Smith Creek and ANX 2020-03 Dove Landing, and this PUD, the Assistant City Administrator as parks director identified and applied list of park or trail amenity or support facility types and numbers, including vendor and model specifications;
- d. On May 9, 2022, the City Council adopted Legislative Amendment LA 21-01 through Ordinance No. 2602 effective June 8, 2022 that among other WDO revisions formally acknowledged and established basic standards implementing the Mill Creek Greenway Plan by creating new Section 3.01.08, and, established basic standards implementing a network of additional off-street bicycle/pedestrian facilities by creating new Section 3.01.07;
- e. On June 8, 2022, based on the above facts, the Director issued a WDO interpretation memo INT 22-0608 “Off-Street Public Bicycle/Pedestrian Facility Specifications” that serves as the vendor, model, and numbers specification sheet for bicycle/pedestrian facilities in order to administer 3.01.07 & 3.01.08;
- f. A PUD requires “improved common area”;
- g. “Improved common area” is a minimum PUD requirement that is a kind of “enhanced public amenity”;
- h. The trail amenities and support facilities that the City has conditioned for other developments for those segments of greenway trail are in keeping with the 3.09.06B description of “improved common area”;
- i. A PUD is premised among other criteria that, per 5.03.06B.6, “the requested flexibility in development standards is justified by commensurate public benefits”;
- j. Much of the public land to be dedicated is drainage way and minor wetlands as well as constrained by existing City drainage facilities, a sewer pump station, and off-street public utility easements (PUEs), rendering most of it undevelopable by the developer for private development anyway (Exhibits 2 & 4 above);
- k. The public land is the only land within the development that is open to enhancement into an “enhanced public amenity” that meets the description of “common open space”;
- l. The public land is almost wholly the common area minimum for a PUD of 30% of gross site area (Exhibit 6), and with its improvements (Exhibit 4 plus those per Attachment 203 not yet illustrated) constitutes both the minimum “common open space” and the recreational capacity necessary for the Mill Creek Meadows Planned Unit Development project; and
- m. The above facts guided staff in the creation of Attachment 203; therefore:

Staff finds the conditioned public land improvements are enhanced public amenities that are of commensurate public benefit justified by the requested PUD flexibility in development standards, and that the improvements – which are contained within the site development area – are not only of public benefit but also meet the minimum improved common area and recreational capacities for the development itself and its future residents.

Staff accommodates some of the developer’s desires by requiring common area improvements that are not much more than what the developer proposed after many discussions with staff, the purpose being to have standards that remain clear to all heading into the final plat stage.

Conditions also gain variety in trees, getting more evergreens, establishes standards for off-street bicycle/pedestrian paths, and establishes standards for public easements to secure public access to sidewalk overlaps of private property as well as off-street bicycle/pedestrian paths and allow for public access via the shared rear lane (private alley) and, where and as needed, a future public utility corridor along the shared rear lane.

Because two of the proposed common areas are just that – private, not any City/public land to be dedicated – there is a condition reiterating that there needs to be maintenance association per WDO 3.09.09. (These are the stormwater detention pond and shared rear lane tracts.)

Lastly, there is a condition reiterating that there needs to be PUD “Final Plan Approval” per WDO 5.01.07 so that outstanding details are deferred after land use approval, allowing the developer to proceed, but also securing between the developer and the City resolution of details before final plat approval by the City.

▲ Staff applies *PUD conditions* requiring street improvements that meet or exceed the WDO or provide an enhanced public amenity in exchange for not meeting a street standard (in other words, in exchange for custom street standards). Conditions also require public land and common area improvements and public access to some improvements.

A T-A condition addresses a traffic safety problem that the Public Works Director and City Engineer want studied as they verbally directed during an internal staff meeting on August 9, 2022 and that they supported as the first draft of the condition during a second internal staff meeting on August 11, 2022 and from then on through further revision and staff report publication. T-BP conditions, premised on 3.09 “enhanced public amenity”, 3.09.06C.1 (“enhance existing or planned ... pedestrian and bicycle networks, including connections and functionality”), and 5.03.06B.6 (“That the requested flexibility in development standards is justified by commensurate public benefits”), require on-site public bike/ped path improvements and off-site design work for improving what would be the gap between the Mill Greek Greenway Trail segment on site and the nearest existing east segment that is near Deer

Run Lane and Hermanson Pond. There is also a condition for a modest outdoor shelter related to school bus stopping, similar to that applied to ANX 2019-01 Woodburn Eastside Apartments (later renamed Woodburn Place Apartments) and ANX 22-02 Marion Pointe PUD.

- ▲ Staff applies *transportation (T) conditions* requiring the construction or funding of transportation improvements.



## Remaining Provisions

These are applicable provisions not already addressed in the application type provisions sections above.

### 4.01.07 Consolidated Applications

**An applicant may request, in writing, to consolidate applications needed for a single development project. Under a consolidated review, all applications shall be processed following the procedures applicable for the highest type decision requested. It is the express policy of the City that development review not be segmented into discrete parts in a manner that precludes a comprehensive review of the entire development and its cumulative impacts.**

The proposal is consolidated.

### 2.07 Special Uses

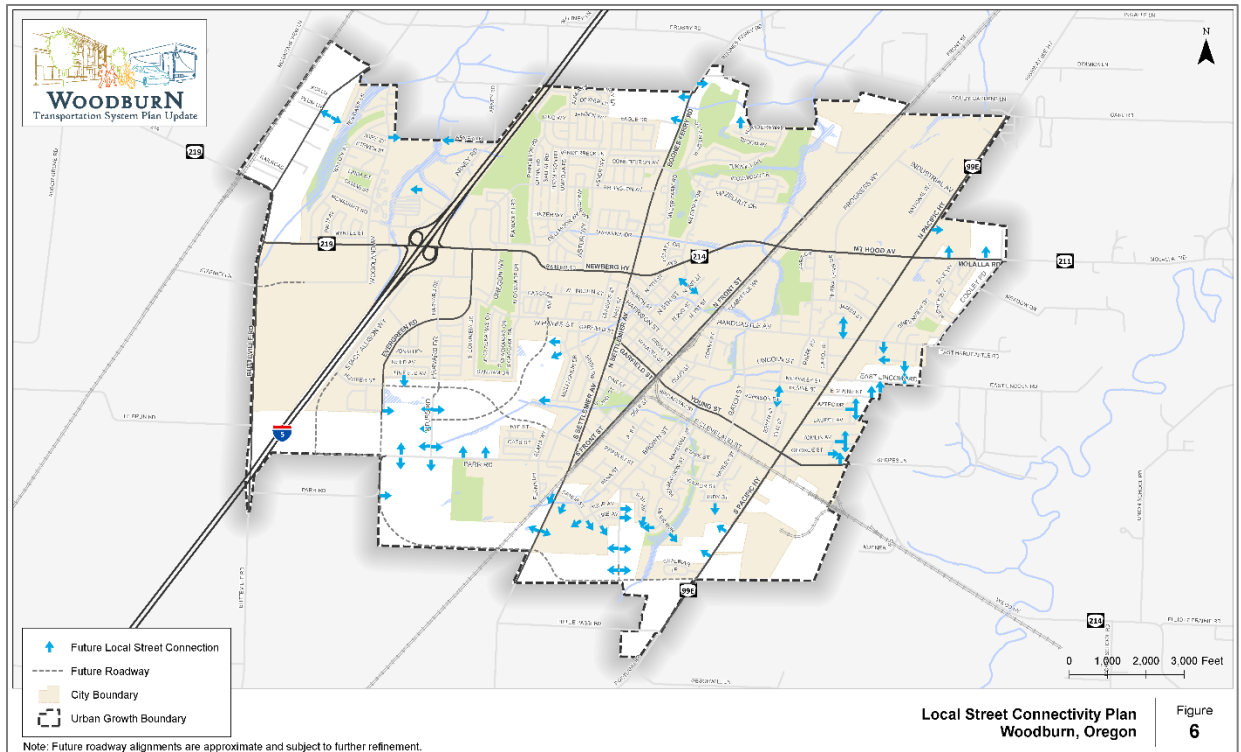
There is no “community club building” (clubhouse).

☐ None apply.

### 3.01 Streets

*Long-range Planning*

TSP Figure 6 “Local Street Connectivity Plan” shows street connections into the northeast area of the urban growth boundary (UGB) that includes the subject property:



TSP Figure 6

There are two blue arrows, both along Brown St and one each at Spring Boulevard and one farther south. The two connections – the proposed extension of Spring Boulevard as Spring Avenue and either of the new Upland or Vail Avenues – conform to Figure 6.

## 3.02 Utilities & Easements

### 3.02.01

**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. A five-foot wide public utility easement shall be dedicated along each lot line abutting a public street.**

**C. As a condition of approval for development, including property line adjustments, partitions, subdivisions, design reviews, or Planned Unit Developments (PUDs), the Director may require dedication of public utility easements.**

Planning staff expects the Public Works Department during the final plat stage to ensure that the developer dedicates the minimum streetside PUEs, and the preliminary subdivision drawings indicate conformance with 3.02.01B.

▲ Regarding 3.02.01A & C, staff applies a *PUD condition* for additional public easements for public bicycle/pedestrian access and a potential mid-block utility corridor along the shared rear lane (private alley).



### 3.04 Vehicular Access

#### 3.04.03 Driveway Guidelines and Standards

##### B. Joint Access

3. Every joint driveway or access between separate lots shall be established by an access easement and maintenance agreement to the satisfaction of the Director and revocable only with the concurrence of the Director.

▲ Staff applies a *PUD condition* ensuring the subdivision plat will provide for flag lot pole access easements to lessen curb curbs and thereby preserve more room for on-street parking and street trees.

#### 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.

The applicant submitted a vehicular trip generation memo dated January 10, 2022 on January 19, 2022. Page 2 cites the Institute of Transportation Engineers (ITE) *Trip Generation Manual*, ITE codes 210 and 215. Based on these codes, the development of 80 houses and 15 townhouses would generate peak hour trips of 63 a.m., 84 p.m., and 147 total. About daily trips, the applicable rates from the ITE codes are the “weekday” ones, and the development would generate 862 daily trips. Both the peak hour and daily trip generation numbers are below the thresholds per 3.04.05A cited above for a traffic impact analysis (TIA).

#### *Bicycle/Pedestrian & Transit*

In the interest of PUD per the purpose statement that opens 3.09 of providing enhanced public amenities and per 5.03.06B.6 of commensurate public benefits, below are comprehensive plan policies that relate to infrastructure upgrades, enhanced public amenities, and improved traveling for those who walk and cycle.

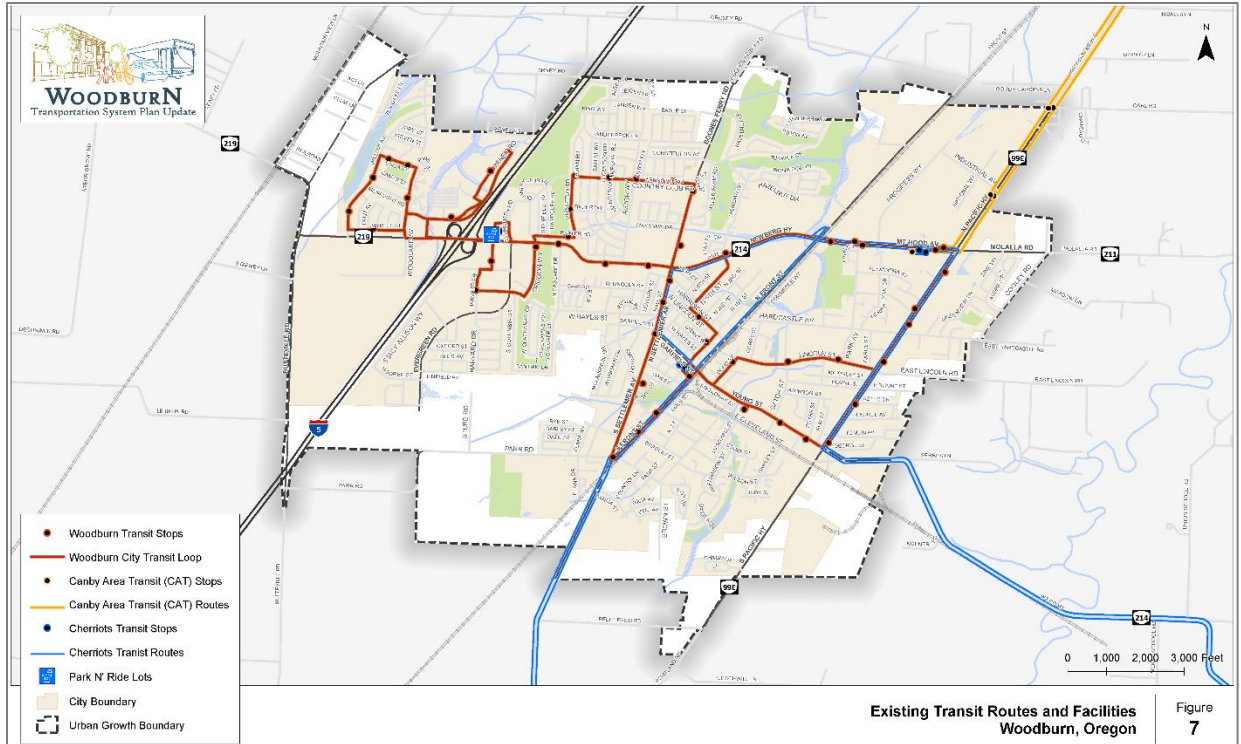
<i>Policy</i>	<i>Page No.</i>	<i>What Related Conditions Address</i>
H-1.3	34	Develop a low stress network of bicycle lanes and routes that link major activity centers such as residential neighborhoods, schools, parks, commercial areas and employment centers. Identify off-street facilities in City greenway and park areas. Ensure all new or improved collector and arterial streets are constructed with bicycle lanes – specifically duly requiring

<i>Policy</i>	<i>Page No.</i>	<i>What Related Conditions Address</i>
		frontage/street improvements and also conditioning wide sidewalk segments as a public bicycle/pedestrian path and planter strip segments that are wider and/or have more street trees than standard. The greenway spur path between the trail and Spring Ave also serves.
H-1.4	34	Develop a comprehensive network of sidewalks and off-street pathways. Identify key connections to improve pedestrian mobility within neighborhoods and link residential areas to schools, parks, places of employment and commercial areas. Ensure all new collector and arterial streets are constructed with sidewalks. Specifically, to do so by duly requiring frontage/street improvements, conditioning wide sidewalk segments as a public bicycle/pedestrian path and planter strip segments that are wider and/or have more street trees than standard, having the greenway spur path between the trail and Spring Ave, having some public land bike parking, having some crosswalks be visually and tactilely distinct by being concrete amid asphalt, and having a privately-maintained and publicly accessible bark dust path as a shortcut along the stormwater detention pond between Spring Ave at Aspen St and the greenway trail. These are all to raise the attractiveness, ease, safety, and potential cyclists' perception of safety of cycling.
H-3.2	35	Implement strategies to address pedestrian and bicycle safety issues, specifically for travel to and from local schools, commercial areas, and major activity centers – through T-BP conditions and Condition T-T1.
H-5.1	35	Implement, where appropriate, a range of potential Transportation Demand Management (TDM) strategies that can be used to improve the efficiency of the transportation system by shifting single-occupant vehicle trips to other modes and reducing automobile reliance at times of peak traffic volumes – specifically through T-BP conditions.

For these transportation reasons and based on the PUD, staff applies *bicycle/pedestrian (T-B/P) conditions*.

*Additional Issues: Transit*

Presently, the Woodburn Transit System (WTS) bus loops through east, central, and west Woodburn, but is yet to reach into the south urban growth boundary (UGB) area:



TSP Figure 7 (2019)

Neither do Salem-Keizer Cherriots nor Canby Area Transit (CAT) serve it.

The existing bus stop nearest Brown Street and what would be the intersection with Spring Avenue/Boulevard is 0.7 miles or a 15-minute walk through the Boones Crossing subdivision to the NE corner of S. Settlemier Ave and Parr Rd/ S. Front St. Staff discussed conditioning at this bus stop a bus shelter (or fee in-lieu) and bicycle parking at the stop (or fee in-lieu). The Assistant City Administrator initially supported. Upon objection by the developer to a draft condition prior to staff report publication, the Community Development Director directed revision to remove the condition with Assistant City Administrator assent.

A condition requires a modest fee towards transit operations and service.

As a concluding summary, City objectives are for the development to contribute towards the objectives of:

- Increasing walking and cycling appeal and safety, and
- Bus transit operations/service

▲ To address transportation issues, staff applies *transportation (T) conditions*.

## **3.06 Landscaping**

### **3.06.02 General Requirements**

Staff expects the development, particularly public land and common area tracts, to meet this section except where otherwise conditioned and will confirm such during PUD Final Plan Approval process.

✓ The requirement is met.

### **3.06.03 Landscaping Standards**

#### **A. Street Trees**

The applicant proposes street trees that appear to meet the provisions.

▲ To secure a higher minimum amount of street trees, staff applies a *PUD condition*.

Staff expects the development to meet the remainder of 3.06 except where otherwise conditioned.

#### **3.06.07 Significant Trees on Private Property**

Per Sheet 3 “Significant Tree Plan” dated April 25, 2022 and the arborist’s report dated May 2, 2022 submitted May 25, 2022, there are 31 such trees on site or straddling the property boundary. Several are in the public land tracts. A loose cluster is in the southwestern area of the subject property. Because 3.06.07 poorly relates in the context of development, staff consider a basic factor of whether a tree was Significant, in fair or better health, located outside existing or future ROW, and located towards the corner or line of a proposed lot. This focused attention on two trees, the subject of conditioning.

One is simply conditioned for preservation: a large, tall unnumbered conifer/evergreen along the south side of the segment of Spring Blvd west of Brown.



The developer may detour sidewalk around the tree to be curb-tight and have a curb bulb-out or curb extension with FOC flush with the edge of the eastbound travel lane.



Regarding the other, Tree 30002, a 27-inch Oregon white oak along the Lot 43 east lot line / Lot 44 west lot line with a 20-foot root protection zone (RPZ), the developer shall either preserve or pay a fee in-lieu. The condition requires the developer to make preservation effort first.

▲ To secure tree preservation or fee in-lieu, staff applies a *PUD condition*.

## Recommended Conditions of Approval

Staff recommends approval of the consolidated applications based on the findings in the staff report and attachments, which are incorporated by this reference, as well as applying the following conditions of approval:

### *General*

G1. As part of building permit application, the applicant shall submit revised site plans meeting the conditions of approval and obtain Planning Division approval through sign-off on permit issuance.

G2. The applicant or successors and assigns shall develop the property in substantial conformance with the final plans submitted and approved with these applications, except as modified by these conditions of approval. Were the applicant to revise plans other than to meet conditions of approval or meet building code, even if Planning Division staff does not notice and signs off on building permit issuance, Division staff retains the right to obtain restoration of improvements as shown on an earlier land use review plan set in service of substantial conformance.

G3. References: Attachment 201 serves as a dictionary or glossary defining certain abbreviations, acronyms, phrases, terms, and words in the context of the conditions of approval. The 200 series of attachments are as binding as the conditions of approval in the main body of the final decision.

G4. Due dates / public improvements:

- a. When public street improvements, and any fees in lieu of public improvements, are due shall be per Attachment 205B, Parts A & B unless if and where a condition of approval has more restrictive timing. By this condition, there is more restrictive timing: In any case, they are due no later than by Building Division issuance of certificate of occupancy (C of O) for the first of any of dwellings, regardless of deferral, if any, that PW might have approve through Attachment 205B, Part A, subsection E.
- b. Where phasing is relevant, building permit issuance means issuance for the phase in which the conditioned improvement is located.
- c. Where changes to street addresses are necessary, the developer shall apply through the Planning Division for and obtain approval of an [Address Assignment Request](#). This is due prior to building permit application, and if and where land division is relevant, then also after recordation with County.

