

**PLANNING COMMISSION STAFF REPORT
PUBLIC HEARING**

Application Types	Type III Design Review and Type III Variance
Application Numbers	DR 2014-03, VAR 2014-02
Project Description	The applicant requests a Design Review for a 4,054 square foot gas station and convenience store, and a Variance to the required off-street parking ratio and the number and location limitations on pole signs.
Project Location	2990 Newberg Highway, tax lot 052W12C00800
Zoning	Commercial General (CG)
Property Owner	Hooper Trust 50
Applicant	Woodburn Fast Serve
Planner Assigned	Don Dolenc, Associate Planner
Application Received	October 24, 2014
Application Complete	November 20, 2014
120-Day Deadline	March 20, 2015
Date of Staff Report	December 4, 2014
Date of Public Hearing	December 11, 2014

RECOMMENDATION

Approval subject to the conditions on page 24 of this report.

BACKGROUND AND PROPOSAL

The property was previously developed with a gasoline service station. The I-5 interchange project severely impacted the property and necessitated the demolition and reconstruction of the station.

The applicant now requests a Type III Design Review for a new 4,054 square foot gas station and convenience store, and a Variance to the the number and location limitations on pole signs. The property is zoned Commercial General (CG). Abutting properties are also zoned Commercial General (CG). The property is within the Interchange Management Area overlay district.

APPROVAL CRITERIA

Applicable criteria from the Woodburn Development Ordinance (WDO) are Sections: 1.01, 1.02, 2.01, 2.03, 2.05, 3.01, 3.02, 3.03, 3.04, 3.05, 3.06, 3.07, 3.10, 4.01, and 5.03. Additional relevant criteria are the goals and policies of the Woodburn Comprehensive Plan, the accessible parking standards of Section 1104 of the Oregon Structural Specialty Code and ORS 447.233, and the standards of the Transportation System Plan (TSP).



Zoning Map

ANALYSIS AND FINDINGS OF FACT

WDO 2.03 Commercial Zones

Findings: Table 2.03A lists the uses allowed in the CG zone. The proposed use is a gasoline station and convenience store. The nearest residentially zoned property is approximately 540 feet away.

Uses Allowed in Commercial Zones Table 2.03A (excerpt)		
Use		Zone
	Conditional Uses (CU) Permitted Uses (P)	CG
B	Commercial Retail and Services	
2	Automotive maintenance and gasoline stations, including repair services	CU ³
22	Retail trade offering goods and services directly to customers	P
3. Allowed outright if not within 200 feet of residentially zoned properties		

Conclusion: The proposed uses are allowed on the subject property.

Findings: Table 2.03C lists development standards of the CG zone.

Commercial General (CG) - Site Development Standards Table 2.03C (excerpt)		
Lot Area, Minimum (square feet)		No minimum
Lot Width, Minimum (feet)		No minimum
Lot Depth, Minimum (feet)		No minimum
Street Frontage, Minimum (feet)		No minimum
Front Setback and Setback Abutting a Street, Minimum (feet)		5
Side or Rear Setback, Minimum (feet)	Abutting CG zone	0 or 5 ⁵
Lot Coverage, Maximum		Not specified ²
Building Height, Maximum (feet)	Primary or accessory structure	70
	Features not used for habitation	100
2. Lot coverage is limited by setbacks, off-street parking, and landscaping requirements.		
5. A building may be constructed at the property line, or shall be set back at least five feet.		

Findings: Table 2.03C requires a setback of five feet abutting a street, and side and rear setbacks of zero or five feet. The site plan shows all buildings to be located substantially at the west and south lot lines, and more than five feet from all other lot lines.

Conclusion: The proposed development is conforming with respect to setbacks.

Findings: Table 2.03C provides that the minimum building setback from a private access easement shall be five feet. The site plan shows no private access easement.

Conclusion: The proposed development complies with Table 2.03C, because there is no private access easement on the property.

Findings: Table 2.03C sets the maximum height of buildings at 70 feet. The elevation drawings show parapet heights of approximately 25 feet.

Conclusion: The proposed development is conforming with respect to building height.

WDO 2.05.02 Interchange Management Area Overlay District

Findings: Section 2.05.02.B states that the provisions of this Section apply to all Type II – V land use applications which propose to allow development that will generate more than 20 peak hour vehicle trips on parcels identified in Table 2.05A. The subject property is not listed in Table 2.05A.

Conclusions: The proposed development is not subject to Section 2.05.02, since the property is not listed in Table 2.05A.

Note: Section 2.05.02.D.2 requires that the Oregon Department of Transportation (ODOT) be notified and be given at least 20 days to provide written comments to the City. Although Section 2.05.02 does not apply to this project, the preliminary project drawings and narrative were emailed to ODOT on October 27, 2014, together with an invitation to provide comments. ODOT responded that it has no concerns with the site plan and trip generation analysis.

WDO 3.01 Streets

Findings: Section 3.01.02.A provides that 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. As set forth below, the streets serving this development meet or will meet the minimum standards of this Section.

Conclusion: The proposed development complies with Section 3.01.02.A.

Findings: Section 3.01.03.C provides that the minimum improvements for a Boundary Street shall be:

1. One paved 11-foot travel lane in each direction;
2. On-street parking on the side of the street abutting the development, if on-street parking is indicated in the TSP;
3. Curb on the side of the street abutting the development;
4. Drainage facilities on the side of the street abutting the development;
5. Street trees on the side of the street abutting the development; and
6. A sidewalk on the side of the street abutting the development.

Findings: Newberg Highway is a Boundary Street for the proposed development. Newberg Highway is currently being reconstructed as part of the I-5 interchange project, with all required improvements.

Findings: Lawson Avenue is a Boundary Street for the proposed development. The existing cross-section of Lawson Avenue is a right-of-way dedication of 60 feet, and is currently being reconstructed as part of the I-5 interchange project, with all required improvements.

Conclusions: All abutting streets have or will have the minimum improvements required of a Boundary Street. The proposed development complies with Section 3.01.03.C.

