



Agenda Item

April 7, 2023

TO: City Council
FROM: Frank Lonergan, Mayor
SUBJECT: **Committee Appointment**

The following appointment is made, subject to the approval of the Council. Please forward any adverse comments to me prior to the Council meeting on Monday, April 10, 2023. No reply is required if you approve of my decision.

Woodburn Budget Committee

- Luis Molina

PROCLAMATION

Child Abuse Prevention Month – April 2023

WHEREAS, every child deserves to live in a safe, loving, and caring family environment; and

WHEREAS, in 2021, there were 10,766 reported victims of child abuse and neglect in Oregon, of which 1,094 were victims in Marion County; and

WHEREAS, we stand together as individuals, organizations, and government agencies to commit to preventing child abuse in our county, by raising awareness throughout the community and by educating and supporting caregivers;

WHEREAS, we assert that strong families and safe, stable, and nurturing environments free from violence, abuse, and neglect are essential for children’s optimal growth and success, which ensures a secure future for our communities, where the needs of children are a priority and the needs of families are met;

NOW, THEREFORE, I, Frank Lonergan, Mayor of the City of Woodburn ask everyone to join together in protecting our children, and do hereby proclaim April 2023 as

“CHILD ABUSE PREVENTION MONTH”

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Woodburn to be affixed this _____ day of April 2023.

Frank Lonergan, Mayor
City of Woodburn

**COUNCIL MEETING MINUTES
MARCH 13, 2023**

DATE COUNCIL CHAMBERS, CITY HALL, CITY OF WOODBURN, COUNTY OF MARION, STATE OF OREGON, MARCH 13, 2023

CONVENED The meeting convened at 7:00 p.m. with Council President Carney presiding.

ROLL CALL

Mayor Lonergan	Absent
Councilor Carney	Present
Councilor Cornwell	Present
Councilor Schaub	Present
Councilor Swanson	Present – via video conferencing
Councilor Morris	Present
Councilor Cabrales	Present

Staff Present: City Administrator Derickson, City Attorney Shields, Assistant City Administrator Row, Police Chief Pilcher, Public Works Director Stultz, Community Development Director Kerr, Economic Development Director Johnk, Special Projects Director Wakeley, Human Resources Director Gregg, Community Services Director Cuomo, Assistant City Attorney Granum, Public Affairs and Communications Coordinator Moore, Community Relations Manager Herrera, Executive Legal Assistant Bravo

PRESENTATIONS

Oregon HB 3071 – Law Requiring State and Local Elected Officials to be Mandatory Reporters of Abuse – Assistant City Attorney Granum provided a presentation to the City Council on Oregon House Bill 3071 which changes the law regarding mandatory reporting.

CONSENT AGENDA

- A. Woodburn City Council minutes of February 27, 2023,
- B. Woodburn City Council Executive Session minutes of February 27, 2023,
- C. Liquor License Application for Carniceria El Ranchito,
- D. Liquor License Application for Santa Ana Mexican Food,
- E. Acceptance of a Waterline Easement at 0 Stacy Allison Way NE, also being, Parcel 1 of Partition Plat PP2022-59, Marion County, Oregon (Tax Lot 052W140002000),
- F. Building Activity for February 2023.

Morris/Schaub... adopt the Consent Agenda. The motion passed unanimously.

MARION COUNTY HEALTH TOBACCO PREVENTION PROJECT AND TOBACCO PREVENTION COMMUNITY READINESS ASSESSMENT GRANT AWARDS

Community Services Director Cuomo and Community Relations Manager Herrera provided a staff report. **Cabrales/Schaub...** authorize the City Administrator to execute agreements with Marion County for the Marion County Health Tobacco Prevention Project and Tobacco Prevention Community Readiness Assessment Grant Awards. The motion passed unanimously.

AWARD A CONTRACT FOR PRELIMINARY DESIGN SERVICES FOR THE STORM DRAINAGE MASTER PLAN PHASE II TO CONSOR, INC.

Public Works Director Stultz provided a staff report. **Schaub/Morris...** award a Contract for

COUNCIL MEETING MINUTES

MARCH 13, 2023

preliminary design services for the Storm Drainage Master Plan Phase II in the amount of \$309,950 to Consor, Inc. and authorize the City Administrator to sign the Agreement. The motion passed unanimously.

WATER BOND EARLY PAYOFF

Finance Director Turley provided a staff report. **Cornwell/Swanson...** authorize the City Administrator to include an appropriation in the proposed FY2023-24 budget to pay-off the water revenue refunding bond series 2018. The motion passed unanimously.

INTERGOVERNMENTAL AGREEMENT FOR SCHOOL RESOURCE OFFICERS

Police Chief Pilcher provided a staff report. **Cornwell/Schaub...** Authorize the City Administrator to sign an agreement with the Woodburn School District for School Resource Officer services. The motion passed 5-1 with Councilor Cabrales voting no.

CITY ADMINISTRATOR'S REPORT

The City Administrator reported the following:

- A sinkhole has opened on Hardcastle Street and crews are working to repair it.
- City has asked ODOT to expedite the repair of potholes on 214.

MAYOR AND COUNCIL REPORTS

Councilor Cornwell stated that she attended the fireman's gala and asked for a reminder when the Council workshop will be taking place. City Administrator Derickson stated that it is March 24 and 25.

Councilor Schaub stated that she also attended the fireman's gala.

EXECUTIVE SESSION

Mayor Lonergan entertained a motion to adjourn into executive session under the authority of ORS 192.660 (2)(h) and ORS 192.660 (2)(f). **Morris/Schaub...** move into executive session under the authority of ORS 192.660 (2)(h) and ORS 192.660 (2)(f). The motion passed unanimously. The Council adjourned into executive session at 7:55 p.m. and reconvened at 8:24 p.m. Council President Carney stated that no action was taken by the Council while in executive session.

Attorney Kevin Shuba, Garrett Hemann Robertson PC, recommended that the City consider a settlement offer that has been made under the following terms suggested and proposed by the state of Oregon at this point: \$15 million in bond funds acquired in this biennium and a standard grant agreement for dispersal of those bond funds at the point at which the City obtains voter approval of a GO bond to fully fund the Community Center project. Additionally, a \$2,000,000 loan from the state for development of the project for issuance of the GO bond as discussed before in exchange for immediate dismissal of the petition for judicial review and authorizing Council President Carney to sign on behalf of the City when the rest of the specifics of the deal are put together.

Schaub/Cabrales... consider a settlement offer that has been made under the following terms suggested and proposed by the state of Oregon at this point: \$15 million in bond funds acquired in this biennium and a standard grant agreement for dispersal of those bond funds at the point at which the City obtains voter approval of a GO bond to fully fund the Community Center project. Additionally, a \$2,000,000 loan from the state for development of the project for issuance of the

COUNCIL MEETING MINUTES
MARCH 13, 2023

Geo bond as discussed before in exchange for immediate dismissal of the petition for judicial review and authorizing Council President Carney to sign on behalf of the City when the rest of the specifics of the deal are put together. The motion passed unanimously.

ADJOURNMENT

Morris/Swanson...move to adjourn. The motion passed unanimously. Council President Carney adjourned the meeting at 8:29 p.m.

APPROVED _____
FRANK LONERGAN, MAYOR

ATTEST _____
Heather Pierson, City Recorder
City of Woodburn, Oregon

**EXECUTIVE SESSION MINUTES
MARCH 13, 2023**

DATE COUNCIL CHAMBERS, CITY HALL, CITY OF WOODBURN, COUNTY OF MARION, STATE OF OREGON, MARCH 13, 2023

CONVENED The meeting convened at 8:07 p.m. with Council President Carney presiding.

ROLL CALL

Mayor Lonergan	Absent
Councilor Carney	Present
Councilor Cornwell	Present
Councilor Schaub	Present
Councilor Swanson	Present – via telephone
Councilor Morris	Present
Councilor Cabrales	Present

Council President Carney reminded Councilors and staff that information discussed in executive session is not to be discussed with the public.

Staff Present: City Administrator Derickson, City Attorney Shields, Assistant City Attorney Granum, Special Projects Director Wakely, Community Services Director Cuomo, Assistant City Administrator Row, Executive Legal Assistant Bravo.

Others in attendance: Attorney Kevin Shuba, Garrett Hemann Robertson PC

The executive session was called:

To consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed pursuant to ORS 192.660 (2)(h).

To consider records that are exempt by law from public inspection pursuant to ORS 192.660 (2)(f).

ADJOURNMENT

The executive session adjourned at 8:20 p.m.

APPROVED _____
Frank Lonergan, Mayor

ATTEST _____
Heather Pierson, City Recorder
City of Woodburn, Oregon

**CITY COUNCIL RETREAT MINUTES
MARCH 24 AND MARCH 25, 2023**

DATE COUNCIL CHAMBERS, CITY HALL, CITY OF WOODBURN, COUNTY OF MARION, STATE OF OREGON, MARCH 24 AND MARCH 25, 2023

CONVENED The meeting convened on March 24, 2023 at 6:00 p.m.

COUNCIL PRESENT:

Mayor	Lonergan
Councilor	Schaub
Councilor	Cornwell
Councilor	Carney
Councilor	Swanson
Councilor	Cabrales

Staff Present: City Administrator Derickson, City Attorney Shields, Assistant City Attorney Granum, City Recorder Pierson

Others Present: Scott Lazenby, Facilitator
John McArdle, Facilitator

City Councilor's, staff, and the facilitators introduced themselves.

Scott Lazenby provided an overview of what Saturday's retreat session will include.

John McArdle led a discussion on the privileges and responsibilities of public service. City Councilors discussed their hopes and expectations for the session.

Meeting Adjourned at 7:45 p.m.

CONVENED The meeting convened on March 25, 2023 at 9:06 a.m.

COUNCIL PRESENT:

Mayor	Lonergan
Councilor	Schaub
Councilor	Cornwell
Councilor	Carney
Councilor	Swanson
Councilor	Cabrales
Councilor	Morris

Staff Present: City Administrator Derickson, City Attorney Shields, Assistant City Administrator Row, Assistant City Attorney Granum, City Recorder Pierson

Others Present: Scott Lazenby, Facilitator
John McArdle, Facilitator

Scott Lazenby led an exercise on how to be an effective governing body.

The City Council broke up into two discussion groups to discuss a given scenario.

Scott Lazenby provided a presentation on the Policy Governance model.

City Councilors participated in a real-time polling exercise on where they stand on sample policy issues.

John McArdle and Scott Lazenby provided information to the City Council on relations between Council and staff and how to give useful feedback.

City Councilors participated in a real-time polling exercise to aid in coming to a consensus on City Council goals.

John McArdle led a group discussion on creating and maintaining a culture of respect and preserving human dignity.

Preliminary results from the goal-setting exercise were reviewed and discussion of the next steps was held.

City Councilors and staff provided final comments and observations.

The meeting ended at 3:10 p.m.

APPROVED _____
Frank Lonergan, Mayor

ATTEST _____
Heather Pierson, City Recorder
City of Woodburn, Oregon



Agenda Item

April 10, 2023

TO: Honorable Mayor and City Council through City Administrator
THRU: Martin Pilcher, Chief of Police
FROM: Keith Kimberlin, Lieutenant
SUBJECT: **Liquor License Application for Jaimex's Restaurant**

RECOMMENDATION:

Recommend the OLCC approve the Liquor License Application for Jaimex's Restaurant.

BACKGROUND:

Applicant: Jaime Grabiél Perea Lopez
863 5th Street
Woodburn, OR 97071
503-951-8977

Point of
Contact: Jaime Grabiél Perea Lopez
863 5th Street
Woodburn, OR 97071
503-951-8977

Business: Jaimex's Restaurant
611 N. Pacific Highway
Woodburn, OR 97071
503-981-0797

Owner(s): Jaime Grabiél Perea Lopez

Agenda Item Review: City Administrator City Attorney Finance

License Type(s):

Limited On Premises- May sell and serve by the drink at retail to consumers for consumption on licensed premises: malt beverages (beer), wine, and cider.

On February 26, 2023, the Woodburn Police Department received an application for Limited On-Premises liquor license for Jaimex's Restaurant. The business currently operates as a restaurant with a total seating of up to 50, located at 611 N. Pacific Highway in Woodburn, OR 97071.

The hours of operation are 9AM to 8:30PM Sunday and Monday, closed Tuesday, and 9AM to 8:30PM Wednesday to Saturday. There is no entertainment listed for the location except recorded music. The Woodburn Police Department has not received any communication from the public or surrounding businesses in support of or against the proposed change.

DISCUSSION:

The Police Department has completed a background investigation on Jaimex's Restaurant, and the listed owner, Jaime Grabiél Perea Lopez. They were ran through various police databases and business related databases. Jaime holds a valid driver's license and no other items of concern were located during the check. The application is for a new business.

FINANCIAL IMPACT:

None



Agenda Item

April 10, 2023

TO: Honorable Mayor and City Council through City Administrator
THRU: Martin Pilcher, Chief of Police
FROM: Keith Kimberlin, Lieutenant
SUBJECT: **Liquor License Application for Casa Marquez Mexican Grill**

RECOMMENDATION:

Recommend the OLCC approve the Liquor License Application for Casa Marquez Mexican Grill.

BACKGROUND:6

Applicant: Wilfredo Rios Tamayo
4370 Kale Street
Salem, OR 97305
503-989-9301

Point of
Contact: Jesus Vargas
1740 Park Avenue #2
Woodburn, OR 97071
503-989-8704

Business: Casa Marquez Mexican Grill
553 N. Front Street
Woodburn, OR 97071
971-207-5810

Owner(s): Wilfredo Rios Tamayo

Agenda Item Review: City Administrator City Attorney Finance

License Type(s):

Full On-Premises, Commercial - May sell and serve distilled spirits, malt beverages, wine, and cider for consumption at the business location. May sell malt beverages for off-site consumption in securely covered containers provided by the customer. May sell cocktails and wine to-go in sealed containers as of June 11, 2021. Food service required. Must purchase distilled liquor only from an Oregon Liquor store, or from another full On-Premises Sales licensee who has purchased the distilled liquor from an Oregon Liquor store.

On February 8, 2023, the Woodburn Police Department received an application for Full On-Premises commercial sales for Casa Marquez Mexican Grill. The business currently operates as a Restaurant and Bar, and is changing ownership. The seating capacity is 100, with 50 for the restaurant area and 50 for the bar.

The hours of operation are 9 AM to 2 AM Sunday through Saturday. There is noted entertainment planned at the business to include a jukebox and a pool table. The Woodburn Police Department has not received any communication from the public or surrounding businesses in support of or against the proposed change.

DISCUSSION:

The Police Department has completed a background investigation of Casa Marquez Mexican Grill, and the listed owner, Wilfredo Rios Tamayo, through various police databases and business related databases. Wilfredo Rios Tamayo holds a valid Oregon driver's license. Nothing of concern was located for Wilfredo Rios Tamayo.

Woodburn Police responded to one incident in 2022 at the location, in which it was reported an intoxicated subject was trying to start fights at the location.

FINANCIAL IMPACT:

None



Agenda Item

April 10, 2023

TO: Honorable Mayor and City Council through City Administrator

FROM: Curtis Stultz, Public Works Director

SUBJECT: **Acceptance of a Right-of-Way Dedication and Public Utility Easement at 960 Young Street, Woodburn, OR 97071 (Tax Lot 051W18AD08300)**

RECOMMENDATION:

Accept a Right-of-Way dedication and public utility easement granted by Conroy, LLC, owner of the property located at 960 Young Street, Woodburn, OR 97071 (Tax Lot 051W18AD08300).

BACKGROUND:

The property owner is required to provide to the City of Woodburn, a Right-of-Way dedication and public utility easement in order to satisfy the conditions of approval of Design Review (DR 2022-11, CU 2022-02, & VAR 2022-09).

DISCUSSION:

The Right-of-Way being dedicated is variable in width located along the northeasterly boundary of the property as shown in the attached exhibit.

The public utility easement is a 5-foot-wide public utility easement located within and along the northeasterly property boundary as shown in the attached exhibit. This public utility easement provides a perpetual and permanent easement and right-of-way to construct, reconstruct, operate, and maintain public utilities.

FINANCIAL IMPACT:

There is no cost to the City for the Easement being granted.

Attachments

A copy of the aforementioned dedication and easement documents are included as Exhibits "A" and Exhibits "B" for each.

Agenda Item Review: City Administrator ___x___ City Attorney ___x___ Finance ___x___

AFTER RECORDING RETURN TO:

Woodburn City Recorder
City of Woodburn
270 Montgomery Street
Woodburn, OR 97071

**CITY OF WOODBURN, OREGON
PUBLIC UTILITY EASEMENTS**

Conroy LLC GRANTOR, grants to the CITY OF WOODBURN, OREGON, hereinafter called CITY, a permanent easement and right-of-way, including the permanent right to construct, reconstruct, operate, and maintain 5' wide Public Utility Easement on the following described land:

See attached Exhibit "A" Legal Description of Permanent Easement and attached Exhibit "B" Sketch for Legal Description of Permanent Easement which are by this reference incorporated herein

GRANTOR reserves the right to use the surface of the land for any purpose that will not be inconsistent or interfere with the use of the easement by CITY. No building or utility shall be placed upon, under, or within the property subject to the foregoing easement during the term thereof, however, without the written permission of CITY.

Upon completion of the construction, CITY shall restore the surface of the property to its original condition and shall indemnify and hold GRANTOR harmless against any and all loss, cost, or damage arising out of the exercise of the rights granted herein.

The true consideration of this conveyance is zero (\$ 0), and other valuable consideration, the receipt of which is acknowledged by GRANTOR.

GRANTOR covenants to CITY that GRANTOR is lawfully seized in fee simple of the above-granted premises, free from all encumbrances and that GRANTOR and their heirs and personal representatives shall warrant and forever defend the said premises and every part thereof to CITY against the lawful claims and demands of all persons claiming by, through, or under GRANTOR.

DATED this 22nd day of March, 2023.

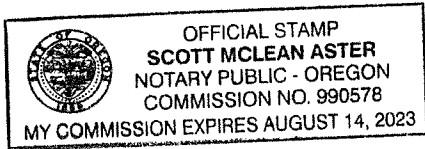
BY: Michael E. Townsend

Michael E. Townsend, Member

CORPORATE ACKNOWLEDGEMENT

STATE OF OREGON, County of Multnomah ss.

The foregoing instrument was acknowledged before me this 22 day of March 2013 by Mike Townsend as President of Townsend Farms, Inc. a corporation and the foregoing instrument was signed and sealed on behalf of said corporation by authority of its Board of Directors; and each of them acknowledged said instrument to be its voluntary act and deed.



Scott McLean Aster
NOTARY PUBLIC FOR OREGON
My Commission Expires: 8-14-2023

City of Woodburn
270 Montgomery Street
Woodburn, OR 97071

(Grantee's Name and Address)

By Signature below, the City of Woodburn, Oregon,
Approves and Accepts this Conveyance Pursuant to
ORS 93.808.

City Recorder:

Heather Pierson

Land Markers Surveying

4068 Hudson Ave. NE
Salem, OR 97317
503-581-0911

Exhibit "A"

March 14, 2023

Job No. 2022-103

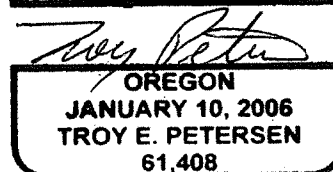
Description for Crow Engineering

5' Wide Public Utility Easement

A unit of land situated in the Northeast quarter of Section 18, Township 5 South, Range 1 West, of the Willamette Meridian, City of Woodburn, Marion County, Oregon, said unit being a portion of those units of land conveyed to Conroy, LLC, an Oregon limited liability company, in Reel 2693, Page 259, Marion County Deed Records, and being more particularly described as follows:

Beginning at a point on the east line of Lot 1, Block 2, "Schwaders Addition to Woodburn" as recorded in Volume 3, Page 26, Book of Town Plats for Marion County, Oregon, said point being 37.00 feet Southerly, when measured perpendicular, to the center of Young Street and 7.00 feet South 29°15'21" West from the northeast corner of said Lot 1; thence North 60°04'19" West parallel to the center of Young Street, 139.96 feet to a point on the north line of that unit of land described in Reel 2693, Page 259, Marion County Deed Records; thence South 29°12'09" West along said north line, 5.00 feet to a point 42.00 feet Southerly, when measured perpendicular, to the center of Young Street; thence South 60°04'19" East, parallel to the center of Young Street, 139.96 feet; thence North 29°15'21" East, along said east line, 5.00 feet to the point of beginning and containing 700 square feet, more or less.

The Basis of Bearings for the above description is the center of the Union Pacific Railroad tracks as shown on Marion County Survey 32052.



Expires 12-31-24

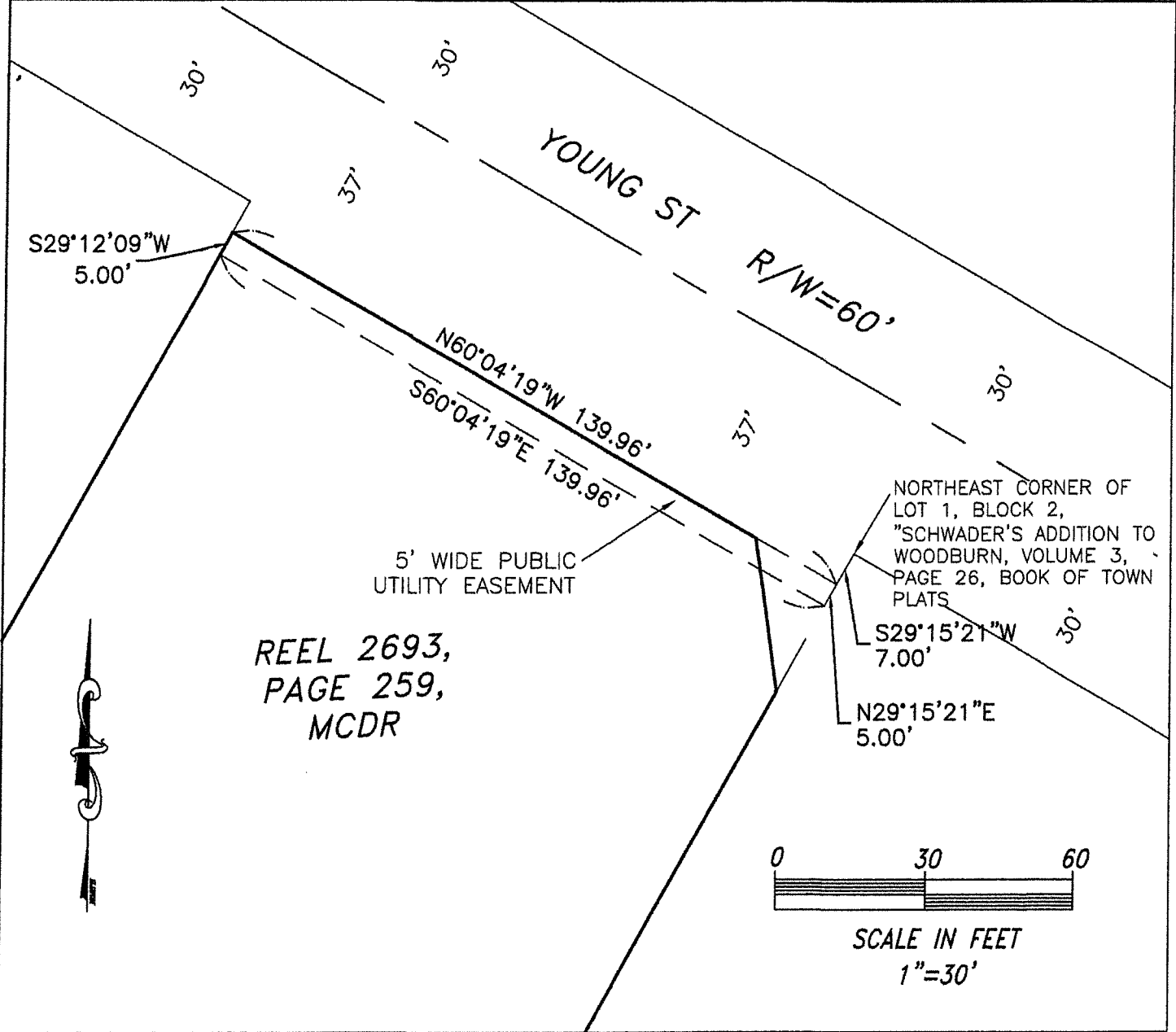
LAND MARKERS SURVEYING
 4068 HUDSON AVE. NE
 SALEM, OR 97301
 OFFICE (503) 581-0911



EXHIBIT "B"

PREPARED FOR: CROW ENGINEERING JOB #22-103
 DATE: MARCH 14, 2023

LOCATED IN THE NORTHEAST QUARTER OF SECTION 18,
 TOWNSHIP 5SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN,
 CITY OF WOODBURN, MARION COUNTY, OREGON



REEL 2693,
 PAGE 259,
 MCDR

NARRATIVE:

The purpose of this map is to illustrate a 5 foot wide public utility easement. No monuments were set for this map. Basis of Bearing for this project was from the centerline of the Union Pacific Railroad that is located south of Young Street.