G5. Recordation due dates: The applicant shall apply to the County for recordations of items that the City requires no later than 6 months prior to expiration of the land use approval as WDO 4.02.04B establishes and per Attachment 205 B, Part C, and shall complete recordations no later



than three years past the land use “final decision” date. The due date to complete recordations shall not supersede when recordations are due relative to the building permit stage.

G6. Administration:


- a. Conformance: That a land use approval does not reiterate any and each particular detail, provision, requirement, rule, spec, or standard from any of the WDO, other ordinances, resolutions, public works construction code, or department policies does not exempt development from conformance with them.
- b. Copies: The developer, including any succeeding contract purchasers such as homebuilders, shall provide copies of documentation that a City staff person requests regardless if the documentation source is another City staff person or department.
- c. Fees: The developer shall pay fees per Attachment 206.



*Preliminary Subdivision 22-01*

SUB-1. Expiration: Based on ORS 92.040(3), development per the Council land use final decision may continue past the 3-year approval period being established by WDO 4.02.04, as follows:

- a. Street names: The preliminary subdivision proposed street names are acceptable for platting. The developer shall name A & S-V streets beginning with those letters respectively.
- b. Tracts: The developer shall revise to swap designations of Tracts A & B before final plat.
- c. Subdivision Final Plat: The developer shall apply to the City for final plat prior to applying to Marion County for recordation and shall complete final plat recordation by the land use expiration date per WDO 4.02.04B.2.
- d. Orientation: Unless otherwise directed by County surveyor staff, if and where site plans are drawn other than up-is-north, north shall be to the right, and text that runs easterly-westerly (up and down), including of street names, tract letters, and lot numbers, shall be oriented to read south to north or west to east and consistently across plan sets and sheets.

Site plan sheet 24 by 36 inches	Orient text	
	Orient text	

- e. Recordation with County: Same as Attachment 205B, Part D (within 30 calendar days of the Director's signature on the plat Mylar).
- f. Vesting: The decision is vested unless:
  - (1) The developer fails to meet subdivision and PUD requirements, resulting in the City being unable to authorize staff to sign a final plat Mylar by July 1, 2027; or
  - (2) There is no substantial construction as Attachment 205B, Part E defines by July 1, 2030.

SUB-2. Stormwater management facilities / detention ponds: Any stormwater management facilities / detention ponds outside ROW shall be within a common area tract that remains privately owned and maintained by an association.

SUB-3. Documents: Prior to a City official signing the final plat Mylar:

- a. Geotech report: The developer shall submit to the Director a geotechnical report documenting that, whether or not the developer spreads any fill or spoil dirt across lots and tracts, soil is compacted and ready to accommodate the construction of buildings on lots and tracts proposed for development.
- b. Plat: Per Attachment 205B, Part F, upon recordation, the developer shall submit to PW and cc the Director electronic copies (Adobe PDFs) of the plat and easement(s), as well as, where relevant, ancillary documents necessary to conform to conditions of approval and not already addressed on the face of the plat.



### *Planned Unit Development 22-01*

PUD-PW1. Sanitary sewer:

- a. Pursuant to the "South Brown Pump Station Drainage Basin Map & Plan" document prepared by the developer as part of the adjacent construction to the west of Boones Crossing subdivision and development, Phases IV & V, and submitted to Public Works, the developer shall construct and extend all identified sanitary sewer trunk lines shown on the subject plans that are located within the subject development (Mill Creek Meadows). The City acknowledges that dwellings within Mill Creek Meadows would not connect to these trunk lines and, therefore, construction of such lines would not be necessary to serve the subject development.
- b. Depths: All sanitary sewer lines shall be constructed at appropriate depths to ensure reasonable connections can be made to serve future regional development to the east and southwest of the subject development.



- c. SDC: The sanitary sewer trunk line(s) identified in paragraph (a), above are considered “qualified public improvements” pursuant to City of Woodburn Ordinance No. 2070 (1991). Therefore, the developer shall be allowed to apply for sewer system development charge (SDC) credit as provided in said ordinance. The amount of developer’s credit for contributions of the qualified public improvements shall be determined pursuant to said ordinance, Section 3(F). The City shall in good faith review a sewer SDC credit application from the developer, and the City shall grant such request up to the full amount of the sewer SDC owed, provided that the request complies with City procedures and applicable state or local substantive approval criteria.
- d. Where the cost of trunk lines identified in paragraph (a.), above, exceeds the amount of available sewer SDC credit for Mill Creek Meadows, the City agrees to negotiate a development agreement with the developer to provide public funds or other value to offset such deficiency. Such compensation may, subject to agreement between the City and developer, provision of future reimbursement credit pursuant to Ordinance No. 2070, Section 3(F)(5), a direct financial contribution from the City, or other agreed value. The parties shall in good faith negotiate the development agreement and, to the extent required by City ordinances, be forwarded by the City Administrator to the City Council for approval.

PUD-PW2. Stormwater management: Prior to civil engineering plan approval through CEP review, the applicant shall provide to PW an Engineer Stamped Storm Drainage Hydraulic Analysis Report that existing downstream storm drainage systems have capacity to handle the additional flow from the subject development (Mill Creek Meadows), have the Mill Creek culvert pipe under Marshall St (in the block between Stark & E. Cleveland Sts) have capacity to handle a 100-year base flood, and to provide final 100-year floodway, floodplain, and wetland delineation for this development. The applicant is responsible for correcting any capacity and/or deficiencies, including installing new or additional drainage systems. The applicant shall submit to PW an engineered stamped condition report of the existing downstream storm collection system.

PUD-PW3. Final Civil Plan Approval: Civil plans shall comply with current City standards, specifications and details, current Oregon Standard Specifications for Construction, current *MUTCD* and *ADA* requirements and Marion County requirements, as applicable.

PUD-1. Mods: The City approves PUD modifications only as written in conditions of approval and the 200 series of attachments, particularly Attachment 202. Other modifications that site plans imply are subject to later administrative approval or denial by the Director.

PUD-2. ROWs & streetside PUEs: The developer shall dedicate:

- a. Dedicate ROWs:

- (1) Traverse: For this segment of the TSP Project R29 "South Arterial" (TSP p. 33), min 78 ft ROW as proposed and modified by PUD from WDO Fig. 3.01C;
  - (2) Brown: ROW that meets or exceeds the min width necessary to conform to WDO Fig. 3.01D "Service Collector", that is, min 72 ft, which is equal to 36 ft measured from centerline; and
  - (3) Local class streets: ROWs that meet or exceed the min widths necessary to conform to WDO Fig. 3.01G, modified by PUD such that local class streets may be min width 50 ft of ROW instead of 60 ft.
- b. Grant streetside PUEs per Attachment 205B, Part G, subsections B & F, except that streetside PUEs on City/public tracts are exempt from max width.

PUD-3. Frontage/street improvements: These shall be as follows:

- a. Traverse: Based on TSP Project R29 "South Arterial" (TSP p. 33), per WDO Fig. 3.01C, modified as follows and by condition parts farther below including f(3) & (4) regarding planter strips and sidewalks. Median:
  - (1) Initial specifications:
    - (a) Location: Within the block between Brown and Aspen (500 block).
    - (b) Basic mins: Curbed, width min 8 ft and max 10 ft between backs of curbs, and min area within curbing of 600 sq ft w/ min 4 trees o.c. spacing average of 30 ft. (Min width not applicable to end tapers that transition to left turn lanes.)
    - (c) Extent/length: For each additional increment of median that is at least 30 ft long, it shall have min 150 sq ft of landscaping min 8 ft wide with min 1 tree.
    - (d) Pavement: If each 150 sq ft of landscaping around each tree is min 8 ft wide, the remaining area within the median, if any, may be surfaced with other than landscaping and per PW specs; however, cobbles, gravel, pebbles, and rocks remain prohibited within 1 ft of backs of curbs.
  - (2) Additional specifications: Per PW during CEP. For street landscaping, Attachment 205B Part H is applicable, and the developer is prohibited from fee in lieu of median trees. 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.
  - (3) SDC: The developer may apply for system development charge (SDC) credit pursuant to SDC ordinances and resolutions in effect at the time of credit application.
- b. Brown: Per WDO Figures 3.01A & D, modified by Condition PUD-3f and as follows:
  - (1) Bridge / crossing of culvert: Shall conform to Attachment 205B, Part J.

- (2) Electric power line burial/undergrounding: The developer shall:
  - (a) Bury electric power lines and remove poles along Brown west side between the north boundary of the subject property and the south side of Spring ROW. Per Attachment 205B, Part K, subsection B.1b, burial shall be required regardless of the net number of electric power poles.
  - (b) Pay a fee in-lieu of burial of the segment of lines where they cross Brown NE/SW in line with the north boundary of the subject property to the first pole on the west side per Attachment 206.
- (3) Transition: The east sidewalk north dead-end shall have an ADA-compliant transition spanning between sidewalk and cartway. Remaining specs are per PW.
- (4) Planter strips and sidewalks: Per condition parts f(3) & (4) below.
- c. Local class streets: Based on WDO Fig. 3.01G as modified by Condition PUD-3f below and as follows:
  - (1) Width face of curb (FOC) to FOC: Each min 27 ft if two-way traffic or 18 ft if one-way.
  - (2) Parking lane(s): Where there is a parking lane or lanes, each lane min width 7 ft. Each street of ROW fewer than 60 ft shall have min one parking lane.
  - (3) Planter strips and sidewalks: Per condition parts f(3) & (4) below.
  - (4) Aspen: The developer shall extend Aspen ROW and its improvements from Vail to the easterly south line of the subject property, with specific requirements of min width 46 ft of ROW, min pavement width between faces of curb of 20 ft, and planter strips and sidewalks min widths per condition parts f(3) & (4) below.
- d. Electric power line burial/undergrounding (other than Brown west side): Per Attachment 205B, Part K.
- e. Street trees: Per Attachment 205B, Part H (1:30) and subsection Table H2.
- f. Modifications:
  - (1) Crosswalks / pedestrian crossings along intersection legs per Exhibit PUD-3f(1) shall be patterned poured concrete each min 8 ft wide.



Exhibit PUD-3f(1): Patterned Poured Concrete Crosswalks (symbolized in purple)

- (2) Traffic calming: Bulb of street bend: The paved area outside the cartway outer radius, which Exhibit PUD-3f(2) illustrates, shall be patterned poured concrete.

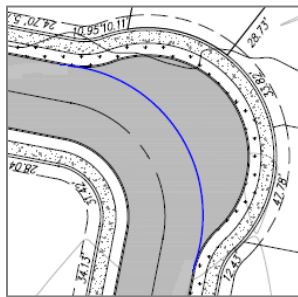


Exhibit PUD-3f(2) Patterned poured concrete beyond the blue line within street bend bulb

- (3) Landscape strips: Min width 6 ft and in some locations 7.5 ft, exc. curb width, per Exhibit PUD-3f(3) below.



Exhibit PUD-3f(3): Landscape strips (green: min 7.5 ft wide exc. curb width)

- (4) Sidewalks: Min width 6 ft except along Brown and Traverse 8 ft; see Exhibit PUD-3f(4) below



Exhibit PUD-3f(4): Sidewalks (blue: min 8 ft wide)

- (5) Overlap: The extra width of planter strip and sidewalk shall either (a) overlap outside ROW into streetside PUE or (b) come with additional ROW to accommodate them. Wider sidewalks shall not narrow planter strips.

PUD-4. Streets, dead-end: Barricades/Signage: Based on WDO 3.01.05A.2b & c, the developer shall place:

- a. A barricade with sign at the east end of each of Aspen, Traverse, and Upland; and
- b. A barricade at the south end of Brown.

Consult PW for a barricade detail, and no later than CEP show both it and a modified version with a sign in conformance with 3.01.05A.2c.

PUD-5. Tree preservation:

- a. For trees to be preserved, the developer shall preserve using the means per Attachment 204.
- b. For trees to be removed, the developer shall pay fees per Attachment 206.

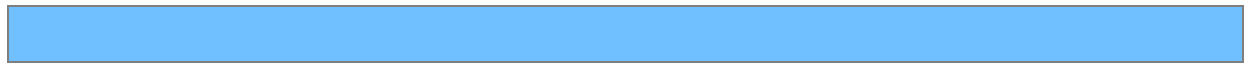
PUD-6. Public land: The developer shall dedicate Tracts A & B to the City. Refer to Attachment 203 for required improvements.





civil engineering standards and construction levels of detail. It also includes any topic or situation for which no standard exists through previous adoption by PW. The Final Plan Approval process is to establish any and all design details deferred from land use review.

- c. CEP: The developer shall incorporate a PUD Final Plan Approval by the Director into CEP review by PW and the civil engineering plan set that PW would approve through CEP.



*Planned Unit Development 22-01: Transportation*

T-A1. Traffic safety: Regarding the four-way intersection of Brown, Bridlewood Ln, & Comstock Ave, the developer shall conduct traffic safety and feasibility study resulting in a written report that includes recommendations about intersection improvement design(s). The study cost is capped at \$10,000; the Public Works Director may require a copy of invoice or receipt. Methodology and details per PW. The report scope is limited to a recommendation upon the conceptual design of intersection improvements to address traffic safety, and the City shall not require the developer to construct the recommended design. Due no later than PW CEP approval.

T-BP1. Bicycle/pedestrian on-site improvements: The developer shall construct or install bicycle/pedestrian improvements per Attachment 203.

T-BP2. Bicycle/pedestrian off-site design work: The developer shall prepare and draw a conceptual design for the segment of the Mill Creek Greenway Trail on City-owned Tax Lot 051W18DC04100 (Tax Lot 4100) NE to Deer Run Ln. The conceptual design work cost is capped at \$5,000; the Assistant City Administrator may require a copy of invoice or receipt.

- a. See Attachment 205 for details.
- b. Fee in-lieu: Prohibited unless the Assistant City Administrator authorizes in writing.
- c. Nothing in this land use approval with conditions necessarily makes such improvements, which are a PUD enhanced public amenity, credited or eligible for credits towards system development charges (SDCs). Credit, if any, remains for the developer to apply for through process established by SDC ordinances and resolutions administered by PW and parks and recreation staff.
- d. This condition shall not be construed to require the developer to construct these off-site improvements. Were to the developer to opt to construct them, the City would favorably consider parks SDC credit through due process.

T-T1. School bus shelter: To further TDM through bus transit, the developer shall build or install a school bus shelter on a common area tract closest to wherever the Woodburn School

District bus would stop within or next to the development. Follow the direction of the school district facilities manager, or absent that default to min 48 sq ft, 6 ft narrowest dimension, and 8 ft min height clearance. Affix a min 1½ by 1 ft sign face with text min 4-inch high indicating that the shelter is a school bus stop. The shelter may be on a public tract if the Recreation Services Manager allows and may be within any of ROW or a streetside PUE if PW allows. Another shelter that a developer provides for another purpose may do double duty as the school bus top shelter if it continues to meet all the other requirements, whatever they may be, for that purpose as well as this condition, and the shelter is within 18 ft of ROW.

## Applicant Identity

<i>Applicant</i>	Mark Handris*, Owner, Woodburn Development, LLC
<i>Applicant's Representative</i>	Rick Givens, Planning Consultant, Rick Givens Consulting
<i>Landowner(s)</i>	Woodburn Development, LLC

\*Founder of Icon Construction & Development

## Notes to the Applicant

The following are not planning / land use / zoning conditions of approval, but are notes for the applicant to be aware of and follow:

1. Records: Staff recommends that the applicant retain a copy of the subject approval.
2. Fences, fencing, & free-standing walls: The approval excludes any fences, fencing, & free-standing walls, which are subject to WDO 2.06 and the permit process of 5.01.03.
3. Signage: The approval excludes any private signage, which is subject to WDO 3.10 and the permit process of 5.01.10.
4. PLA Time Limit: WDO 4.02.04B. specifies that, "A final decision on any application shall expire within three years of the date of the final decision unless: 1. a building permit to exercise the right granted by the decision has been issued; 2. the activity approved in the decision has commenced; or 3. a time extension, Section 4.02.05, has been approved. Because unrecorded re-plats lingering indefinitely have burdened staff, a condition sets sooner time limits for subsection 2. to begin and finish recordation.
5. Mylar signature: The Community Development Director is the authority that signs plat Mylars and not any of the mayor, City Administrator, Public Works Director, or City Engineer. Only one City signature title block is necessary.
6. PLA Plat Tracker: Marion County maintains a plat tracking tool at <http://apps.co.marion.or.us/plattracker/>. Use it to check on the status of a recordation request to the County. City staff does not track County plat recordation.
7. Technical standards:
  - a. Context: A reader shall not construe a land use condition of approval that reiterates a City technical standard, such as a PW standard, to exclude remaining standards or to assert that conditions of approval should have reiterated every standard the City has in order for those standards to be met.

- b. Utilities: A condition involving altered or additional sidewalk or other frontage/street improvement that would in the field result in displacement or relocation of any of utility boxes, cabinets, vaults, or vault covers does not exempt the developer from having to move or pay to move any of these as directed by the City Engineer and with guidance from franchise utilities.
8. Other Agencies: The applicant, not the City, is responsible for obtaining permits from any county, state and/or federal agencies, which may require approval or permit, and must obtain all applicable City and County permits for work prior to the start of work and that the work meets the satisfaction of the permit-issuing jurisdiction. The Oregon Department of Transportation (ODOT) might require highway access, storm drainage, and other right-of-way (ROW) permits. All work within the public ROW or easements within City jurisdiction must conform to plans approved by the Public Works Department and must comply with a Public Works Right-of-Way permit issued by said department. Marion County plumbing permits must be issued for all waterline, sanitary sewer, and storm sewer work installed beyond the Public Right-of-Way, on private property.
9. Inspection: The applicant shall construct, install, or plant all improvements, including landscaping, prior to City staff verification. *Contact Planning Division staff at least three (3) City business days prior to a desired date of planning and zoning inspection of site improvements.* This is required and separate from and in addition to the usual building code and fire and life safety inspections. Note that Planning staff are not primarily inspectors, do not have the nearly immediate availability of building inspectors, and are not bound by any building inspector's schedule or general contractor convenience.
10. Stormwater management: The storm sewer system and any required on-site detention for the development must comply with the City Storm Water Management Plan, Public Works storm water practices and the Storm Drainage Master Plan.
11. Public Works Review: Staff performs final review of the civil plans during the building permit stage. Public infrastructure must be constructed in accordance with plans approved by the City, as well as current [Public Works construction specifications, Standard Drawings, Standard Details](#), and general conditions of a permit type issued by the Public Works Department.
12. ROW:
  - a. Dedication: The Public Works Department Engineering Division has document templates for ROW and easement dedications that applicants are to use.  
  
ROW – and public utility easement (PUE) – dedications are due prior to building permit issuance per Public Works policy.
  - b. Work: All work within the public ROWs or easements within City jurisdiction must require plan approval and permit issuance from the Public Works Department. All public

improvements construction work must be performed in accordance with the plans stamped “approved” by the City, and comply with the City’s Standard Specifications and Standard drawings.