Findings: Section 3.01.04 provides that public streets under the jurisdiction of the City must comply with the cross-sections depicted. The cross-sections depicted in the WDO do not apply at intersections with turn lanes, or in transition areas. Newberg Highway is a Major Arterial and is an ODOT facility. Lawson Avenue is an unclassified local commercial street and is currently a City facility being reconstructed by ODOT as part the I-5 interchange project.

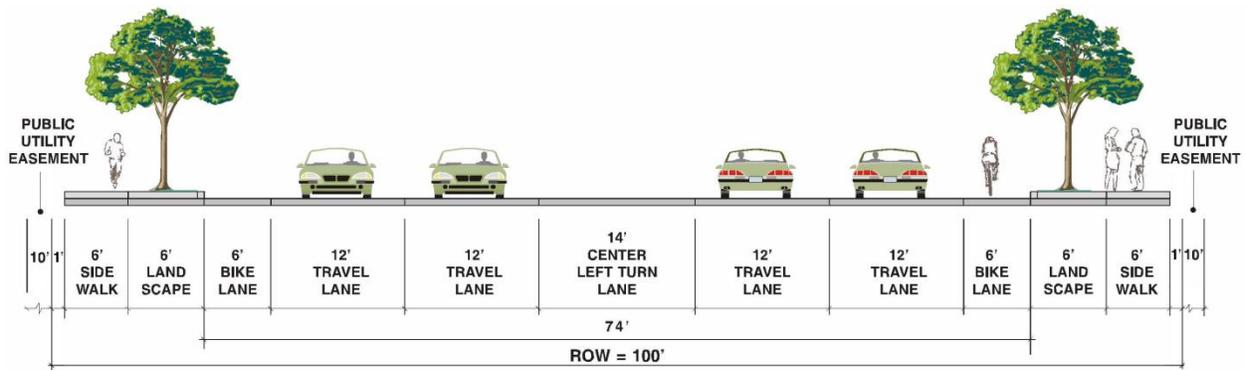


Figure 3.01B – Major Arterial

Conclusions: As noted above, all streets have the right-of-way dedication and the minimum improvements required of a Boundary Street, and therefore comply with Section 3.01.04.

WDO 3.02 Utilities and Easements

Findings: Section 3.02.01.A requires dedication of specific easements for the construction and maintenance of municipal water, sewerage and storm drainage facilities. The Public Works Department has not requested easements for utilities under this provision.

Conclusions: The proposed development complies with Section 3.02.01.A.

Findings: Section 3.02.01.B requires a five foot public utility easement along each public street. Section 3.02.01.C authorizes the Director to require dedication of public utility easements as a condition of approval for development. The site plan shows a ten foot public utility easement along Newberg Highway.

Conclusions: The proposed development does not fully comply with Section 3.02.01.B. The property owner must provide a five foot public utility easement along Lawson Avenue.

Findings: Section 3.02.02 requires easements along creeks and other water courses. The property does not contain a water course.

Conclusion: The proposed development complies with Section 3.02.02 because there are no creeks or other water courses on the property.

Findings: Section 3.02.03 requires that public streets abutting a development be illuminated with street lights installed to the standards of the City and the electric utility. ODOT drawing I-02108 shows street lights are to be installed along the north side of Newberg Highway as part of the I-5 interchange improvements. Lawson Avenue is not currently provided with street lights. The site plan shows “New luminaire poles to be provided along Lawson Street per City and PGE standards”.

Conclusions: The proposed development complies with Section 3.02.03. The location and type of luminaire will be resolved with the Public Works Department during the building permit process.

WDO 3.03 *Setbacks and Open Space*

Findings: Section 3.03 provides standards for setbacks, special setbacks for streets with less than adequate right-of-way dedication, projections into setbacks, and vision clearance areas. The site plan shows adequate right-of-way dedication, no projections into setbacks, and no encroachments into the vision clearance areas.

Conclusion: The proposed development complies with Section 3.03.

WDO 3.04 *Vehicular Access*

Findings: Section 3.04.01.A provides that every lot shall have direct access to an abutting public street or to a public street by an irrevocable access easement. The site plan shows direct access to Lawson Avenue.

Conclusion: The proposed development complies with Section 3.04.01.A.

Findings: Section 3.04.01.B provides that a City permit shall be required for any new or modified vehicular access to a street that is under City jurisdiction. Neither Newberg Highway nor Lawson Avenue is currently under City jurisdiction. (Lawson Avenue is a City street temporarily under ODOT jurisdiction during the I-5 interchange project.)

Conclusion: A City access permit is not required.

Findings: Section 3.04.05.A provides that a Traffic Impact Analysis (TIA) may be required by the Director prior to the approval of a City access permit. A City access permit is not required. The Director has not requested a TIA.

Conclusion: A Traffic Impact Analysis is not required under Section 3.04.05.A.

Findings: Table 3.04A provides that the throat length of a driveway onto a local street is a minimum of 20 feet. The site plan shows the nearest parking space to be more than 50 feet from Lawson Avenue.

Conclusion: The proposed development complies with Table 3.04A with respect to throat length.

WDO 3.05 *Off-Street Parking and Loading*

Findings: Section 3.05.02.B provides that the off-street parking and loading areas shall either be:

1. Owned in fee title by the owner of the structure or site being served by the parking area, or
2. Subject to a parking agreement, to the satisfaction of the Director and recorded with the County Recorder.

The site plan shows that all required parking is located on the subject property.

Conclusion: The proposed development complies with Section 3.05.02.B.

Findings: Section 3.05.02.D.4 prohibits off-street parking and storage within a setback adjacent to a street, except behind a wall. Per Table 2.03C, the setback abutting a street is five feet. The site plan shows no parking within the setbacks along Newberg Highway and Lawson Avenue.

Conclusions: The proposed development complies with Section 3.05.02.D.4.

Finding: Section 3.05.02.F requires that vehicle parking and loading areas be paved to the standards of Section 3.04.04. The site plan shows concrete pavement.

Conclusions: The proposed development appears to comply with Section 3.05.02.F. Compliance will be verified during the building permit process.