LEGEND:

R/W - RIGHT OF WAY
 BOTP - BOOK OF TOWN PLATS

NOTE:

ALL BOUNDARY INFORMATION SHOWN
 HEREON IS FOUND MONUMENTS SHOWN ON
 MARION COUNTY SURVEY RECORD 32052.

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

Troy E. Petersen
 OREGON
 JANUARY 10, 2008
 TROY E. PETERSEN
 61408

SIGNED: 03/15/23

EXPIRES: 12/31/24

After Recording Return to:
City Recorder
City of Woodburn
270 Montgomery Street
Woodburn, Oregon 97071

Send Tax Statements to:
City Recorder
City of Woodburn
270 Montgomery Street
Woodburn, Oregon 97071

**DEDICATION DEED
(RIGHT OF WAY)**

Conroy LLC, Grantor, does hereby grant to the CITY OF WOODBURN, a municipal corporation of the State of Oregon, Grantee, the following real property situated in the County of Marion, State of Oregon, to be used and held by the City of Woodburn for public street, road, right-of-way, and utility purposes, bounded and described as follows:

See attached EXHIBIT A Legal Description; and

See attached EXHIBIT B Drawing for Legal Description.

The true consideration for this conveyance is: \$ 0, the receipt and sufficiency of which is hereby acknowledged by GRANTOR

GRANTOR hereby covenants to GRANTEE that GRANTOR is the fee title owner of the above described real property, free from all encumbrances, that GRANTOR has the right to convey the property to GRANTEE, and that GRANTOR and their heirs and personal representatives shall warrant and forever defend the title to the property against all lawful claims and demands whatsoever.

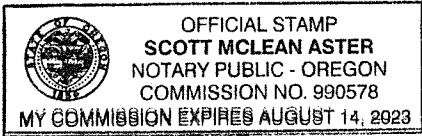
Dated this 22nd day of March, 2023

GRANTOR

Michael E. Townsend
By: Michael E. Townsend
Title: Member

State of Oregon)
County of Multnomah) ss.

This instrument was acknowledged before me on this 22 day of March, 2023,
by Mike Townsend, as President
(Signer's Name) (Title; write N/A if not applicable)
of Townsend Farms, Inc.
(Name of Entity of whose behalf record is executed; write N/A if not applicable)



[Signature]
Notary Public for Oregon
My Commission Expires 8-14-2023

GRANTEE'S ACCEPTANCE

By Signature below, the City of Woodburn, Oregon, hereby accepts this dedication pursuant to ORS 92.014.

By: _____
Title: _____

State of Oregon)
County of Marion) ss.

This instrument was acknowledged before me on _____, _____, by Scott Derickson, City Administrator of the City of Woodburn, acting under authority granted to him by the Woodburn City Council.

Notary Public for Oregon
My Commission Expires _____

Land Markers Surveying

4068 Hudson Ave. NE
Salem, OR 97317
503-581-0911

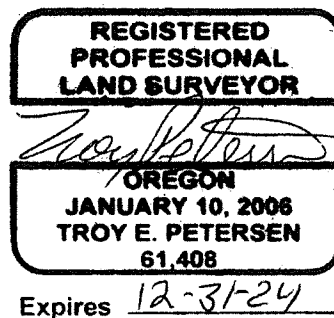
Exhibit "A"

March 14, 2023
Job No. 2022-103
Description for Crow Engineering

A unit of land situated in the Northeast quarter of Section 18, Township 5 South, Range 1 West, of the Willamette Meridian, City of Woodburn, Marion County, Oregon, said unit being a portion of those units of land conveyed to Conroy, LLC, an Oregon limited liability company, in Reel 2693, Page 259, Marion County Deed Records, and being more particularly described as follows:

Beginning the northwest corner of Lot 1, Block 3, "Schwaders Addition to Woodburn" as recorded in Volume 3, Page 26, Book of Town Plats for Marion County, Oregon, said corner also being 30.00 feet Southerly, when measured perpendicular, to the center of Young Street; thence North 60°04'19" West parallel to the center of Young Street, 139.97 feet to a reentrant corner on the north line of that unit of land described in Reel 2693, Page 259, Marion County Deed Records; thence South 29°12'09" West along said north line, 7.00 feet to a point 37.00 feet Southerly, when measured perpendicular, to the center of Young Street; thence South 60°04'19" East, parallel to the center of Young Street, 121.33 feet; thence South 07°52'14" East 30.88 feet to a point on the east line of said unit of land; thence North 29°15'21" East, along said east line, 31.40 feet to the point of beginning and containing 1,207 square feet, more or less.

The Basis of Bearings for the above description is the center of the Union Pacific Railroad tracks as shown on Marion County Survey 32052.



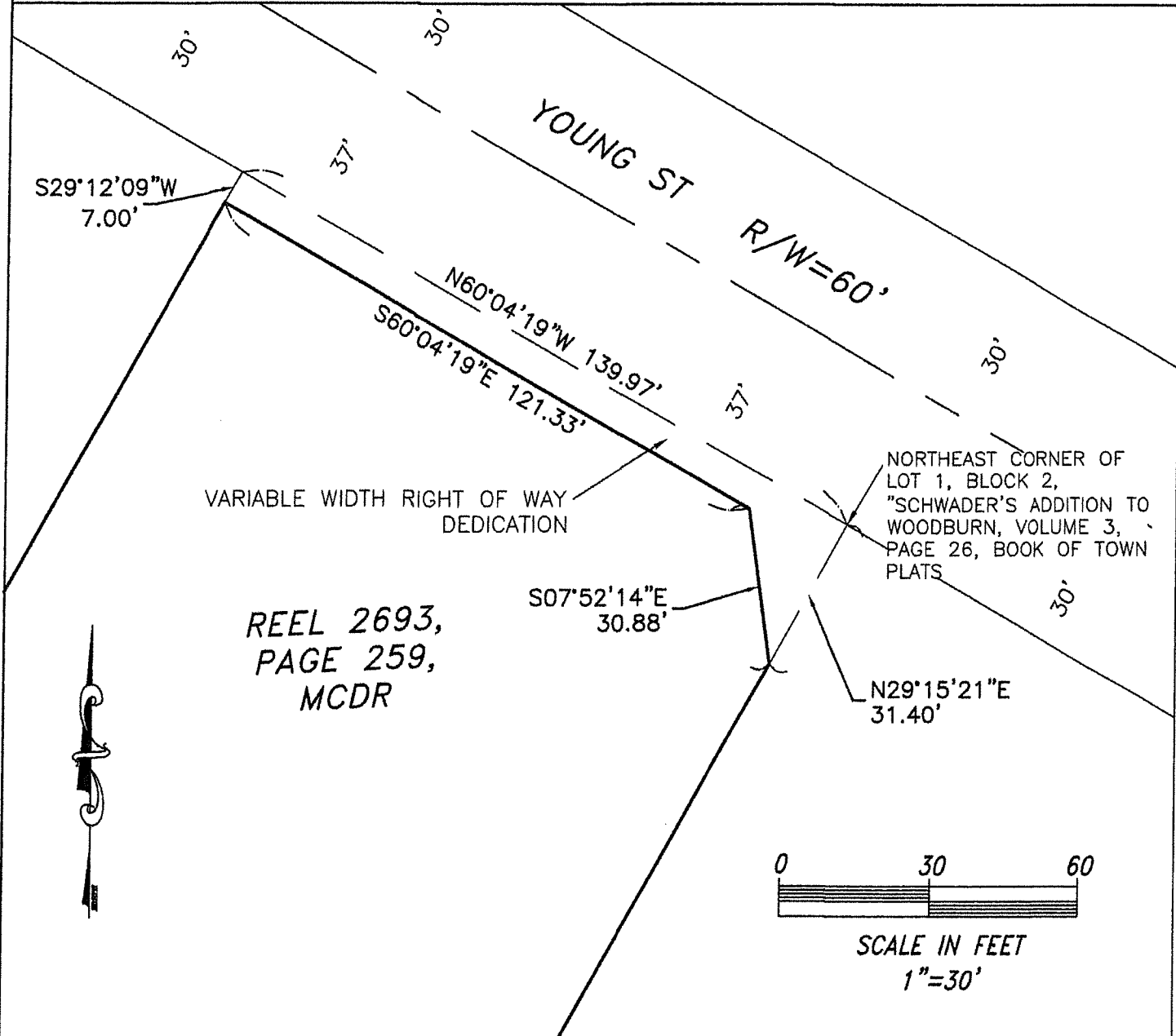
LAND MARKERS SURVEYING
4068 HUDSON AVE. NE
SALEM, OR 97301
OFFICE (503) 581-0911



EXHIBIT "B"

PREPARED FOR: CROW ENGINEERING JOB #22-103
DATE: MARCH 14, 2023

LOCATED IN THE NORTHEAST QUARTER OF SECTION 18,
TOWNSHIP 5SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN,
CITY OF WOODBURN, MARION COUNTY, OREGON



NARRATIVE:

The purpose of this map is to illustrate a 7 foot wide right of way dedication. No monuments were set for this map. Basis of Bearing for this project was from the centerline of the Union Pacific Railroad that is located south of Young Street.

LEGEND:

R/W - RIGHT OF WAY
BOTP - BOOK OF TOWN PLATS

NOTE:

ALL BOUNDARY INFORMATION SHOWN
HEREON IS FOUND MONUMENTS SHOWN ON
MARION COUNTY SURVEY RECORD 32052.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Troy E. Petersen
OREGON
JANUARY 10, 2008
TROY E. PETERSEN
61408

SIGNED: 03/15/23

EXPIRES: 12/31/24



Agenda Item

April 10, 2023

TO: Honorable Mayor and City Council through City Administrator

FROM: Curtis Stultz, Public Works Director

SUBJECT: **Acceptance of Easements and Right-of-Way at the Woodland Crossing Development from Multiple Parties**

RECOMMENDATION:

Accept four easements and one right-of-way dedication granted by Woodland Villas LLC, for real property without an address and identified as Tax Lot 052W12B000300; and one easement granted by James and Virginia Adney, for real property at 9075 Arney Lane NE and identified as Tax Lot 052W01C001000.

BACKGROUND:

As a condition of the Final Order for the Woodland Crossing Development Project, dated December 13, 2017, the developer was required to provide five easements and dedicate right-of-way to the City of Woodburn.

DISCUSSION:

The easements under consideration each have a unique use, size, and location. A description of each follows:

- A variable width waterline easement throughout the development site, totaling approximately 53,642 square feet;
- A 5' wide public utility easement adjacent to the south and east side of the Arney Lane NE / Steven Street extension, totaling approximately 9,765 square feet;
- A wetland / waterway easement within the East Senecal Creek Tributary, totaling approximately 288,298 square feet;
- A 27' wide sanitary sewer easement south of the Arney Lane NE / Steven Street extension, totaling approximately 1,137 square feet; and

Agenda Item Review: City Administrator City Attorney Finance

- A variable width storm sewer easement at 9075 Arney Lane NE, totaling approximately 1,827 square feet.

The right-of-way dedication under consideration is for the extension of Arney Lane NE and Steven Road. Generally 50-feet in width, the right-of-way totals approximately 100,582 square feet.

FINANCIAL IMPACT:

There is no cost to the City for the right-of-way nor the easements as this offer is a condition of the Final Order, dated December 13, 2017.

Attachments

A copy of the easements and right-of-way is provided with this agenda item.

AFTER RECORDING RETURN TO:

Woodburn City Recorder
City of Woodburn
270 Montgomery Street
Woodburn, OR 97071

**CITY OF WOODBURN, OREGON
PUBLIC UTILITY EASEMENTS**

James A & Virginia Adney GRANTOR, grants to the CITY OF WOODBURN, OREGON, hereinafter called *CITY*, a permanent easement and right-of-way, including the permanent right to construct, reconstruct, operate, and maintain Storm Mains and Appurtenance on the following described land:

See attached Exhibit "A" Legal Description of Permanent Easement and attached Exhibit "B" Sketch for Legal Description of Permanent Easement which are by this reference incorporated herein

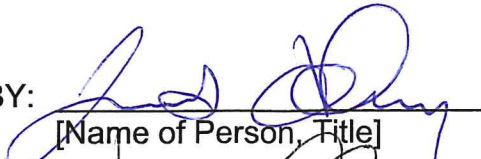
GRANTOR reserves the right to use the surface of the land for any purpose that will not be inconsistent or interfere with the use of the easement by *CITY*. No building or utility shall be placed upon, under, or within the property subject to the foregoing easement during the term thereof, however, without the written permission of *CITY*.

Upon completion of the construction, *CITY* shall restore the surface of the property to its original condition and shall indemnify and hold *GRANTOR* harmless against any and all loss, cost, or damage arising out of the exercise of the rights granted herein.

The true consideration of this conveyance is Zero Dollars (\$0.00), and other valuable consideration, the receipt of which is acknowledged by *GRANTOR*.

GRANTOR covenants to *CITY* that *GRANTOR* is lawfully seized in fee simple of the above-granted premises, free from all encumbrances and that *GRANTOR* and their heirs and personal representatives shall warrant and forever defend the said premises and every part thereof to *CITY* against the lawful claims and demands of all persons claiming by, through, or under *GRANTOR*.

DATED this 24th day of MARCH, 2022.

BY: 
[Name of Person, Title]

BY: 
[Name of Person, Title]

PERSONAL ACKNOWLEDGEMENT

STATE OF OREGON, County of Wenatchee) ss.

The foregoing instrument was acknowledged before me this 24th
day of March, 2023 by James A. Adney and
Virginia Adney



[Signature]
NOTARY PUBLIC FOR OREGON
My Commission Expires: 8-11-2024

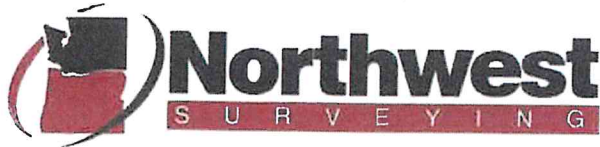
City of Woodburn
270 Montgomery Street
Woodburn, OR 97071

(Grantee's Name and Address)

By Signature below, the City of Woodburn, Oregon,
Approves and Accepts this Conveyance Pursuant to
ORS 93.808.

City Recorder:

Heather Pierson



1815 NW 169th Place, Suite 2090
Beaverton, OR 97006
Telephone: 503-848-2127

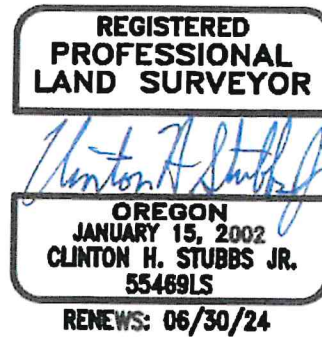


Exhibit A
Storm Sewer Easement
August 8, 2022
NWS Project Number 1500

A variable width easement being a portion of that property conveyed to James and Virginia Adney on May 20, 1987 by a deed recorded as Reel 547, Page 213, Marion County Deed Records, also being a portion of the William Darst Donation Land Claim (DLC) Number 60, located in the southwest one-quarter of Section 1, Township 5 South, Range 2 West, Willamette Meridian, City of Woodburn, Marion County, Oregon, and being more particularly described as follows:

Commencing at the southwest corner of said Adney property, said point being marked by a 5/8 inch iron rod, and from said point a 5/8 inch iron rod with a yellow plastic cap stamped " Land Markers LS 1831" bears South 87°00'02" East 362.95 feet; Thence along the south line of said Adney property, South 87°00'02" East 131.80 feet to the Point of Beginning.

Thence continuing along the south line of said Adney property, South 87°00'02" East 50.89 feet; Thence North 21°15'42" East 38.70 feet; Thence North 66°55'32" West 31.76 feet; Thence South 37°51'26" West 58.07 feet to the Point of Beginning.

The above described easement contains 1,827 square feet, more or less.

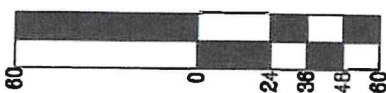
The basis of bearings for this description is survey number 38828, Marion County Survey Records.

EXHIBIT B

LOCATED IN THE SOUTHWEST 1/4 OF SECTION 1,
TOWNSHIP 5 SOUTH, RANGE 2 WEST, W.M.,
CITY OF WOODBURN, MARION COUNTY, OREGON
DATE: AUGUST 8, 2022



SCALE 1" = 60 FEET



REGISTERED
PROFESSIONAL
LAND SURVEYOR

Clinton H. Stubbs Jr.

OREGON
JANUARY 15, 2002
CLINTON H. STUBBS JR.
55469LS

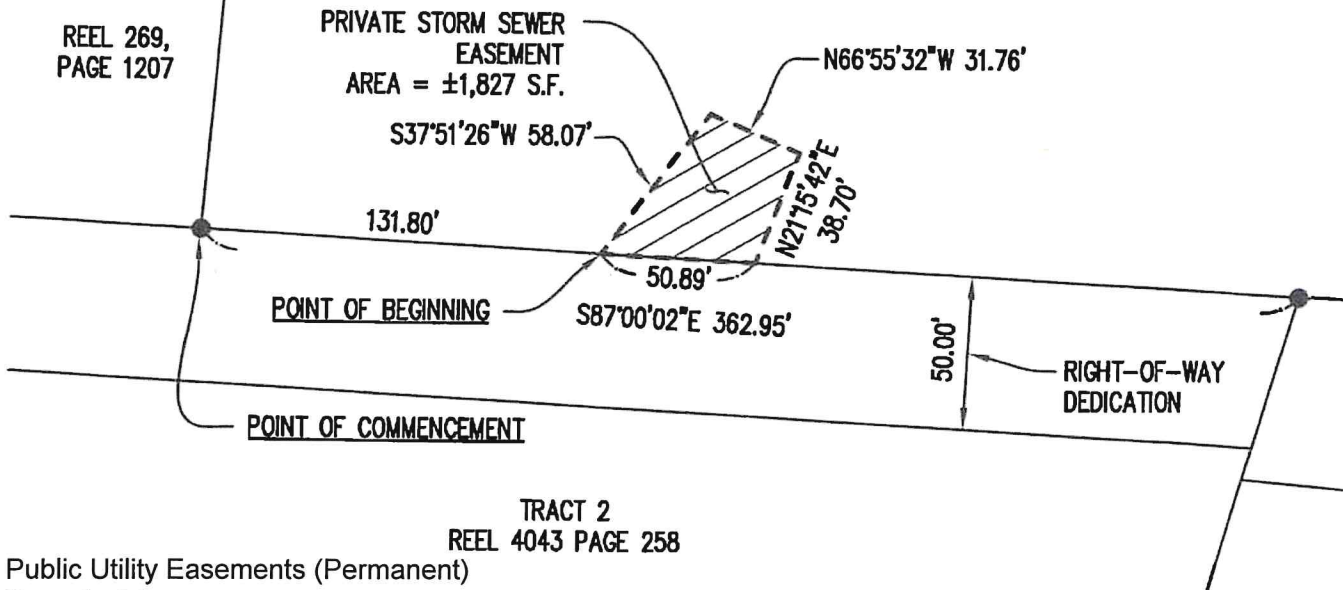
RENEWS: 06/30/24

TAX LOT 1000
MAP 05-2W-01C

REEL 547, PAGE 213

REEL 269,
PAGE 1207

PRIVATE STORM SEWER
EASEMENT
AREA = ±1,827 S.F.



TRACT 2
REEL 4043 PAGE 258

Public Utility Easements (Permanent)
Page 4 of 4

PREPARED FOR: MASTER DEVELOPMENT 120 W. BROADWAY EUGENE, OR 97401	JOB NAME: WOODBURN CROSSING	NORTHWEST SURVEYING, Inc. 1815 NW 169th PLACE, SUITE 2090 BEAVERTON, OR 97006 PHONE: 503-848-2127 FAX: 503-848-2179 nwsurveying@nwsrvy.com
	JOB NUMBER: 1500	
	DRAWING NUMBER: 1500 EASE	
	DRAWN BY: CDW	
	CHECKED BY: CHS	

AFTER RECORDING RETURN TO:

Woodburn City Recorder
City of Woodburn
270 Montgomery Street
Woodburn, OR 97071

**CITY OF WOODBURN, OREGON
PUBLIC UTILITY EASEMENTS**

Woodburn Villas, LLC GRANTOR, grants to the CITY OF WOODBURN, OREGON, hereinafter called CITY, a permanent easement and right-of-way, including the permanent right to construct, reconstruct, operate, and maintain public sewer on the following described land:

See attached Exhibit "A" Legal Description of Permanent Easement and attached Exhibit "B" Sketch for Legal Description of Permanent Easement which are by this reference incorporated herein

GRANTOR reserves the right to use the surface of the land for any purpose that will not be inconsistent or interfere with the use of the easement by CITY. No building or utility shall be placed upon, under, or within the property subject to the foregoing easement during the term thereof, however, without the written permission of CITY.