13. Franchises: The applicant provides for the installation of all franchised utilities in any required easements.
14. Water: All water mains and appurtenances must comply with Public Works, Building Division, and Woodburn Fire District requirements. Existing water services lines that are not going to be use with this new development must be abandoned at the main line. The City performs required abandonment of existing water facilities at the water main with payment by the property owner. All taps to existing water mains must be done by a “Hot Tap” method and by approved City of Woodburn Contractors. The applicant shall install the proper type of backflow preventer for all domestic, lawn irrigation and fire sprinkler services. The backflow devices and meters shall be located near the city water main within an easement, unless approved otherwise by Public Works. Contact Byron Brooks, City of Woodburn Water Superintendent, for proper type and installation requirements of the backflow device at (503) 982-5380.
15. Grease Interceptor/Trap: If applicable, a grease trap would need to be installed on the sanitary service, either as a central unit or in a communal kitchen/food preparation area. Contact Marion County Plumbing Department for permit and installation requirements, (503) 588-5147.
16. Fire: Fire protection requirements must comply with Woodburn Fire District standards and requirements, including how the District interprets and applies Oregon Fire Code (OFC). Place fire hydrants within the public ROW or public utility easement and construct them in accordance with Public Works Department requirements, specifications, standards, and permit requirements. Fire protection access, fire hydrant locations and fire protection issues must comply with current fire codes and Woodburn Fire District standards. See City of Woodburn Standard Detail No. 5070-2 Fire Vault. The fire vault must be placed within the public right-of-way or public utility easement.
17. SDCs: The developer pays System Development Charges prior to building permit issuance. Staff will determine the water, sewer, storm and parks SDCs after the developer provides a complete Public Works Commercial/Industrial Development information sheet.
18. Public Improvements Civil Plan Review: The process by which to receive, review, and approve drawings and other documents related to public improvements required by these conditions of approval may be paired with or incorporated into building permit review, or, if directed by the City Engineer, through a civil engineering plans (CEP) review process led by the Engineering Division. If opting for CEP, the applicant shall not only follow the direction of the

Engineer Division, but also take some actions to facilitate tracking by Planning staff and coordination with Engineering:

- a. Cover letter: Upon submitting application to the Engineering Division, simultaneously alert the Planning Division through a cover letter to the attention of the Planning Division referencing the intended or, if known, actual submittal date as well as the project name, project phase, tax lot number(s), street address(es), and the land use / planning / zoning final decision conditions of approval that require the public improvement that is the subject of the civil engineering plans. Referencing conditions may be by quotation or citing the identification numbers (e.g., T-A1). Identify the specific sheet (by number) or document page number that illustrates or notes how each subpart of a condition is met.
- b. Contact information: State the applicant's name, company, phone number, e-mail, and desired date for City staff to respond with review comments. The cover letter may include these.
- c. Plan copies: Submit to the attention of the Planning Division at least two plan size copies of plan sets (24 by 36 inches). Within the cover sheet title block(s), include the phrase "civil engineering plans" or "public improvements civil plans". Submit also Adobe PDFs using a fileshare service.
- d. Re-submittal fee: If there are multiple re-submittals, beginning with a third submittal / second revised submittal and continuing with each subsequent submittal, the applicant must pay through the Planning Division into City general revenue a fee of \$100.

Where public improvements involve the jurisdiction of an outside agency such as the Oregon Department of Transportation (ODOT), the developer must account for that when interacting with the City Engineer and City Public Works Department process.

#### 19. PUD Final Plan (FP) Approval Process:

##### A. Context and project management:

1. The process by which to receive, review, and approve drawings and other documents related to public improvements required by these conditions of approval may be paired with or incorporated into building permit review, or, if directed by the City Engineer, through a civil engineering plans (CEP) review process led by PW.
2. CEP remains the means for implementing final decision conditions of approval affecting street improvements, both surface and underground, and extending into PUEs.
3. The developer is project manager. Because PW establishes that CEP applicants have a single point of contact termed the "Engineer of Record", the developer manages the engineer of record who handles the CEP and also interacts with the Planning Division regarding FP review. For Planning Division staff, the developer is the point of contact, namely whoever on the developer's team the developer tasks with being the project manager.

4. The developer shall be completely responsible for integrating staff directions found in FP documents issued by Planning Division staff into civil engineering plans that the engineering of record submits to PW.
  5. If, when, and where conflicting directions arise between FP directions and CEP directions, the developer shall be responsible for communicating with formal cover or transmittal letters messages from the conflicting division to the other division, and shall communicate such.
  6. The Planning Division observes the CEP for other projects has come after land use final decision and before the building permit stage. Except where otherwise conditioned, it's up to the developer to determine when to submit for CEP and PUD Final Plan relative to each other to best meet this "context and project management" condition.
- B. PUD Final Plan review scope and result:
1. The scope of FP review includes any topic for which any given final decision condition of approval, and any separate document it might reference, is too general to establish civil engineering standards and construction levels of detail. It also includes any topic or situation for which no standard exists through previous adoption by PW or, where applicable, parks and recreation staff. It includes, as examples, pavement, game and sports courts and fields, buildings including pre-fabricated ones, playgrounds and other structures including pre-fabricated ones, exterior lights, landscaping, signage, and appurtenances such as benches, bicycle parking, dog waste stations, ornamental fountains, and water fountains, as well as materials, textures, colors, and model specifications. (Although in or partially in ROW, a bus shelter or shelters are to be subject to FP instead of CEP based on PW preference, unless PW were to direct the engineer of record to include such in CEP scope.)
  2. There shall result an official version of a civil engineering plan set marked approved by PW that shows all common area improvements and all public improvements, including off-street public improvements, resulting from both FP review and CEP. It shall come to be prior to building permit application; however, PW is prohibited from approving any time prior to the developer paying conditioned fees related to CEP Planning Division review.
- C. Submittal directions FP review:
1. Due date: For CEP, none other than what PW might specify. For FP, original / 1<sup>st</sup> submittal is due whichever occurs earlier: When the developer applies for either CEP or final plat application to the City.
  2. Cover letter: Upon submitting CEP application to PW, simultaneously alert the Planning Division through a cover letter to the attention of the Planning Division referencing the intended or, if known, actual submittal date as well as the project name, tax lot number(s), street address(es), and the land use final decision conditions



of approval that require the public improvements that are the subject of the civil engineering plans. Referencing conditions may be by quotation or citing the identification numbers (e.g., T-A1). Identify the specific sheet (by number) or document page number that illustrates or notes how each part of a condition is met.

3. Contact information: State the applicant's name, company, phone number, e-mail, and desired date for City staff to respond with review comments. The cover letter to the Planning Division may include these. The developer may submit to the Planning Division a copy of the stamped CEP application form submitted to PW if the form includes the required information.
- D. Site Plans: For CEP Planning Division review and FP:
1. CEP: Submit to the attention of the Planning Division at least 2 plan size copies of plan sets, one plotted at native scale (min 22 by 34 inches, max 24 by 36) and one at ledger (11 by 17). Within the cover sheet title block(s), include the anticipated date of submittal and the phrase "civil engineering plans", "civil plans for CEP", or "public improvements civil plans".
  2. FP: Submit to the attention of the Planning Division at least 6 plan size copies of plan sets, 3 plotted at native scale (min 22 by 34 inches, max 24 by 36) and 3 at ledger (11 by 17). Within the cover sheet title block(s), include the anticipated date of submittal.
  3. Both: Fold the plan size sets if thin enough to do so. Submit also Adobe PDFs using a fileshare service.



**Public Works Comments  
PUD 22-01 & SUB 22-01  
Mill Creek Meadows  
Tax lots 051W18C000600, 051W18C000800  
& 051W19C000200,  
October 19, 2022**

**A. CONDITIONS OF LAND USE APPROVAL:**

1. The Applicant, not the City, is responsible for obtaining any necessary permits from the State, Marion County, Oregon Division of State Lands, US Army Corps of Engineering and/or federal agencies that may require such permit or approval for the construction of this development.
2. Applicant to provide a final Engineer stamped storm drainage hydraulic analysis report for detention, conveyance system and a final 100 year floodway, floodplain, and wetland delineation for this development. The storm drainage hydraulic analysis shall comply with, Oregon Division of State Lands, US Army Corps of Engineering and City's requirements, as applicable. Applicant is responsible for correcting/upgrading any existing storm drainage capacity deficiencies, including upgrading private and public storm drainage systems or installing a new drainage system as per City's requirements and per approved Storm Drainage Hydraulic Analysis Report.
3. Applicant is responsible for obtaining approval from the Woodburn Fire District for dead-end turnarounds requirements for streets and private share access.
4. Engineer of record to provide a recommendation for safety improvements to Brown Street and Comstock/Bridlewood Lane based on current State and Federal guidelines.

**B. CONDITIONS TO BE COMPLETED PRIOR TO CIVIL PLANS APPROVAL:**

1. Applicant to provide a copy of approved permit(s) from the Oregon Division of State Lands and US Army Corps of Engineering and Marion County, as applicable, if a permit shall be obtained for discharging storm drainage into state lands.
2. If required, a Permit from the Oregon Division of State Lands and US Army Corps of Engineering will need to be obtained to mitigate/delineated wetlands. This shall be obtained prior to city issuance of permit. The applicant, as applicable, shall also obtain other required regulatory permits.
3. Department of Environmental Quality Erosion Control 1200C permit will need to be obtained for this development prior to City issuing approval of civil plans.
4. Applicant to provide for the installation of all franchise utilities and shall provide any required easements for these facilities. All permanent utility services to the development

shall be underground.

5. Applicant to provide street lighting in accordance with street lighting plan approved by the City and conforming to Portland General Electric installation and plan under option B.
6. Applicant to construct private storm sewer systems, including detention facilities in accordance with approved plans and drainage reports. All required on-site and off-site detention area(s) for the runoff from this site will need to be provided in accordance with the hydraulic analysis. The property owner shall maintain all on-site detention areas in perpetuity.
7. The Applicant, by this Development, shall not cause storm water runoff to be impounded on adjacent properties.
8. All sewer mains are a gravity system and the termini of sewer lines locations, depths, and sizes shall be such that it is suited for future extensions to adjoining areas.
9. All City-maintained facilities located on private property shall require a minimum of 16-foot wide utility easement conveyed to the City by the property owner. This is the applicant's responsibility to provide, not the City's. Utilities of unusual depth, size or location may require a larger width.
10. The applicant in accordance with all state regulations and requirements shall abandon on-site existing water wells and subsurface sewage disposal systems.
11. Applicant to provide a flexible pavement structured designed, for all new public streets, by a registered professional engineer using subgrade reaction appropriate for the site, traffic index, and a 20-year design life for pavement system. Structure thicknesses shall not be less than values form table on City of Woodburn Standard Detail No. 42001 (Typical Pavement Structure).
12. The owner/applicant shall be required to enter into an improvement agreement.
13. Applicant to pay all public improvements (right-of-way) fees for all public improvements that are to be maintained by the City as per Ordinance #1795.
14. Final review of the Civil Plans will be done during the Subdivision Application for Construction. Public infrastructure will be designed and constructed in accordance with plans approved by public works and complying with City, State and Federal requirements/guidelines current at the time of the subdivision application.
15. Provide and record the required right-of-way dedications and public utility easements, at time of final plat recordation.
16. All public improvements shall be deemed complete prior to final plat recordation.



# MILL CREEK MEADOWS

PORTIONS OF THE SW 1/4 OF SECTION 18, T.3S., R.2E., W.M.  
& NW 1/4 OF SECTION 19, T.3S., R.2E., W.M.  
WOODBURN, OREGON

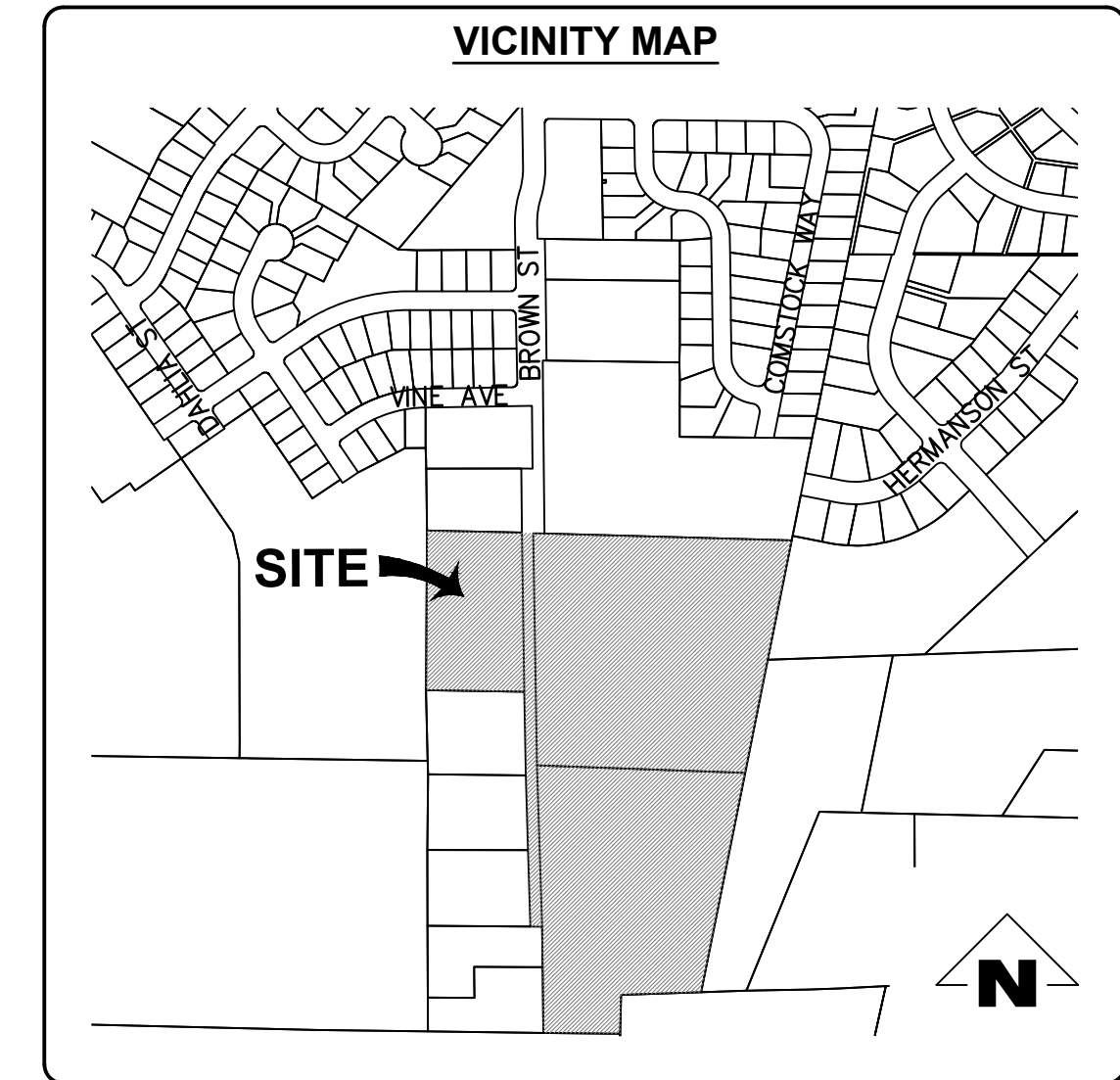
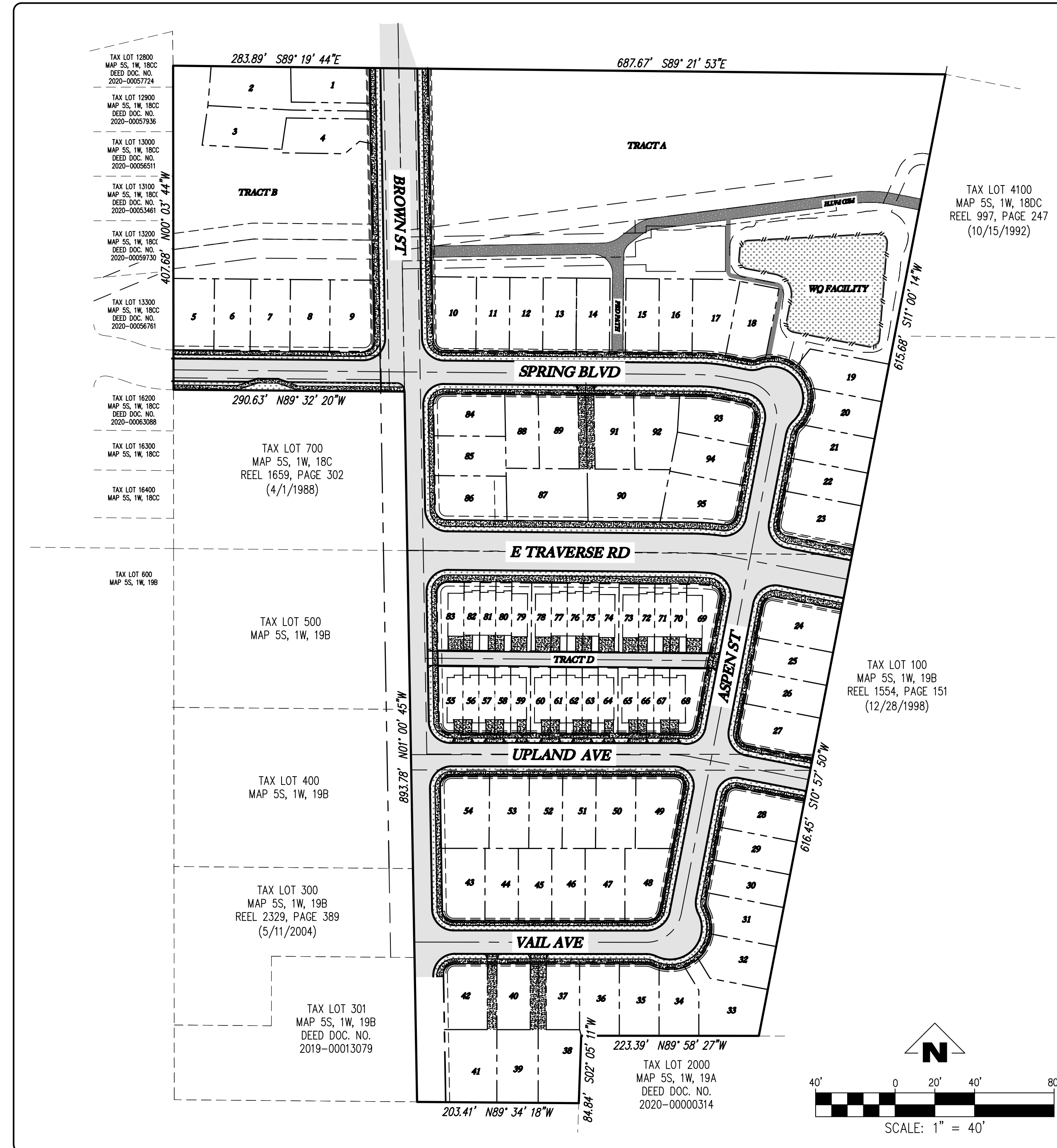
DRAWING INDEX		
SH		TITLE
01	COVER SHEET	
02	EXISTING CONDITIONS & DEMOLITION PLAN	
03	INTERIM FIRE ACCESS IMPROVEMENT PLAN	
04	SITE PLAN	
05	OVERALL GRADING & EROSION CONTROL PLAN	
06	COMPOSITE UTILITY PLAN	
07	WATER QUALITY PLAN & SD-00 PLAN & PROFILE	
08	ASPEN ST STA 17+50 TO 21+75 & SD-01 PLAN & PROFILE	
09	ASPEN ST STA 21+75 TO 24+25 & SD-01 PLAN & PROFILE	
10	VAIL AVE & SD-02 PLAN & PROFILE	
11	SPRING BLVD STA 13+50 TO 17+50 & SD-03 PLAN & PROFILE	
12	SPRING BLVD STA 9+50 TO 13+50 & SD-03 PLAN & PROFILE	
13	BROWN ST STA 2+50 TO 7+00 PLAN & PROFILE	
14	BROWN ST STA 7+00 TO 10+75 PLAN & PROFILE	
15	BROWN ST STA 10+75 TO 15+75 PLAN & PROFILE	
16	E TRAVERSE RD STA 8+50 TO 10+75 & SD-04 PLAN & PROFILE	
17	E TRAVERSE RD STA 5+00 TO 8+50 & SD-04 PLAN & PROFILE	
18	UPLAND AVE & SD-05 PLAN & PROFILE	
19	TRACT D & SD-06 PLAN & PROFILE	
20	TYPICAL STREET SECTIONS	

**ENGINEER'S NOTE TO CONTRACTOR:**

THE EXISTENCE AND LOCATION OF ANY UNDERGROUND UTILITIES OR STRUCTURES SHOWN ON THESE PLANS ARE OBTAINED BY A SEARCH OF AVAILABLE RECORDS. TO THE BEST OF OUR KNOWLEDGE, THERE ARE NO EXISTING UTILITIES EXCEPT THOSE SHOWN ON THESE PLANS. THE CONTRACTOR IS REQUIRED TO TAKE DUE PRECAUTIONARY MEASURES TO PROTECT THE UTILITY LINES SHOWN ON THESE DRAWINGS. THE CONTRACTOR FURTHER ASSUMES ALL LIABILITY AND RESPONSIBILITY FOR THE UTILITY PIPES, CONDUITS OR STRUCTURES SHOWN OR NOT SHOWN ON THESE DRAWINGS.