Findings: Section 3.05.02.H requires that off-street parking spaces be constructed with wheel barriers that prevent vehicles from damaging structures, projecting over walkways so as to leave less than four feet of unobstructed passage, or projecting over access ways, abutting properties or rights-of-way. The site plan shows that all parking spaces abutting walkways or landscaped areas are limited by curbs.

Conclusion: The proposed development complies with Section 3.05.02.H.

Findings: Section 3.05.02.I requires that off-street parking spaces be designed so that no backing or maneuvering within a public right-of-way is required. The site plan shows that all parking is accessed by means of on-site maneuvering aisles.

Conclusion: The proposed development complies with Section 3.05.02.I.

Findings: Section 3.05.02.J requires that all uses required to provide 20 or more off-street parking spaces must have directional markings or signs to control vehicle movement. The site plan shows directional pavement markings at the access point.

Conclusion: The proposed development complies with Section 3.05.02.J.

Findings: Section 3.05.02.K requires that off-street parking spaces be delineated by double parallel lines on each side of a space. The total width of the lines shall delineate a separation of two feet. The site plan delineates the parking spaces with double parallel lines.

Conclusion: The proposed development complies with Section 3.05.02.K.

Findings: Section 3.05.02.L provides that illumination shall not shine or reflect onto residentially zoned property or a public street. For nonresidential uses:

1. Parking and loading areas should be illuminated at an average of 0.2 horizontal foot-candle at ground level (or 0.5 horizontal foot-candle if the applicant states that personal security or vandalism is a likely or severe problem), with a maximum uniformity ratio of 20:1 (maximum to minimum).

2. Entrance areas to the building should be illuminated at an average of 0.5 horizontal foot-candle at ground level (or 1.0 horizontal foot-candle if the applicant states that personal security or vandalism is a likely or severe problem), with a maximum uniformity ratio of 15:1 (maximum to minimum).

The photometric plan indicates that the parking and loading area is illuminated at an average of 5.8 foot-candles, or 11 times the maximum standard, and the area under the canopy is illuminated at an average of 44 foot-candles, or 44 times the maximum standard.

Conclusions: The proposed development does not comply with Section 3.05.02.L.

Note: The proposed development must also comply with the State of Oregon’s energy budget for outdoor lighting. This building code requirement will be verified during the permit process.

Findings: The applicant has requested a variance to reduce the required off-street parking to the 16 spaces actually provided. The variance request is discussed later in this report.

Findings: Section 3.05.03.B provides that the accessible spaces shall be included as part of the total required vehicle parking spaces. The site plan shows one van accessible space provided.

Accessible Parking Ratio Standards Table 3.05B (excerpt)			
Total Spaces	Minimum Total Accessible Spaces ¹	Minimum Van Accessible Spaces	Minimum “Wheelchair User Only” Spaces
1 to 25	1	1	
1. “Van Accessible Spaces” are included in “Total Accessible Spaces.”			

Conclusions: For the 16 off-street parking spaces provided, one van-accessible space is required. The proposed development complies with Table 3.05B.

Findings: Section 3.05.03.C provides that a maximum of 20 percent of the required vehicle parking spaces may be satisfied by compact vehicle parking spaces. The site plan shows no compact parking spaces.

Conclusion: The proposed development complies with Section 3.05.03.C.

Findings: Table 3.05C gives the required dimensions of parking spaces and drive aisles. The parking spaces shown on the site plan are all 90° spaces. Standard spaces are called out as 9 feet wide by 19 feet long. The van-accessible space is called out as 17 feet wide (including the accessible aisle) by 19 feet long. All two-way drive aisles are shown as at least 24 feet wide.

Parking Space and Drive Aisle Dimensions Table 3.05C (excerpt)							
Parking Angle	Type of Space	Stall Width (feet)	Curb Length (feet)	Stripe Length (feet)	Stall to Curb (feet)	Drive Aisle Width (feet)	
						1-way	2-way
A		B	C	D	E	F	G
90°	Standard or Accessible	9.0	9.0	19.0	19.0	24.0	24.0
	Car Accessible Aisle	6.0	6.0	19.0	19.0	24.0	
	Van Accessible Aisle	8.0	8.0	19.0	19.0	24.0	
<ol style="list-style-type: none"> 1. A parking space may occupy up to two feet of a landscaped area or walkway. At least four feet clear width of a walkway must be maintained. 2. Space width is measured from the midpoint of the double stripe. 3. Curb or wheel stops shall be utilized to prevent vehicles from encroaching on abutting properties or rights-of-way. 4. The access aisle must be located on the passenger side of the parking space, except that two adjacent parking spaces may share a common access aisle. 							

Conclusion: The proposed development complies with Table 3.05C.

Findings: Section 3.05.03.E states that uses that are required to provide 10 or more off-street parking spaces shall provide a bicycle rack within 50 feet of the main building entrance. The number of required rack spaces shall be one space per ten vehicle parking spaces, with a maximum of 20 rack spaces. The site plan shows 16 off-street parking spaces and two bike rack spaces, located at the northeast corner of the building.

Conclusions: The proposed development requires two bike rack spaces and complies with Section 3.05.03.E.

Findings: Table 3.05D sets the minimum requirements for loading spaces. The proposed gas station and convenience store total 4,054 square feet. The site plan shows one “delivery truck parking” space.

Loading Space Requirements Table 3.05D (excerpt)				
Use and Area (square feet)	Minimum Number of Spaces	Minimum Size of Space (feet)		
		Width	Length	Height
Nonresidential uses, except office, in the CG zone: 0 – 9,999	1	12	30	14

Conclusion: The proposal complies with Table 3.05D.

WDO 3.06 Landscaping

Note: Compliance with the approved landscaping plan is checked during the building permit process and verified before final occupancy.

Findings: Section 3.06.01.A provides that the landscaping requirements apply to the site area for all new or expanded non-residential development, parking and storage areas for equipment, materials and vehicles.

Conclusion: The provisions of Section 3.06.01.A apply to the proposed development and its related parking.