Upon completion of the construction, CITY shall restore the surface of the property to its original condition and shall indemnify and hold GRANTOR harmless against any and all loss, cost, or damage arising out of the exercise of the rights granted herein.

The true consideration of this conveyance is zero dollars, zero cents (\$ 0.00), and other valuable consideration, the receipt of which is acknowledged by GRANTOR.

GRANTOR covenants to CITY that GRANTOR is lawfully seized in fee simple of the above-granted premises, free from all encumbrances and that GRANTOR and their heirs and personal representatives shall warrant and forever defend the said premises and every part thereof to CITY against the lawful claims and demands of all persons claiming by, through, or under GRANTOR.

DATED this 3rd day of March, 2023.

Jason G. Dumas
BY: Member
Jason G. Dumas

WASHINGTON CORPORATE ACKNOWLEDGEMENT

STATE OF OREGON, County of CLATSOP ss.

The foregoing instrument was acknowledged before me this 3rd day of March 2023 by JASON DUUS, as Member of Woodburn Villas, LLC company and the foregoing instrument was signed and sealed on behalf of said company by authority of its Board of Directors; and each of them acknowledged said instrument to be its voluntary act and deed.

Notary Public
State of Washington
Madison Campbell
Commission No. 22035666
Commission Expires 07-01-26

[Signature]
NOTARY PUBLIC FOR OREGON WASHINGTON
My Commission Expires: 7/01/2026

City of Woodburn
270 Montgomery Street
Woodburn, OR 97071

(Grantee's Name and Address)

By Signature below, the City of Woodburn, Oregon,
Approves and Accepts this Conveyance Pursuant to
ORS 93.808.

City Recorder:

Heather Pierson



1815 NW 169th Place, Suite 2090
Beaverton, OR 97006
Telephone: 503-848-2127

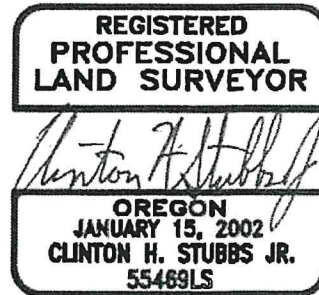


Exhibit A
Sanitary Sewer Easement
August 8, 2022
NWS Project Number 1500

A tract of land being a portion of that property described as Tract 2 in a property line adjustment deed recorded on February 5, 2018, as Reel 4043, Page 258, Marion County Deed Records, also being a portion of the William Darst Donation Land Claim (DLC) Number 60, located in the northwest one-quarter of Section 12, Township 5 South, Range 2 West, Willamette Meridian, City of Woodburn, Marion County, Oregon, and being more particularly described as follows:

Commencing at the northwest corner of said William Darst DLC, said point being marked by a 3 inch brass disk stamped "N.W. D.L.C. 60"; Thence along the west line of said William Darst DLC, South 02°40'07" West 1654.39 feet to the southeast corner of Lot 1, Block 7 of "Willowbrook Estates", from said point a 5/8 inch iron rod with a yellow plastic cap stamped "DLT & Assoc., PLS 1362" bears North 78°11'22" West 0.10 feet; Thence continuing along said west line of the William Darst DLC, South 02°40'07" West 57.00 feet to the Point of Beginning.

Thence continuing along said west line of the William Darst DLC, South 02°40'07" West 44.29 feet to the most westerly south line of said Tract 2; Thence along said most westerly south line, North 78°11'22" West 27.35 feet to a point located 27.00 feet westerly from the west line of said William Darst DLC, when measured at right angles; Thence departing said most westerly south line, parallel with and 27.00 feet westerly from the west line of said William Darst DLC, when measured at right angles, North 02°40'07" East 39.94 feet; Thence South 87°19'53" East 27.00 feet to the Point of Beginning.

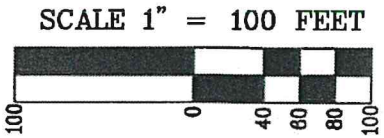
The above described tract of land contains 1,137 square feet, more or less.

The basis of bearings for this description is survey number 38828, Marion County Survey Records.

EXHIBIT B

LOCATED IN THE NORTHWEST 1/4 OF SECTION 12,
TOWNSHIP 5 SOUTH, RANGE 2 WEST, W.M.,
CITY OF WOODBURN, MARION COUNTY, OREGON
DATE: AUGUST 8, 2022

POINT OF COMMENCEMENT
THE NW CORNER OF THE
WILLIAM DARST D.L.C.



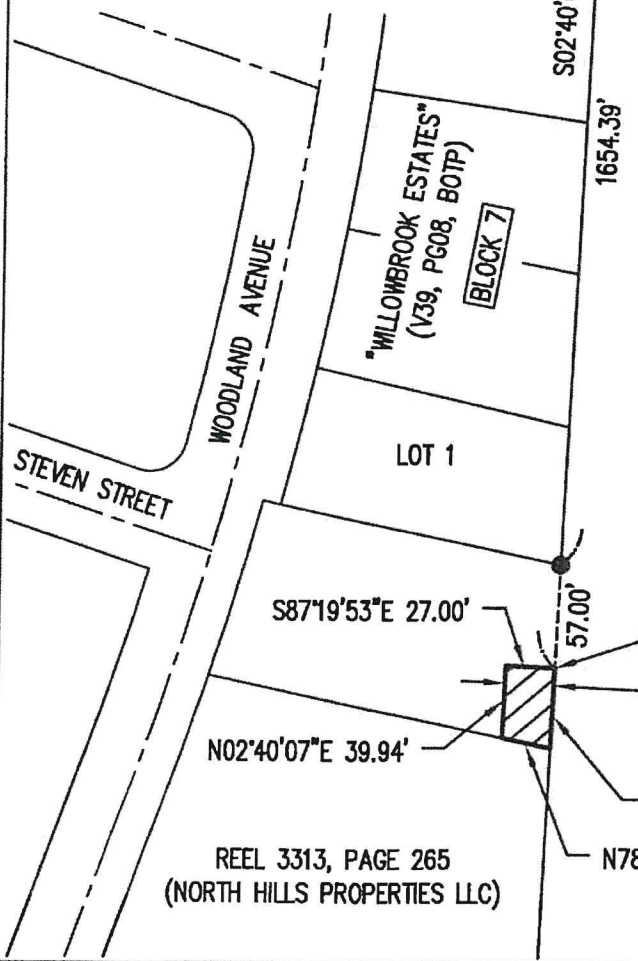
**REGISTERED
PROFESSIONAL
LAND SURVEYOR**

Clinton H. Stubbs Jr.

OREGON
JANUARY 15, 2002
CLINTON H. STUBBS JR.
55469LS

RENEWS: 06/30/24

TRACT 2
REEL 4043, PAGE 258



POINT OF BEGINNING

27.00' WIDE SANITARY SEWER EASEMENT
AREA = ±1,137 SQUARE FEET

REEL 3313, PAGE 265
(NORTH HILLS PROPERTIES LLC)

Public Utility Easements (Permanent)
Page 4 of 4

PREPARED FOR: MASTER DEVELOPMENT 120 W. BROADWAY EUGENE, OR 97401	JOB NAME: WOODBURN CROSSING	<h1>NORTHWEST</h1> <h1>SURVEYING, Inc.</h1>	1815 NW 169th PLACE, SUITE 2090 BEAVERTON, OR 97006 PHONE: 503-848-2127 FAX: 503-848-2179 nwsurveying@nwsrvy.com
	JOB NUMBER: 1500		
	DRAWING NUMBER: 1500 EASE		
	DRAWN BY: CDW		
	CHECKED BY: CHS		

AFTER RECORDING RETURN TO:

Woodburn City Recorder
City of Woodburn
270 Montgomery Street
Woodburn, OR 97071

**CITY OF WOODBURN, OREGON
PUBLIC UTILITY EASEMENTS**

Woodburn Villas, LLC GRANTOR, grants to the CITY OF WOODBURN, OREGON, hereinafter called CITY, a permanent easement and right-of-way, including the permanent right to construct, reconstruct, operate, and maintain public utilities on the following described land:

See attached Exhibit "A" Legal Description of Permanent Easement and attached Exhibit "B" Sketch for Legal Description of Permanent Easement which are by this reference incorporated herein

GRANTOR reserves the right to use the surface of the land for any purpose that will not be inconsistent or interfere with the use of the easement by CITY. No building or utility shall be placed upon, under, or within the property subject to the foregoing easement during the term thereof, however, without the written permission of CITY.

Upon completion of the construction, CITY shall restore the surface of the property to its original condition and shall indemnify and hold GRANTOR harmless against any and all loss, cost, or damage arising out of the exercise of the rights granted herein.

The true consideration of this conveyance is zero dollars, zero cents (\$ 0.00), and other valuable consideration, the receipt of which is acknowledged by GRANTOR.

GRANTOR covenants to CITY that GRANTOR is lawfully seized in fee simple of the above-granted premises, free from all encumbrances and that GRANTOR and their heirs and personal representatives shall warrant and forever defend the said premises and every part thereof to CITY against the lawful claims and demands of all persons claiming by, through, or under GRANTOR.

DATED this 3rd day of March, 2023.


Jason B. Dews
BY: Member
Jason B. Dews

CORPORATE ACKNOWLEDGEMENT

STATE OF ~~OREGON~~ ^{WASHINGTON}, County of CLATSOP ss.

The foregoing instrument was acknowledged before me this 3rd day of March 2023 by JASON DUUS, as Member of WOODBURN VILLAGE, LLC company and the foregoing instrument was signed and sealed on behalf of said company by authority of its Board of Directors; and each of them acknowledged said instrument to be its voluntary act and deed.

Notary Public
State of Washington
Madison Campbell
Commission No. 22035666
Commission Expires 07-01-26


NOTARY PUBLIC FOR ~~OREGON~~ ^{WASHINGTON}
My Commission Expires: 07/01/2026

City of Woodburn
270 Montgomery Street
Woodburn, OR 97071

(Grantee's Name and Address)

By Signature below, the City of Woodburn, Oregon,
Approves and Accepts this Conveyance Pursuant to
ORS 93.808.

City Recorder:

Heather Pierson



1815 NW 169th Place, Suite 2090
Beaverton, OR 97006
Telephone: 503-848-2127

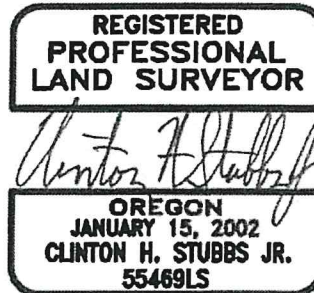


Exhibit A
Public Utility Easement

August 8, 2022
NWS Project Number 1500
Page 1 of 2

A tract of land being a portion of that property described as Tract 2 in a property line adjustment deed recorded on February 5, 2018, as Reel 4043, Page 258, Marion County Deed Records, also being a portion of the William Darst Donation Land Claim (DLC) Number 60, located in the northwest one-quarter of Section 12, Township 5 South, Range 2 West, Willamette Meridian, City of Woodburn, Marion County, Oregon, and being more particularly described as follows:

Commencing at the northwest corner of said William Darst DLC, said point being marked by a 3 inch brass disk stamped "N.W. D.L.C. 60"; Thence along the west line of said William Darst DLC, South 02°40'07" West 1654.39 feet to the southeast corner of Lot 1, Block 7 of "Willowbrook Estates", from said point a 5/8 inch iron rod with a yellow plastic cap stamped "DLT & Assoc., PLS 1362" bears North 78°11'22" West 0.10 feet; Thence along the south line of said Lot 1, North 78°11'22" West 168.83 feet to an angle point in the easterly right-of-way line of Woodland Avenue (20.00 feet easterly from the centerline thereof, when measured at right angles); Thence along said easterly right-of-way line 86.37 feet on the arc of a non-tangent circular curve to the right, having a radius of 1929.86 feet, a delta angle of 02°33'51", and a long chord bearing South 16°35'46" West 86.36 feet to the Point of Beginning;

Thence departing said easterly right-of-way line, South 87°19'53" East 237.47 feet, to a point located 50.00 feet easterly from the west line of said William Darst DLC, when measured at right angles; Thence parallel with and 50.00 feet easterly from said west line of the William Darst DLC, North 02°40'07" East 334.45 feet to a point of curvature; Thence 244.37 feet on the arc of a tangent circular curve to the right, having a radius of 155.00 feet, a delta angle of 90°19'51", and a long chord bearing North 47°50'03" East 219.83 feet to a point located 50.00 feet southerly from the northerly line of said Tract 2, when measured at right angles; Thence parallel with and 50.00 feet southerly from the northerly line of said Tract 2, when measured at right angles, South 87°00'02" East 1135.64 feet to the terminus of the right-of-way line of Arney Lane NE; Thence along said terminus line, South 16°51'04" West 5.15 to a point located 55.00 feet southerly from the northerly line of said Tract 2, when measured at right angles; Thence parallel with and 55.00 feet southerly from the northerly line of said Tract 2, when measured at right angles, North 87°00'02" West 1134.41 feet to a point of curvature; Thence 236.49 feet along the arc of a tangent circular curve to the left, having a radius of 150.00 feet, a delta angle of 90°19'51", and a long chord bearing

Exhibit A

Public Utility Easement

August 8, 2022

NWS Project Number 1500

Page 2 of 2

South 47°50'03" West 212.74 feet to a point located 55.00 feet easterly from the west line of said William Darst DLC, when measured at right angles; Thence parallel with and 55.00 feet easterly from the west line of said William Darst DLC, when measured at right angles, South 02°40'07" West 339.45 feet; Thence North 87°19'53" West 243.84 feet to a point on said easterly right-of-way line of Woodland Avenue; Thence northerly along said easterly right-of-way line 5.18 feet on the arc of a non-tangent circular curve to the left, having a radius of 1929.86 feet, a delta angle of 00°09'14", and a long chord bearing North 17°57'19" East 5.18 feet to the Point of Beginning.

The above described tract of land contains 9,765 square feet, more or less.

The basis of bearings for this description is survey number 38828, Marion County Survey Records.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JANUARY 15, 2002
CLINTON H. STUBBS JR.
5546915

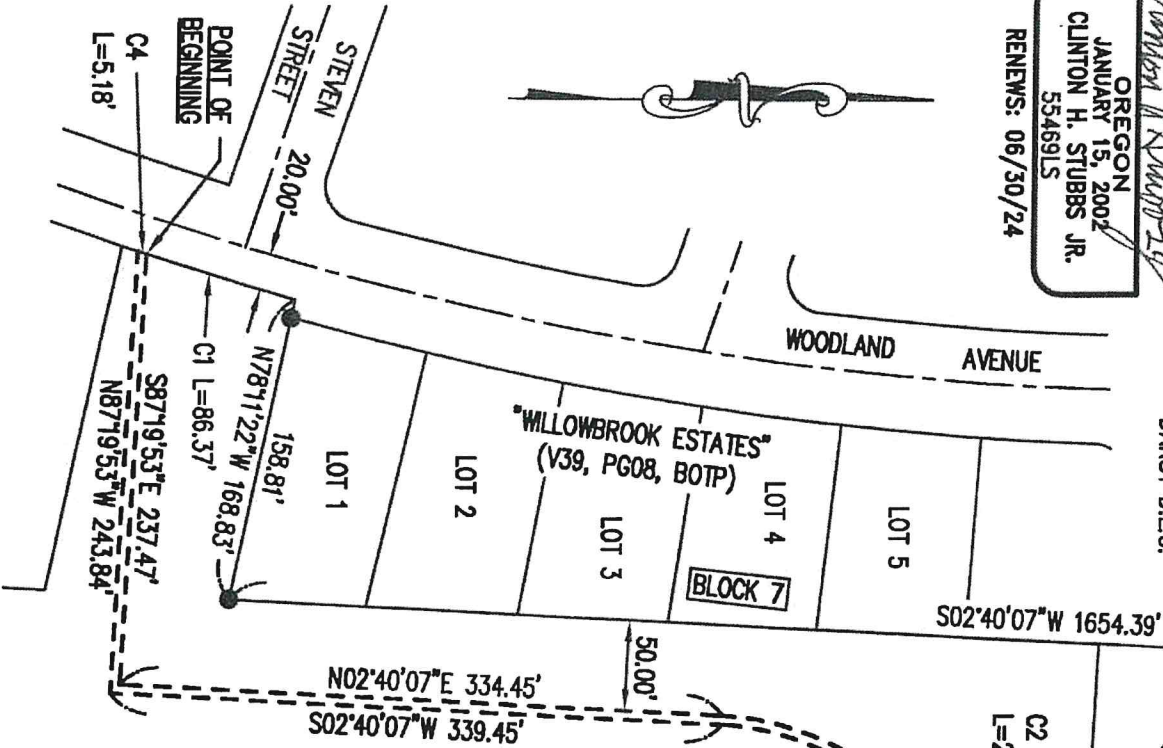
RENEWALS: 06/30/24

POINT OF
COMMENCEMENT
THE NW CORNER
OF THE WILLIAM
DARST D.L.C.

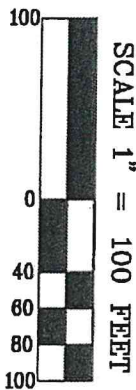
EXHIBIT B

Public Utility Easements (Permanent)
Page 5 of 5

LOCATED IN THE NORTHWEST 1/4 OF SECTION 12,
TOWNSHIP 5 SOUTH, RANGE 2 WEST, W.M.,
CITY OF WOODBURN, MARION COUNTY, OREGON
DATE: AUGUST 8, 2022



CURVE	LENGTH	RADIUS	DELTA	CHORD
C1	86.37'	1929.86'	2°33'51"	S16°35'46"W 86.36'
C2	244.37'	155.00'	90°19'51"	N47°50'03"E 219.83'
C3	236.49'	150.00'	90°19'51"	S47°50'03"W 212.74'
C4	5.18'	1929.86'	0°09'14"	N17°57'19"E 5.18'



JOB NAME: WOODBURN CROSSING
JOB NUMBER: 1500
DRAWING NUMBER: 1500 EASE
DRAWN BY: BJA
CHECKED BY: CHS

PREPARED FOR:
MASTER DEVELOPMENT
120 W. BROADWAY
EUGENE, OR 97401

NORTHWEST
SURVEYING, Inc.

1815 NW 169th PLACE,
SUITE 2090
BEAVERTON, OR 97006
PHONE: 503-848-2127
FAX: 503-848-2179
nwsurveying@nwsurvey.com

AFTER RECORDING RETURN TO:

Woodburn City Recorder
City of Woodburn
270 Montgomery Street
Woodburn, OR 97071

**CITY OF WOODBURN, OREGON
PUBLIC UTILITY EASEMENTS**

Woodburn Villas, LLC GRANTOR, grants to the CITY OF WOODBURN, OREGON, hereinafter called CITY, a permanent easement and right-of-way, including the permanent right to construct, reconstruct, operate, and maintain public water system on the following described land:

See attached Exhibit "A" Legal Description of Permanent Easement and attached Exhibit "B" Sketch for Legal Description of Permanent Easement which are by this reference incorporated herein

GRANTOR reserves the right to use the surface of the land for any purpose that will not be inconsistent or interfere with the use of the easement by CITY. No building or utility shall be placed upon, under, or within the property subject to the foregoing easement during the term thereof, however, without the written permission of CITY.

Upon completion of the construction, CITY shall restore the surface of the property to its original condition and shall indemnify and hold GRANTOR harmless against any and all loss, cost, or damage arising out of the exercise of the rights granted herein.

The true consideration of this conveyance is zero dollars, zero cents (\$ 0.00), and other valuable consideration, the receipt of which is acknowledged by GRANTOR.

GRANTOR covenants to CITY that GRANTOR is lawfully seized in fee simple of the above-granted premises, free from all encumbrances and that GRANTOR and their heirs and personal representatives shall warrant and forever defend the said premises and every part thereof to CITY against the lawful claims and demands of all persons claiming by, through, or under GRANTOR.

DATED this 3rd day of March, 2023.


Jason B. Jones
BY: member
Jason G. Jones

CORPORATE ACKNOWLEDGEMENT

STATE OF ~~OREGON~~ ^{WASHINGTON}, County of CLATSOP ss.

The foregoing instrument was acknowledged before me this 3rd day of MARCH 2023 by JASON DAVIS, as MEMBER of WOODLAND VILLAGES, LLC company and the foregoing instrument was signed and sealed on behalf of said company by authority of its Board of Directors; and each of them acknowledged said instrument to be its voluntary act and deed.

Notary Public
State of Washington
Madison Campbell
Commission No. 22035666
Commission Expires 07-01-26


~~NOTARY PUBLIC FOR OREGON~~ ^{WASHINGTON}
My Commission Expires: 07/01/2026

City of Woodburn
270 Montgomery Street
Woodburn, OR 97071

(Grantee's Name and Address)

By Signature below, the City of Woodburn, Oregon,
Approves and Accepts this Conveyance Pursuant to
ORS 93.808.

City Recorder:

Heather Pierson



1815 NW 169th Place, Suite 2090
Beaverton, OR 97006
Telephone: 503-848-2127

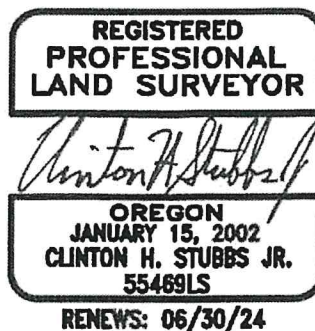


Exhibit A
Waterline Easement

March 1, 2023
NWS Project Number 1500
Page 1 of 3

A variable width easement being a portion of that property described as Tract 2 in a property line adjustment deed recorded on February 5, 2018, as Reel 4043, Page 258, Marion County Deed Records, also being a portion of the William Darst Donation Land Claim (DLC) Number 60, located in the northwest one-quarter of Section 12, Township 5 South, Range 2 West, Willamette Meridian, City of Woodburn, Marion County, Oregon, and being more particularly described as follows:

Commencing at the northwest corner of said William Darst DLC, said point being marked by a 3 inch brass disk stamped "N.W. D.L.C. 60"; Thence along the west line of said William Darst DLC, South 02°40'07" West 1654.39 feet to the southeast corner of Lot 1, Block 7 of "Willowbrook Estates", from said point a 5/8 inch iron rod with a yellow plastic cap stamped "DLT & Assoc., PLS 1362" bears North 78°11'22" West 0.10 feet; Thence South 64°32'59" East 54.23 feet to a point 50.00 feet easterly of the west line of said William Darst DLC, when measured at right angles, and the Point of Beginning.