THE CONTRACTOR AGREES THAT HE SHALL ASSUME SOLE AND COMPLETE RESPONSIBILITY FOR THE JOB SITE CONDITIONS DURING THE COURSE OF CONSTRUCTION OF THIS PROJECT, INCLUDING SAFETY OF ALL PERSONS AND PROPERTY; THAT THIS SHALL APPLY CONTINUOUSLY AND NOT BE LIMITED TO NORMAL WORKING HOURS; AND THAT THE CONTRACTOR SHALL DEFEND, INDEMNIFY AND HOLD THE OWNER AND THE ENGINEER HARMLESS FROM ANY AND ALL LIABILITY, REAL OR ALLEGED, IN CONNECTION WITH THE PERFORMANCE OF WORK ON THIS PROJECT, EXCEPT FOR LIABILITY ARISING FROM THE SOLE NEGLIGENCE OF THE OWNER OR THE ENGINEER.

CONTRACTOR SHALL VERIFY ALL CONDITIONS AND DIMENSIONS AND SHALL REPORT ANY DISCREPANCIES TO THE ENGINEER PRIOR TO THE COMMENCEMENT OF WORK.



LEGEND		
EXISTING	DESCRIPTION	PROPOSED
□	MAILBOX	N/A
○	CLEANOUT	⊙
⊙	SEWER MANHOLE	⊙
⊙	STORM MANHOLE	⊙
⊙	STORM CATCH BASIN	⊙
⊙	SIGN	N/A
⊙	GUY ANCHOR	N/A
⊙	UTILITY POWER POLE	N/A
⊙	ELECTRICAL VAULT	N/A
⊙	STREET LIGHT	⊙
⊙	FIRE HYDRANT	⊙
⊙	WATER VALVE	⊙
N/A	WATER BEND	⊙
N/A	WATER TEE	⊙
OH	OVERHEAD POWER	N/A
X	CHAIN LINK FENCE	N/A
N/A	TREE PROTECTION FENCE	—
SS	SANITARY SEWER	SS
SD	STORM DRAINAGE	SD
G	GAS	N/A
W	UNDERGROUND WATER	W
Gravel Pattern	GRAVEL	N/A
Concrete Pattern	CONCRETE	N/A
Asphalt Pattern	ASPHALT	N/A

MILL CREEK MEADOWS  
TAX MAPS 5S 1W 18C & 5S 1W 19B  
TAX LOTS 600, 800 & 200  
CITY OF WOODBURN, OREGON

COVER SHEET

REVISIONS	
NO.	DESCRIPTION

**EMERIO**  
ENGINEERING • SURVEYING • DESIGN  
6445 SW FALLBROOK PLACE, SUITE 100  
BEAVERTON, OREGON 97008  
TEL: (503) 746-8812  
FAX: (503) 639-8592  
www.emeriodesign.com

PROJECT CONTACTS		
<b>DEVELOPER:</b> WOODBURN DEVELOPMENT 1969 WILLAMETTE FALLS DR WEST LINN, OREGON 97068	<b>CIVIL ENGINEER:</b> EMERIO DESIGN, LLC 6445 SW FALLBROOK PLACE, SUITE 100 BEAVERTON, OREGON 97008 ENGINEERING CONTACT: ERIC EVANS (503) 853-1910	<b>SURVEYOR:</b> CENTERLINE CONCEPTS LAND SURVEYING, INC. 19376 MOLALLA AVE., SUITE 120 OREGON CITY, OREGON 97045 (503) 650-0188

SITE INFORMATION	
SITE AREA:	813,346 SF (18.67 AC)
ZONING:	RS
TAX MAPS:	05 1W 18C & 05 1W 19B
TAX LOTS:	200, 600 & 800
ADDRESS OF LOTS:	1636, 1550, & 1490 BROWN ST

**BENCHMARK INFORMATION**  
THE DATUM FOR THIS SURVEY IS BASED UPON A STATIC GPS OBSERVATION OF LOCAL CONTROL POINTS, PROCESSED THROUGH OPUS. DATUM IS NVD 29, CONVERTED FROM NAVD 88 USING THE VERTCON TOOL.



Attachment 103  
Sheet 1 of 9

FILE: P:\0082-008 Brown street subdivision\woodburn\dwg\plan\0082-008\_01covr Layout: 01 COVER SHEET, Plot Date: 5/4/2022 10:53 AM, by: Bart Anderson







- EROSION CONTROL NOTES:**
- ① SANITARY SEWER EASEMENT
  - ② SURFACE STORMWATER EASEMENT
  - ③ STORMWATER ACCESS EASEMENT
  - ④ SIDEWALK EASEMENT
  - ⑤ 4' WIDE BARK CHIP TRAIL



TAX LOT 3500  
MAP 5S, 1W, 18DC  
DEED DOC. NO.  
2019-00027344

TAX LOT 4100  
MAP 5S, 1W, 18DC  
REEL 997, PAGE 247  
(10/15/1992)

TAX LOT 100  
MAP 5S, 1W, 19B  
REEL 1554, PAGE 151  
(12/28/1998)

TAX LOT 2200  
MAP 5S, 1W, 18DC  
DEED DOC. NO.  
2017-00043220

TAX LOT 2000  
MAP 5S, 1W, 19A  
DEED DOC. NO.  
2020-00000314

TAX LOT 900  
MAP 5S, 1W, 18C  
DEED DOC. NO.  
2020-00026265

TAX LOT 700  
MAP 5S, 1W, 18C  
REEL 1659, PAGE 302  
(4/1/1988)

TAX LOT 500  
MAP 5S, 1W, 19B

TAX LOT 400  
MAP 5S, 1W, 19B

TAX LOT 300  
MAP 5S, 1W, 19B  
REEL 2329, PAGE 389  
(5/11/2004)

TAX LOT 301  
MAP 5S, 1W, 19B  
DEED DOC. NO.  
2019-00013079

TAX LOT 12900  
MAP 5S, 1W, 18DC  
DEED DOC. NO.  
2020-00057724

TAX LOT 12900  
MAP 5S, 1W, 18DC  
DEED DOC. NO.  
2020-00057936

TAX LOT 13000  
MAP 5S, 1W, 18DC  
DEED DOC. NO.  
2020-00056811

TAX LOT 13100  
MAP 5S, 1W, 18DC  
DEED DOC. NO.  
2020-00053461

TAX LOT 13200  
MAP 5S, 1W, 18DC  
DEED DOC. NO.  
2020-00059720

TAX LOT 13300  
MAP 5S, 1W, 18DC  
DEED DOC. NO.  
2020-00056701

TAX LOT 13200  
MAP 5S, 1W, 18DC  
DEED DOC. NO.  
2020-00062088

TAX LOT 16300  
MAP 5S, 1W, 18DC

TAX LOT 16400  
MAP 5S, 1W, 18DC

TAX LOT 1300  
MAP 5S, 1W, 19B  
REEL 3126, PAGE 150  
(11/25/2004)

**SITE PLAN**  
SCALE: 1"=60'



**MILL CREEK MEADOWS**  
**TAX MAPS 5S 1W 18C & 5S 1W 19B**  
**TAX LOTS 600, 800 & 200**  
**CITY OF WOODBURN, OREGON**

**SITE PLAN**

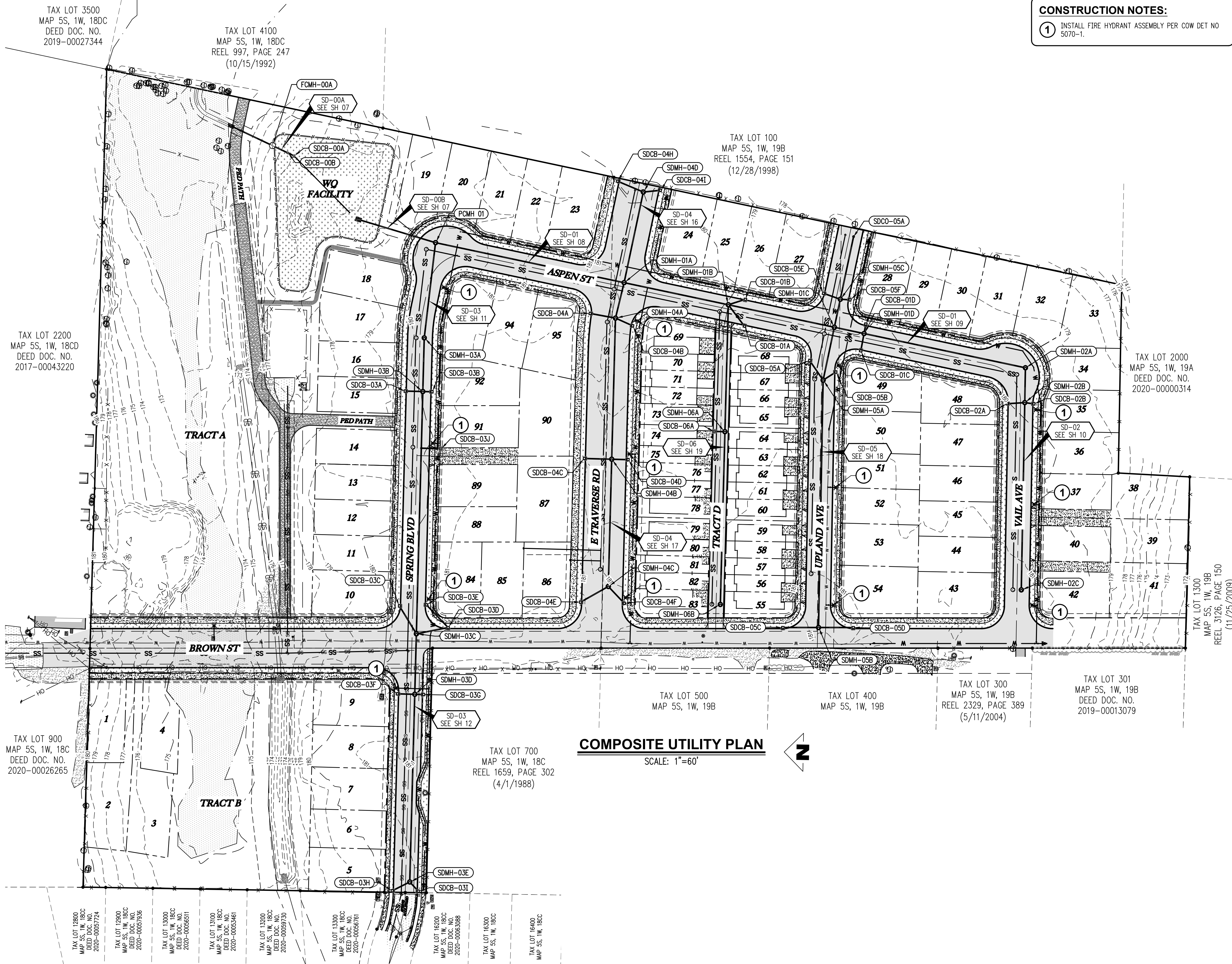
REVISIONS	
NO.	DESCRIPTION

**EMERIO**  
ENGINEERING • SURVEYING • DESIGN  
6445 SW FALLBROOK PLACE, SUITE 100  
BEAVERTON, OREGON 97008  
TEL: (503) 746-8812  
FAX: (503) 639-9592  
www.emeriodesign.com

SHEET  
**04**  
OF  
**20**

FILE: P:\0082-008 Brown street subdivision woodburn\dwg\plan\0082-008\_04site Layout: 04 SITE PLAN, Plot Date: 5/11/2022 10:55 AM, by: Bart Anderson





**CONSTRUCTION NOTES:**  
 ① INSTALL FIRE HYDRANT ASSEMBLY PER COW DET NO 5070-1.

TAX LOT 3500  
 MAP 5S, 1W, 18DC  
 DEED DOC. NO.  
 2019-00027344

TAX LOT 4100  
 MAP 5S, 1W, 18DC  
 REEL 997, PAGE 247  
 (10/15/1992)

TAX LOT 100  
 MAP 5S, 1W, 19B  
 REEL 1554, PAGE 151  
 (12/28/1998)

TAX LOT 2200  
 MAP 5S, 1W, 18DC  
 DEED DOC. NO.  
 2017-00043220

TAX LOT 2000  
 MAP 5S, 1W, 19A  
 DEED DOC. NO.  
 2020-00000314

TAX LOT 900  
 MAP 5S, 1W, 18C  
 DEED DOC. NO.  
 2020-00026265

TAX LOT 700  
 MAP 5S, 1W, 18C  
 REEL 1659, PAGE 302  
 (4/1/1988)

TAX LOT 500  
 MAP 5S, 1W, 19B

TAX LOT 400  
 MAP 5S, 1W, 19B

TAX LOT 300  
 MAP 5S, 1W, 19B  
 REEL 2329, PAGE 389  
 (5/11/2004)

TAX LOT 301  
 MAP 5S, 1W, 19B  
 DEED DOC. NO.  
 2019-00013079

TAX LOT 1300  
 MAP 5S, 1W, 19B  
 REEL 3126, PAGE 150  
 (11/25/2009)

**COMPOSITE UTILITY PLAN**  
 SCALE: 1"=60'



TAX LOT 12800  
 MAP 5S, 1W, 18CC  
 DEED DOC. NO.  
 2020-00057774

TAX LOT 12900  
 MAP 5S, 1W, 18CC  
 DEED DOC. NO.  
 2020-00059336

TAX LOT 13000  
 MAP 5S, 1W, 18CC  
 DEED DOC. NO.  
 2020-00056511

TAX LOT 13100  
 MAP 5S, 1W, 18CC  
 DEED DOC. NO.  
 2020-00053461

TAX LOT 13200  
 MAP 5S, 1W, 18CC  
 DEED DOC. NO.  
 2020-00059720

TAX LOT 13300  
 MAP 5S, 1W, 18CC  
 DEED DOC. NO.  
 2020-00056761

TAX LOT 13400  
 MAP 5S, 1W, 18CC  
 DEED DOC. NO.  
 2020-00053086

TAX LOT 13500  
 MAP 5S, 1W, 18CC  
 DEED DOC. NO.  
 2020-00053461

TAX LOT 13600  
 MAP 5S, 1W, 18CC  
 DEED DOC. NO.  
 2020-00053086

TAX LOT 13700  
 MAP 5S, 1W, 18CC  
 DEED DOC. NO.  
 2020-00053461

TAX LOT 13800  
 MAP 5S, 1W, 18CC  
 DEED DOC. NO.  
 2020-00053086

**MILL CREEK SUBDIVISION**  
**60 UNIT DEVELOPMENT**  
 TAX MAP 5S, 1W, 19B  
 TAX LOTS 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000

**COMPOSITE UTILITY PLAN**

NO.	DATE	DESCRIPTION

**EMERIO**  
 ENGINEERING • SURVEYING • DESIGN  
 6445 SW FALLBROOK PLACE, SUITE 100  
 BEAVERTON, OREGON 97008  
 TEL: (503) 746-8812  
 FAX: (503) 639-8592  
 www.emeriodesign.com



SHEET  
**06**  
 OF  
**20**

FILE: P:\0082-008 Brown street subdivision\woodburn\dwg\plan\0082-008\_06comp1.dwg | plan | 0082-008\_06comp1.dwg | Layout: 06 COMPOSITE UTILITY PLAN, Plot Date: 5/14/2022 10:56 AM, by: Bart Anderson





Preliminary Subdivision Plan

DESIGNED:	REG		
DRAWN:	REG		
SCALE:	1" = 50'		
DATE:	4-25-2022		
FILE:	21-ICN-103	DATE	NO.
			REVISION

Richard E. Givens, Planning Consultant  
 18680 Sunblaze Dr.  
 Oregon City, OR 97045  
 PH: (503) 479-0097

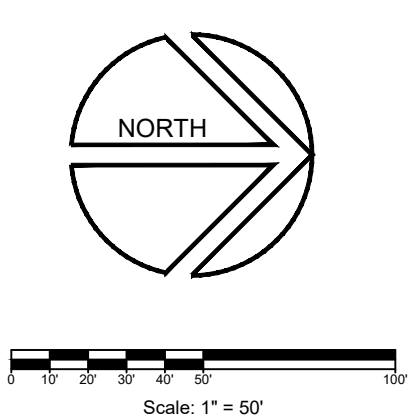
APPLICANT: Woodburn Development, LLC  
 1969 Willamette Falls Dr., Suite 260  
 West Linn, OR 97068  
 PH: (503) 657-0406

Mill Creek Meadows  
 Planned Unit Development



### Street Trees

- Traverse Rd. (Arterial): Green Vase Zelkova (*Zelkova Serrata* Green Vase)  
10' height or 2" caliper at planting, 60'-70' mature height.
  - Brown St. (Service Collector): Pyramidal European Hornbeam (*Carpinus betulus* "Fastigiata")  
10' height or 2" caliper at planting, 35'-40' mature height.
  - Local Streets: Japanese Snowbell (*Styrax Japonicus*)  
10' height or 2" caliper at planting, 25' mature height
- Plant at minimum of one tree per 50' of street frontage, subject to vision clearance standards.