Findings: Section 3.06.02.B provides that all required landscaped areas be irrigated unless it is documented that the proposed landscaping does not require irrigation. The landscape detail sheet notes that an irrigation system will be installed.

Conclusion: The proposed development complies with Section 3.06.02.B.

Findings: Section 3.06.02.C provides that all shrubs and ground cover shall be of a size upon installation so as to attain 80% of ground coverage within 3 years. The shrubs shown are reported to attain a mature spread approximately equal to the spacing indicated on the landscape plan.

Conclusion: The proposed development apparently complies with Section 3.06.02.B.

Findings: Section 3.06.03.A requires one tree per every entire 50 feet of street frontage. Street trees along Major Arterials must be of a “large” species (60-120 feet high at maturity). Street trees along unclassified streets must be of a “small” species (18-40 feet high at maturity). Newberg Highway is a Major Arterial, and Lawson Avenue is unclassified. There are existing overhead power distribution lines along the south side of Newberg Highway. The property has 200 feet of frontage on Newberg Highway and 200 feet of frontage on Lawson Avenue. The landscape plans show eight Eddie’s White Wonder dogwood (20-35 feet tall) on Newberg Highway and Lawson Avenue.

Conclusions: At least eight street trees are required along Newberg Highway and Lawson Avenue. Large trees are inappropriate beneath overhead power lines. The proposed development effectively complies with Section 3.06.03.A.

Findings: Table 3.06A sets the landscaping requirement for setbacks abutting a street. The property has approximately 200 feet of frontage on Newberg Highway, 200 feet of frontage on Lawson Avenue, and 110 feet of frontage on I-5. The State of Oregon took an easement for additional right-of-way for the Newberg Highway/Lawson Avenue intersection. Because the property was taken as an easement instead of in fee, most of the setback along these streets is actually in the public right-of-way. The landscape plan shows continuous planting along all street frontages, typically consisting of large shrubs every 4 feet or medium shrubs every 3 feet.

Planting Requirements Table 3.06A (excerpt)		
Location	Planting Density, Minimum	Area to be Landscaped, Minimum
Setbacks abutting a street	1 PU/15 square feet	Entire setback excluding driveways

Conclusions: The planting requirements of Table 3.06A for setbacks abutting a street apply only on private property outside the right-of-way (whether the right-of-way is in fee or by easement). The proposed landscaping provides 1.0-1.7 PU per 15 square feet. The proposed development complies with Table 3.06A with respect to landscaping abutting a street.

Findings: Table 3.06A sets the landscaping requirement for buffer yards, defined in Section 1.02 as yards improved with landscaping and/or screening to applicable standards of the Woodburn Development Ordinance, that are located between two land uses of differing character to minimize potential conflicts and to provide a more aesthetic environment. Abutting properties are all zoned Commercial General (CG).

Conclusions: The proposed development is commercial and is not “of differing character” from abutting commercial properties. No buffer yard is required.

Findings: Table 3.06A sets the landscaping requirement for “other” yards – areas of the site that are not subject to other enumerated requirements. The landscape plans show all areas of the site not covered by buildings or parking are planted with trees, shrubs, and living groundcover. Per Table 3.06B, lawn or other living groundcover has a Plant Unit value of 1 PU/50 square feet.

Planting Requirements Table 3.06A (excerpt)		
Location	Planting Density, Minimum	Area to be Landscaped, Minimum
Other yards	1 PU/50 square feet	Entire yard, excluding areas subject to more intensive landscaping requirements and off-street parking and loading areas

Conclusion: The proposed development complies with Table 3.06A with respect to other yards.

Findings: Table 3.06A sets the landscaping requirement for off-street parking areas. The site plan indicates 19,975 square feet of parking, loading, and circulation area. The landscape plan shows two Callery pear trees and over 300 plant units of landscaping material (not including required trees). Callery pears are reported to attain a mature height of 50-65 feet, and qualify as medium trees. The parking area contains 16 spaces.

Planting Requirements Table 3.06A (excerpt)		
Location	Planting Density, Minimum	Area to be Landscaped, Minimum
Off-street parking and loading areas	<ul style="list-style-type: none"> • 1 small tree per 10 parking spaces; or ¹ • 1 medium tree per 15 parking spaces; or ¹ • 1 large tree per 25 parking spaces ¹ and <ul style="list-style-type: none"> • 1 PU/20 square feet excluding required trees ² 	<ul style="list-style-type: none"> • CG zones: 20% of the paved surface area for off-street parking, loading and circulation • Landscaping shall be within or immediately adjacent to paved areas
<ol style="list-style-type: none"> 1. Trees shall be located within off-street parking facilities, in proportion to the distribution of the parking spaces. 2. Required landscaping within 20 feet of parking, loading and circulation facilities may also be counted in calculating landscaping for off-street parking, loading and circulation areas. 		

Conclusions: The off-street parking and loading areas require at least 3,995 square feet of landscaping (within 20 feet of parking, loading and circulation areas), 200 PU of landscaping material and one medium tree. The proposed development complies with Table 3.06A with respect to landscaping within off-street parking facilities.

Findings: Table 3.06A sets the screening requirement for uses in the CG zone. The site plan does not show areas for outdoor storage. The site plan shows a refuse collection facility screened by a six foot high brick wall with steel gates. The screening wall is not articulated either vertically or horizontally, and is not indicated to have the two textures and colors required by Section 3.06.06.

Screening Requirements Table 3.06D (excerpt)	
W = Architectural wall required D = Architectural wall, fence, or hedge may be required in the Design Review process	
Adjacent properties – zone or use that receives the benefit of screening 	CG zone
Property being Developed – must provide screening if no comparable screening exists on abutting protected property 	
CG zone	D
Refuse and recycling collection facilities	W ²
2. Six to seven feet in height	
General notes:	
9. Screening is subject to height limitations for Vision Clearance Areas (Section 3.03.06) and adjacent to streets (Section 2.01.02).	
10. No screening is required where a building wall abuts a property line.	