Thence South 02°40'07" West 16.00 feet; Thence South 87°19'53" East 24.54 feet to a point hereafter referred to as Point 'A'; Thence continuing, South 87°19'53" East 171.38 feet; Thence North 72°40'07" East 8.16 feet; Thence South 17°19'53" East 11.45 feet; Thence North 72°40'07" East 16.00 feet; Thence North 17°19'53" West 11.45 feet; Thence North 72°40'07" East 108.01 feet; Thence South 17°19'53" East 16.70 feet; Thence North 72°40'07" East 19.00 feet; Thence North 17°19'53" West 16.70 feet; Thence North 72°40'07" East 25.89 feet; Thence South 17°19'53" East 26.50 feet; Thence North 72°40'07" East 23.00 feet; Thence North 17°19'53" West 15.50 feet; Thence North 72°40'07" East 15.91 feet; Thence North 17°19'53" West 11.00 feet; Thence North 72°40'07" East 28.20 feet; Thence North 51°59'58" East 18.43 feet; Thence South 38°00'02" East 16.70 feet; Thence North 52°00'02" East 19.00 feet; Thence North 38°00'02" West 16.70 feet; Thence North 51°59'58" East 172.75 feet; Thence South 38°00'02" East 15.39 feet; Thence North 51°59'58" East 27.20 feet; Thence North 38°00'02" West 15.39 feet; Thence North 51°59'58" East 12.12 feet; Thence North 29°59'58" East 4.61 feet; Thence South 38°00'02" East 23.25 feet; Thence North 51°59'58" East 12.67 feet; Thence North 06°59'58" East 29.40 feet; Thence North 60°00'02" West 14.82 feet; Thence North 29°59'58" East 50.94 feet; Thence South 60°00'02" East 17.21 feet; Thence North 29°59'58" East 24.00 feet; Thence North 60°00'02" West 17.21 feet; Thence North 29°59'58" East 16.67 feet; Thence South 60°00'02" East 35.50 feet; Thence North 29°59'58" East 16.00 feet; Thence North 60°00'02" West 35.50 feet; Thence North 29°59'58" East 24.89 feet; Thence South

Public Utility Easements (Permanent)
Page 3 of 11

Exhibit A

Waterline Easement

March 1, 2023

NWS Project Number 1500

Page 2 of 3

86°59'59" East 20.93 feet; Thence North 03°00'01" East 19.00 feet; Thence North 86°59'59" West 19.20 feet; Thence North 02°59'58" East 9.22 feet; Thence South 87°00'02" East 12.49 feet; Thence North 02°59'58" East 30.00 feet; Thence North 87°00'02" West 12.49 feet; Thence North 02°59'58" East 13.48 feet to the southerly line of a 50.00 feet wide right-of-way dedication; Thence along said southerly line, North 87°00'02" West 16.00 feet; Thence South 02°59'58" West 64.47 feet; Thence South 29°59'58" West 130.72 feet; Thence North 60°00'02" West 30.72 feet; Thence South 32°28'52" West 36.11 feet; Thence South 50°16'26" East 29.58 feet; Thence South 51°59'58" West 75.64 feet; Thence South 86°05'34" West 33.90 feet; Thence South 51°59'58" West 10.45 feet; Thence South 38°00'02" East 19.00 feet; Thence South 51°59'58" West 118.20 feet; Thence North 17°19'53" West 25.34 feet; Thence North 62°40'51" East 14.75 feet; Thence North 27°19'09" West 18.41 feet; Thence South 62°40'51" West 27.75 feet; Thence South 17°19'53" East 42.19 feet; Thence South 72°40'07" West 21.59 feet; Thence North 17°19'53" West 24.70 feet; Thence South 72°40'07" West 16.00 feet; Thence South 17°19'53" East 24.70 feet; Thence South 72°40'07" West 70.78 feet; Thence North 17°21'45" West 19.00 feet; Thence South 72°38'15" West 16.00 feet; Thence South 17°21'45" East 19.00 feet; Thence South 72°40'07" West 100.65 feet; Thence North 87°19'53" West 144.61 feet to a point hereafter referred to as Point 'B'; Thence North 87°19'53" West 48.50 feet to the Point of Beginning.

Together with the following variable width easement.

Beginning at previously described Point 'A'; Thence South 12°40'48" West 238.99 feet; Thence South 02°40'07" West 98.32 feet; Thence South 87°19'53" East 10.95 feet; Thence South 02°40'07" West 22.00 feet; Thence South 87°19'53" East 29.95 feet; Thence North 02°40'07" East 22.00 feet; Thence South 87°19'53" East 85.15 feet; Thence South 02°40'04" West 19.20 feet; Thence South 87°19'56" East 19.00 feet; Thence North 02°40'04" East 19.20 feet; Thence South 87°19'53" East 23.68 feet; Thence North 02°40'07" East 76.40 feet; Thence South 77°19'12" East 18.48 feet; Thence North 12°40'48" East 16.00 feet; Thence North 77°19'12" West 19.50 feet; Thence North 12°37'38" East 245.03 feet; Thence North 87°19'53" West 16.24 feet; Thence South 12°37'38" West 227.07 feet; Thence North 77°22'22" West 19.23 feet; Thence South 12°37'38" West 19.00 feet; Thence South 77°22'22" East 19.23 feet; Thence South 12°37'38" West 7.85 feet; Thence South 02°40'07" West 23.21 feet; Thence North 87°19'49" West 26.39 feet; Thence South 02°40'07" West 44.38 feet; Thence North 87°19'53" West 110.39 feet; Thence North 02°40'07" East 80.91 feet; Thence North 12°40'48" East 240.41 feet; Thence North 87°19'53" West 16.25 feet to said Point 'A'.

Together with the following variable width easement.

Beginning at previously described Point 'B'; Thence North 02°40'07" East 180.46 feet; Thence South 87°19'53" East 19.20 feet; Thence North 02°40'07" East 24.00 feet; Thence North

Public Utility Easements (Permanent)

Page 4 of 11

Exhibit A

Waterline Easement

March 1, 2023

NWS Project Number 1500

Page 3 of 3

87°19'53" West 19.20 feet; Thence North 02°40'07" East 9.46 feet; Thence South 87°19'53" East 111.43 feet; Thence South 27°19'12" East 13.86 feet; Thence North 62°40'48" East 22.00 feet; Thence North 27°19'12" West 10.01 feet; Thence North 62°40'48" East 26.00 feet; Thence South 27°19'12" East 16.70 feet; Thence North 62°40'48" East 19.00 feet; Thence North 27°19'12" West 16.70 feet; Thence North 62°40'48" East 14.96 feet; Thence South 72°19'12" East 15.56 feet; Thence North 62°40'48" East 51.68 feet; Thence North 17°40'48" East 15.56 feet; Thence North 62°40'48" East 106.93 feet; Thence North 02°41'04" East 44.95 feet; Thence South 87°18'56" East 22.36 feet; Thence North 51°59'58" East 17.13 feet; Thence North 02°59'58" East 29.46 feet; Thence North 87°00'02" West 43.04 feet; Thence North 02°59'58" East 15.29 feet; Thence North 87°00'02" West 15.50 feet; Thence North 02°59'58" East 9.21 feet to the southerly line of a 50.00 foot wide right-of-way dedication; Thence along said southerly line, North 87°00'02" West 16.00 feet; Thence South 02°59'58" West 40.50 feet; Thence South 87°00'02" East 23.50 feet; Thence South 02°59'58" West 60.60 feet; Thence South 62°40'48" West 104.38 feet; Thence South 17°40'48" West 15.56 feet; Thence South 62°40'48" West 38.42 feet; Thence North 72°19'12" West 15.56 feet; Thence South 62°40'48" West 77.63 feet; Thence North 87°19'53" West 87.80 feet; Thence North 02°40'07" East 24.70 feet; Thence North 87°19'53" West 23.00 feet; Thence South 02°40'07" West 24.70 feet; Thence North 87°19'53" West 20.04 feet; Thence South 02°40'07" West 229.92 feet; Thence South 87°19'53" East 16.00 feet to said Point 'B'.

The above described easement contains 52,642 square feet, more or less.

The basis of bearings for this description is survey number 38828, Marion County Survey Records.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Clinton H. Stubbs Jr.

OREGON
JANUARY 15, 2002
CLINTON H. STUBBS JR.
55469LS

RENEWS: 06/30/24

EXHIBIT B

LOCATED IN THE NORTHWEST 1/4 OF SECTION 12,
TOWNSHIP 5 SOUTH, RANGE 2 WEST, W.M.,
CITY OF WOODBURN, MARION COUNTY, OREGON

DATE: MARCH 1, 2023

PAGE 1 OF 6

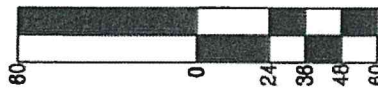
SEE LINE TABLE PAGE 6

Public Utility Easements (Permanent)
Page 6 of 11

POINT OF COMMENCEMENT
THE NW CORNER OF THE
WILLIAM DARST D.L.C.



SCALE 1" = 60 FEET

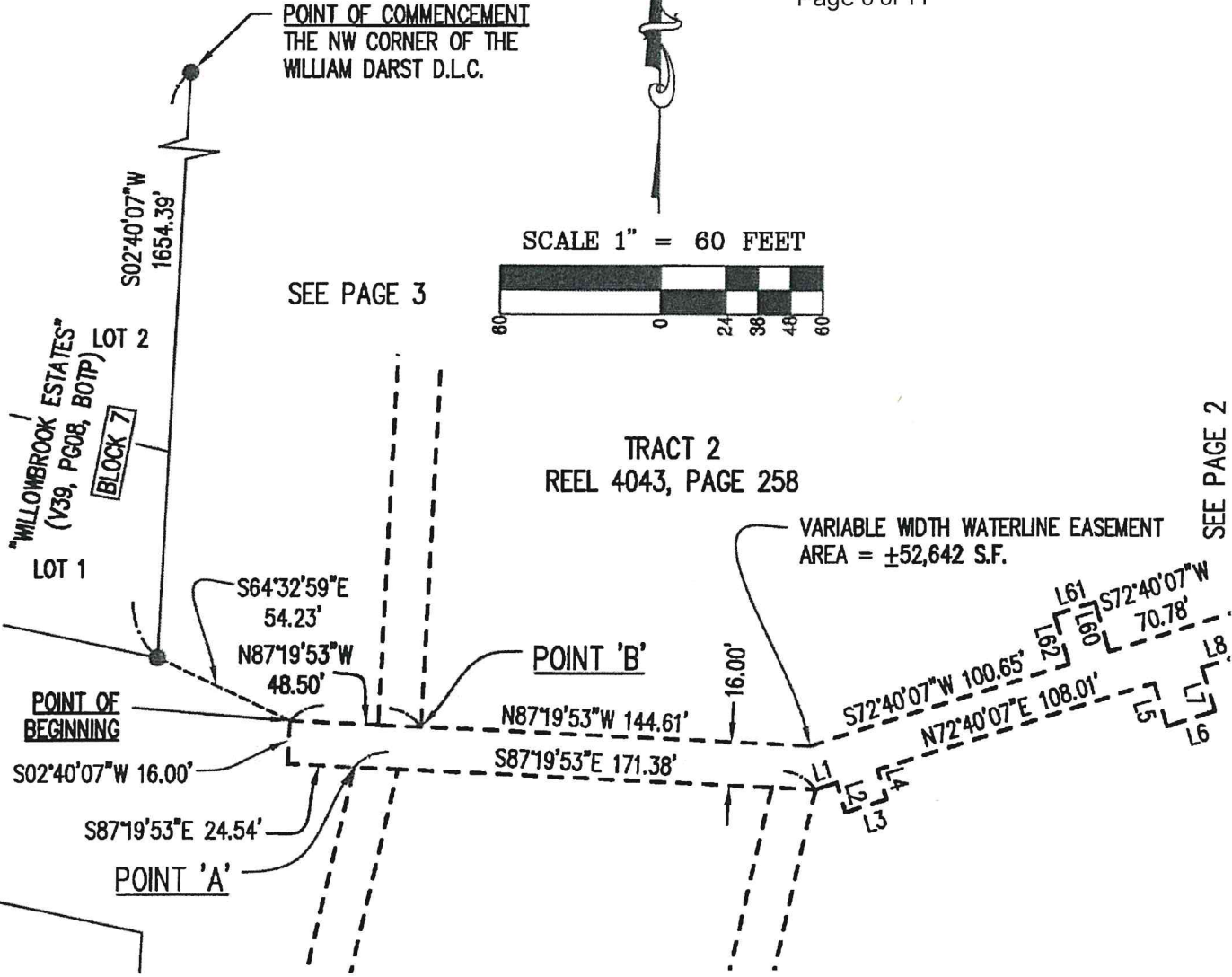


SEE PAGE 3

TRACT 2
REEL 4043, PAGE 258

VARIABLE WIDTH WATERLINE EASEMENT
AREA = ±52,642 S.F.

SEE PAGE 2



SEE PAGE 5

PREPARED FOR:

BUFFALO PROPERTIES IV
212 NE 83RD STREET
VANCOUVER, WA 98665

JOB NAME: WOODBURN CROSSING

JOB NUMBER: 1500

DRAWING NUMBER: 1500 EASE

DRAWN BY: CDW

CHECKED BY: CHS

NORTHWEST

SURVEYING, Inc.

1815 NW 169th PLACE,
SUITE 2090
BEAVERTON, OR 97006
PHONE: 503-848-2127
FAX: 503-848-2179
nwsurveying@nwsrvy.com

EXHIBIT B

LOCATED IN THE NORTHWEST 1/4 OF SECTION 12,
TOWNSHIP 5 SOUTH, RANGE 2 WEST, W.M.,
CITY OF WOODBURN, MARION COUNTY, OREGON

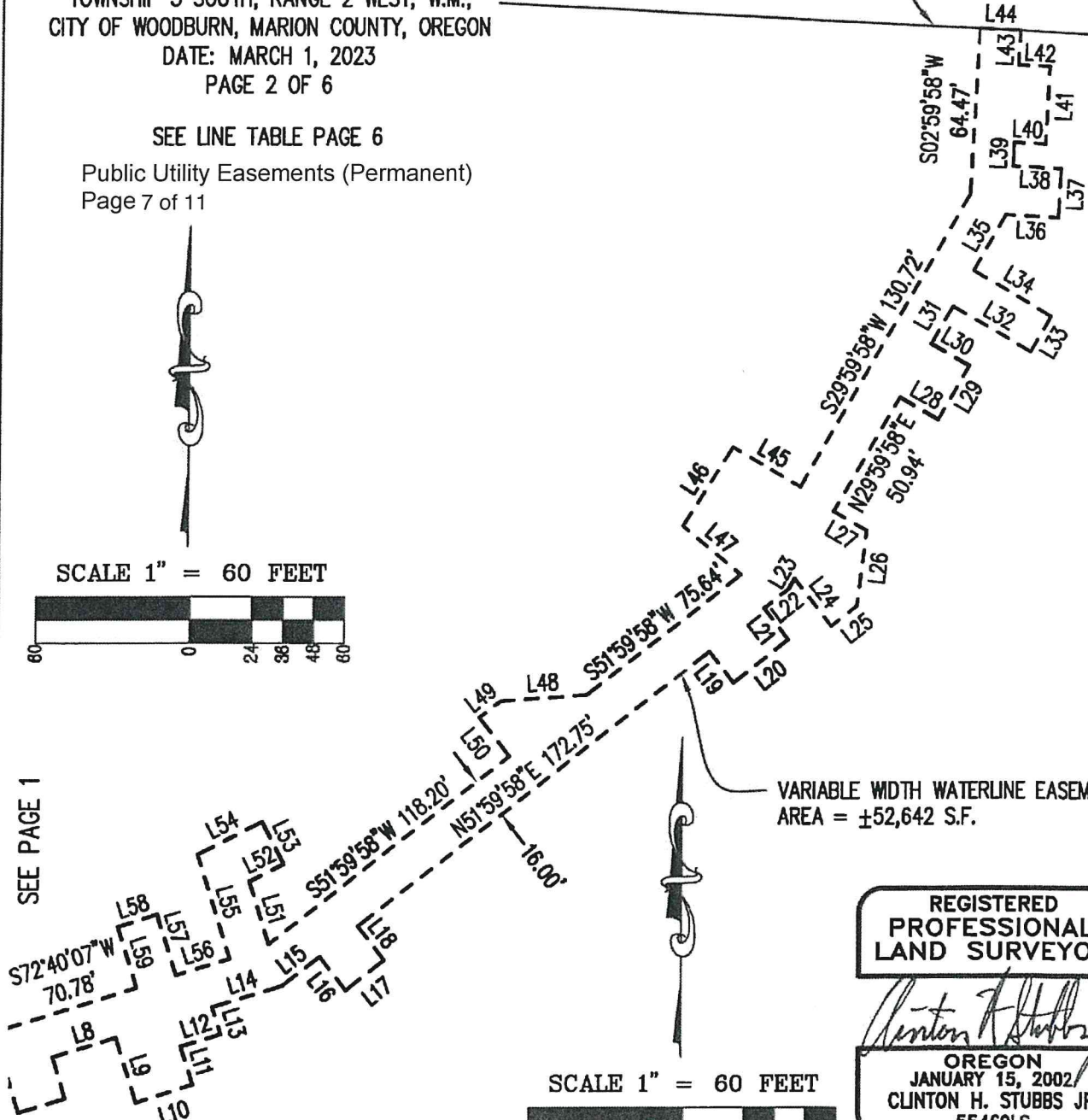
DATE: MARCH 1, 2023
PAGE 2 OF 6

SEE LINE TABLE PAGE 6

Public Utility Easements (Permanent)
Page 7 of 11

SOUTHERLY LINE OF 50' WIDE
RIGHT-OF-WAY DEDICATION

ARNEY LANE NE

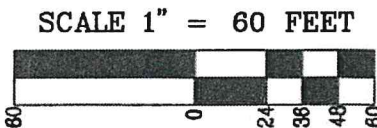


VARIABLE WIDTH WATERLINE EASEMENT
AREA = ±52,642 S.F.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Clinton H. Stubbs Jr.

OREGON
JANUARY 15, 2002
CLINTON H. STUBBS JR.
55469LS
RENEWS: 06/30/24



SEE PAGE 1

PREPARED FOR:

BUFFALO PROPERTIES IV
212 NE 83RD STREET
VANCOUVER, WA 98665

JOB NAME: WOODBURN CROSSING
JOB NUMBER: 1500
DRAWING NUMBER: 1500 EASE
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PHONE: 503-848-2127
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EXHIBIT B

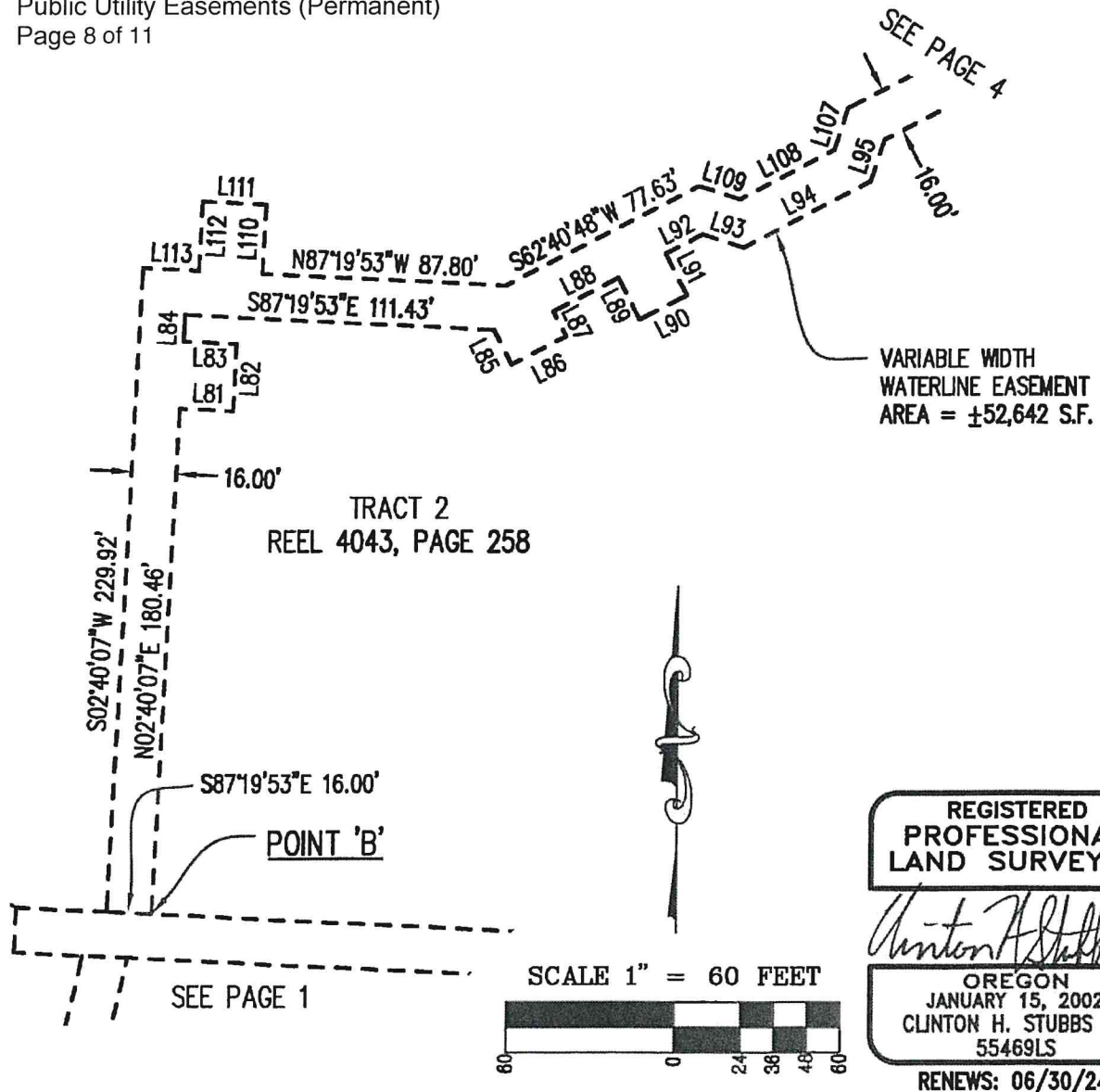
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TOWNSHIP 5 SOUTH, RANGE 2 WEST, W.M.,
CITY OF WOODBURN, MARION COUNTY, OREGON

DATE: MARCH 1, 2023

PAGE 3 OF 6

SEE LINE TABLE PAGE 6

Public Utility Easements (Permanent)
Page 8 of 11

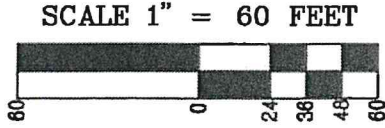


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PROFESSIONAL
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Clinton H. Stubbs Jr.