## Conceptual and Detailed Development Plans

DESIGNED: REG	9-28-2022	1	Extended Aspen St. to south property line.
DRAWN: REG			
SCALE: 1" = 50'			
DATE: 8-30-2022			
FILE: 21-ICN-103	DATE	NO.	REVISION

Richard E. Givens, Planning Consultant  
 18680 Sunblaze Dr.  
 Oregon City, OR 97045  
 PH: (503) 479-0097

APPLICANT: Woodburn Development, LLC  
 1969 Willamette Falls Dr., Suite 260  
 West Linn, OR 97068  
 PH: (503) 657-0406

**Mill Creek Meadows**  
 Planned Unit Development



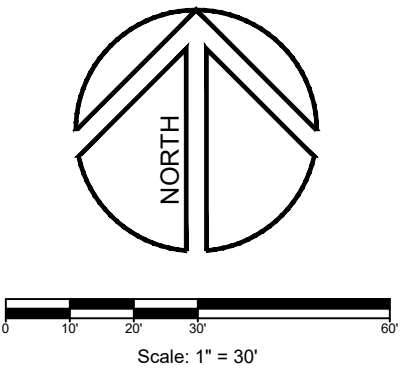
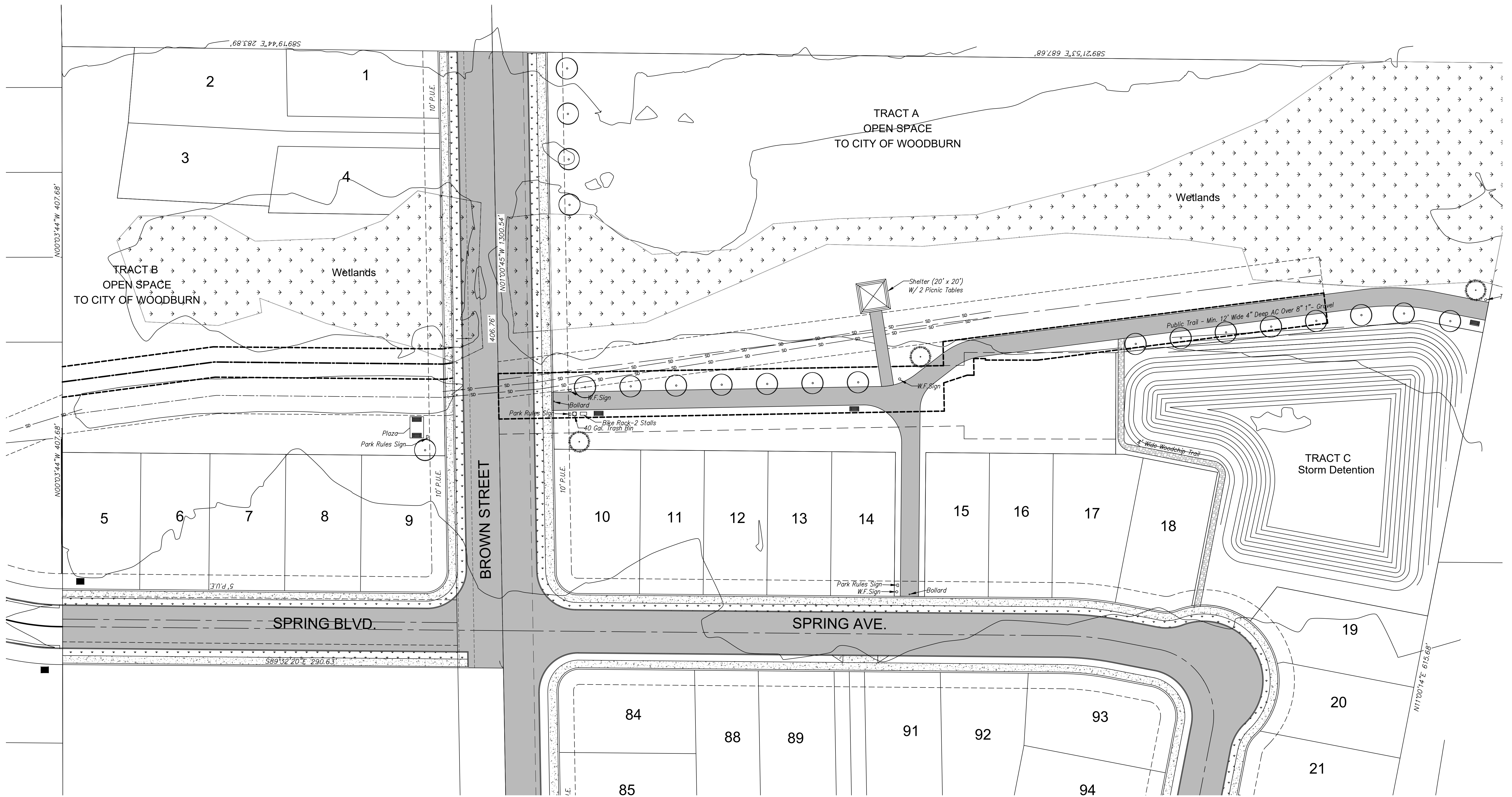


DESIGNED:	REG			
DRAWN:	REG			
SCALE:	1" = 50'			
DATE:	4-25-2022			
FILE:	21-ICN-103	DATE	NO.	REVISION

Richard E. Givens, Planning Consultant  
 18680 Sunblaze Dr.  
 Oregon City, OR 97045  
 PH: (503) 479-0097

APPLICANT: Woodburn Development, LLC  
 1969 Willamette Falls Dr., Suite 260  
 West Linn, OR 97068  
 PH: (503) 657-0406

**Mill Creek Meadows**  
 Planned Unit Development



DESIGNED:	REG		
DRAWN:	REG		
SCALE:	1" = 50'		
DATE:	4-7-2022		
FILE:	21-ICN-103	DATE	NO.
			REVISION

Richard E. Givens, Planning Consultant  
 18680 Sunblaze Dr.  
 Oregon City, OR 97045  
 PH: (503) 479-0097

APPLICANT: Woodburn Development, LLC  
 1969 Willamette Falls Dr., Suite 260  
 West Linn, OR 97068  
 PH: (503) 657-0406

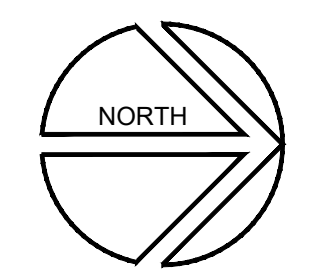
**Mill Creek Meadows**  
 Park Improvement Plan

SHEET:  
**4/6**





- Proposed Public Land
- Private Common Area
- Greenway Trail
- Greenway Trail/Pump Station & Fire Access



Scale: 1" = 50'

Attachment 103  
Sheet 9 of 9

### Exhibit Y-1 Proposed Public Land

DESIGNED: REG			
DRAWN: REG			
SCALE: 1" = 50'			
DATE: 4-25-2022			
FILE: 21-ICN-103	DATE	NO.	REVISION

Richard E. Givens, Planning Consultant  
18680 Sunblaze Dr.  
Oregon City, OR 97045  
PH: (503) 479-0097

APPLICANT: Woodburn Development, LLC  
1969 Willamette Falls Dr., Suite 260  
West Linn, OR 97068  
PH: (503) 657-0406

**Mill Creek Meadows**  
Planned Unit Development

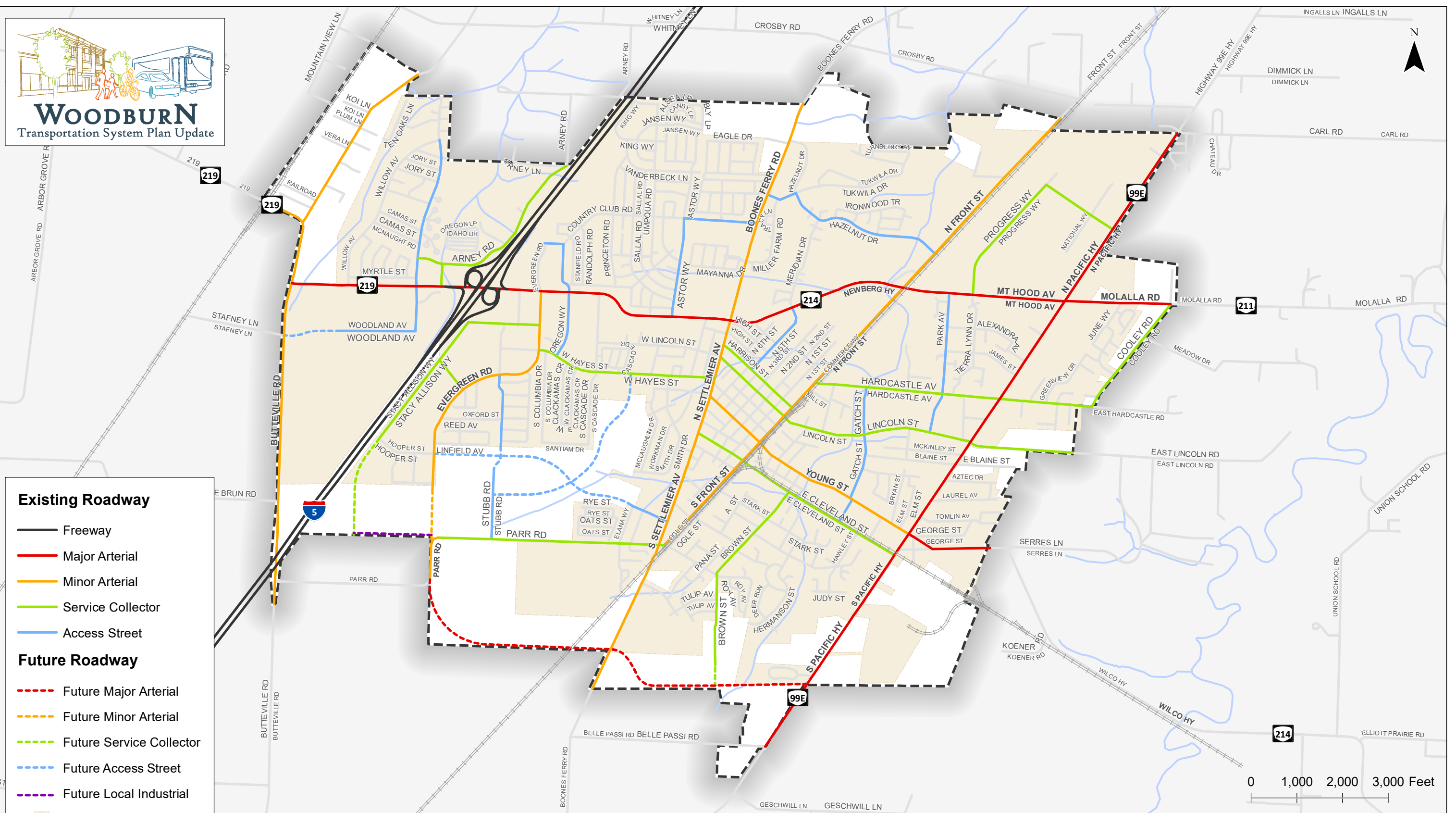
SHEET:  
**6/6**

Project Number	Location	Responsible Jurisdiction	Type	Description	Priority	Cost Estimate <sup>2</sup>
R19	OR 99E/Cleveland Street Intersection	State	Traffic control	Install intersection capacity improvement such as traffic signal (if warranted), turn lanes, or roundabout in coordination with ODOT. Consideration should be given to railroad preemption and the proximity to the signalized intersection at OR 99E and Young Street.	Medium	\$1,000,000
R20	Ben Brown Lane	City	New roadway	Extend Ben Brown Lane to Evergreen Road as an Access Street	Medium	\$5,100,000
R21	Evergreen Road	City	New roadway	Extend south to Parr Road	High	\$4,750,000
R22	Stacy Allison Way	City	New roadway	Extend south to UGB	Medium	\$7,300,000
R23	Brown Street	City	New roadway	Extend south to the South Arterial	Medium	\$800,000
R24	Woodland Avenue	City	New roadway	Extend west to Butteville Road	Medium	\$2,450,000
R25	East-west Connection in Southwest Woodburn	City	New roadway	Construct a new Local Industrial Street connecting the southern extensions of Stacy Allison Way and Evergreen Road	Medium	\$1,800,000
R26	Stubb Road from Harvard Drive to Parr Road	County	Street design and new roadway	Upgrade the existing roadway to Access Street standards and extend north to Harvard Drive including bicycle and pedestrian enhancements	Medium	\$1,900,000
R27	North-south Connection in Southwest Woodburn	City	New roadway	Construct a new Access Street connecting Hayes Street to Stubb Street	Medium	\$5,150,000
R28	OR 99E/Industrial Avenue Intersection	State/City	Intersection - geometric considerations	Evaluate the intersection layout, control, signing, and striping, including any sight distance constraints in coordination with ODOT	Medium	\$100,000
R29	South Arterial	City	New roadway	Construct the Southern Arterial from Evergreen Road to OR 99E (2 lanes)	Medium	\$12,250,000
R30	Woodland Avenue Curve Modification	City	Intersection - geometric considerations	Modify the intersection layout to address truck turning movement constraints	Medium	\$100,000
R31	George Street/Hillsboro Silverton Highway Intersection	State/City	Intersection - geometric considerations	As identified in the Highway 99E Corridor Plan, close vehicular access to George Street from Hillsboro Silverton Highway when future local street access is provided to the east	Medium	\$60,000
<b>TOTAL High Priority Costs</b>						<b>\$9,200,000</b>
<b>TOTAL Medium Priority Costs</b>						<b>\$74,670,000</b>
<b>TOTAL Low Priority Costs</b>						<b>\$500,000</b>
<b>TOTAL Program Costs (20 years)</b>						<b>\$84,370,000</b>

1. Project to be funded by others

2. The cost estimates presented to not include costs associated with right-of-way acquisition due to its high variability depending on location, parcel sizes, and other characteristics.





- Existing Roadway**
- Freeway
  - Major Arterial
  - Minor Arterial
  - Service Collector
  - Access Street
- Future Roadway**
- - - Future Major Arterial
  - - - Future Minor Arterial
  - - - Future Service Collector
  - - - Future Access Street
  - - - Future Local Industrial
- City Boundary
  - Urban Growth Boundary

Note: Future roadway alignments are approximate and subject to further refinement.

**Functional Roadway Classification**  
**Woodburn, Oregon**

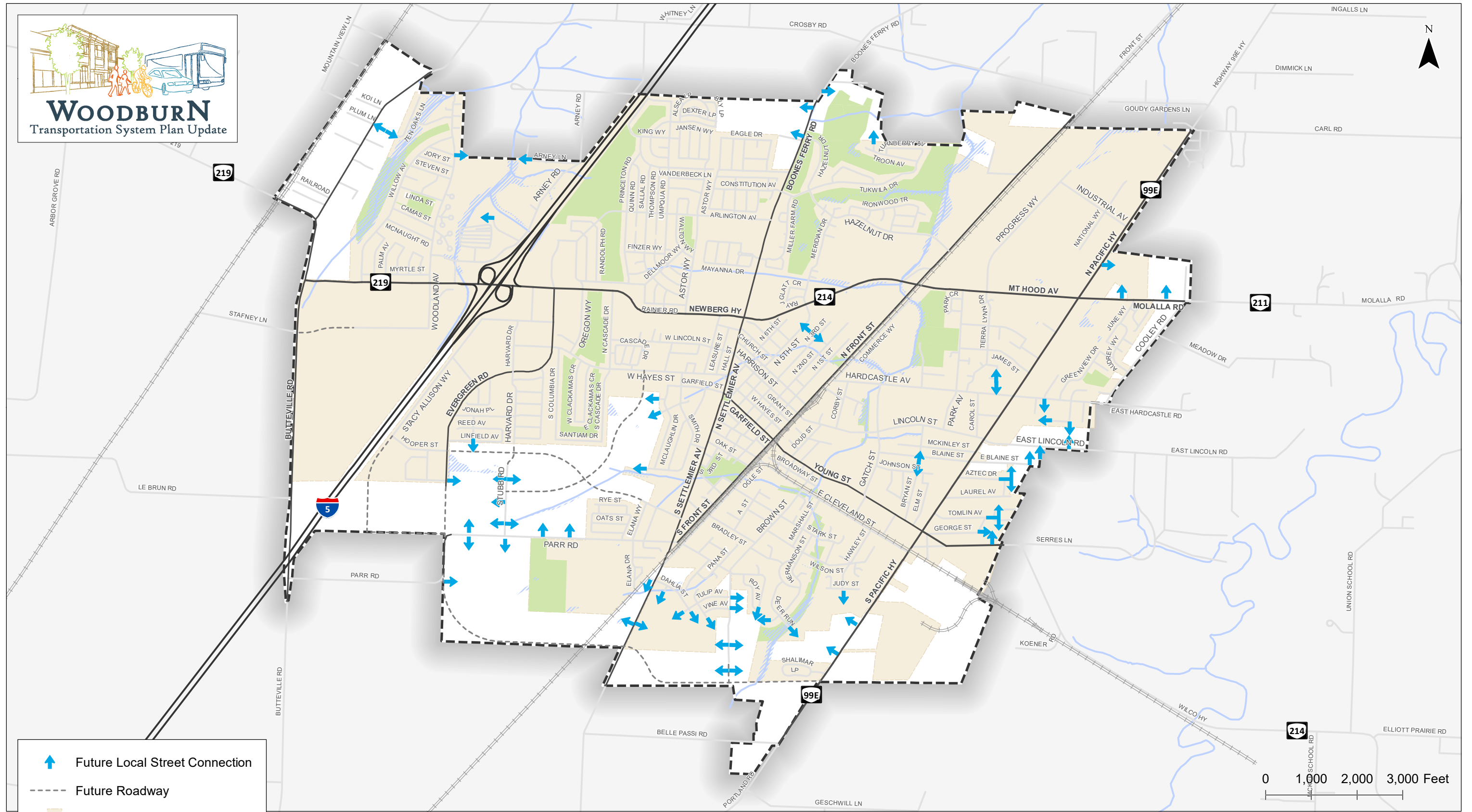
Attachment 104B





Figure 2

Coordinate System: NAD 1983 HARN StatePlane Oregon North FIPS 3601 Feet Intl  
Data Source: City of Woodburn, Oregon Department of Transportation

H:\1212\1071 - Woodburn TSP Update\GIS\TSP02 Functional Roadway Classification.mxd - mmcormick - 5:25 PM 9/18/2019





-  Future Local Street Connection
-  Future Roadway
-  City Boundary
-  Urban Growth Boundary

Note: Future roadway alignments are approximate and subject to further refinement.

**Local Street Connectivity Plan**  
**Woodburn, Oregon**  
**Attachment 104C** **Figure 6**

Coordinate System: NAD 1983 HARN StatePlane Oregon North FIPS 3601 Feet Intl  
Data Source: City of Woodburn, Oregon Department of Transportation

H:\1212\1071 - Woodburn TSP Update\GIS\TSP\06 Local Street Connectivity Plan.mxd - mmccormick - 5:46 PM 9/16/2019

## PUD 22-01 Mill Creek Meadows PUD:

### Attachment 201: Dictionary & Glossary

This document defines and explains abbreviations, acronyms, phrases, and words particularly in the context of conditions of approval.

- “ADA” refers to the federal Americans with Disabilities Act of 1990.
- “Aspen” refers to Aspen Street.
- “Brown” refers to Brown Street.
- “C of O” refers to building certificate of occupancy.
- “CC&Rs” refers to covenants, conditions, and restrictions in the context of private contract among an association of owners and/or tenants within a PUD or a conventional subdivision with common area improvements.
- “CEP” refers to civil engineering plan review, which is a review process independent of land use review led by the Community Development Department Planning Division and that is led by the Public Works Department Engineering Division through any application forms, fees, and review criteria as the Division might establish. A staff expectation is that CEP follows land use review and approval, that is, a final decision, and precedes building permit application.
- “County” refers to Marion County.
- “Director” refers to the Community Development Director.
- “exc.” means excluding.
- “FOC” refers to face of curb.
- “ft” refers to feet.
- “inc.” means including.
- “max” means maximum.
- “min” means minimum.
- “Modal share” means the percentage of travelers using a particular type of transportation or number of trips using a type, as examples walking, cycling, riding transit, and driving.
- “Modal shift” means a change in modal share.
- “MUTCD” refers to *Manual on Uniform Traffic Control Devices* of the U.S. Department of Transportation (U.S. DOT) Federal Highway Administration (FHWA).
- “NE” means northeast.
- “NW” means northwest.
- “OAR” refers to Oregon Administrative Rules.
- “o.c.” refers to on-center spacing, such as of trees or shrubs.
- “ODOT” refers to the Oregon Department of Transportation.
- “ORS” refers to Oregon Revised Statutes.