Conclusions: The Planning Commission may require an architectural wall, fence, or hedge at the perimeter of the property as part of this Design Review. This Design Review does not authorize

outdoor storage. The refuse collection screening wall does not comply with the standards of Section 3.06.06 regarding architectural walls.

Finding: Section 3.06.05.B requires a 42-inch vertical visual screen from the abutting street grade. Acceptable design techniques to provide the screening include plant materials, berms, architectural walls, and depressed grade for the parking area. The landscape plan shows continuous planting along all street frontages. The shrubs shown are reported to attain a mature spread approximately equal to the spacing indicated on the landscape plan, and are reported to attain a mature height of at least 42 inches.

Conclusion: The proposed development complies with Section 3.06.05.B.

Finding: Section 3.06.07 regulates the removal of significant trees (defined in Section 1.02 as any existing, healthy tree 24 inches or more in diameter, measured five feet above ground level). There are no trees on the site that are 24” caliper and over.

Conclusion: The proposed development complies with Section 3.06.07, because there are no significant trees on the property.

WDO 3.07 Architectural Design

Finding: Section 3.07.06 contains the design guidelines applicable to development in the CG zone. Guidelines are not mandatory requirements, but are community norms that are at the discretion of the decision-maker.

Findings: Section 3.07.06.B.1 provides that building facades visible from streets and public parking areas should be articulated, in order to avoid the appearance of box-like structures with unbroken wall surfaces. The appearance of exterior walls should be enhanced by incorporating three-dimensional design features, including:

- a. Public doorways or passage ways through the building;
- b. Wall offsets or projections;
- c. Variation in building materials or textures; and
- d. Arcades, awnings, canopies or porches.

The building is arrowhead-shaped. The attached canopy also avoids the appearance of a box-like structure.

Conclusion: The proposed development complies with the guidelines of Section 3.07.06.B.1.

Findings: Section 3.07.06.B.2.a provides that building exteriors should exhibit finishes and textures that reduce the visual monotony of bulky structures and large structural spaces. Building exteriors should enhance visual interest of wall surfaces and harmonize with the structural design.

The building features a variety of materials (brick, stone, glass, stucco), textures, and colors to provide visual interest.

Conclusion: The proposed development complies with the guidelines of Section 3.07.06.B.2.a.

Findings: Section 3.07.06.B.2.b(1) provides that at least 30% of the wall surface abutting a street should be glass. The building is located in the southwest corner of the property – the maximum distance from both Newberg Highway and Lawson Avenue. The pump canopy significantly obstructs the view of the building from both Newberg Highway and Lawson Avenue.

Conclusions: For the purposes of Section 3.07.06.B.2.b(1), the building does not have a “wall surface abutting a street”. The proposed development meets guideline of Section 3.07.06.B.2.b(1).

Findings: Section 3.07.06.B.2.b(2) provides that all walls visible from a street or public parking area should be surfaced with wood, brick, stone, designer block, or stucco, or with siding that has the appearance of wood lap siding. The proposed building will be surfaced with a variety of finishes, including brick, stone, glass, and stucco.

Conclusion: The proposed development complies with the guidelines of Section 3.07.06.B.2.b(2).

Findings: Section 3.07.06.B.2.b(3) provides that the use of plain concrete, plain concrete block, corrugated metal, plywood, T-111 and sheet composite siding as exterior finish materials for walls visible from a street or parking area should be avoided. Plain concrete, corrugated metal, plywood, T-111, and sheet composite are not proposed as an exterior finish.

Conclusion: The proposed development complies with the guidelines of Section 3.07.06.B.2.b(3).

Findings: Section 3.07.06.B.2.b(4) provides that the color of at least 90 percent of the wall, roof and awning surface visible from a street or public parking area should be an “earth tone” color containing 10 parts or more of brown or a “tinted” color, containing 10 parts or more white. The photographs included with this submittal as materials samples show earth tone colors.

Conclusion: The proposed development complies with the guidelines of Section 3.07.06.B.2.b(4).

Findings: Section 3.07.06.B.2.b(5) provides that fluorescent, “day-glo,” or any similar bright color shall not be used on the building exterior. The photographs included with this submittal as materials samples do not show any bright colors.

Conclusion: The proposed development complies with the guidelines of Section 3.07.06.B.2.b(5).

Findings: Section 3.07.06.B.3 provides that the roofline at the top of a structure should establish a distinctive top to the building, and that the roofline should not be flat or hold the same roof line over extended distances. Rather, the roofline should incorporate variations, such as:

- (1) Offsets or jogs in the plane of the roof;
- (2) Changes in the height of the exterior wall for flat roof buildings, including parapet walls with variations in elevation or cornices.

The building is relatively small and does not hold the same roof line over an extended distance.

Conclusion: The proposed development complies with the guidelines of Section 3.07.06.B.3.

Findings: Section 3.07.06.B.4 provides that all roof-mounted equipment, except solar collectors, should be screened from view.

The elevation drawings show that roof-mounted equipment does not extend above the parapet.

Conclusions: The proposed development complies with the guidelines of Section 3.07.06.B.4.

Findings: Section 3.07.06.B.5 provides that all building faces abutting a street or a public parking area should provide weather protection for pedestrians. Features to provide this protection should include:

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

The elevation drawings show the canopy providing weather protection on the northeast facade, but no protection along the north and east facades.

Conclusions: The proposed development does not fully comply with the guidelines of Section 3.07.06.B.5. The Commission may approve this project even though it does not comply with the guidelines, or may require compliance. The Commission should address this point in its deliberation or motion – either by acknowledging this deviation, or by requiring conformance with the guideline.

Findings: Section 3.07.06.B.6 provides that obstruction of existing solar collectors on abutting properties by site development should be minimized. No solar collectors on adjacent properties are known, or are apparent in recent aerial photos.

Conclusion: The proposed development complies with the guidelines of Section 3.07.06.B.6.