OREGON
JANUARY 15, 2002
CLINTON H. STUBBS JR.
55469LS

RENEWS: 06/30/24



PREPARED FOR: BUFFALO PROPERTIES IV 212 NE 83RD STREET VANCOUVER, WA 98665	JOB NAME: WOODBURN CROSSING	<h1>NORTHWEST</h1> <h1>SURVEYING, Inc.</h1>	1815 NW 169th PLACE, SUITE 2090 BEAVERTON, OR 97006 PHONE: 503-848-2127 FAX: 503-848-2179 nwsurveying@nwsrvy.com
	JOB NUMBER: 1500		
	DRAWING NUMBER: 1500 EASE		
	DRAWN BY: CDW		
	CHECKED BY: CHS		

EXHIBIT B

Public Utility Easements (Permanent)
Page 9 of 11

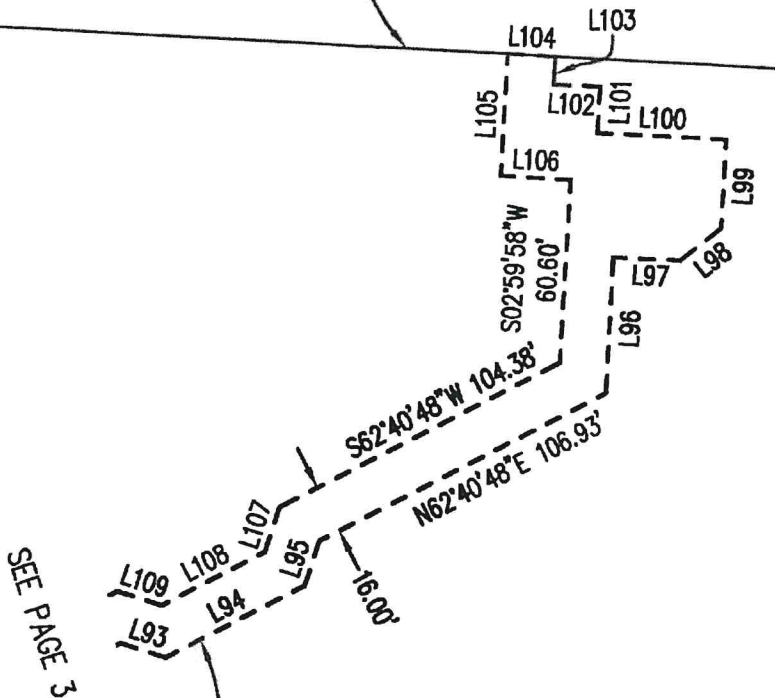
LOCATED IN THE NORTHWEST 1/4 OF SECTION 12,
TOWNSHIP 5 SOUTH, RANGE 2 WEST, W.M.,
CITY OF WOODBURN, MARION COUNTY, OREGON
DATE: MARCH 1, 2023
PAGE 4 OF 6

SEE LINE TABLE PAGE 6

REEL 269, PAGE 1207

SOUTHERLY LINE OF 50' WIDE
RIGHT-OF-WAY DEDICATION

ARNEY LANE NE

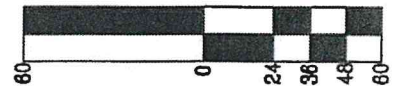


SEE PAGE 3

VARIABLE WIDTH
WATERLINE EASEMENT
AREA = ±52,642 S.F.



SCALE 1" = 60 FEET



REGISTERED
PROFESSIONAL
LAND SURVEYOR

Clinton H. Stubbs Jr.

OREGON
JANUARY 15, 2002
CLINTON H. STUBBS JR.
55469LS

RENEWS: 06/30/24

PREPARED FOR:

BUFFALO PROPERTIES IV
212 NE 83RD STREET
VANCOUVER, WA 98665

JOB NAME: WOODBURN CROSSING

JOB NUMBER: 1500

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PHONE: 503-848-2127
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SEE LINE TABLE PAGE 6

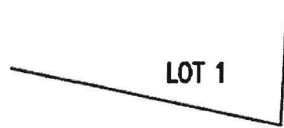
Public Utility Easements (Permanent)
Page 10 of 11

EXHIBIT MAP

LOCATED IN THE NORTHWEST 1/4 OF SECTION 12,
TOWNSHIP 5 SOUTH, RANGE 2 WEST, W.M.,
CITY OF WOODBURN, MARION COUNTY, OREGON

DATE: MARCH 1, 2023

PAGE 5 OF 6



SEE PAGE 1

SEE PAGE 2

POINT 'A'

N87°19'53"W 16.25'

N87°19'53"W 16.24'

VARIABLE WIDTH
WATERLINE EASEMENT
AREA = ±52,642 S.F.

S12°40'48"W 238.99'

N12°40'48"E 240.41'

S12°37'38"W 227.07'

N12°37'38"E 245.03'

16.00'

16.00'

S02°40'07"W 98.32'

N02°40'07"E 80.91'

N87°19'53"W 110.39'

L63

L64

L65

L66

S87°19'53"E 85.15'

L67

L68

L70

L71

L72

L73

L74

L75

L76

L77

L78

L79

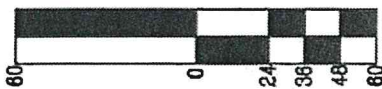
L80

L81

L82



SCALE 1" = 60 FEET



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OREGON
JANUARY 15, 2002
CLINTON H. STUBBS JR.
55469LS

RENEWS: 06/30/24

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212 NE 83RD STREET
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nwsurveying@nwsrvy.com

LINE TABLE

EXHIBIT B

LOCATED IN THE NORTHWEST
1/4 OF SECTION 12,
TOWNSHIP 5 SOUTH,
RANGE 2 WEST, W.M.,
CITY OF WOODBURN,
MARION COUNTY, OREGON
DATE: MARCH 1, 2023
PAGE 6 OF 6

LINE	BEARING AND LENGTH	LINE	BEARING AND LENGTH	LINE	BEARING AND LENGTH
L1	N72°40'07"E 8.16'	L40	S87°00'02"E 12.49'	L79	N87°19'49"W 26.39'
L2	S17°19'53"E 11.45'	L41	N02°59'58"E 30.00'	L80	S02°40'07"W 44.38'
L3	N72°40'07"E 16.00'	L42	N87°00'02"W 12.49'	L81	S87°19'53"E 19.20'
L4	N17°19'53"W 11.45'	L43	N02°59'58"E 13.48'	L82	N02°40'07"E 24.00'
L5	S17°19'53"E 16.70'	L44	N87°00'02"W 16.00'	L83	N87°19'53"W 19.20'
L6	N72°40'07"E 19.00'	L45	N60°00'02"W 30.72'	L84	N02°40'07"E 9.46'
L7	N17°19'53"W 16.70'	L46	S32°28'52"W 36.11'	L85	S27°19'12"E 13.86'
L8	N72°40'07"E 25.89'	L47	S50°16'26"E 29.58'	L86	N62°40'48"E 22.00'
L9	S17°19'53"E 26.50'	L48	S86°05'34"W 33.90'	L87	N27°19'12"W 10.01'
L10	N72°40'07"E 23.00'	L49	S51°59'58"W 10.45'	L88	N62°40'48"E 26.00'
L11	N17°19'53"W 15.50'	L50	S38°00'02"E 19.00'	L89	S27°19'12"E 16.70'
L12	N72°40'07"E 15.91'	L51	N17°19'53"W 25.34'	L90	N62°40'48"E 19.00'
L13	N17°19'53"W 11.00'	L52	N62°40'51"E 14.75'	L91	N27°19'12"W 16.70'
L14	N72°40'07"E 28.20'	L53	N27°19'09"W 18.41'	L92	N62°40'48"E 14.96'
L15	N51°59'58"E 18.43'	L54	S62°40'51"W 27.75'	L93	S72°19'12"E 15.56'
L16	S38°00'02"E 16.70'	L55	S17°19'53"E 42.19'	L94	N62°40'48"E 51.68'
L17	N52°00'02"E 19.00'	L56	S72°40'07"W 21.59'	L95	N17°40'48"E 15.56'
L18	N38°00'02"W 16.70'	L57	N17°19'53"W 24.70'	L96	N02°41'04"E 44.95'
L19	S38°00'02"E 15.39'	L58	S72°40'07"W 16.00'	L97	S87°18'56"E 22.36'
L20	N51°59'58"E 27.20'	L59	S17°19'53"E 24.70'	L98	N51°59'58"E 17.13'
L21	N38°00'02"W 15.39'	L60	N17°21'45"W 19.00'	L99	N02°59'58"E 29.46'
L22	N51°59'58"E 12.12'	L61	S72°38'15"W 16.00'	L100	N87°00'02"W 43.04'
L23	N29°59'58"E 4.61'	L62	S17°21'45"E 19.00'	L101	N02°59'58"E 15.29'
L24	S38°00'02"E 23.25'	L63	S87°19'53"E 10.95'	L102	N87°00'02"W 15.50'
L25	N51°59'58"E 12.67'	L64	S02°40'07"W 22.00'	L103	N02°59'58"E 9.21'
L26	N06°59'58"E 29.40'	L65	S87°19'53"E 29.95'	L104	N87°00'02"W 16.00'
L27	N60°00'02"W 14.82'	L66	N02°40'07"E 22.00'	L105	S02°59'58"W 40.50'
L28	S60°00'02"E 17.21'	L67	S02°40'04"W 19.20'	L106	S87°00'02"E 23.50'
L29	N29°59'58"E 24.00'	L68	S87°19'56"E 19.00'	L107	S17°40'48"W 15.56'
L30	N60°00'02"W 17.21'	L69	N02°40'04"E 19.20'	L108	S62°40'48"W 38.42'
L31	N29°59'58"E 16.67'	L70	S87°19'53"E 23.68'	L109	N72°19'12"W 15.56'
L32	S60°00'02"E 35.50'	L71	S77°19'12"E 18.48'	L110	N02°40'07"E 24.70'
L33	N29°59'58"E 16.00'	L72	N12°40'48"E 16.00'	L111	N87°19'53"W 23.00'
L34	N60°00'02"W 35.50'	L73	N77°19'12"W 19.50'	L112	S02°40'07"W 24.70'
L35	N29°59'58"E 24.89'	L74	N77°22'22"W 19.23'	L113	N87°19'53"W 20.04'
L36	S86°59'59"E 20.93'	L75	S12°37'38"W 19.00'		
L37	N03°00'01"E 19.00'	L76	S77°22'22"E 19.23'		
L38	N86°59'59"W 19.20'	L77	S12°37'38"W 7.85'		
L39	N02°59'58"E 9.22'	L78	S02°40'07"W 23.21'		

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Clinton H. Stubbs Jr.

OREGON
JANUARY 15, 2002
CLINTON H. STUBBS JR.
55469LS

RENEWS: 06/30/24

PREPARED FOR:

BUFFALO PROPERTIES IV
212 NE 83RD STREET
VANCOUVER, WA 98665

JOB NAME: WOODBURN CROSSING

JOB NUMBER: 1500

DRAWING NUMBER: 1500 EASE

DRAWN BY: CDW

CHECKED BY: CHS

NORTHWEST

SURVEYING, Inc.

1815 NW 169th PLACE,
SUITE 2090
BEAVERTON, OR 97006
PHONE: 503-848-2127
FAX: 503-848-2179
nwsurveying@nwsrvy.com

After Recording Return to:
City Recorder
City of Woodburn
270 Montgomery Street
Woodburn, Oregon 97071

Send Tax Statements to:
City Recorder
City of Woodburn
270 Montgomery Street
Woodburn, Oregon 97071

DEDICATION DEED
(RIGHT OF WAY)

_____,
Woodburn Villas, LLC, **Grantor**, does hereby grant to the
CITY OF WOODBURN, a municipal corporation of the State of Oregon, **Grantee**, the
following real property situated in the County of Marion, State of Oregon, to be used and held by
the City of Woodburn for public street, road, right-of-way, and utility purposes, bounded and
described as follows:

See attached **EXHIBIT A** Legal Description; and

See attached **EXHIBIT B** Drawing for Legal Description.

The true consideration for this conveyance is: \$ 0.00, the receipt and
sufficiency of which is hereby acknowledged by GRANTOR _____

GRANTOR hereby covenants to GRANTEE that GRANTOR is the fee title owner of the above
described real property, free from all encumbrances, that GRANTOR has the right to convey the
property to GRANTEE, and that GRANTOR and their heirs and personal representatives shall
warrant and forever defend the title to the property against all lawful claims and demands
whatsoever.

Dated this 3rd day of March, 2023

GRANTOR

Woodburn Villas, LLC

Jason G. Durr
By: Jason G. Durr
Title: Member

State of ~~Oregon~~ WASHINGTON)
) ss.
County of CLATSOP)

This instrument was acknowledged before me on this 3rd day of MARCH, 2023,
(day) (month) (year)
by JASON DUUS, as Member
(Signer's Name) (Title; write N/A if not applicable)
of WOODBURN VILAS, LLC
(Name of Entity of whose behalf record is executed; write N/A if not applicable)

Notary Public
State of Washington
Madison Campbell
Commission No. 22035666
Commission Expires 07-01-26

Madison Campbell
Notary Public for ~~Oregon~~ WASHINGTON
My Commission Expires 07/01/2026

GRANTEE'S ACCEPTANCE

By Signature below, the City of Woodburn, Oregon, hereby accepts this dedication pursuant to ORS 92.014.

By: _____
Title: _____

State of Oregon)
) ss.
County of Marion)

This instrument was acknowledged before me on _____, _____, by Scott Derickson, City Administrator of the City of Woodburn, acting under authority granted to him by the Woodburn City Council.

Notary Public for Oregon
My Commission Expires _____



1815 NW 169th Place, Suite 2090
Beaverton, OR 97006
Telephone: 503-848-2127

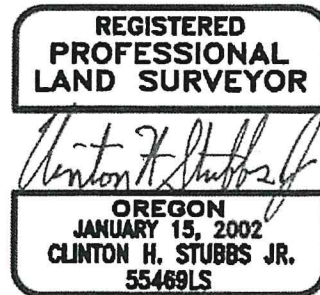


Exhibit A
Right-of-Way Dedication

August 8, 2022
NWS Project Number 1500
Page 1 of 2

A tract of land being a portion of that property described as Tract 2 in a property line adjustment deed recorded on February 5, 2018, as Reel 4043, Page 258, Marion County Deed Records, also being a portion of the William Darst Donation Land Claim (DLC) Number 60, located in the northwest one-quarter of Section 12, Township 5 South, Range 2 West, Willamette Meridian, City of Woodburn, Marion County, Oregon, and being more particularly described as follows:

Commencing at the northwest corner of said William Darst DLC, said point being marked by a 3 inch brass disk stamped "N.W. D.L.C. 60"; Thence along the west line of said William Darst DLC, South 02°40'07" West 1654.39 feet to the Point of Beginning at the southeast corner of Lot 1, Block 7 of "Willowbrook Estates", from said point a 5/8 inch iron rod with a yellow plastic cap stamped "DLT & Assoc., PLS 1362" bears North 78°11'22" West 0.10 feet;

Thence along the south line of said Lot 1 and the westerly extension thereof, North 78°11'22" West 168.83 feet to an angle point in the easterly right-of-way line of Woodland Avenue (20.00 feet easterly from the centerline thereof, when measured at right angles); Thence along said easterly right-of-way line 86.37 feet on the arc of a non-tangent circular curve to the right, having a radius of 1929.86 feet, a delta angle of 02°33'51", and a long chord bearing South 16°35'46" West 86.36 feet; Thence departing said easterly right-of-way line, South 87°19'53" East 237.47 feet, to a point located 50.00 feet easterly from the west line of said William Darst DLC, when measured at right angles; Thence parallel with and 50.00 feet easterly from said west line of the William Darst DLC, North 02°40'07" East 334.45 feet to a point of curvature; Thence 244.37 feet along the arc of a tangent circular curve to the right, having a radius of 155.00 feet, a delta angle of 90°19'51", and a long chord bearing North 47°50'03" East 219.83 feet to a point located 50.00 feet southerly from the northerly line of said Tract 2, when measured at right angles; Thence parallel with and 50.00 feet southerly from the northerly line of said Tract 2, when measured at right angles, South 87°00'02" East 1135.64 feet to the terminus of the right-of-way line of Arney Lane NE;

Exhibit A

Right-of-Way Dedication

August 8, 2022

NWS Project Number 1500

Page 2 of 2

Thence along the terminus line, North 16°51'04" East 51.50 feet to the northeast corner of said Tract 2, said point being marked by a 5/8 inch iron rod with a yellow plastic cap stamped "Land Markers LS 1831"; Thence along the northerly line of said Tract 2, North 87°00'02" West 1147.97 feet; Thence 323.20 feet on the arc of a tangent circular curve to the left, having a radius of 205.00 feet, a delta angle of 90°19'51", and a long chord bearing South 47°50'03" West 290.75 feet to a point of tangency with the west line of the William Darst DLC; Thence along the west line of said William Darst DLC, South 02°40'07" West 277.45 feet to the Point of Beginning.

The above described tract of land contains 100,582 square feet, more or less.

The basis of bearings for this description is Survey Number 38828, Marion County Survey Records.

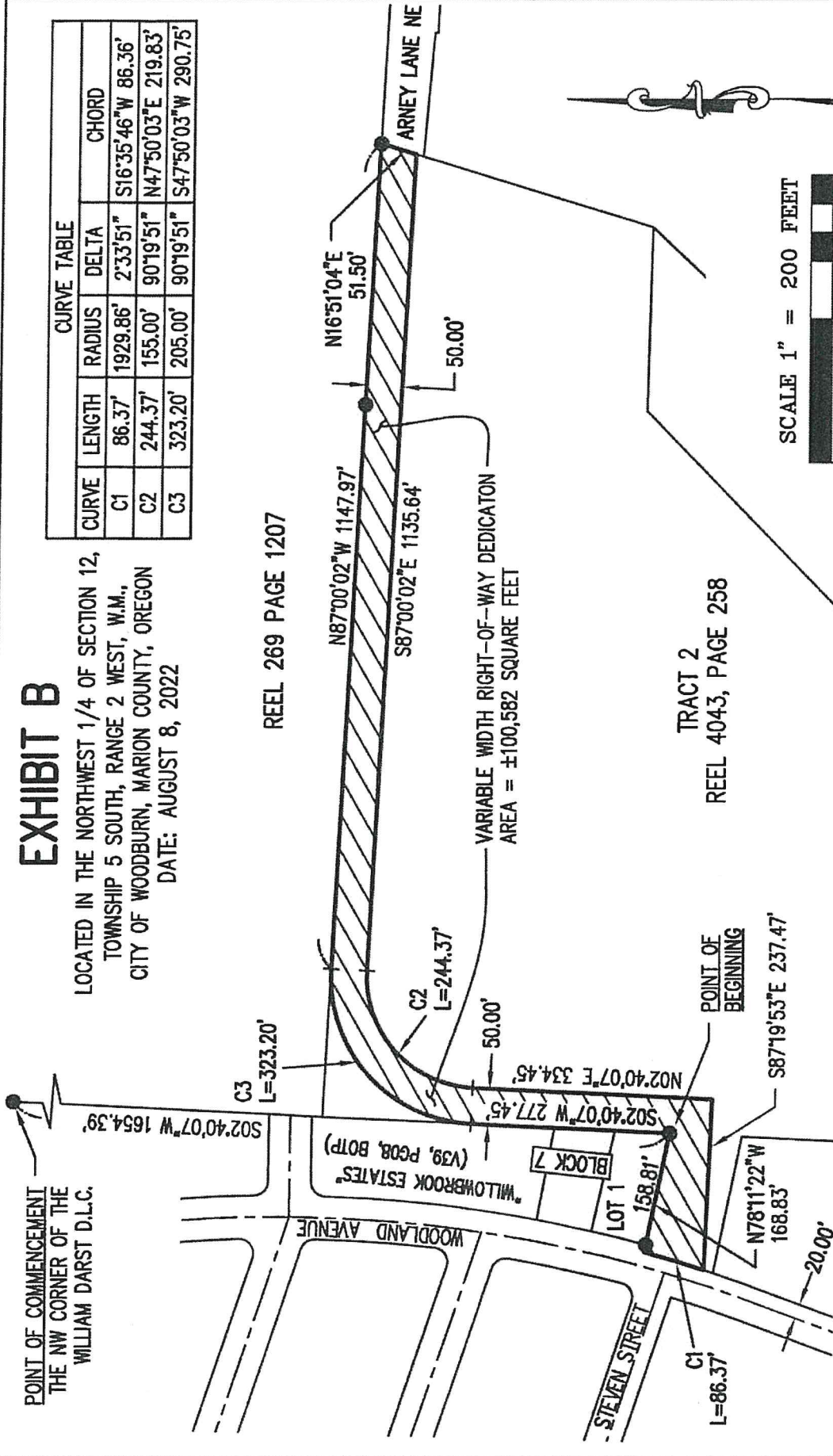
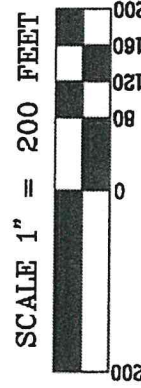
EXHIBIT B

LOCATED IN THE NORTHWEST 1/4 OF SECTION 12,
TOWNSHIP 5 SOUTH, RANGE 2 WEST, W.M.,
CITY OF WOODBURN, MARION COUNTY, OREGON
DATE: AUGUST 8, 2022

CURVE TABLE				
CURVE	LENGTH	RADIUS	DELTA	CHORD
C1	86.37'	1929.86'	2°33'51"	S16°35'46"W 86.36'
C2	244.37'	155.00'	90°19'51"	N47°50'03"E 219.83'
C3	323.20'	205.00'	90°19'51"	S47°50'03"W 290.75'

REEL 269 PAGE 1207

TRACT 2
REEL 4043, PAGE 258



POINT OF COMMENCEMENT
THE NW CORNER OF THE
WILLIAM DARST D.L.C.

**REGISTERED
PROFESSIONAL
LAND SURVEYOR**

Clinton H. Stubbs Jr.

OREGON
JANUARY 15, 2002
CLINTON H. STUBBS JR.
55469LS

RENEWS: 06/30/24

PREPARED FOR:	JOB NAME: WOODBURN CROSSING
MASTER DEVELOPMENT 120 W. BROADWAY EUGENE, OR 97401	JOB NUMBER: 1500
Page 5 of 5	DRAWING NUMBER: 1500 EASE
	DRAWN BY: CDW
	CHECKED BY: CHS

NORTHWEST
SURVEYING, Inc.

1815 NW 169th PLACE,
SUITE 2090
BEAVERTON, OR 97006
PHONE: 503-848-2127
FAX: 503-848-2179
nwsurveying@nwsvy.com

AFTER RECORDING RETURN TO:

Woodburn City Recorder
City of Woodburn
270 Montgomery Street
Woodburn, OR 97071

**CITY OF WOODBURN, OREGON
PUBLIC UTILITY EASEMENTS**

Woodburn Villas, LLC GRANTOR, grants to the CITY OF WOODBURN, OREGON, hereinafter called CITY, a permanent easement and right-of-way, including the permanent right to construct, reconstruct, operate, and maintain wetland / waterway on the following described land:

See attached Exhibit "A" Legal Description of Permanent Easement and attached Exhibit "B" Sketch for Legal Description of Permanent Easement which are by this reference incorporated herein

GRANTOR reserves the right to use the surface of the land for any purpose that will not be inconsistent or interfere with the use of the easement by CITY. No building or utility shall be placed upon, under, or within the property subject to the foregoing easement during the term thereof, however, without the written permission of CITY.