- “PU” refers to plant unit as WDO Table 3.06B describes.
- “PUD” refers to planned unit development.
- “PUE” refers to public utility easement, whether along and abutting public ROW (“roadside” or “streetside” PUE) or extending into or across the interior of private property (“off-street” PUE). In the context of property line adjustment, partition, or subdivision, the developer records through the plat with drawings and notes on the face of the plat. Absent this context, recordation is separate from land use review pursuant to a document template or templates established by PW. PW is the project manager for receiving, reviewing, accepting, obtaining City Council approval for, and recording public easement materials that a developer submits.
- “PW” refers to Public Works (the department), not to be confused with public works (civil infrastructure).
- “RCWOD”, pronounced by City staff as “R quad”, refers to the Riparian Corridor and Wetlands Overlay District that WDO 2.05.05 describes.
- “Root barrier” refers to that illustrated by PW SS&Ds, [Drawing No. 1 “Street Tree Planting New Construction”](#).
- “ROW” refers to right-of-way.
- “RPZ” refers to root protection zone in the context of tree preservation.
- “SDCs” refers to system development charges, also known as impact fees.
- “SE” means southeast.
- “SDA” refers to site development area, the entire territory that is the subject of the land use application package.
- “spec” refers to specification.
- “Spring” refers to Spring Boulevard, which is west of Brown, or Spring Avenue, which is east of Brown.
- “sq ft” refers to square feet.
- “SS&Ds” refers to PW [standard specifications and drawings](#).
- “Street trees” refer to trees that conform to the WDO, including 3.06.03A and Tables 3.06B & C, and that have root barriers where applicable per PW [Drawing No. 1 “Street Tree Planting New Construction”](#).
- “SW” means southwest.
- “Tot.” means total.
- “TDM” refers to transportation demand management, which means according to the TSP (p. 82), “a policy tool as well as a general term used to describe any action that removes single occupant vehicle trips from the roadway during peak travel demand periods”, and according to Wikipedia as of October 13, 2020, “the application of strategies and policies to reduce travel demand, or to redistribute this demand in space or in time.”
- “TPU” means the Transit Plan Update Approved Final Report dated November 8, 2010.
- “Traverse” refers to E. Traverse Road.
- “TSP” means the [Woodburn Transportation System Plan \(TSP\)](#).

- “UGB” means urban growth boundary.
- “Walkway” refers to what would otherwise be called sidewalk except the paved walking surface is on private property outside of any of ROW or an easement granting public access.
- “WDO” refers to the [Woodburn Development Ordinance](#).
- “WFD” refers to the Woodburn Fire District.
- “WTS” refers to the Woodburn Transit System.
- “w/i” means within.
- “w/o” means without.
- “Vail” refers to Vail Street.
- “VCA” refers to vision clearance area as WDO 1.02 and 3.03.06 establish or as a specific condition establishes.
- “Upland” refers to Upland Street.

PUD 22-01 Mill Creek Meadows PUD:

Attachment 202: Lot & Tract Development Standards

**Introduction**

This attachment establishes PUD lot and tract development standards and could serve as a standalone document for both homebuilders and Planning Division review of building permits assuming the developer will have constructed or paid fees in-lieu for all public improvements (if such fees are due earlier than building permit issuance), obtained final plat approval by the City, have had the Director sign the Mylar, and recorded the plat.

“WDO” refers to the Woodburn Development Ordinance. Refer to Attachment 201 for a dictionary/glossary, including other acronyms and abbreviations.

References to specific lot numbers and tract numbers are based on the preliminary land division plan during land use review. They might have changed by the time of the developer’s surveyor’s recordation of final plat with the County. To make sense of references, refer to preliminary land division plan sheets attached to the land use final decision document.

For improvements that the City requires of tracts, see Attachment 203.

**Part A. Lot Development Standards Table**

<b>Table 202A. PUD 22-01 Mill Creek Meadows PUD Lot Development Standards</b>			
Lot Area, Minimum (square feet) <sup>1</sup>	Interior, flag <sup>1</sup> or cul-de-sac lot	Single-family dwelling or duplex	3,000 <sup>1</sup>
		Townhouse <sup>1</sup>	1,500 <sup>1</sup>
		Triplex, quadplex, townhouse, or cottage cluster	Per WDO Table 2.02B <sup>1</sup>
	Corner lot	Single-family dwelling or duplex	4,000
		Townhouse <sup>1</sup>	2,000 <sup>1</sup>
		Triplex, quadplex, or cottage cluster	Per WDO Table 2.02B

		Child care facility or group home <sup>2</sup> or any other use	Per WDO Table 2.02B
Lot Width, Minimum (feet)	Interior or cul-de-sac lot	Single-family dwelling or duplex	30
		Townhouse	Per WDO Table 2.02B: 15
		Triplex, quadplex, or cottage cluster	Per WDO Table 2.02B
	Flag lot	Single-family dwelling or duplex	30
		Triplex, quadplex, or cottage cluster	Per WDO Table 2.02B
	Corner lot	Single-family dwelling or duplex	40
		Townhouse	20
		Triplex, quadplex, or cottage cluster	Per WDO Table 2.02B
		Child care facility or group home <sup>2</sup> or any other use	Per WDO Table 2.02B
	Lot Depth, Average (feet)	Interior, flag or cul-de-sac lot	Other than townhouse
Townhouse			80
Corner lot		Other than townhouse	80
		Townhouse	80
	Interior lot	Other than townhouse	30

Street Frontage Minimum (feet)		Townhouse	Per WDO Table 2.02B: 15
	Cul-de-sac lot		Per WDO Table 2.02B: 22
	Lot along a bulb of a street bend (Lots 19, 32, & 34)		Same as for cul-de-sac lot.
	Flag lot		Per each pole if poles of adjacent flag lots are paired: 9 <sup>12</sup> ; Per independent pole: 18 <sup>12</sup>
	Corner lot <sup>14</sup>	Other than townhouse	40
Townhouse		20	
		Any other use	Per WDO
Residential Density, Minimum (units per net acre)			7.1
Front Setback and Setback Abutting a Street, Minimum (feet) – excluding garage and carport <sup>5</sup>			Per WDO Table 2.02G
Setback Abutting an Alley, Minimum (feet) – excluding garage and carport			Either zero or where there is a required alleyside PUE then equal to PUE
Setback Abutting a Shared Rear Lane, Minimum (feet) – excluding garage and carport			Per WDO Table 2.02B: Zero
Side Setback, Minimum (feet) <sup>11</sup> – excluding garage	Primary structure	Other than townhouse	5
		Townhouse	n/a
	Accessory structure <sup>11</sup>		5
Rear Setback, Average (feet) <sup>11</sup>	Other than flag lot		Either (a) 18 <sup>11</sup> or (b) where alley or shared rear lane, then zero.
	Flag lot	Rear	18 <sup>11</sup>



		Yard closest to street <sup>6</sup>	12 from the lot line parallel to the street <sup>6, 11</sup> .
	Accessory structure		Per WDO Table 2.02B: 5
Garage and carport setback, Minimum (feet)	Where neither alley nor shared rear lane		Per WDO Table 2.02G footnote 4, which redirects to WDO Table 3.07A, header "Garages".
	Where alley		Either (a) zero or (b) where there is a required alleyside PUE then equal to PUE.
	Where shared rear lane		Zero
Setback to a streetside porch or roofed patio, Minimum (feet)			Per WDO Table 2.02G. A maximum setback is not applicable to flag lots.
Setback to a Private Access Easement, Minimum (feet)			Per WDO Table 2.02B: 1
Lot Coverage, Maximum (percent)	Other than townhouse lot or cottage cluster		51.1%
	Townhouse lot		Per WDO Table 2.02B footnote 7: no max
	Cottage cluster		Per WDO Table 2.02B footnote 7: no max
	Single-family dwelling or townhouse accessory structure		Per WDO Table 2.02B: 25% of rear yard
Building Height, Maximum (feet)	Primary structure	Other than townhouse	37 with max two stories at and above ground
		Townhouse:	37 if one or two stories; 42 if max three stories.
	Features not used for habitation		Per WDO
	Accessory structure		Per WDO

1. Per WDO Table 2.02B Footnote 1 (lot area min excludes vehicular shared access easement area); however, by modification through PUD, pairs of townhouse lots with vehicular shared access easement area for a joint driveway are exempt from this particular min lot area standard.)
2. Per WDO Table 2.02B Footnote 2.
3. [Reserved].
5. Regarding flag lots, a front setback applies to only to the pole frontage. A flag is considered to have three sides and a rear, regardless of orientation of the primary building front façade or front door.
6. Regarding flag lot rear setback, a flag is considered to have three sides and a rear.
7. Per WDO Table 2.02B Footnote 7.
11. Encroachments and projections into setback minimums remain permissible per WDO 3.03.03, 04, & 05.
12. Where flag lot poles adjoin to share a driveway and driveway approach / apron / curb cut / ramp (“shared rear lane”), public shared access easement shall be per WDO 3.04.01A.2 and/or A.4 as well as 3.04.03D.1. Shared utilities might necessitate a wider public easement than that necessary for vehicular access only; refer to WDO 3.02.01C.
13. For townhouse lots, the lot line along the street shall be the front lot line and the lot line along the alley or shared rear lane shall be the rear lot line.
14. Lot street frontage measurement may include the segment of corner curve up to the curve midpoint.

**Part B. Related Development Standards Table**

<b>Table 202B. PUD 22-01 Mill Creek Meadows PUD Related Development Standards</b>			
Architecture, Fences/Fencing, & Free-standing Walls	Per WDO 3.07.02 including Table 3.07A, except table item P1 is prohibited from optional points. Also, for the north row of townhouse lots (Lots 69-83) minimum, the lot line, yard, and dwelling facade along the street shall be the front and the lot, yard, and dwelling facade line along the alley or shared rear lane shall be the rear. The City shall administer accordingly provisions including those related to architecture, fences/fencing, free-standing walls, and street addressing. Were any or all of the south row of townhouse lots (Lots 55-68) to have driveway access via the shared rear lane and not Upland, then this requirement shall be applicable also to them.		
Driveways	Approach / apron / curb cut / ramp width <sup>1</sup>	Regular Lots	Min 8 ft; max 16 ft. A shared driveway straddling two lots remains subject to the same max width.
		Flag lots: Shared driveway along pole(s)	Min 16 ft; max 20 ft
		Common area Tract D (shared rear lane) two end driveways	Min 14 ft; max 16 ft
		Remaining common area tracts	Min 8 ft; max 10 ft
		City/public tracts	Max either 10 ft or, if PW directs, up to 12 ft.
	Throat / portion outside ROW	Per WDO (and Ordinance No. 2521 "Prohibiting Residential Parking on Unimproved Areas", 2014)	
	Access management	Flag lot context	Lots 1; 4; 37; 40; 89; & 91 shall conform to WDO 3.04.03D.3. Lot 42 also shall conform to the requirement. To facilitate such, these lots are exempt from any parking pad requirement.
	Alley or shared rear lane context	(1) Lots 55 through 83 shall conform to WDO 3.04.01A.3 or 4 and 3.04.03C.3.	

			(2) Townhouse lots shall conform to WDO 3.04.03B.1b.
Parking spaces/stalls	Ratio	Per WDO Table 3.05A, except triplex, quadplex, and cottage cluster same as single-family dwelling.	
	Parking pad (WDO 3.05.03F.1b)	Number, Minimum	Per WDO 3.05.03F.1b. The parking pad requirement is not applicable to flag lots.
		Dimensions, Minimum	
	Stalls within a garage and/or carport	Number, Minimum	2, either both garaged or as both a carport and garage on the same lot.
		Dimensions, Minimum	Per WDO Table 3.05B, footnote 6.
The 5-ft parking setback of WDO 3.05.02E is not applicable.			
Shared rear lane / "private alley"	Tract min width 16 ft		
1. Max widths are applicable to driveways at streets only, not also those at alleys or shared rear lanes.			

## Part C. Tract Development Standards

1. Stormwater facilities:
  - a. Subdivide such that the northeast stormwater detention pond is in a common area tract apart from a City/public tract. Keep the tract boundaries:
    - (1) 8 ft min from the greenway trail (because of the landscaping / furniture zone);
    - (2) 8 ft min from the Tax Lot 600 east lot line segment extending between the greenway trail and a point in line with the south lot line of Tax Lot 051W18DC04100; and
    - (3) Min 6 ft from the pump station enclosure east side fence and the north and east lot lines of Lots 17 & 18. (An objective is to keep on City/public property – outside any fencing of the stormwater detention pond tract – the unpaved path that Attachment 203 Part A, Table 203A2 requires between Spring sidewalk and the greenway trail.)
  - b. Fencing: If any fencing proposed for such facilities:
    - (1) Height: max 3½ ft
    - (2) Color: W/ the coating (required for fencing per WDO 2.06.02D.2) a color other than black, charcoal, or gray. Slats:
      - (3) By PUD modification of 2.06.02D.2, slats are not required.
2. Tracts: Any retaining walls shall conform to 3.06.05C as a standard.
3. Tract C is limited to one driveway approach / apron / curb cut / ramp (to serve the stormwater facility / detention pond); however, PW may further limit by prohibiting an approach.
4. Subdivision identification sign: A subdivision identification monument or wall sign, if any, shall as modification by PUD of WDO Table 3.10.10A:
  - a. Be max height 6 ft above grade
  - b. Incorporate a masonry seat wall min height and depth each 1.5 ft and min width either (1) equal to that of the sign face width or (2) 3 ft, 4 inches, whichever is greater;
  - c. Cap the masonry seat wall with smoother concrete ideal for sitting, with the cap fitting within the specified seat wall height.

## Part D. VCA

WDO 3.03.06 is hereby modified such that:

1. The alley part of Fig 3.03A shall apply to alleys and shared rear lanes except that VCA triangles shall measure min 5 by 5 ft.
2. Regarding the street corner part of Fig. 3.03A, VCA triangles shall measure min 15 by 15 ft.

**Part E. Lighting:**

1. Shall conform to WDO 3.11.
2. The Planning Division may require inspection to be scheduled evening or night.

PUD 22-01 Mill Creek Meadows PUD:

Attachment 203: Common Area Improvements & Public Easements

**Introduction**

This attachment establishes PUD common area tract improvements and types and placements of public easements.

Refer to Attachment 201 for a dictionary/glossary, including other acronyms and abbreviations.

References to specific tract numbers are based on the preliminary land division plan during land use review. They might have changed by the time of the developer’s surveyor’s recordation of final plat with the County. To make sense of references, refer to preliminary land division plan sheets attached to the land use final decision document.

For lot and tract development standards, see Attachment 202.

**Part A. Common area improvements: Amenities / appurtenances / street furniture / support facilities**

The mins of the improvement types are per Table 203A below:

<i>Table 203A1. City/Public Tract Improvements</i>			
<i>Improvement Type</i>	<i>Min Number</i>	<i>Placements</i>	<i>Details/Specs &amp; Notes</i>
Trail, Mill Creek Greenway	n/a	Tract A / east: Place trail south of drainage way. Includes min 1 south spur [“Path B”] connecting with Spring sidewalk, Class B per <a href="#">WDO interpretation</a> memo INT 22-0608.	Class A per <a href="#">WDO interpretation</a> memo INT 22-0608 through WDO 3.01.08D and 3.01.07D.2a & E. As modifications documented through PUD, (1) regarding Part B3a about furniture and tree planting zones, the developer may omit along trail south side along the existing pump station fence; and (2) required trees shall be sited farther back from the trail where necessary to be outside existing, unaltered off-street PUEs, particularly the one or more PUEs serving the pump station.
Bench	5	Tract A / east: 3, 1 each at the Brown trailhead, near junction	Place along paths and sidewalks, set back 2 ft min, and on at least 6

<i>Table 203A1. City/Public Tract Improvements</i>			
<i>Improvement Type</i>	<i>Min Number</i>	<i>Placements</i>	<i>Details/Specs &amp; Notes</i>
		of trail and spur, and the near the trail east dead-end. All facing northerly/northeasterly. Tract B / west: 2, in plaza (see item farther below) facing each other 8 ft apart.	by 4 ft of asphalt, brick, concrete pavers, or poured concrete. If brick or pavers, pour concrete for bench post footings. 6 ft width min; 75% min of them having backs.  The standard model (with back) is per <a href="#">WDO interpretation</a> memo INT 22-0608.
Picnic bench	2	Tract A / east: 2	Under a shelter. Place on poured concrete pad min area equal to extent of picnic bench plus 2 ft along perimeter. If pad for the ADA-compliant bench would be apart from sidewalk or trail, pave min width 3.5-ft walkway from trail to it.)  The standard and ADA models are per <a href="#">WDO interpretation</a> memo INT 22-0608.
Bicycle parking	4 as 2 U-racks	Tract A/ east: 2 stalls / 1 U-rack at junction of trail and Brown sidewalk, 2 stalls / 1 U-rack at junction of trail spur and Spring sidewalk.	The standard model is per <a href="#">WDO interpretation</a> memo INT 22-0608.
Bollard	1 or 2	Tract A / east: 1 at each driveway doubling as trailhead. Trail driveway(s) to be determined by Public Works (PW) after land use approval and during civil engineering plan review (CEP).	Assume same model that PW accepted for Smith Creek Development: Uline Heavy Duty Safety Bollard 5.5 by 42 inches, Removable.
Dog waste station	1	Tract A / east: At junction of trail and Brown sidewalk.	The standard model is per <a href="#">WDO interpretation</a> memo INT 22-0608.
Drinking fountain	1	Tract A / east: Near Brown.	Premised on lateral connections with the Brown potable water and sanitary sewer lines. The standard model is per <a href="#">WDO interpretation</a> memo INT 22-0608.
Plaza, small	1	Tract B / west: Along and flush w/ Brown west sidewalk.	126 sq ft, 9 ft narrowest dimension. Paved with any of



<i>Table 203A1. City/Public Tract Improvements</i>			
<i>Improvement Type</i>	<i>Min Number</i>	<i>Placements</i>	<i>Details/Specs &amp; Notes</i>
			brick, poured concrete, rectangular or square cobblestone pavers, concrete pavers, or combination.
Shelter, pavilion, or gazebo	1	Tract A /east: 1	<p>Min 400 sq ft*, 14 ft narrowest dimension. Narrowest dimension measured between inside edges of outermost columns/piers/posts, not roof edges.</p> <p>Min height clearance 10 ft to ceiling or trusses. Roof pitched (not shed), and minimum roof eaves and overhangs 2 ft. Set back min 2 ft from any sidewalk or trail. If setback, pave connecting walkway min 8 ft wide.</p> <p>Painted (green like the dog waste station spec model) or otherwise finished/treated/varnished to protect from the elements. Any column/pier/post base with protruding bolts/screws must be guarded or housed for trip and cut safety.</p> <p>Paved floor: choice of same materials as plaza.</p> <p>*For a sense of scale, this is 1/10<sup>th</sup> the size of the pump station enclosure.</p>
Signage, “park rules”	3 installations	Tract A / east: 2, 1 at junction of trail and Brown sidewalk, 1 at junction of trail spur and Spring Blvd sidewalk. Tract B / west: 1, at plaza south side.	<a href="#">View reproduction.</a> Source image available from Recreation Services Manager upon request, (503) 982-5266.
Signage, wayfinding	3 installations	Tract A / east: 1 at junction of trail and Brown sidewalk, 1 at junction of trail spur and Spring Blvd sidewalk, and 1 near north side of junction of trail and spur.	Pole signs assumed. Min 1 or 2 sign faces each. Sign face min dimensions 2 ft by 1 ft. Similar to Smith Creek Development (ANX 2017-5), which in turn was based on <a href="#">The Intertwine Alliance regional trail signage guidelines.</a>

Table 203A1. City/Public Tract Improvements

Improvement Type	Min Number	Placements	Details/Specs & Notes
			<p><a href="#">View approved examples.</a> The presumptive three destinations to list with arrows and mileage distance are:</p> <ol style="list-style-type: none"> <li>1. At Brown, viewer looking east to sign: <ul style="list-style-type: none"> <li>• E. Cleveland St</li> <li>• Stark St</li> <li>• Spring Blvd</li> </ul> </li> <li>2. At junction of trail and south spur, viewer looking north to sign: <ul style="list-style-type: none"> <li>• Brown St</li> <li>• Spring Blvd</li> <li>• Deer Run Ln</li> </ul> </li> <li>3. At Spring, viewer looking north to sign: <ul style="list-style-type: none"> <li>• Brown St</li> <li>• Stark St</li> <li>• E. Cleveland St</li> </ul> </li> </ol> <p>The Recreation Services Manager may administratively specify different destinations. Fee in-lieu permissible.</p>
Trash receptacle	1	Tract A / east: At junction of trail and Brown sidewalk.	<p>Ground mount in a poured concrete pad min area equal to a square that is tangent with the circular receptacle.</p> <p>The standard model is per <a href="#">WDO interpretation</a> memo INT 22-0608.</p>
Signage, Mill Creek Greenway Trail extension	1 installation (pole)	Tract A / east: 1 at trail east dead-end.	Min 12 by 18-inch sign face. Min 4-inch high text, "This Trail is Planned for Future Extension".
Trees, additional/new	52	Tract A / east: 41: <ul style="list-style-type: none"> <li>• 18 along or near trail north side;</li> </ul>	Min average spacing of 1 to 30 ft (1:30). Those required by other requirements, including (1) along the greenway trail and spur path

Improvement Type	Min Number	Placements	Details/Specs & Notes
		<ul style="list-style-type: none"> <li>• 15 along or near trail south side;</li> <li>• 3 along west side of greenway south spur path; and</li> <li>• 5 per Part B4 of this attachment.</li> </ul> <p>Tract B / west: 11:</p> <ul style="list-style-type: none"> <li>• 6 between south tract boundary and off-street PUE south boundary;</li> <li>• 2 between off-street PUE north boundary and drainage way centerline; and</li> <li>• 3 per Part B4 of this attachment.</li> </ul>	per <a href="#">WDO interpretation</a> memo INT 22-0608 and (2) per Part B4 of this attachment, count towards the min.