Findings: Section 3.07.06.C provides that building location and orientation should compliment abutting uses and development patterns, and that the maximum yard abutting a street should be 150 feet. The building is located at the southwest corner of the property. The RV dump station is located at the intersection of Newberg Highway and Lawson Avenue, abutting the pedestrian connection from the intersection to the building. The refuse collection facility is located near the sidewalk along Lawson Avenue, abutting the pedestrian connection from Lawson Avenue to the building.

Conclusions: The proposed location of the building and fuel canopy complies with the guidelines of Section 3.07.06.C. The RV dump station is inappropriate for the City's gateway from I-5, and does

not compliment abutting uses and development patterns. The refuse collection facility is inappropriate for the front yard / streetscape of Lawson Avenue, and would be more appropriately located next to the building or in the northwest corner of the property. The refuse collection facility should also be provided with a roof to mitigate the view from Newberg Highway.

WDO 3.10 Signs

The applicant has requested a variance from the number and location limitations on pole signs. The variance request is discussed later in this report. Aspects of the sign regulations that are not subjects of a variance request are discussed below.

Findings: Section 3.10.06.A provides that no portion of a freestanding sign shall be located less than five feet from any property line. The site plan shows the “freeway” pole sign to be five feet from the west property line. The site plan shows the “Chevron ID” pole sign to be two feet from the west property line.

Conclusions: The “freeway” pole sign is in a conforming location. The requested variance must be approved in order to establish the “Chevron ID” pole sign in its proposed location.

Findings: Section 3.10.06.D provides that each sign should be designed to be consistent with the architectural style of the main building or buildings on the site. Signs should be designed to incorporate at least one of the predominately visual elements of the building, such as type of construction materials or color. The site plan shows a brick pole wrap at the base of both signs. The building also features a brick exterior.

Conclusions: The proposed signs comply with Section 3.10.06.D.

Findings: Section 3.10.06.E provides that supporting elements of pole signs shall be covered, consistent with Section 3.10.06.E. The total width of pole covers shall be at least 30 percent of the sign display width. The site plan shows a brick pole wrap at the base of both signs. Neither pole wrap is 30 percent of the sign display width or extends the full height of the pole.

Conclusion: The proposed pole wrap does not comply with Section 3.10.06.E.

Findings: Section 3.10.06.F provides that freestanding signs shall appear to be a single unit and shall not have separate or detached cabinets or display surfaces that are not architecturally integrated into the primary display surface. The site plan shows that both signs have a single display surface.

Conclusion: The proposed signs comply with Section 3.10.06.F.

Findings: Table 3.10.10B sets forth the allowances for permanent signs in the CG zone. The property is within the Freeway Overlay (which allows increased area and height for pole signs).

The property has a maximum of 200 feet of frontage on any single street (I-5, Newberg Highway, or Lawson Avenue).

Permanent Signs in the CG Zone Table 3.10.10B (excerpt)	
Pole Signs	
Frontage	Freeway Overlay (See Figure 3.10L)
100-299 feet	<ul style="list-style-type: none"> • Maximum 1 per single-tenant site or complex • Maximum 45 feet high • Maximum 200 square feet or 4.5 square feet per foot of actual height, whichever is less
<p>2. Changing image is allowed on freestanding signs only, up to 50 percent of the total sign area.</p> <p>4. For signs regulated by ORS 646.930 (Motor vehicle fuel prices; requirements for display), an additional 32 square feet may be incorporated into another sign, or may be installed as a separate wall or monument sign. The fuel price display area of such signs may be electronic changing-image. If the price of four or more fuel products is required to be displayed, the additional allowance shall be 42 square feet.</p>	

The applicant requests a “freeway” pole sign 45 feet in height and 190 square feet in area. The applicant requests a second pole sign 13 feet in height and 72 square feet in area, including 32 square feet of fuel price information and 20 square feet of changing-image area.

Conclusions: The proposed signs are conforming for height and area. The requested variance must be approved in order to establish more than one pole sign on the property.

WDO 5.03.02 *Design Review, Type III*

Findings: Section 5.03.02.B.3 requires a Type III Design Review for structures greater than 2,000 square feet in the CG zone. The application is for a 4,054 square foot gas station and convenience store.

Conclusion: The application complies with Section 5.03.02.B.3.

WDO 5.03.12 *Variance (Off-street parking)*

Findings: Table 3.05A gives the required off-street parking ratios.

Off-Street Parking Ratio Standards Table 3.05A (excerpt)	
Use	Parking Ratio - spaces per activity unit or square feet of gross floor area
COMMERCIAL / PUBLIC	
6. Motor vehicle service	1/ 200 retail area + 3/ service bay + 1/ pump island

The proposed use is a gasoline service station with 4,054 gross square feet of retail space, no service bays, and six gasoline pump islands (the two biodiesel pumps cannot be used concurrently with the

adjoining gasoline pumps, so there are effectively six pump islands for the purpose of calculating required parking.) A total of 26 spaces is required at the minimum parking ratio, and 16 spaces are provided. The applicant has requested a variance to reduce the required parking to 16 spaces.

Applicant's statement: "It is our opinion that the application of the parking standards for the Motor Vehicle Service standards were intended for the traditional auto maintenance facilities that have a relatively small inside retail area and two to four islands as an accessory use to the primary service of the automobiles in the service bays. These uses generally maintain 400 to 600 square feet in retail area and as such, the ratio is fair at 1/200 since the area is limited.

This redevelopment proposes retail as the primary use, with fueling as an accessory use. If we agree on this point, then the ratio that is more applicable to the site is 1/250 square feet of retail area and the site is in compliance for the convenience store area. The pump islands need not be considered since there is ample queuing space to account for each of the six islands.

It is also common in the industry for these types of facilities to consider the fueling position as a parking space. Based on the layout of this site, cars can await an available position and access forward fueling positions by using the center or end passing lane. That said, the queue spaces would easily support the parking demand.

The proposed 16 parking spaces will provide ample parking for this facility based on facilities of similar size."

Section 5.03.12.B provides that a variance from development standards may be granted when strict adherence to the WDO standards is not possible, or imposes an excessive burden on the property owner, and when variance to the standards will not unreasonably impact adjacent existing or potential uses or development. The applicant has requested a variance to reduce the off-street parking requirement from 26 spaces to 16.