Upon completion of the construction, CITY shall restore the surface of the property to its original condition and shall indemnify and hold GRANTOR harmless against any and all loss, cost, or damage arising out of the exercise of the rights granted herein.

The true consideration of this conveyance is zero dollars, zero cents (\$ 0.00), and other valuable consideration, the receipt of which is acknowledged by GRANTOR.

GRANTOR covenants to CITY that GRANTOR is lawfully seized in fee simple of the above-granted premises, free from all encumbrances and that GRANTOR and their heirs and personal representatives shall warrant and forever defend the said premises and every part thereof to CITY against the lawful claims and demands of all persons claiming by, through, or under GRANTOR.

DATED this 3rd day of March, 2023.

Jason G. Duus
BY: Member
Jason G. Duus

CORPORATE ACKNOWLEDGEMENT

WASHINGTON
STATE OF ~~OREGON~~, County of CLATSOP ss.

The foregoing instrument was acknowledged before me this 3rd day of March 2023 by JASON DUUS, as Member of WOODBURN VILLAGES, LLC company and the foregoing instrument was signed and sealed on behalf of said company by authority of its Board of Directors; and each of them acknowledged said instrument to be its voluntary act and deed.

Notary Public
State of Washington
Madison Campbell
Commission No. 22035666
Commission Expires 07-01-26

[Signature]
NOTARY PUBLIC FOR ~~OREGON~~ WASHINGTON
My Commission Expires: 07/01/2026

City of Woodburn
270 Montgomery Street
Woodburn, OR 97071

(Grantee's Name and Address)

By Signature below, the City of Woodburn, Oregon,
Approves and Accepts this Conveyance Pursuant to
ORS 93.808.

City Recorder:

Heather Pierson



1815 NW 169th Place, Suite 2090
Beaverton, OR 97006
Telephone: 503-848-2127

Exhibit A Wetland Easement

August 8, 2022

NWS Project Number 1500

Page 1 of 2

A tract of land being a portion of that property described as Tract 2 in a property line adjustment deed recorded on February 5, 2018, as Reel 4043, Page 258, Marion County Deed Records, also being a portion of the William Darst Donation Land Claim (DLC) Number 60, located in the northwest one-quarter of Section 12, Township 5 South, Range 2 West, Willamette Meridian, City of Woodburn, Marion County, Oregon, and being more particularly described as follows:

Commencing at the northwest corner of said William Darst DLC, said point being marked by a 3 inch brass disk stamped "N.W. D.L.C. 60"; Thence along the west line of said William Darst DLC, South 02°40'07" West 2725.19 feet to the southwest corner of said Tract 2, said point being marked with a 5/8 inch iron rod with a yellow plastic cap stamped "Northwest Surveying Inc"; Thence along the southerly line of said Tract 2, North 80°27'56" East 35.64 feet to the Point of Beginning.

Thence departing the south line of said Tract 2, North 16°53'48" West 77.08 feet; Thence North 38°28'48" East 144.68 feet; Thence North 11°26'03" East 131.46 feet; Thence North 38°41'31" East 127.59 feet; Thence North 23°53'28" East 139.18 feet; Thence North 37°38'20" East 230.11 feet; Thence North 64°26'31" East 139.86 feet; Thence North 54°30'36" East 130.49 feet; Thence North 49°18'53" East 112.59 feet; Thence South 87°31'12" East 63.67 feet; Thence North 51°05'10" East 114.92 feet; Thence North 31°54'32" East 92.51 feet; Thence North 72°17'53" East 43.75 feet; Thence North 36°51'15" East 132.89 feet; Thence North 19°43'52" East 157.09 feet; Thence North 05°10'15" West 68.66 feet; Thence North 87°00'02" West 47.08 feet; Thence North 09°16'19" West 25.58 feet, to a point located 50.00 feet southerly from the north line of said Tract 2, when measured at right angles; Thence parallel with and 50.00 feet southerly from said north line of Tract 2, when measured at right angles, South 87°00'02" East 367.96 feet to a point on the terminus of the right-of-way line of Arney Lane NE;

Exhibit A

Wetland Easement

August 8, 2022

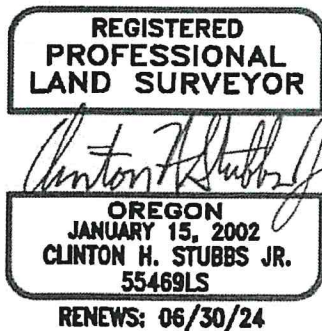
NWS Project Number 1500

Page 2 of 2

Thence along the easterly boundary of said Tract 2, South 16°51'04" West 346.04 feet, to an angle point thereon; Thence continuing along said easterly boundary, North 88°38'35" West 255.57 feet, to an angle point thereon; Thence continuing along said easterly boundary, South 45°30'39" West 879.05 feet to a point of curvature; Thence 177.00 feet on the arc of a tangent circular curve to the left, having a radius of 600.00 feet, a delta angle of 16°54'08", and a long chord bearing South 37°03'35" West 176.36 feet to the point of tangency; Thence continuing along said easterly boundary, South 27°05'53" West 364.85 feet to a point on the southerly boundary of said Tract 2; Thence along the southerly boundary line of said Tract 2, South 80°27'56" West 120.89 feet to the Point of Beginning.

The above described tract of land contains 288,928 square feet, more or less.

The basis of bearings for this description is Survey Number 38828, Marion County Survey Records.



POINT OF COMMENCEMENT
THE NW CORNER OF THE
WILLIAM DARST D.L.C.

Public Utility Easements (Permanent)
Page 5 of 6

EXHIBIT B

LOCATED IN THE NORTHWEST 1/4 OF SECTION 12,
TOWNSHIP 5 SOUTH, RANGE 2 WEST, W.M.,
CITY OF WOODBURN, MARION COUNTY, OREGON
DATE: AUGUST 8, 2024
PAGE 1 OF 2

REGISTERED
PROFESSIONAL
LAND SURVEYOR

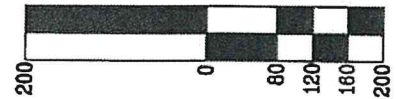
OREGON
JANUARY 15, 2002
CLINTON H. STUBBS JR.
55469LS

RENEWS: 06/30/24

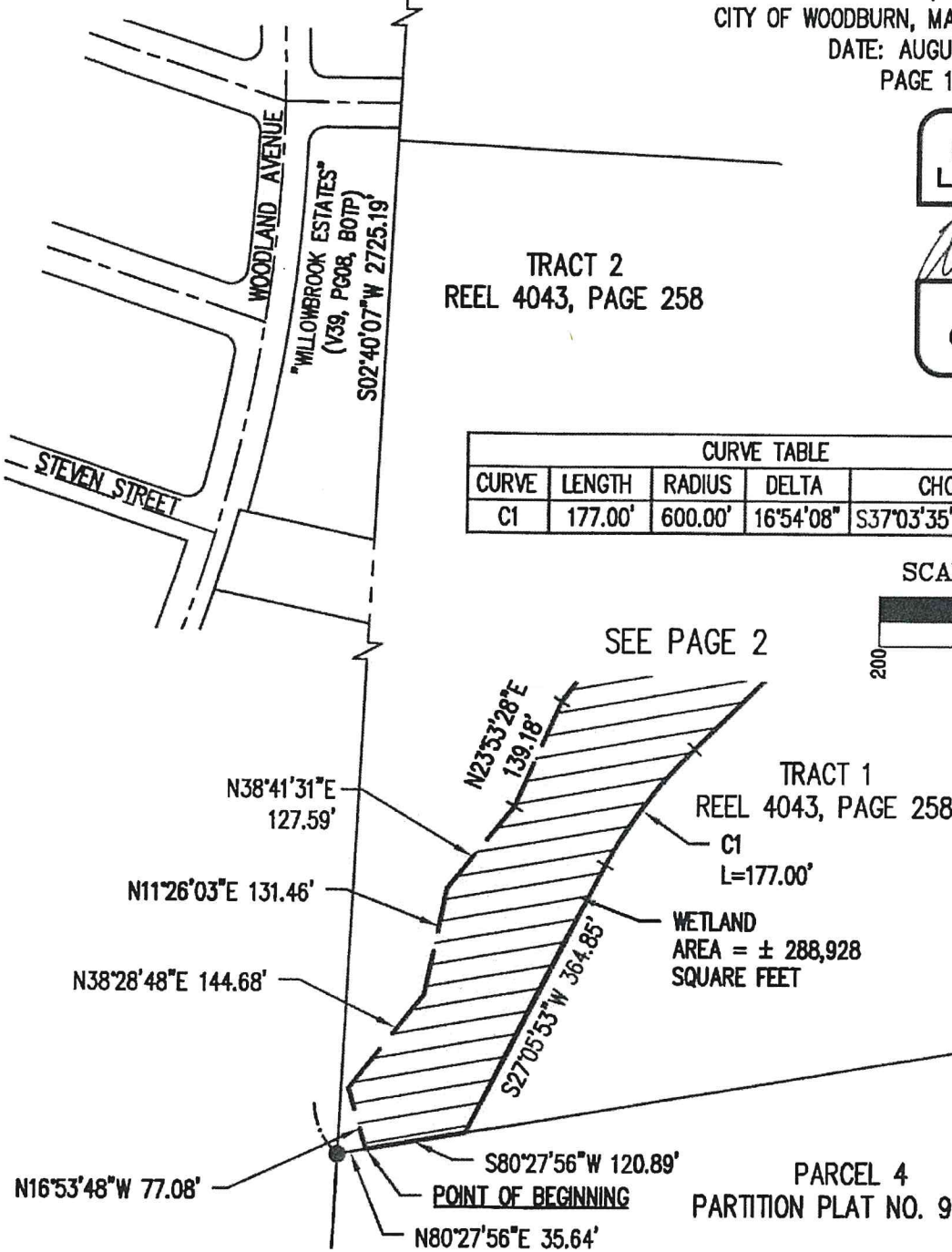
TRACT 2
REEL 4043, PAGE 258

CURVE TABLE				
CURVE	LENGTH	RADIUS	DELTA	CHORD
C1	177.00'	600.00'	16°54'08"	S37°03'35"W 176.36'

SCALE 1" = 200 FEET



SEE PAGE 2



PREPARED FOR:

MASTER DEVELOPMENT
120 W. BROADWAY
EUGENE, OR 97401

JOB NAME: WOODBURN CROSSING
JOB NUMBER: 1500
DRAWING NUMBER: 1500 EASE
DRAWN BY: BJA
CHECKED BY: CHS

NORTHWEST
SURVEYING, Inc.

1815 NW 169th PLACE,
SUITE 2090
BEAVERTON, OR 97006
PHONE: 503-848-2127
FAX: 503-848-2179
nwsurveying@nwsrvy.com

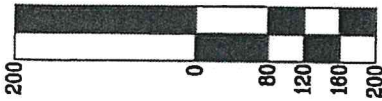
EXHIBIT B

LOCATED IN THE NORTHWEST 1/4 OF SECTION 12,
TOWNSHIP 5 SOUTH, RANGE 2 WEST, W.M.,
CITY OF WOODBURN, MARION COUNTY, OREGON
DATE: AUGUST 8, 2022
PAGE 2 OF 2

REEL 269 PAGE 1207



SCALE 1" = 200 FEET



TRACT 2
REEL 4043, PAGE 258

TRACT 1
REEL 4043,
PAGE 258

TRACT 1
REEL 4043, PAGE 258

WETLAND
AREA = ± 288,928
SQUARE FEET

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JANUARY 15, 2002
CLINTON H. STUBBS JR.
55469LS

RENEWS: 06/30/24

CURVE TABLE

CURVE	LENGTH	RADIUS	DELTA	CHORD
C1	177.00'	600.00'	16°54'08"	S37°03'35"W 176.36'

SEE PAGE 1

PREPARED FOR:

MASTER DEVELOPMENT
120 W. BROADWAY
EUGENE, OR 97401

JOB NAME: WOODBURN CROSSING

JOB NUMBER: 1500

DRAWING NUMBER: 1500 EASE

DRAWN BY: BJA

CHECKED BY: CHS

NORTHWEST

SURVEYING, Inc.

1815 NW 169th PLACE,
SUITE 2090
BEAVERTON, OR 97006
PHONE: 503-848-2127
FAX: 503-848-2179
nwsurveying@nwsrvy.com

Woodburn Police Department

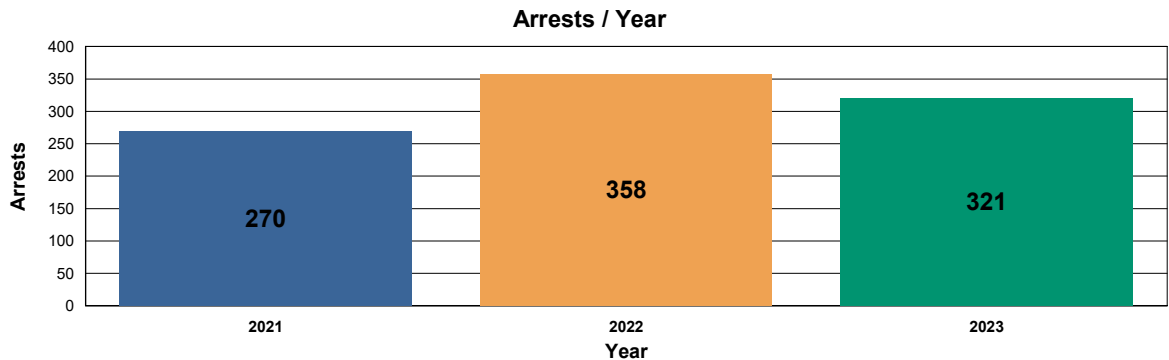
MONTHLY ARRESTS BY OFFENSES 2023 Year to Date

CHARGE DESCRIPTION	Jan	Feb	Total
AGGRAVATED ASSAULT	7	5	12
ANIMAL ORDINANCES	4	4	8
ARSON	0	1	1
ASSAULT SIMPLE	1	15	16
BURGLARY - RESIDENCE	1	2	3
CRIME DAMAGE-NO VANDALISM OR ARSON	2	2	4
CUSTODY - MENTAL	3	5	8
DISORDERLY CONDUCT	3	6	9
DRIVING UNDER INFLUENCE	11	11	22
DRUG LAW VIOLATIONS	1	1	2
DWS/REVOKED - FELONY	0	1	1
DWS/REVOKED-MISDEMEANOR	4	2	6
ELUDE	0	3	3
ESCAPE FROM YOUR CUSTODY	1	0	1
FAIL TO DISPLAY OPERATORS LICENSE	1	1	2
FAILURE TO REGISTER AS SEX OFFENDER	1	0	1
FORCIBLE RAPE	3	1	4
FORGERY/COUNTERFEITING	1	0	1
FUGITIVE ARREST FOR ANOTHER AGENCY	59	38	97
HIT AND RUN-MISDEMEANOR	5	4	9
INTIMIDATION /OTHER CRIMINAL THREAT	4	6	10
INVASION OF PERSONAL PRIVACY	1	0	1
KIDNAP - FOR ADDITIONAL CRIMINAL PURPOSE	2	0	2
MOTOR VEHICLE THEFT	1	3	4
OTHER	3	4	7
PROVIDE FALSE INFORMATION TO LAW ENFORCEMENT	1	1	2
RECKLESS DRIVING	3	5	8
RECKLESSLY ENDANGERING	3	3	6
RESTRAINING ORDER VIOLATION	1	0	1
SEX CRIME - FORCIBLE SODOMY	1	0	1
SEX CRIME - MOLEST (PHYSICAL)	1	1	2
SEX CRIME - PORNOGRAPHY/OBSCENE MATERIAL	0	1	1
SEX CRIME - SEXUAL ASSAULT WITH AN OBJECT	1	0	1
STALKER	1	0	1
STOLEN PROPERTY - RECEIVING,BUYING,POSSESSING	1	0	1
THEFT - OTHER	1	1	2
THEFT - SHOPLIFT	9	3	12
TRAFFIC VIOLATIONS	10	21	31
TRESPASS	3	0	3
VANDALISM	2	6	8
WEAPON - CARRY CONCEALED	1	0	1
WEAPON - EX FELON IN POSSESSION	1	1	2
WEAPON - POSSESS ILLEGAL	2	1	3
WEAPON - SHOOTING IN PROHIBITED AREA	1	0	1
	Jan	Feb	Total
2023 Total	162	159	321
2022 Total	158	200	358
2021 Total	173	97	270

Woodburn Police Department

MONTHLY ARRESTS BY OFFENSES

2023 Year to Date



Woodburn Police Department

MONTHLY CRIMINAL OFFENSES

2023 Year to Date

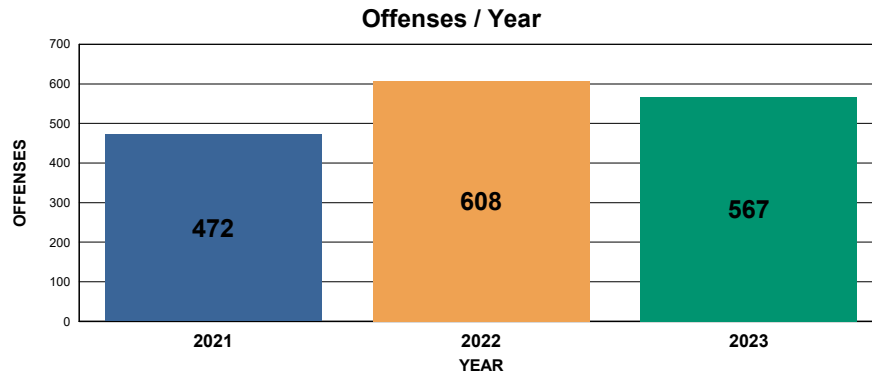
CHARGE DESCRIPTION	Jan	Feb	Total
AGGRAVATED ASSAULT	3	6	9
ANIMAL ORDINANCES	4	3	7
ARSON	1	1	2
ASSAULT SIMPLE	9	12	21
BURGLARY - BUSINESS	2	1	3
BURGLARY - OTHER STRUCTURE	2	0	2
BURGLARY - RESIDENCE	3	3	6
CHILD NEGLECT	1	0	1
CRIME DAMAGE-NO VANDALISM OR ARSON	12	7	19
CUSTODY - MENTAL	3	6	9
DISORDERLY CONDUCT	4	5	9
DRIVING UNDER INFLUENCE	13	11	24
DRUG LAW VIOLATIONS	1	1	2
DWS/REVOKED - FELONY	0	1	1
DWS/REVOKED-MISDEMEANOR	3	2	5
ELUDE	2	3	5
ESCAPE FROM YOUR CUSTODY	1	0	1
EXTORTION/BLACKMAIL	0	1	1
FAIL TO DISPLAY OPERATORS LICENSE	1	1	2
FAILURE TO REGISTER AS SEX OFFENDER	1	0	1
FORCIBLE RAPE	2	4	6
FORGERY/COUNTERFEITING	6	3	9
FRAUD - BY DECEPTION/FALSE PRETENSES	4	8	12
FRAUD - CREDIT CARD/AUTOMATIC TELLER MACHINE	2	4	6
FRAUD - WIRE	1	0	1
FUGITIVE ARREST FOR ANOTHER AGENCY	38	23	61
HIT AND RUN FELONY	1	1	2
HIT AND RUN-MISDEMEANOR	15	11	26
IDENTITY THEFT	0	1	1
INTIMIDATION /OTHER CRIMINAL THREAT	2	4	6
KIDNAP - FOR ADDITIONAL CRIMINAL PURPOSE	2	0	2
MISCELLANEOUS	21	18	39
MOTOR VEHICLE THEFT	9	10	19
NON CRIMINAL DOMESTIC DISTURBANCE	0	1	1
OTHER	6	4	10
PROPERTY - FOUND LOST MISLAID	2	1	3
RECKLESS DRIVING	3	6	9
RESTRAINING ORDER VIOLATION	2	1	3
RUNAWAY	2	2	4
SEX CRIME - EXPOSER	2	0	2
SEX CRIME - FORCIBLE SODOMY	1	0	1
SEX CRIME - INCEST	0	2	2
SEX CRIME - MOLEST (PHYSICAL)	3	1	4
SEX CRIME - PORNOGRAPHY/OBSCENE MATERIAL	0	5	5
SEX CRIME - SEXUAL ASSAULT WITH AN OBJECT	1	0	1
STALKER	1	0	1
STOLEN PROPERTY - RECEIVING,BUYING,POSSESSIN	1	1	2
THEFT - BUILDING	3	1	4
THEFT - FROM MOTOR VEHICLE	9	10	19
THEFT - MOTOR VEHICLE PARTS/ACCESSORIES	3	1	4
THEFT - OTHER	11	9	20
THEFT - PURSE SNATCH	2	1	3
THEFT - SHOPLIFT	26	25	51
TRAFFIC VIOLATIONS	18	24	42
TRESPASS	8	1	9
UNAUTHORIZED ENTRY INTO MOTOR VEHICLE	0	3	3
VANDALISM	21	12	33

Woodburn Police Department

MONTHLY CRIMINAL OFFENSES

2023 Year to Date

	Jan	Feb	Total
VEHICLE RECOVERD FOR OTHER AGENCY	2	1	3
WEAPON - CARRY CONCEALED	1	0	1
WEAPON - POSSESS ILLEGAL	1	0	1
WEAPON - SHOOTING IN PROHIBITED AREA	5	1	6
	Jan	Feb	Total
2023 Total	303	264	567
2022 Total	333	275	608
2021 Total	259	213	472