Administrative minor adjustment by the Director to City/public tract improvement location or placement is permissible.

Improvement Type	Min Number	Placements	Details/Specs & Notes
a. Path, unpaved	1	Tract C / Northeast stormwater management facility / detention pond tract: Southwesterly side, connecting Spring sidewalk and greenway trail	Bark dust, hazelnut husks, or wood chip min width 4 ft and min depth 4 inches. Each side clear zone min width 1 ft. ["Path C"]
b. Vehicular pavement	n/a	Tract D / Shared rear lane / "private alley" tract	Paved per 3.04.04. Min width 14 ft.

Administrative minor adjustment by the Director to common area improvement location or placement is permissible.

**Part B. Common area landscaping:**

1. Bark dust: 5.0% max of landscaped area may be bark dust or wood chip.
2. Evergreen: 6 min of trees new to the site and outside of ROW. Min 4 on Tract A / east and min 2 on Tract B / west. The 6 shall be 1 min of the following coniferous or evergreen species:

Cedar, Western Red	Madrone, Pacific
Douglas-Fir	Oak, Oregon White
Fir, Grand	Pine, Ponderosa; and
Hemlock, Western	Yew, Pacific

Placements: Tract A, 3; Tract B, 1.

3. Screening: Evergreen hedge or shrubbery shall be screen at-grade electrical and mechanical equipment along their sides, excepting the side intended for technician access.
4. Complementary trees: A row of trees shall complement and be offset from street trees, planted within 5-14 ft of ROW. 4 min shall be one or more species other than maple.

<i>Tract</i>	<i>Tree Min No.</i>
A	5
B	3
C	1

**Part C. [Struck]**

**Part D. Public Easements**

In addition to standard streetside PUEs per WDO 3.02.01, based on WDO 3.02.01A & E the developer shall dedicate public easements as follows:

<i>Locations</i>	<i>Types</i>	<i>Details</i>
1. Wherever sidewalk overlaps area where streetside PUE would be	That or those which grant the City and the public access	Per WDO 3.02.01D & E and PW direction.
2. City/public Tracts A & B	Watercourse easement	Per WDO 3.02.02A, or, if the min width/area is unclear, default to 24 ft following drainage way centerline. With both tracts to be City/public, upon written request by the developer to PW, PW may do any of (1) negate the requirement for a watercourse easement, (2) determine that the existing 24-ft storm drainage easement meets the WDO requirement, or (3) direct alteration of the existing easement so it can meet the requirement.

<i>Locations</i>	<i>Types</i>	<i>Details</i>
3. Tract D / Shared rear lane / "private alley" tract	That or those which grant the City and the public access; and, which grant the same as an off-street PUE	Public access: Per WDO 3.04.01A.2 and A.4. WDO 3.04.03C.4a is modified by PUD such that min width is equal to either (a) tract width or (b) 20 ft, whichever is less.  Utilities: Per WDO 3.02.01C.  Provision 203D1: The Director may require a number of utility laterals, such as potable water laterals, serving the alley access lots to connect under the alley instead of a street in order to gain more room for required street trees in street landscape strips.
4. Flag lot adjacent poles with shared driveways	Public access and utility easement(s)	Public access: Per WDO 3.04.01A.2. WDO 3.04.03C.4a is modified by PUD such that the min width is equal to either (a) driveway pavement min width or (b) 20 ft, whichever is narrower.  Utilities: Per WDO 3.02.01C.
5. Various	PUE, streetside	Per a land use condition of approval based on WDO 3.02.01B & F.
	PUE, off-street	Wherever PW requires.

**Part E. Association / HOA**

To meet WDO 3.09.09, there shall be an association of owners and/or tenants as follows:

1. Prior to conveying land ownership of any tract, the developer shall establish an association, such as homeowners association (HOA), pursuant to ORS 94 and other applicable statutes.
2. The association shall assume maintenance of improvements on common area tracts, inc. stormwater facilities; repair, replace, and restore improvements; identify and make clear to owners association duties; and levy assessments to owners in a fair, transparent, and written way. (If the association ceases to exist resulting in a tract or tracts no longer having an existing owner for a year or more based on the Oregon Secretary of State Corporation Division business registry, and where this provision does not conflict with ORS or OAR, the City shall have right of first refusal to acquire the property in coordination with the Marion County Assessor’s Office.)
3. “Middle Housing”: The association documents shall cite and comply with enrolled Oregon House Bill 2001 (HB 2001) (2019), Sect. 13 (p. 10).

4. Abandonment/dissolution: The association documents shall include a provision that the start of any attempt to dissolve the HOA must include written notice delivered or mailed to the City c/o Assistant City Administrator. (This is to alert the City that the HOA is abandoning its stormwater facility and open space maintenance responsibilities.) They shall also include a provision that would result, were the Oregon Secretary of State Corporation Division to issue written warning of pending administrative dissolution, in the City receiving notice as well as the HOA.
5. Documents: The developer shall provide copies of articles of incorporation, bylaws, and CC&Rs for the association to the Assistant City Attorney and Director for review upon final plat application to the City or earlier if ORS 94.565(2) requires. Bylaws and/or CC&Rs shall describe the responsibilities of the association to maintain common area improvements, and bylaws and CC&Rs shall reiterate that because of ORS 94.626, any dissolution would not also dissolve obligations. To this end, the corporation shall comply with applicable statutes and the administrative rules of the Oregon Secretary of State Corporation Division.

The above would continue to apply were the developer to either (1) establish multiple associations or (2) make use of an existing association related to adjacent existing development. The developer shall provide copies of articles of incorporation, bylaws, and CC&Rs for the multiple associations or these documents amended to conform to conditions of approval.

## PUD 22-01 Mill Creek Meadows PUD:

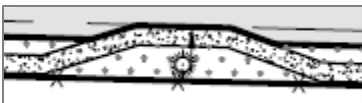
### Attachment 204: Tree Preservation & Protection and Environmental Remediation

#### Part A. Tree preservation

1. General: The developer shall not remove any trees until after (a) land use approval with conditions, (b) PW issues approved civil engineering plans after CEP application and review, and (c) the Planning Division approves a grading permit application.
2. ROWs/streets: Spring: Development shall preserve the unnumbered tree along the south side of the segment of Spring west of Brown.



The developer may detour sidewalk around the tree to be curb-tight and have a curb bulb-out or curb extension with FOC flush with the edge of the eastbound travel lane.



The developer may remove other trees only as documented as necessary to construct required street improvements.

3. City/public tracts: The developer shall not remove trees.
4. On-site: The developer shall either preserve Tree 30002, a 27-inch Oregon white oak, along the Lot 43 east lot line, or pay a fee in-lieu per Attachment 206. To make use of the fee in-lieu option, the developer must have made and documented good-faith efforts to preserve, showing what physical factors obstructed successful preservation and how so. In service of the efforts, the homebuilder(s) shall set the size of proposed house footprints, as well as related Lot 43 & 44 improvements, and their spatial

relationship to the root protection zone (RPZ), which is 20 ft per the arborist report, per Part B below so as not to injure or kill the tree.

5. Protection during construction: The developer shall follow Part B below and demonstrate protection methods on a site plan sheet or sheets among those of no later than either (a) CEP submittal, regarding ROW tree preservation, or (b) the building permit application, regarding tree preservation outside ROW.

## Part B. Tree preservation During Construction

Tree preservation: Protection during construction:

The applicant shall protect the preserved trees pursuant similar to City of Portland Title [11.60.030](#), specifically either the subsections set of C.1.a.(1), (3) and C.1.b., e., & f. (clear and objective) and D.; or, the subsections set of C.2.a., b., & d.-f. (arborist's discretion) and D. as modified below and shall do so between Design Review approval and issuance of certificate of occupancy (C of O):

C. Protection methods. The Tree Plan shall show that the contractor adequately protects trees to be preserved during construction using one of the methods described below:

1. Clear & Objective Path.

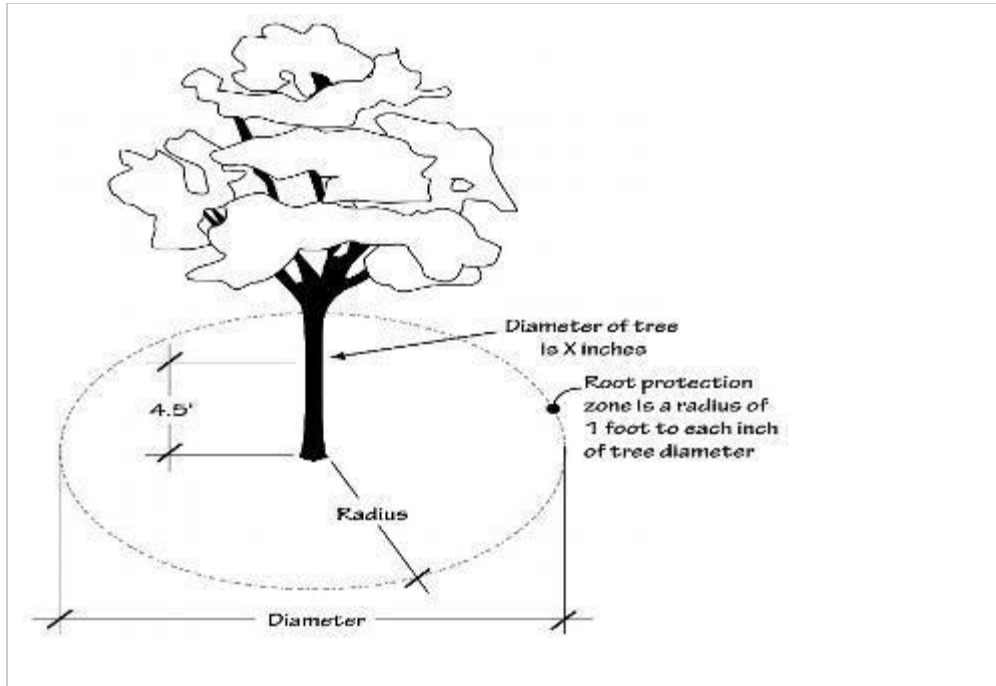
- a. A root protection zone is established as follows:

- (1) For trees on the development site - a minimum of 1 foot radius (measured horizontally away from the face of the tree trunk) for each inch of tree diameter (see Figure 80-2)

**Figure 80-2**

**Root Protection Zone**

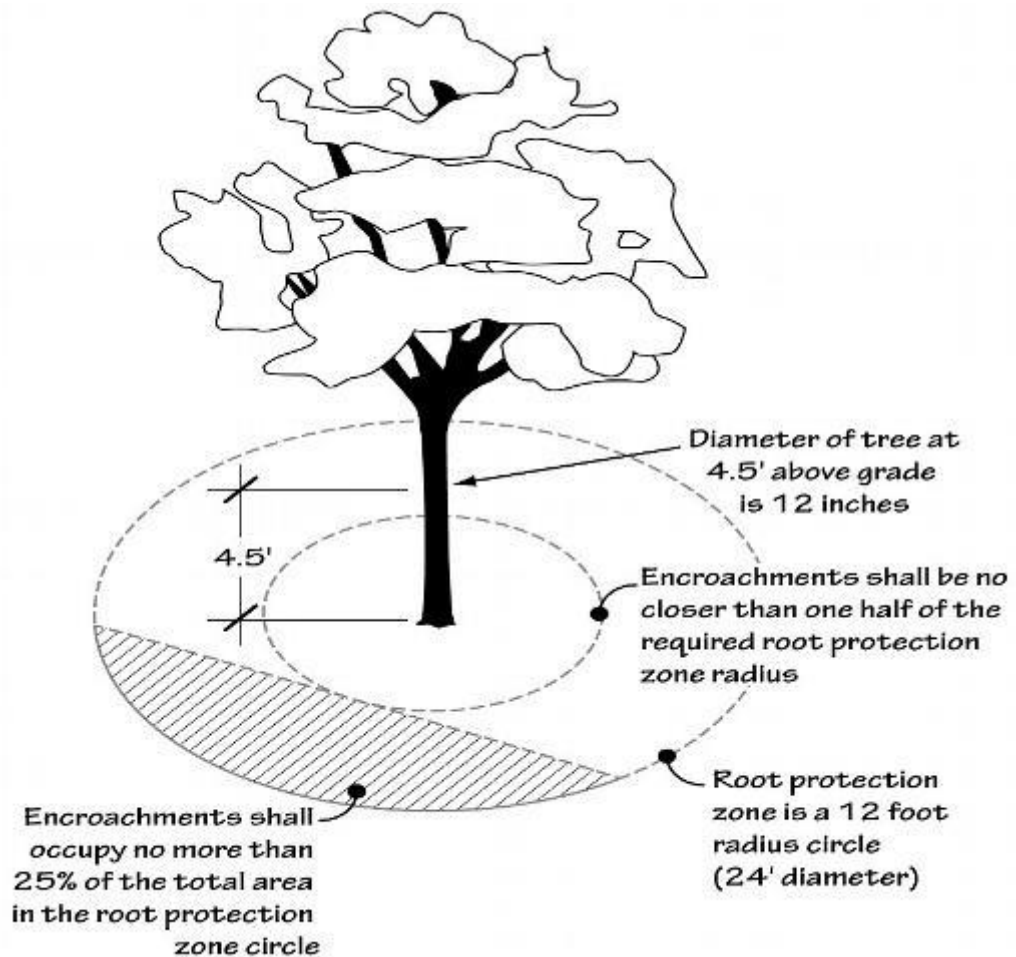




- (3) Existing encroachments into the root protection zone, including structures, paved surfaces and utilities, may remain. New encroachments into the root protection zone are allowed provided:
- (a) the area of all new encroachments is less than 25 percent of the remaining root protection zone area when existing encroachments are subtracted; and
  - (b) no new encroachment is closer than 1/2 the required radius distance (see Figure 60-1);

Figure 60-1

Permissible RPZ Encroachments



b. Protection fencing

(1) Protection 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 root protection zone and permissible encroachment area on the development site. Existing structures and/or existing secured fencing at least 3½ feet tall can serve as the required 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 3½ feet tall can serve as the required protective fencing.

e. The following is prohibited within the root protection zone of each tree or outside the limits of the development impact area: ground disturbance or construction activity including vehicle or equipment access (but excluding access on existing streets or driveways), storage of equipment or materials including soil, temporary or permanent stockpiling, proposed buildings, impervious surfaces, underground utilities, excavation or fill, trenching or other work activities; and

f. The fence shall be installed before any ground disturbing activities including clearing and grading, or construction starts; and shall remain in place until final inspection by Planning Division staff.

2. Arborist's Discretion. When the prescriptive path is not practicable, the applicant may propose alternative measures to modify the clear and objective root protection zone (RPZ), provided the following standards are met:

a. The alternative RPZ is prepared by an arborist who has visited the site and examined the specific tree's size, location, and extent of root cover, evaluated the tree's tolerance to construction impact based on its species and health, identified any past impacts that have occurred within the root zone, and forwarded a report through the developer to Planning Division staff;

b. The arborist has prepared a plan providing the rationale used to demonstrate that the alternate method provides an adequate level of protection based on the findings from the site visit described above;

- d. If the alternative methods require the arborist be on site during construction activity, the applicant shall submit a copy of the contract for those services prior to permit issuance and a final report from the arborist documenting the inspections and verifying the viability of the tree(s) prior to final inspection by the Planning Division;
- e. If the alternative tree protection method involves alternative construction techniques, an explanation of the techniques and materials used shall be submitted;
- f. The arborist shall sign the tree preservation and protection plan and include contact information.

D. Changes to tree protection. Changes to the tree protection measures during the course of the development may be approved as a revision to a permit provided that the change is not the result of an unauthorized encroachment into a root protection zone (RPZ), and the applicant demonstrates that the tree protection standards of this Section continue to be met. When an unauthorized encroachment has occurred, the City may pursue an enforcement action or other remedy.

### **Part C. Environmental Remediation**

1. Invasive plant removal: This applies to all tracts. The developer shall eradicate invasive creepers, groundcover, shrubbery, vines, and weeds that might exist, at min. any of the following species:
  - (a) Himalaya blackberry (*Rubus armeniacus*)
  - (b) English ivy (*Hedera helix*)
  - (c) Common reed (*Phragmites australis*)
  - (d) Giant hogweed (*Heracleum mantegazzianum*)
  - (e) Gorse (*Ulex europaeus*)
  - (f) Kudzu (*Pueraria lobata*)
  - (g) Old man's beard (*Clematis vitalba*)
  - (h) Ribbongrass (*Phalaris arundinacea var. Picta*)
  - (i) Water primrose (*Ludwigia hexapetala, peploides*)
  - (j) Yellow flag or yellow water iris (*Iris pseudacorus*)
2. Grass: Within all tracts, where removal of invasive plants or the unintended effect of nearby construction results in bare ground, plant lawn grass, wild grass, or a combination.
3. Other plants: Within min two tracts, plant 40 min PUs per tract, total min 80 PUs of any min 3 non-invasive species of groundcover and shrubbery most likely to attract butterflies and honeybees, having identified such species on a landscape plan sheet or sheets among the plan sheets of no later than the first building permit application.

## PUD 22-01 Mill Creek Meadows PUD:

### Attachment 205: Mill Creek Greenway Trail Off-site Design Work

#### Part A. Context

1. Background: The [Mill Creek Greenway Master Plan](#) (2006-2007) and planned unit developments (PUDs) providing enhanced public amenities per WDO 3.09.
2. Objective: To connect the Mill Creek Greenway Trail between the subject development and Deer Run Ln ROW near Hermanson St by doing design work for a the segment on City-owned Tax Lot 051W18DC04100 (Tax Lot 4100), which is east/NE of the subject property and contains the confluence of the drainage way with Mill Creek.