Applicant's statement: "Strict adherence to the standards for Motor Vehicle Service parking standards imposes an excessive burden because it is not suited to this type of retail use."

Section 5.03.12.C lists five factors to be used as a guide to deliberate the application:

Section 5.03.12.C.1: The variance is necessary to prevent unnecessary hardship relating to the land or structure, which would cause the property to be unbuildable by application of this ordinance.

Factors to consider in determining whether hardship exists include:

- a. Physical circumstances over which the applicant has no control related to the piece of property involved that distinguish it from other land in the zone, including, but not limited to, lot size, shape, and topography.
- b. Whether reasonable use, similar to other properties, can be made of the property without the variance.
- c. Whether the hardship was created by the person requesting the variance.

Findings: The subject property is similar in size, shape, and topography to other parcels in the CG zone. The parcel abuts existing commercial development. It is atypical of other CG property in that it abuts a ramp of the I-5 interchange, and is significantly below the ramp elevation.

Section 5.03.12.C.2: Development consistent with the request will not be materially injurious to adjacent properties. Factors to be considered in determining whether development consistent with the variance is materially injurious include, but are not limited to:

- a. Physical impacts such development will have because of the variance, such as visual, noise, traffic and drainage, erosion and landslide hazards;
- b. Incremental impacts occurring as a result of the proposed variance.

Applicant's statement: "This variance or adjustment will not impact existing or potential uses on this property or the adjacent properties as the same standard would apply to any retail use in this same zone."

Findings: The property is essentially flat. Reducing the amount of off-street parking could have an impact on traffic; would have no impact on drainage, erosion and landslide hazards; and would have no visual and noise impacts.

Section 5.03.12.C.3: Existing physical and natural systems, such as, but not limited to, traffic, drainage, dramatic land forms or parks will not be adversely affected because of the variance.

Findings: The requested variance would not change the elevation, slope, or soil composition of the property. There are no dramatic land forms nearby. Burlingham Park, the nearest public park, is approximately 2,500 feet away.

Section 5.03.12.C.4: The variance is the minimum deviation necessary to make reasonable economic use of the property.

Finding: The applicant has requested a 38% reduction in off-street parking.

Section 5.03.12.C.5: The variance does not conflict with the Woodburn Comprehensive Plan.

Findings: The property is zoned Commercial General (CG) and is designated Commercial on the Comprehensive Plan Map. The proposed use of the property is commercial. The Comprehensive Plan and the WDO contemplate and provide for variances.

Conclusions: The property is not "unbuildable by application of the WDO." The requested variance could have an impact on traffic, and would not alter existing patterns of drainage or other physical or natural systems, or be materially injurious to adjacent properties. The requested variance does not conflict with the Woodburn Comprehensive Plan.

WDO 5.03.12 Variance (Signage)

Findings: Table 3.10.10B sets forth the allowances for permanent signs in the CG zone. The property is within the Freeway Overlay (which allows increased area and height for pole signs). The property has a maximum of 200 feet of frontage on any single street (either Newberg Highway or Lawson Avenue).

Permanent Signs in the CG Zone Table 3.10.10B (excerpt)	
Pole Signs ¹	
Frontage	Freeway Overlay (See Figure 3.10L)
100-299 feet	<ul style="list-style-type: none"> • Maximum 1 per single-tenant site or complex • Maximum 45 feet high • Maximum 200 square feet or 4.5 square feet per foot of actual height, whichever is less
Monument Signs ¹	
Frontage	Allowance
1-299 feet	<ul style="list-style-type: none"> • Maximum 1 per frontage on the same street • Maximum 4 signs per single-tenant site or complex. • Maximum 8 feet high • Maximum 32 square feet each
<ol style="list-style-type: none"> 1. A monument sign may not be established on the same frontage as a pole sign. 4. For signs regulated by ORS 646.930 (Motor vehicle fuel prices; requirements for display), an additional 32 square feet may be incorporated into another sign, or may be installed as a separate wall or monument sign. The fuel price display area of such signs may be electronic changing-image. If the price of four or more fuel products is required to be displayed, the additional allowance shall be 42 square feet. 	

Applicant’s statement: “Freestanding Signs per Woodburn Development Ordinance, Table 310.10B, which states sites with frontages between 100 and 299 lineal feet within the Freeway Overlay Zone are permitted to have one 45-foot high freestanding pole sign not exceeding 200 square feet or 4.5 square feet per foot of height, whichever is less, and one monument sign, one per frontage (8 feet high), a maximum of 32 square feet, with an additional allowance of up to 42 square feet for four products. A monument sign may not be established on the same frontage as a pole sign per Footnote 1. The proposed plan intends to modify one and replace one of the existing signs on the site. The existing two-pole freeway sign, which is approximately 60 feet high, will be removed. A new single-pole freeway sign will be installed and will conform to the 45 foot height and 200 square foot maximum area. This sign will meet the requirements of the ordinance when replaced. The existing primary pole identification sign with prices on the west, which is located in close proximity and slightly north and west of the freeway sign, is proposed to be reduced to 13 feet in height and less than the permitted area in lieu of a monument sign, and to remain in the same location. For economic reasons, we are proposing the reuse of the current sign foundation and pole. The encroachment into the setback is roughly half way to the sign face.

Based on this, the variances to the sign standards we are seeking are:

1. Establish/maintain two pole signs versus one pole sign and one monument sign.
2. Establish/maintain two signs on the same (facing same or similar) frontage.
3. Pole sign replacing the monument to exceed the maximum height permitted if it were considered a monument or second price sign.
4. Encroachment within the sign setback for the primary pole identification sign due to reuse of the existing structure.”

as Evergreen, that permits access to patrons traveling westbound on Highway 214. Therefore, the only logical sign placement for this site is on the west boundary to draw its customers from I-5 and to advertise their services to the public well enough in advance of the turn pocket on Highway 214.