Woodburn Police Department

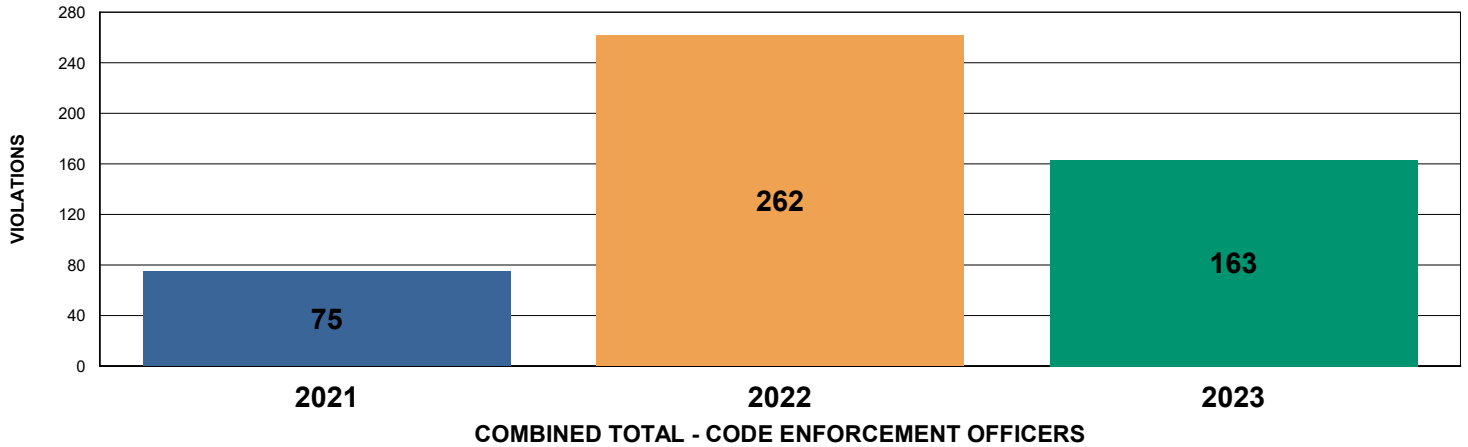
ORDINANCE VIOLATIONS

2023 Year to Date

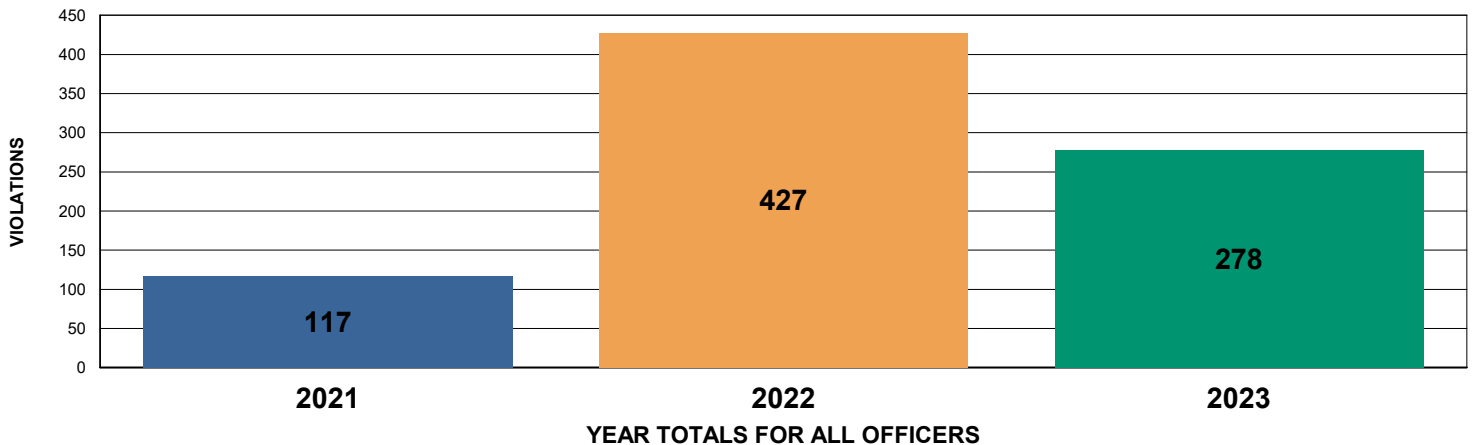
3/23/2023

Ordinance Discription	Jan	Feb	Total
Animal Complaint	57	56	113
Ordiinance - Abate/Nuisances	0	3	3
Ordinance - Abandoned Vehicles	27	21	48
Ordinance - Abate Graffiti	15	5	20
Ordinance - Land Use Violations	1	0	1
Ordinance - Oth Violation	46	46	92
Ordinance - Tall Grass	1	0	1
2023 Total	147	131	278
2022 Total	229	198	427
2021 Total	51	66	117

Ordinance Violations / Code Enforcement Officers



Ordinance Violations / Year



CITY OF WOODBURN
Community Development Department

MEMORANDUM

270 Montgomery Street

Woodburn, Oregon 97071

(503) 982-5246

Date: April 3, 2023

To: Chris Kerr, Community Development Director

From: Melissa Gitt, Building Official

Subject: Building Activity for March 2023

	2021		2022		2023	
	No.	Dollar Amount	No.	Dollar Amount	No.	Dollar Amount
Single-Family Residential	36	\$9,228,919	40	\$12,677,455	1	\$303,655
Multi-Family Residential	2	\$5,682,430	3	\$3,150	0	\$0
Assisted Living Facilities	0	\$0	0	\$0	0	\$0
Residential Adds & Alts	15	\$129,975	6	\$67,324	27	\$390,846
Industrial	1	\$162,580	0	\$0	0	\$0
Commercial	7	\$6,346,110	2	\$176,050	5	\$635,954
Signs and Fences	0	\$0	0	\$0	0	\$0
Manufactured Homes	0	\$0	0	\$0	0	\$0
TOTALS	61	\$21,550,014	51	\$12,923,979	33	\$1,330,455
Fiscal Year to Date (July 1 – June 30)		\$51,429,998		\$549,727,643**		\$82,706,047

Totals calculated from permit valuation.

**Project Basie (Amazon) permit valuation is \$451,339,834



Agenda Item

April 10, 2023

TO: Honorable Mayor and City Council through City Administrator

FROM: Chris Kerr, Community Development Director
Dan Handel, Planner

SUBJECT: **Annexation of Approximately 40.93 Acres of Territory at 8708 Parr Road NE (ANX 22-03) and Approval of Related Land Use Applications for Development into the Brighton Pointe Subdivision**

RECOMMENDATION:

Conduct a public hearing and make a motion to tentatively approve the land use applications, directing staff to prepare and submit ordinances and a final land use decision for consideration at the next City Council meeting.

BACKGROUND:

The item before the Council is action on annexation application ANX 22-03 by Lennar NW, LLC and Emerio Design, LLC for property totaling approximately 40.93 gross acres at 8708 Parr Road NE (37.75 acres of private land and 3.18 acres of public right-of-way).

The territory is eligible for annexation because it is within the City urban growth boundary (UGB) and shares a boundary with the current City limits.

Upon annexation, the City would need to designate the property with City zoning. The Comprehensive Plan land use map designates the territory as split between Low Density Residential and Medium Density Residential, and wholly within the Nodal Overlay. Per Comprehensive Plan Policy Table 1, the default compatible base zoning districts are Nodal Single-Family Residential (RSN) and Nodal Medium Density Residential (RMN). The applicant accepts these default zoning districts.

Development Applications

Alongside the annexation request, the applicant is proposing to develop the site with 219 single-family homes (112 attached and 107 detached). The following development applications are submitted as part of the consolidated package:

Agenda Item Review: City Administrator City Attorney Finance

- Preliminary Subdivision (SUB) 22-04: This relates the applicant's site plan and overall physical development of the property. It subdivides the land into lots for attached and detached single-family homes and supporting tracts.
- Phasing Plan (PP) 22-02: This outlines the applicant's intent to develop the subdivision in two phases.
- Variance (VAR) 22-07: This is a discretionary application that allows the developer to modify WDO development standards. Variance requests must demonstrate that a development standard imposes an excessive burden to the property owner and that the requested modification does not unreasonably impact neighboring properties. The applicant requests four variances – three of them are related to setbacks and lot coverage for homes within the subdivision, the fourth is related to the alley-access requirement within the Nodal zones. The variances are requested in order to accommodate the minimum density required within the Nodal zones, to incorporate transportation connectivity to the surrounding area, and to provide housing products that the market wants.
- Zoning Map Change (ZMC) 22-03: This relates to the zoning designations that come with annexation.

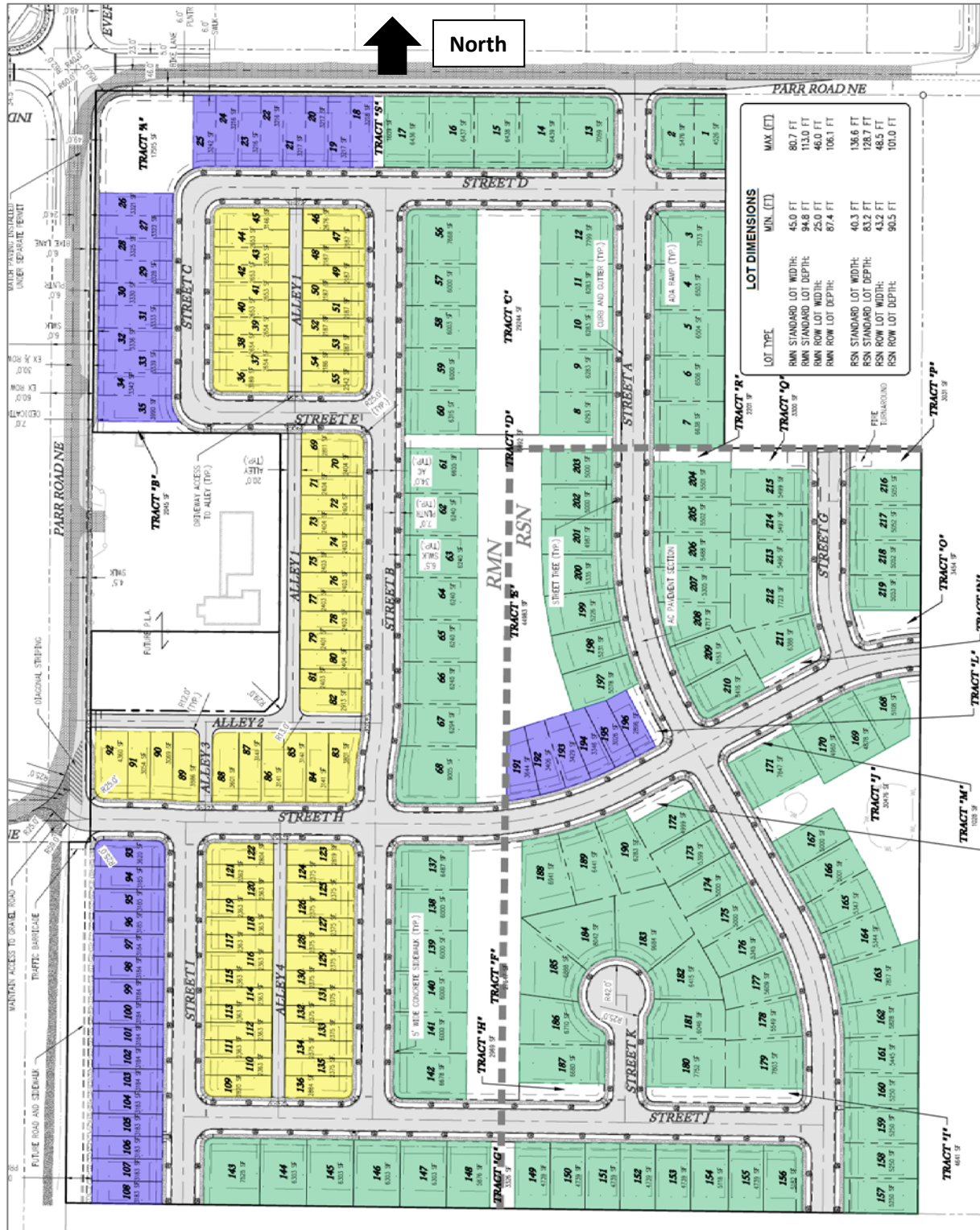
Site Context

The territory proposed for annexation is in the southwest corner of the city, on the south side of Parr Road and east side of Parr Road where the road bends south. It is undeveloped besides a farmstead and has been historically used for agricultural purposes.

The following pages contain an aerial photo and site plan drawing.



Aerial photo of the site (outlined in red).



Subdivision site plan (purple lots are front-loaded townhouses, yellow lots are alley-loaded townhouses, and teal lots are single-family detached homes).

Commission Recommendation

On January 12, 2023, the Planning Commission opened the public hearing and, at the applicant's request, moved to continue the hearing. The hearing was continued to February 9, 2023.

One Commissioner voiced concerns about traffic impacts of development throughout the southwest corner of Woodburn, particularly about approving more development in this area because the City Transportation System Plan does not identify improvement projects for intersections that are already noted to have capacity and safety issues. Two Commissioners shared concerns about the applicant's variance requests related to setbacks and lot coverage, how they create a neighborhood of houses that are close together with small yards.

After deliberating, Commissioners acknowledged the role that development plays in contributing to local transportation infrastructure improvements and determined that the variance requests were justified. The Commission voted unanimously to recommend approval of the consolidated applications package.

Testimony

One piece of written testimony was received in support of the project from Greg Specht of Specht Development, Inc. No testimony was received in opposition.

DISCUSSION:

The decision to annex territory is a policy decision by the Council. Decision-making criteria for annexation are outlined in Woodburn Development Ordinance (WDO) 5.04.01C.

The attached staff report addresses the applicable criteria for the application package and includes analyses and findings for each.

The Council reviews and decides upon the consolidated application package for the development project because per WDO 4.01.07, the City reviews a package at the highest land use review type among the application types. (In this context, it's the annexation application type, which is Type IV – a Council decision.)

FINANCIAL IMPACT:

Annexing the territory into city limits would subject it to City taxing authority, including property tax that generates the largest source of funding for general fund services such as the library, policing, and parks and recreation.

The City permanent tax rate is \$6.0534 per thousand dollars – equal to a millage rate of 6.0534 mils – as set by Oregon Ballot Measure 50 in 1997-98. The table below simplifies and grossly estimates tax revenue, not accounting for increase resulting from development:

<i>Address</i>	<i>Tax Lot</i>	<i>Marion County Assessed Value (AV)</i>	<i>Gross Estimate of City Property Tax (6.0534 mils)</i>
8708 Parr Rd NE	052W130001001	\$79,927	\$483.83

The estimate neither accounts for how the City might assess property value differently than Marion County nor excludes the unknown cost of providing basic utility services to the properties that the City does not already provide. Crucially, site development would increase both the number of residences and assessed valuation (AV) while also increasing City utility and other service costs.

ATTACHMENTS:

1. Staff Report and its attachments:
 101. Recommended Conditions of Approval
 102. Public Works Department Conditions of Approval
 103. Analyses & Findings (38 pages)
 104. Service Provider Letters
 105. Transportation Impact Analysis (TIA) report excerpt
 - 105A. TIA Addendum 1 excerpt (October 7, 2022)
 - 105B. TIA Addendum 2 excerpt (November 18, 2022)
 106. Subdivision Plans
 - 106A. Parr Road / Evergreen Road intersection design plan
 - 106B. Tract A concept plan



Staff Report

To: City Council

Through: Chris Kerr, Community Development Director *C.K.*

From: Dan Handel, AICP, Planner

Meeting Date: April 10, 2023 (Prepared April 3, 2023)

Item: ANX 22-03, PP 22-02, SUB 22-04, VAR 22-07, & ZMC 22-03 "Brighton Pointe Subdivision" at 8708 Parr Road NE

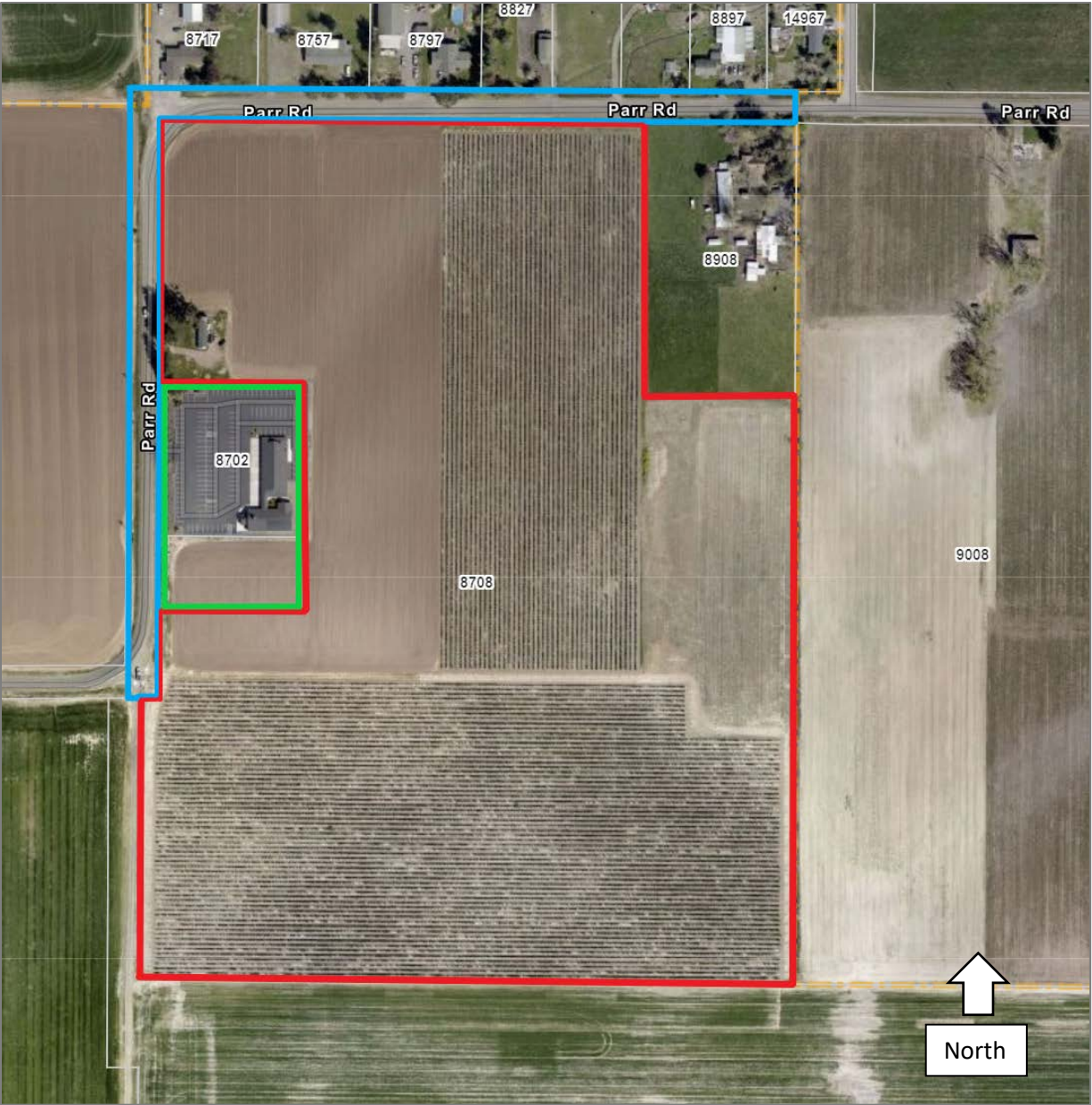
Issue before the City Council

Action on a Type IV land use application package: Annexation (ANX) 22-03, Phasing Plan (PP) 22-02, Preliminary Subdivision (SUB) 22-04, Variance (VAR) 22-07, and Zoning Map Change (ZMC) 22-03. Because the package is a Type IV review, the Planning Commission held a public hearing on February 9, 2023 and made a recommendation of approval. The City Council is to hold a second public hearing and issue a final decision on the application package.

Executive Summary

The subject property is located at 8708 Parr Road NE, in the southwest corner of the city. It is located on the south side of Parr Road and east side of Parr Road where the road bends south. It is undeveloped besides a farmstead and has historically been used for agricultural purposes.

The proposed annexation is for approximately 37.75 acres of private land and 3.18 acres of Parr Road right-of-way. The annexation does not include the adjacent property at 8702 Parr Road NE (Russian Old Believers St. Nikola Church).

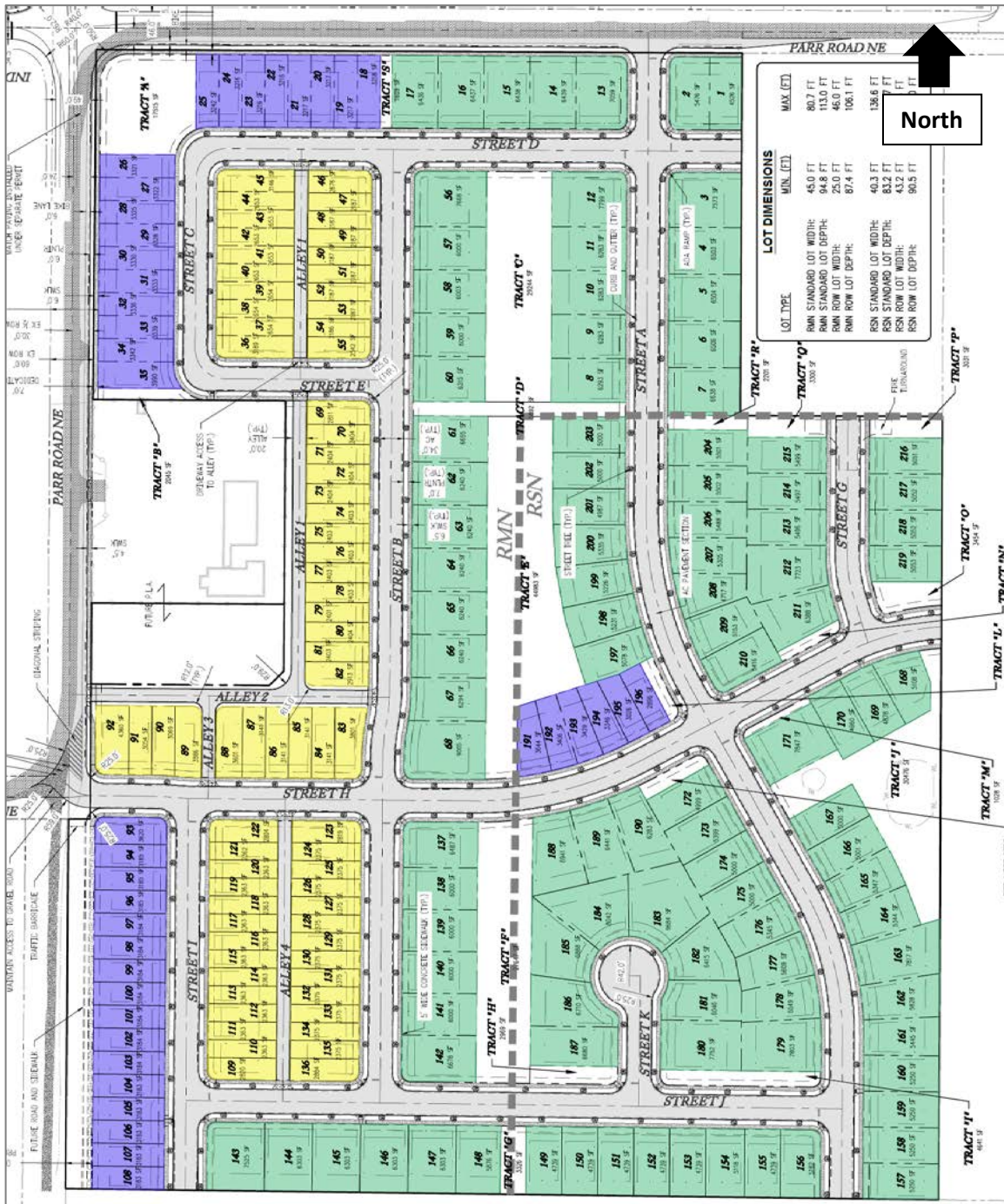


Aerial view with the right-of-way to be annexed outlined in blue and property to be annexed outlined in red. The adjacent church at 8702 Parr Rd (outlined in green) is not included in this annexation application.