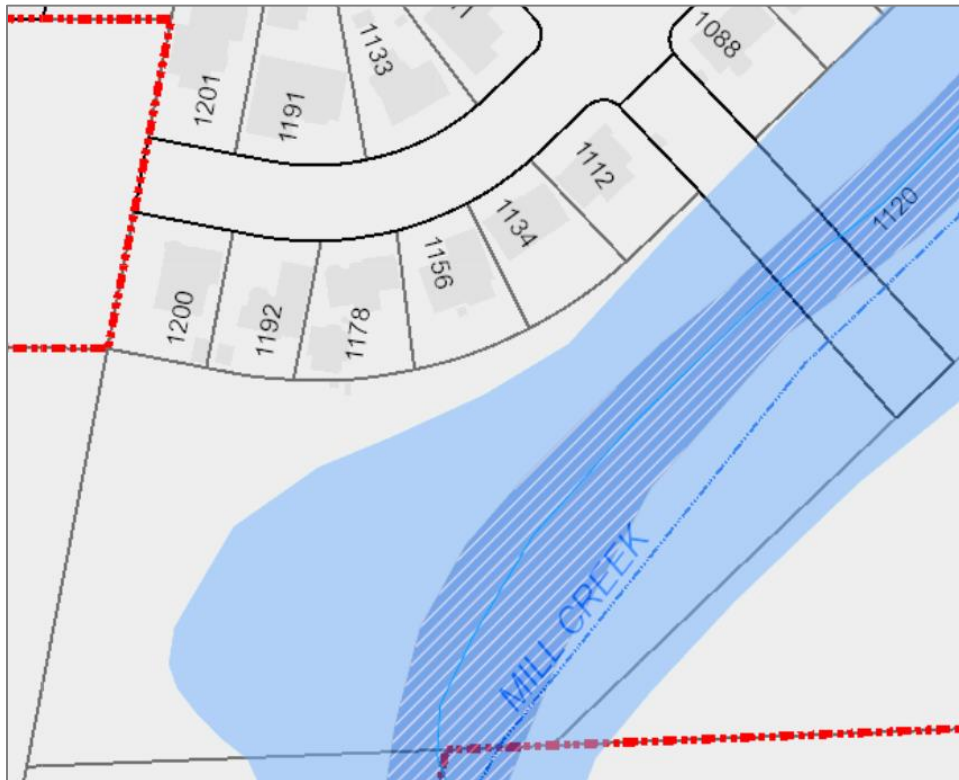


*County aerial view of Tax Lot 4100*

3. City staff administering the design work requirement: Assistant City Administrator and Recreation Services Manager with assistance by PW.

## Part B. Directions

1. Design assumptions:
  - a. Class A facility (per WDO 3.01.08D and [WDO interpretation memo](#) INT 22-0608, memo Parts B1-3. As a design assumption, improvements would be exempt from memo Parts B4 & B5).
  - b. Min centerline extent/length of 700 ft.
  - c. Crossing of the drainage way with any of boardwalk, footbridge, or crossing with culvert at the drainage way as necessary. Crossing accommodates floodway, if any, and accommodates either 100-year flood if in such floodplain or 25-year flood if outside 100-year floodplain. If bridge, underside elevation min 1 ft above base flood elevation.
  - d. Because the Riparian Corridor and Wetlands Overlay District (RCWOD) per WDO 2.05.05B.1 is applicable to Tax Lot 4100, and the improvements are a land use permitted by right per 2.05.05C.3, 5, & 7, there is no City requirement for improvements to remain outside delineated floodplain or wetlands except for the trail crossing and its approaches; however, for ease of outside agency permit review, the developer may choose to do so.



*Approximate extent of 100-year floodplain in solid blue and floodway in hatched blue per City geographic information system (GIS)*

- e. Specs: Remaining details and specs per Assistant City Administrator and PW.
2. When the design drawings are due:
  - a. Draft drawings: Draft plans due no later than the same as application to PW for CEP.

- (1) Submit through PW to the attention of the Assistant City Administrator.
  - (2) Include a cover letter written for an audience with no background about the subject development or the specific trail design work. Courtesy copy the Director of Special Projects as well as the Recreation Services Manager.
  - (3) Regarding administrative details like plan size and copies, mimic those required for CEP, or if none such, then as any of the above staff direct.
- b. Final drawings: Final plans due no later than the same time as either (1) PW approval of CEP revised submittal or (2) Building Division issuance of first building permit, whichever is earlier.

Remaining process direction per Assistant City Administrator and PW.



## PUD 22-01 Mill Creek Meadows PUD:

### Attachment 205B: Further Details for Conditions of Approval

#### Part A. Street 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. [Reserved]
- C. Materials and construction shall comply with specifications of the City of Woodburn.
- D. [Reserved].
- 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 WDO 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 WDO 4.02.08, except at 150 percent instead of 120. 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 Attachment 205B, Part B.

#### Part B. Fees in-Lieu

- A. In lieu of public improvements:
  - 1. Permissible if the Director allows, whether wholly in-lieu for one, some, or all of the kinds of required improvements or for some or all of a kind.
  - 2. Fees in lieu of public improvements are due before either building permit application or, when and where any of Partition or Subdivision Final Plat is involved, completion of recordation with the County, specifically no later than before a City official signs a plat or re-plat Mylar per Section 5.01.06C.1. A developer may request in writing to pay later, specifically by issuance of building permit, or if the Director allows, across issuance of two or more structural building permits for the subject development.



### **Part C. Expiration Period**

Regarding subsection B.1 above, if by 10 years past the final decision date there is no substantial construction as Section 1.02 defines following issuance of a building permit, the final decision shall expire and fail to vest.

Regarding subsection B.2 above as applies to Property Line Adjustment, Consolidation of Lots, and Partition and Subdivision Final Plat Approval application, the developer shall complete recordation no later than the land use expiration date.

### **Part D. Procedure**

Procedure: Upon determination that the final partition or subdivision plat conforms to all standards and requirements, the Director shall sign the final plat.

1. Corrections: If the Director determines that the final plat does not conform to the preliminary plat, the applicant shall be advised of the reasons for the decision. The applicant shall have 30 calendar days to correct the plat. The final plat shall be recorded with Marion County within 30 calendar days of the Director's signature.
2. Park or other public land: Acceptance of the land dedicated to the public by means of a plat occurs upon the recordation of the plat or, if and as the County Surveyor directs the developer, then also simultaneous recordation of a separate conveyance document.
3. Building permit application: A developer may apply for building permit or permits for the divided property upon completion of: (a) recordation of the final plat, including public easements and any separate conveyance documents, (b) submittal to both the Director and the Public Works Department no later than through building permit application of electronic copies of required documents per Attachment 205B, Part F, unless regarding as-builts specifically the Public Works Director in writing defers to a specific set of later circumstances or date. This section does not abrogate additional requirements elsewhere in the WDO or in land use conditions of approval necessary for a developer to meet before building permit application.

### **Part E. Substantial Construction**

Substantial construction: In the context of expiration or vesting, a context in which the City has inspected, tested, and found acceptable under applicable WDO and public works construction code requirements and land use conditions of approval the public and private infrastructure required by this definition, unless the City Administrator and developer agree in writing to a specified lower standard:

- a. All surface and subsurface public improvements, including off-site improvements, associated with the development or, where there is an approved Phasing Plan per Section 5.03.05, the development phase. The Director and Public Works Director may use ORS 455.175(1)(c) as a guide to interpret and administer this requirement.
- b. The foundation or shell of a building. In the context of residential development where it includes any

one or more of a clubhouse, leasing office, recreation building, or other communal building for use by apartment tenants or homeowners association members, it shall be one of these buildings for which a developer constructs a foundation or shell.

Grading alone is not substantial construction.

#### **Part F. Documents Electronic Copies**

- A. Easements: Where any of extinguished, altered, or additional public easements are involved, a developer shall not apply for building permit until having completed recordations with the County and provided electronic copies of the recorded easement documents and drawings to the Director and the Public Works Director when and as any of them direct.
- B. Other document types: Including as-builts and the same as subsection A.

#### **Part G. Public Utility Easements & Public Access Easements**

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.

F. Streetside PUE maximum width:

- 1. Purpose: To prevent developers and franchise utilities from proposing wider than minimum streetside PUEs along tracts or small lots after land use final decision; to prevent particularly for a tract or lot abutting both a street and an alley; to encourage developers to communicate with franchise utilities and define streetside PUE widths during land use review and how to what is defined; to avoid overly constraining yards, and to avoid such PUEs precluding front roofed patios, porches, or stoops.
- 2. Standards: Exempting any lot or tract subject to Figure 3.01B "Major Arterial", the following standards are applicable to a lot or tract with:
  - a. No alley or shared rear lane: 8 feet streetside.
  - b. Alley or shared rear lane: Either 8 feet streetside and 5 feet along alley or shared rear lane, or, 5 feet streetside and 8 feet along alley or shared rear lane.

Nothing in this section precludes a streetside PUE from variable width where necessary such as to expand around public fire hydrants.

**Part H. Landscaping Standards [3.06.03A and Tables 3.06B & C]**

**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 H1 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 Attachment 205B, Part B.

**B. Tables:**

Plant Unit (PU) Value Table H1		
Material	Plant Unit (PU) Value	Minimum Size
5. Large shrub (at maturity over 4' wide x 4' high) <sup>1</sup>	2 PU each	3 gallon or balled
6. Small to medium shrub (at maturity maximum 4' wide x 4')	1 PU each	1 gallon
7. Lawn or other living ground cover <sup>1</sup>	1 PU / 50 square feet	
8. Berm <sup>2</sup>	1 PU / 20 lineal feet	Minimum 2 feet high
9. Ornamental fence <sup>2</sup>	1 PU / 20 lineal feet	2½ - 4 feet high
10. Boulder <sup>2</sup>	1 PU each	Minimum 2 feet high
11. Sundial, obelisk, gnomon, or gazing ball <sup>2</sup>	2 PU each	Minimum 3 feet high
12. Fountain <sup>2</sup>	3 PU each	Minimum 3 feet high
13. Bench or chair <sup>2</sup>	0.5 PU / lineal foot	
14. Raised planting bed constructed of brick, stone or similar material except CMU <sup>2</sup>	0.5 PU / lineal foot of greatest dimension	Minimum 1 foot high, minimum 1 foot wide in least interior dimension
15. Water feature incorporating stormwater detention <sup>2</sup>	2 per 50 square feet	None
<p>1. Existing vegetation that is retained has the same plant unit value as planted vegetation.</p> <p>2. No more than twenty percent (20%) of the required plant units may be satisfied by items in lines 8 through 15.</p>		

Prohibited Street Trees		
Table H2 <sup>1</sup>		
Common Name	Scientific Name	Negative Attributes
Almira Norway Maple	<i>Acer platanoides</i> "Almira"	Sidewalk damage
Box Elder	<i>Acer negundo</i>	Weak wood, sidewalk damage
Catalpas	<i>Catalpa</i> Species	Significant litter (hard fruit 12" or more as elongated pod)
Desert, or Velvet, Ash	<i>Fraxinus velutina</i>	Susceptible to bores, crotch breakage, significant litter
Douglas Fir	<i>Pseudotsuga menziesii</i>	Not as street tree
Elms	<i>Ulmus</i> Species	Susceptible to Dutch Elm disease
European Ash	<i>Fraxinus excelsior</i>	Disease susceptible, significant litter
Fruit bearing trees		Not appropriate due to fruit
Ginko, or Maidenhair, Tree	<i>Ginko biloba</i>	Disgusting odor from squashed fruit when female near male
Green Ash	<i>Fraxinus pennsylvanica</i>	Susceptible to insects and disease, crotch breakage, significant litter
Hackberry or Sugarberry	<i>Celtis</i> Species	Significant litter (fleshy fruit)
Hickory, Pecan	<i>Carya</i> Species	Significant litter (hard fruit)
Holly	<i>Ilex</i> Species	Sight obstruction (evergreen, low foliage)
Horse Chestnut	<i>Aesculus hippocastanum</i>	Significant litter (inedible nut)
Lavalle Hawthorne	<i>Crategus lavellei</i>	Hazardous (thorns on trunk and branches)
Lilac	<i>Syringa</i> Species	Sight obstruction (low foliage), pollen allergies
Oak	<i>Quercus</i> Species	Significant litter (hard fruit)
Pines	<i>Pinus</i> Species	Sight obstruction (evergreen, low foliage)
Poplar, Cottonwood	<i>Populus</i> Species	Brittle, significant litter
Profusion Crab Apple	<i>Malus</i> "Sargent"	Significant litter (fleshy fruit)
Silver Maple	<i>Acer saccharinum</i>	Sidewalk damage, root invasion into pipes
Spruces	<i>Picea</i> Species	Sight obstruction (evergreen, low foliage)
Sweetgum	<i>Liquidambar styruciflua</i>	Significant litter (hard fruit)
Thundercloud Plum	<i>Prunus</i> "Thundercloud"	Significant litter (fleshy fruit)
Tree of Heaven	<i>Ailanthus altissima</i>	Sidewalk damage
Walnuts	<i>Juglans</i> Species	Significant litter (hard fruit)
Willow	<i>Salix</i> Species	Root invasion into pipes
Winter Crab Apple	<i>Malus</i> "Winter Gold"	Significant litter (fleshy fruit)

1. Prohibition applies to trees to be planted within ROW and within 10 feet of ROW.
2. The Public Works Director in writing may supersede a prohibition.

## **Part J. Street Improvements Required for Development**

### 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.

## **Part K. 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.
  - a. Developments along Boundary Streets shall remove existing electric power poles and lines and bury or underground lines where the following apply:
    - i. A frontage with electric power poles and lines is or totals minimum 250 feet; and
    - ii. 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.

- b. Fees in-lieu: Per Section 4.02.12.
- C. Off-street: All permanent utility service to and within a development shall be underground, except where overhead high-voltage (35,000 volts or more) electric facilities exist.

PUD 22-01 Mill Creek Meadows PUD:  
Attachment 206: Conditioned Fees

All of the following conditioned fees are due as applicable, whether or not mentioned directly by a condition of approval.

Refer to Condition G3 for a dictionary/glossary, including acronyms and shorthand text.

**Part A. Fee Provisions**

1. Any and all conditioned fees are in addition to, and not in place or as discounts of, any existing charge or fee however termed ordinarily assessed based on any existing ordinance, resolution, or administrative policy, inc. adopted fee schedules. If and when the City amends any ordinance, resolution, or administrative policy, inc. a fee schedule, to increase a charge or fee that is both (1) the same kind of charge or fee that is conditioned, (2) the amended charge or fee amount would exceed the amount conditioned, and (3) the increase takes effect before the conditioned fee is due, then the developer shall pay the greater amount.
2. Payments of conditioned fees due outside the context of assessment and payment through building permit shall reference a final decision case file number and the condition of approval letter/number designation, be it in a check memo field or through a cover or transmittal letter.
3. For fees due by building permit issuance, a developer may request in writing that the Director allow installment payments the same as allowed for fees in-lieu by WDO 4.02.12A.2, specifically, to pay across issuance of two or more structural building permits for the subject development, except where the land use approval prohibits any of deferral or allocation of a specific fee.

For all administrative and logistical questions about payment of land use conditioned fees outside the context of assessment and payment through building permit, the developer is to contact the Administrative Assistant at (503) 982-5246 and refer to this attachment within the PUD 22-01 Mill Creek Meadows PUD final decision.

For payment method citywide policy details, the developer is to contact the Finance Department at (503) 982-5222, option 1, for payment method policy details or view its [webpage](#).



**Part B. Fee Table**

<i>Table 203B. Conditioned Fees</i>					
<i>Condition Reference</i>	<i>Fee Type</i>	<i>Amount</i>	<i>Context</i>	<i>Timing (Due Date)</i>	<i>Staff Tracking:</i>
PUD-5b	Tree removal: Significant Tree 30002	\$1,900	Removal of Significant Tree 30002, a 27-inch Oregon white oak, from Lot 43 east lot line	Building permit issuance	
	Tree removal: Remaining Significant Trees	\$250 per tree assessed at min 15 trees	Removal of Significant Trees southwesterly area of subject property	Building permit issuance	
G6 through this Attachment 203	Bus service	\$290 per dwelling	For City bus service	Building permit issuance per each dwelling	
G6 through this Attachment 203	Public Works Dept. (PW) civil engineering plan (CEP) review: Review by Planning Division	\$250; \$346	Original/1 <sup>st</sup> submittal; each subsequent inc. deferral/piecemeal	Upon CEP application to PW	
	Inspections by Planning Division	\$75; \$346	1 <sup>st</sup> inspection or “walkthrough”; each subsequent	Inspection requests related to public (street) improvements and building permits [Building permit: assess 1 <sup>st</sup> inspection fee by issuance]	
G6 through this Attachment 203	Bond / bonding / performance guarantee: Specifically any that would allow or allows the developer to delay construction of street improvements beyond building permit issuance pursuant to WDO 3.01.02E.	\$4,474; \$346	Original/1 <sup>st</sup> submittal; each subsequent inc. deferral/piecemeal. Serves as bond application / review request fee and isn’t a bond amount itself. Fees not applicable to warranty bonds or ordinary construction bonds if they do not authorize delay of construction of street improvements beyond	If CEP context, then payment (through Planning Division) upon CEP application to PW; if developer applies for building permit review and there has been no CEP application to PW, then building permit issuance	

<i>Table 203B. Conditioned Fees</i>						
<i>Condition Reference</i>	<i>Fee Type</i>		<i>Amount</i>	<i>Context</i>	<i>Timing (Due Date)</i>	<i>Staff Tracking:</i>
				building permit issuance. (See WDO 3.01.02E.)		
G4a & G6	<p>Fees in lieu per Ordinance No. 2602 through WDO 4.02.12.</p> <p>A developer may apply for fee in-lieu after first requesting and obtaining City staff indication about whether the decision-maker would approve it for the thing or things in question.</p> <p>*If by the time necessary to assess in order either to issue building permit or approve another kind of a review by which the approved fee in-lieu is due, the City would have not yet established a given fee in lieu amount or rate, then the defaults shall be per the rows below:</p>		Per Part A Fee Provisions above, City ordinance, resolution, or policy. *	WDO 4.02.12	Per WDO 4.02.12A: Building permit issuance	
	Street improvements: Street tree fee in-lieu		\$950 per tree	Applies to omitted street trees, or, ones missing from required number upon inspection	If CEP context, then by building permit issuance; if in inspection context, then prior to passing final inspection / obtaining certificate of occupancy	
	T-A1. Traffic safety: fee in lieu of study and report		By year of assessment: 2022 or 2023: \$10,000 2024: \$10,609 or 2025 or later: \$10,928	For context, see the condition.	Upon PW approval of CEP application	
	Electric power line burial/undergrounding	In lieu of burial of the lines where they cross Brown NE/SW across the north boundary of the subject property to	\$568 per lineal ft of line assessed at minimum 56	This area is partly off site and involves a pole along a street frontage of property that the developer does not	Building permit issuance	

Condition Reference	Fee Type	Amount	Context	Timing (Due Date)	Staff Tracking:
	the first pole on the west side	ft, then discounted by 50%. [Same as was for ANX 2020-02 Valentina Estates No. 2 at 1251 Brown St]	own or control (1210 Brown St).		
	Remaining lines	By year of assessment: 2022 or 2023: \$568 2024 or later: \$682	407 ft based on tax map.	Building permit issuance	
	Signage, wayfinding [Attachment 203]	\$1,500 per installation location	Regardless of number of sign faces that would've been at the location	Building permit issuance	