This is not to say that sign advertising is not needed facing westbound traffic. All businesses should be entitled to display their brand and services to the motoring public whether there is access or not. Additionally, there may be a modification in the future allowing for easier access to these businesses from the east and there may be an opportunity for the westbound patrons to return to the site by turning around west of the interchange to come back eastbound on Highway 214. Something they would not do if they did not see the price.

With respect to monument versus pole sign, there is a physical visual obstruction in the form of a 6-foot high ODOT fence along the west boundary that would hinder visibility if the sign was limited to being a monument of 8 feet in height. The proposed sign will have 7 feet of clearance to the bottom to clear the fence and any topographic differential and an overall height of 13 feet. Again, its position on the west boundary makes it logically located to draw traffic from eastbound Highway 214 traffic before the turn pocket.”

Section 5.03.12.C lists five factors to be used as a guide to deliberate the application:

Section 5.03.12.C.1: The variance is necessary to prevent unnecessary hardship relating to the land or structure, which would cause the property to be unbuildable by application of this ordinance.

Factors to consider in determining whether hardship exists include:

- d. Physical circumstances over which the applicant has no control, related to the piece of property involved that distinguish it from other land in the zone, including, but not limited to, lot size, shape, and topography.
- e. Whether reasonable use, similar to other properties, can be made of the property without the variance.
- f. Whether the hardship was created by the person requesting the variance.

Applicant’s statement: “Strict adherence to the standards imposes an excessive burden to this property by restricting their ability to advertise to their largest intended source of business.”

Findings: The subject property is similar in size, shape, and topography to other parcels in the CG zone. The parcel abuts existing commercial development.

Section 5.03.12.C.2: Development consistent with the request will not be materially injurious to adjacent properties. Factors to be considered in determining whether development consistent with the variance is materially injurious include, but are not limited to:

- c. Physical impacts such development will have because of the variance, such as visual, noise, traffic and drainage, erosion and landslide hazards;
- d. Incremental impacts occurring as a result of the proposed variance.

Applicant’s statement: “This variance or adjustment will not impact existing or potential uses on this property or the adjacent properties as the same standard would apply to any retail use on this site or any similarly restricted site in this same zone.”

Findings: The property will be essentially flat, but significantly lower than the adjacent I-5 interchange. The proposed signs would have no impact on traffic, drainage, erosion and landslide hazards. The proposed signs would have some degree of visual impact.

Section 5.03.12.C.3: Existing physical and natural systems, such as, but not limited to, traffic, drainage, dramatic land forms or parks will not be adversely affected because of the variance.

Findings: The requested variance would not change the elevation, slope, or soil composition of the property. There are no dramatic land forms nearby. Burlingham Park, the nearest public park, is approximately 2,500 feet away.

Section 5.03.12.C.4: The variance is the minimum deviation necessary to make reasonable economic use of the property.

Findings: Motor vehicle fuel prices are required to be displayed under ORS 646.930. Section 3.10 recognizes this requirement and provides an additional sign area allowance, which may be incorporated into another sign, or may be installed as a separate wall or monument sign.

Section 5.03.12.C.5: The variance does not conflict with the Woodburn Comprehensive Plan.

Findings: The property is zoned Commercial General (CG) and is designated Commercial on the Comprehensive Plan Map. The proposed use of the property is commercial. The Comprehensive Plan and the WDO contemplate and provide for variances.

Conclusions: The property is not “unbuildable by application of the WDO.” The requested variance would not alter existing patterns of traffic, drainage or other physical or natural systems, or be materially injurious to adjacent properties. The requested variance does not conflict with the Woodburn Comprehensive Plan. All provisions of Section 3.10 that are not included in the variance request – including the requirement for 30% pole wrap – apply to the proposed signs.

Overall Conclusion

The proposed development meets or can meet the requirements of the Woodburn Development Ordinance with appropriate conditions of approval.

Staff Recommendation

The Planning Division recommends approval of cases DR 2014-03 and VAR 2014-02, subject to the following conditions of approval:

1. The property owner shall execute an acceptance of these conditions of approval.
2. The property shall be developed in substantial conformity to the preliminary plans (Exhibits A through L), except as modified by these conditions of approval.
3. Prior to issuance of a building permit, the property owner shall provide a five foot public utility easement along Lawson Avenue, in accordance with Section 3.02.01.B.
4. Prior to issuance of a building permit, the property owner shall provide poles for street lights along Lawson Avenue, in accordance with Section 3.02.03.
5. Prior to issuance of a building permit, the illumination levels shall comply with Section 3.05.02.L.
6. Prior to issuance of a building permit, the refuse collection screening wall shall comply with Section 3.06.06.
7. Prior to issuance of a building permit for the freestanding signs, the signs shall be provided with pole wrap that complies with Section 3.10.06.E.

EXHIBITS

Exhibit “A”	Architectural Site Plan, Sheet AS.1, dated 11-17-14
Exhibit “B”	Grading and Utilities Plan, Sheet C1, dated 11-18-14
Exhibit “C”	Landscape Planting Plan, Sheet L1, dated 10-20-14
Exhibit “D”	Landscape Planting Notes and Details, Sheet L2, dated 10-20-14
Exhibit “E”	Floor Plan, Sheet A1.1, dated 8-14-14
Exhibit “F”	Architectural Elevations, Sheet A2.1, dated 10-21-14
Exhibit “G”	Architectural Elevations, Sheet A2.2, dated 10-21-14
Exhibit “H”	Architectural Elevations and Pole Signs, Sheet A2.3, dated 11-18-14
Exhibit “I”	Fuel Canopy Elevations, Sheet CA.1, dated 10-23-14
Exhibit “J”	Trash/Recycle Enclosure / RV Dump, Sheet SD.1, dated 11-17-14
Exhibit “K”	Trash/Recycle Elevations, Sheet SD.2, dated 11-17-14
Exhibit “L”	Photometric Plan, dated 11-18-14

The exhibits have not been included in the printed version of the staff report because they are large drawings that do not reduce legibly. Full-size copies are available at City Hall, 270 Montgomery Street.

The electronic version of the staff report contains all exhibits.