The Comprehensive Plan land use map designates the territory as split between Low Density Residential and Medium Density Residential, and wholly within the Nodal Development Overlay. Per Comprehensive Plan Policy Table 1, the default zoning districts that correspond are Nodal Single-Family Residential (RSN) and Nodal Medium Density Residential (RMN).

The development component of the proposal is a 219-lot subdivision consisting of 112 attached townhouses and 107 detached single-family homes. There will be two street connections onto Parr Road, an internal street network, an off-street path for cyclists and pedestrians, several

stormwater detention tracts, and common area open space tracts. The subdivision is proposed to be built in two phases.



Proposed subdivision plan (north is up). Green lots are detached homes, purple lots are front-loaded attached homes, and yellow lots are alley-loaded attached homes.

The Public Works Department, Woodburn Fire District, and Woodburn School District gave the applicant annexation service provider letters (Attachment 104) indicating that they can serve the development.

The applicant submitted a Variance application with four requests:

1. Increase the maximum lot coverage to 50 percent for single-story, single-family detached lots in the RSN zone.
2. Reduce the minimum front setback to 15 feet for all front-loaded row house lots.
3. Reduce the minimum rear yard setback down to 20 feet for all lots within the RMN zone.
4. Reduce the minimum alley access requirement within the Nodal overlay district, which requires 75% of lots to be accessed via an alley. The applicant proposes to alley-load 72 lots, roughly 44.4%.

Recommendation

Approval with conditions: Staff recommends that the City Council consider the staff report and its attachments, as well as the recommendation of approval from the Planning Commission, and approve the consolidated application package with the conditions recommended by staff. The conditions are included as Attachments 101 and 102.

Actions

The City Council may act on the land use application to recommend to:

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

Were the Council to approve the consolidated application package, it would do so by adopting two ordinances, one for annexation and one for zoning, and authorizing a final decision document for the applications besides the annexation.

Attachment List

101. Recommended Conditions of Approval
102. Public Works Conditions January 4, 2023
103. Analyses & Findings
104. Service Provider Letters
105. Traffic Impact Analysis excerpt
- 105A. TIA Addendum October 11, 2022
- 105B. TIA Addendum November 18, 2022
106. Subdivision Plans
- 106A. Parr/Evergreen Intersection Design Plan
- 106B. Tract A Concept Plan

Recommended Conditions of Approval

General

1. **Substantial Conformance:** The applicant or successor shall develop the property in substantial conformance with the final plans submitted and approved with this application, 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 prior to building permit final inspection in service of substantial conformance.
2. **Public Works conditions:** Follow the attached “Public Works Conditions January 4, 2023” (Attachment 102).
3. **Phase schedule:** The developer shall complete recordation of the Phase 1 subdivision plat within 3 years of Preliminary Subdivision approval, pursuant to WDO 4.02.04. Recordation of the Phase 2 subdivision plat shall be completed prior to December 31, 2028. The Phase 1 plat shall be recorded prior to the Phase 2 plat. Subdivision plats for the two phases shall be recorded with Marion County in a manner acceptable to the Marion County Surveyor’s Office.
4. **Recorded documents:** Upon recordation, the developer shall provide to the City digital copies of all recorded plats and public easements associated with the development.
5. **Grading Permit(s):** Prior to beginning any grading work on-site, the applicant shall apply for and obtain a Grading Permit per WDO 5.01.04. Grading work can be segmented to match phase boundaries.
6. **Addressing:** Prior to Subdivision Final Plat approval for each phase, the applicant shall submit an Address Assignment Request Form, with accompanying fee payment and materials, to the Community Development Department to begin the process of getting addresses assigned for the lots within that phase.
7. **Association:** The developer shall establish a maintenance association of owners and/or tenants as follows:
 - a. 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.
 - b. The association shall assume maintenance of improvements on common area tracts, including 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.)

- c. Documents: The developer shall provide copies of draft articles of incorporation, bylaws, and CC&Rs for the association to the City for review and comment upon final plat application 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. Documents shall also conform to Oregon House Bill (HB) 2001 (2019), Section 13 (p. 10), regarding "middle housing".
- d. Subsections a, b, and c 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.

Transportation

8. Traffic mitigation:

- a. Evergreen Road corridor traffic mitigation: To alleviate current and future safety and capacity issues along Evergreen Road at W. Hayes St, Stacy Allison Way, and Harvard St ("Evergreen Road corridor"), the developer shall pay to the City the following fees to fund a transportation planning and design study for the corridor. Fee payment is due prior to receiving Subdivision Final Plat approval for the associated phase.
 - i. Phase 1: \$42,849
 - ii. Phase 2: \$26,151
- b. Parr Road / Butteville Road intersection: The developer shall pay the following mitigation fees to alleviate current and future safety issues at this intersection:
 - i. Phase 1: At the time of Subdivision Final Plat approval for Phase 1, either subsection 1. or 2. below shall apply:
 - 1. Should Marion County continue to retain jurisdiction over this intersection, pay to the County a \$247,229 mitigation fee. Proof of fee payment is due prior to receiving Subdivision Final Plat approval.

2. Should the City have obtained jurisdiction over this intersection, pay to the City a \$79,178 mitigation fee. Fee payment is due prior to receiving Subdivision Final Plat approval.
- ii. Phase 2: At the time of Subdivision Final Plat approval for Phase 2, either subsection 1. or 2. below shall apply:
 1. Should Marion County continue to retain jurisdiction over this intersection, pay to the County a \$150,886 mitigation fee. Proof of fee payment is due prior to receiving Subdivision Final Plat approval.
 2. Should the City have obtained jurisdiction over this intersection, pay to the City a \$48,322 mitigation fee. Fee payment is due prior to receiving Subdivision Final Plat approval.

If the developer has paid to Marion County either the assessment under i.1. or ii.1. above but improvements have not been completed when the City obtains jurisdiction of the Parr Road / Butteville Road intersection and receives funds previously collected by Marion County, within 90 days of such receipt the City shall refund the contribution amount in excess of the respective amount in i.2. or ii.2. above to the developer.

- c. Whole contribution: Payment of the contributions in subsections a. and b. shall exempt the development site from further assessment or participation in any district formation, assessment of fees, or other obligations formed or established before December 31, 2033 that support improvement of the Evergreen Road Corridor or the Parr Road / Butteville Road intersection.
 - d. I-5 Northbound Ramp: To mitigate current and future safety issues at the I-5 northbound off-ramp intersection with OR 214, the developer shall pay to the City a \$5,000 proportionate share mitigation fee (TSP Roadway Plan Project R9). Fee payment is due prior to receiving Subdivision Final Plat approval for Phase 1.
9. Off-site pedestrian connectivity: Prior to issuance of the first building permit within Phase 1, the developer shall construct the following off-site pedestrian routes. Route improvements shall be ADA-compliant and must obtain civil plan approval, be constructed, and pass inspection. Developer to provide stamped engineer plans for review and approval by the Public Works Department. Route design shall comply with current ADA, City of Woodburn, Marion County, ODOT (including safe routes to school), State and Federal guidelines and requirements at time of construction.
- a. Along the frontage of 8702 Parr Rd (Tax Lot 052W130001000); and
 - b. Between the subject property and existing sidewalk along Centennial Park frontage (Tax Lot 052W130000700). This would include one of the following:
 - i. Within Parr Road right-of-way along the frontage of 8908 Parr Road (Tax Lot 052W130000900), unless this connection has already been constructed by a developer of this lot, and along the frontage of 9008 Parr

Road (Tax Lot 052W130000800), unless this connection has already been constructed by a developer of this lot.

- ii. Through 9008 Parr Road (Tax Lot 052W130000800), unless this connection has already been constructed by a developer of this lot. A public access easement to the satisfaction of the Community Development Director shall be granted for any portion of the route that is within private property.

10. Phase 1 street improvements: To meet WDO 3.01.02A, 3.01.03A, and 3.01.04B, the developer shall construct street improvements for all public streets within the Phase 1 boundary prior to Subdivision Final Plat approval for Phase 1. Improvements must obtain civil plan review approval, be constructed, and pass inspection by City staff, or a performance guarantee as outlined by 4.02.08 may be approved at the City Administrator's discretion, prior to receiving Subdivision Final Plat approval. Improvements include:

a. Parr Road:

- i. Dedicate right-of-way along the east/west segment to achieve 36 feet of right-of-way from centerline, and along the north/south segment to achieve 37 feet of right-of-way from centerline. Illustrate these dedications on the subdivision plat drawing prepared for Subdivision Final Plat approval.
- ii. Construct half-street improvements along the east/west segment to match Figure 3.01D and along the north/south segment to match Figure 3.01C. The sidewalk along the north/south segment may transition to be curbtight and no less than 4.5 feet wide along the frontage of 8702 Parr Rd (Tax Lot 052W130001000).
- iii. Plant street trees in conformance with 3.06.03A. Tree size categories are defined within Table 3.06B; prohibited species are outlined within Table 3.06C.

b. New internal streets:

- i. Dedicate 60 feet of right-of-way for all internal streets. Illustrate these dedications on the subdivision plat drawing prepared for Subdivision Final Plat approval.
- ii. Construct full-street improvements to match Figure 3.01G.
- iii. Plant street trees in conformance with 3.06.03A. Tree size categories are defined within Table 3.06B; prohibited species are outlined within Table 3.06C.
- iv. Street tree and sidewalk improvements along the internal street frontages of lots may be deferred to Building Permit final inspection for each lot.

11. Phase 2 street improvements: To meet WDO 3.01.02A, 3.01.03A, and 3.01.04B, the developer shall construct street improvements for all public streets within the Phase 1 boundary prior to Subdivision Final Plat approval for Phase 2. Improvements must obtain

civil plan review approval, be constructed, and pass inspection by City staff, or a performance guarantee as outlined by 4.02.08 may be approved at the City Administrator's discretion, prior to receiving Subdivision Final Plat approval. Improvements include:

- a. Evergreen Road southern extension:
 - i. Dedicate 37 feet of right-of-way south of the Parr Rd/Street H intersection, following the Parr Road alignment. Illustrate this dedication on the subdivision plat drawing prepared for Subdivision Final Plat approval.
 - ii. Construct minimum half-street improvements pursuant to 3.01.03C and Figure 3.01C.
 - iii. Plant street trees in conformance with 3.06.03A. Tree size categories are defined within Table 3.06B; prohibited species are outlined within Table 3.06C.
 - b. New internal streets:
 - i. Dedicate 60 feet of right-of-way for all internal streets. Illustrate these dedications on the subdivision plat drawing prepared for Subdivision Final Plat approval.
 - ii. Construct full-street improvements to match Figure 3.01G.
 - iii. Plant street trees in conformance with 3.06.03A. Tree size categories are defined within Table 3.06B; prohibited species are outlined within Table 3.06C.
 - iv. Street tree and sidewalk improvements along the internal street frontages of lots may be deferred to Building Permit final inspection for each lot.
12. Street names: To meet the street naming provisions of WDO 3.01.06, revise plans to note street names for the new internal streets. This is due prior to applying for Subdivision Final Plat approval for each phase.
13. Temporary dead end streets: The developer shall install barricades and signage as required by WDO 3.01.05A2 for temporary dead end streets. Include detail drawings of these items as part of civil engineering plan review.
14. Traffic calming: Provide patterned poured concrete crosswalks where the public multi-use path crosses Streets A, B, and G.
15. Centennial Park trail improvements: The developer shall construct trail improvements within Centennial Park along the portion of trail that is currently unpaved. Improvements include 8-foot wide paved ADA-compliant trail, 1 bench on concrete slab per 300 lineal feet of trail, and 2 waste receptacles (including dog waste stations) on concrete slab. Improvements must obtain civil plan review approval, be constructed, and pass inspection by City staff prior to issuance of the first building permit within Phase 1. The

developer may apply for and request credit for Parks and Recreation SDCs for the construction of these off-site improvements pursuant to Woodburn Ordinance No. 2250.



Centennial Park aerial image, unpaved trail marked in yellow.

Utilities

16. Existing septic: Prior to Subdivision Final Plat approval for Phase 1, the developer shall provide documentation that the existing septic system on the subject property has been removed and the existing private sanitary easement has been terminated.
17. Street lighting: Pursuant to WDO 3.02.03A, street lighting within each phase shall comply with City of Woodburn and Portland General Electric (PGE) standards and specifications. The applicant shall either provide documentation to the attention of the Public Works Department indicating that existing illumination complies with the standards or install new lighting to conform. This is due prior to Subdivision Final Plat approval for the associated phase.
18. Underground utilities: Pursuant to WDO 3.02.04, all utility services to and within the development shall be underground.

19. Streetside PUE: To meet WDO 3.02.01B, a streetside public utility easement (PUE) shall be granted along each street right-of-way. Minimum width is 5 feet, maximum width is 8 feet. Granting of this easement would occur concurrently with recordation of the subdivision plat for each phase.

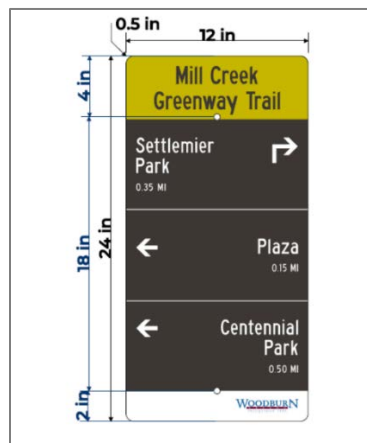
Tracts & Lots

20. Tract ownership: All tracts shall be privately owned and maintained.
21. Tract improvements: Tract improvements outlined within these conditions of approval shall be due prior to Subdivision Final Plat approval for the associated phases that the tracts fall within, unless a performance guarantee pursuant to WDO 4.02.08 has been accepted by the City and executed by the developer.
22. Alleys: All alleys shall be within tracts that are privately owned and maintained. Alley improvements shall match the cross-sections provided by the applicant on Sheet 5 of the approved preliminary plans. The landscape buffer within the alley abutting 8702 Parr Rd (Tax Lot 052W130001000) shall have a planting density in conformance with WDO Table 3.06A "Setbacks abutting a street".
23. Alley access onto Parr Road: The developer shall revise plans to close the alley access onto Parr Road, unless such access is required by the Woodburn Fire District. If required by the Fire District, the driveway shall utilize a mountable curb instead of a standard driveway approach. The area between mountable curb and sidewalk shall be paved, and removable bollards shall be installed on the portion of driveway on private property within 10 feet of the front property line. The final design of the improvements for this driveway shall be to the satisfaction of the Community Development Director, the Woodburn Fire Marshal, and Marion County.
24. Open space tracts: Tract A and J are open space tracts; Tract A is within Phase 1 and Tract J is within Phase 2. As part of civil plan review for the associated phase, the developer shall submit plans for these tracts that illustrate the following:
 - a. Landscaping: For both tracts, a planting density in conformance with WDO Table 3.06A "Common areas, except those approved as natural areas in a PUD". Pursuant to 3.06.02G, plant units within Tract J may be grouped to avoid impacts to delineated wetlands.
 - b. Tract A:
 - i. Trees: Landscaping shall include at least four medium trees. Tree size categories are defined within Table 3.06B; prohibited species are outlined within Table 3.06C.

- ii. Recreation: Recreation improvements that could include playground equipment, paved walkways, benches, picnic tables, or similar options to provide opportunities for recreation.
- iii. Fencing: If perimeter fencing is proposed along the Parr Road frontage, fencing shall conform to vision clearance area standards in 3.03.06, not exceed 6 feet in height, and be constructed out of a material outlined in 2.06.02D1 (excluding chainlink/cyclone fencing).

25. Bike/pedestrian connectivity tracts: Tracts B, D, G, P, Q, R, and S are bike/pedestrian connectivity tracts. In pursuit of conformance with WDO 3.01.05A3 & B2, the developer shall address the following items prior to receiving Subdivision Final Plat approval for each phase. Improvements must obtain civil plan review approval, be constructed, and pass inspection by City staff. Tracts B, D, P, Q, R, and S are associated with Phase 1, while Tract G is associated with Phase 2.

- a. Tracts B, D, G, R, and S: Construct path improvements including an 8-foot wide paved path centrally located within the tract with landscaping strips on either side.
- b. Tracts P and Q: Construct an 8-foot wide paved path improvement within each tract. The path within Tract Q shall connect into the path within Tract R. Because Tracts P and Q also function as fire turnarounds for Street G, final design of the fire turnaround improvements shall be to the satisfaction of the Woodburn Fire Marshal and Community Development Director.
- c. Public access: Grant a public easement over the entirety of Tracts B, D, G, P, Q, R, and S to allow for public access. Because easements would be granted concurrently with recordation of the subdivision plat, illustrate these easements on the plat drawings submitted as part of the Subdivision Final Plat application.
- d. Wayfinding: Install one wayfinding sign within each of Tracts B, D, R, and P. Signs shall be installed within 10 feet of public right-of-way at the western end of each tract. Minimum sign face dimensions are 2 feet by 1 foot, as illustrated in the image below. Signs shall provide wayfinding to nearby parks and schools.



Wayfinding signage concept.

26. Landscaping tracts: Tracts H, I, K, L, M, N, and O are landscaping tracts. As part of civil plan review for each phase, the developer shall submit landscaping plans for these tracts that demonstrate a planting density in conformance with WDO Table 3.06A “Setbacks abutting a street”.
- a. Replacement trees: For the Phase 1 landscaping plans, the developer shall illustrate at least 15 replacement trees for the 15 trees north of the neighboring church property (8702 Parr Rd) that are proposed to be removed. Replacement trees can be planted within private tracts or public right-of-way. The four trees required by Condition 24.b.ii. may be counted towards this requirement.
27. Stormwater tracts: Tracts C, E, and F are stormwater detention tracts. As part of civil plan review for each phase, the developer shall submit landscaping plans for these tracts that demonstrate a planting density in conformance with WDO Table 3.06A “Common areas, except those approved as natural areas in a PUD”.
28. Street trees: Prior to Subdivision Final Plat approval for each phase, the developer shall provide a street tree plan for the relevant phase. Street tree requirements are outlined in 3.06.03A.
29. Alley addresses: Alley-loaded dwellings shall have address numbers installed along both the street and alley facades.
30. Driveways: To maximize availability of on-street parking:
- a. Paved driveway approach widths at the property line along a street shall not exceed:
 - i. 19 feet for single-family detached lots, except that up to 25 percent of single-family detached lots shall not exceed 28 feet; and
 - ii. 19 feet per unit for front-loaded row house lots.
 - b. Every pair of front-loaded row houses shall utilize a single shared driveway centered on the common lot line.

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. Permits: Permits are applied for using the [Oregon ePermitting](#) online permit system. The City Building Division administers building and mechanical permits; Marion County Public Works administers plumbing and electrical permits.
2. Records: Staff recommends that the applicant retain a copy of the subject approval.
3. Fences, fencing, & free-standing walls: The approval excludes any new fences, fencing, & free-standing walls, which are subject to WDO 2.06 and the permit process of 5.01.03.
4. Signage: The approval excludes any private subdivision signage, which is subject to WDO 3.10 and the permit process of 5.01.10.
5. 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.
6. 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.
7. Stormwater management: The storm sewer system and any required on-site detention for the development must comply with the City Storm Water Management Plan, Oregon Department of Transportation (ODOT), Public Works storm water practices and the Storm Drainage Master Plan. The applicant shall provide a final hydraulic analysis for the development and collection system, including the downstream capacity of the proposed storm sewer system. All required on-site detention area for the runoff from this site will need

to be provided in accordance with the hydraulic analysis. The detention system is to be maintained by the applicant in perpetuity.

8. **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, ODOT, as well as current Public Works construction specifications, Standard Drawings, Standard Details, and General Conditions.
9. **Franchises:** The applicant provides for the installation of all franchised utilities and any required easements.
10. **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.
11. **Sewer:** Plans illustrate the subdivision will utilize the public sewer line within Evergreen Road. If an alternative public sewer route becomes necessary to serve the development, the developer shall provide plans for a redesigned sewer system to the City for review.
12. **Grease Interceptor/Trap:** If applicable, a grease trap would need to be installed on the sanitary service, either as a central unit or in the communal kitchen/food preparation area. Contact Marion County Plumbing Department for permit and installation requirements, (503) 588-5147.
13. **Fire:** Fire protection requirements must comply with the Woodburn Fire District standards and requirements. 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.
14. **SDCs:** The developer pays System Development Charges prior to building permit issuance.



**PUBLIC WORKS CONDITIONS OF LAND USE APPROVAL
ANX 22-03, PP 22-02, SUB 22-04, VAR 22-07, & ZMC 22-03
Brighton Pointe Subdivision
8708 Parr Road
Tax lots 052W130001001
January 4, 2023**

A. CONDITIONS TO BE COMPLETED PRIOR TO CIVIL PLANS 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 and Marion County'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. 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.
5. 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.
6. Department of Environmental Quality Erosion Control 1200C permit will need to be obtained for this development prior to City issuing approval of civil plans.
7. Applicant to provide updated civil plans for the intersection of Street H and Parr Road to include the existing gravel access located south of the intersection. Plans must be reviewed by the City and Marion County and shall comply with current City, County, State and Federal safety guidelines and requirements.
8. 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.

9. Applicant to provide street lighting (on site, along existing Parr Road, and future street south of Street H and Parr Road intersection) and in accordance with street lighting plan approved by the City and conforming to Portland General Electric installation and plan under option B.
10. 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.
11. The Applicant, by this Development, shall not cause storm water runoff to be impounded on adjacent properties.
12. 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.
13. 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.
14. The applicant in accordance with all state regulations and requirements shall abandon on-site existing water wells and subsurface sewage disposal systems.
15. 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).
16. The owner/applicant shall be required to enter into an improvement agreement.
17. 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.
18. 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, Marion County, State and Federal requirements/guidelines current at the time of the subdivision application.
19. Provide and record the required right-of-way dedications and public utility easements, at time of final plat recordation.
20. Applicant is required to coordinate work with other developments (tax lot 052W140000800, tax lot 052W130000900, tax lot 052W130000800, tax lot 052W130000105) for all improvements that may affect/impact this development:
 - a. Improvements to Parr Road
 - b. Installation of sidewalks outside of property boundaries, safe route to school connectivity.

- c. Installation of sewer, storm, and water mains that may be need to be installed prior to this development.
- d. Franchise Utilities relocations.
- e. Etc.

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"> Requirement (or guideline) met with condition of approval Other special circumstance benefitting from attention 	Modification or condition of approval required
■	Deviation from code: Variance	Request to modify, adjust, or vary from a requirement

Location

<i>Address</i>	8708 Parr Road NE
<i>Tax Lot</i>	052W130001001
<i>Nearest intersection</i>	Parr Road / Stubb Road

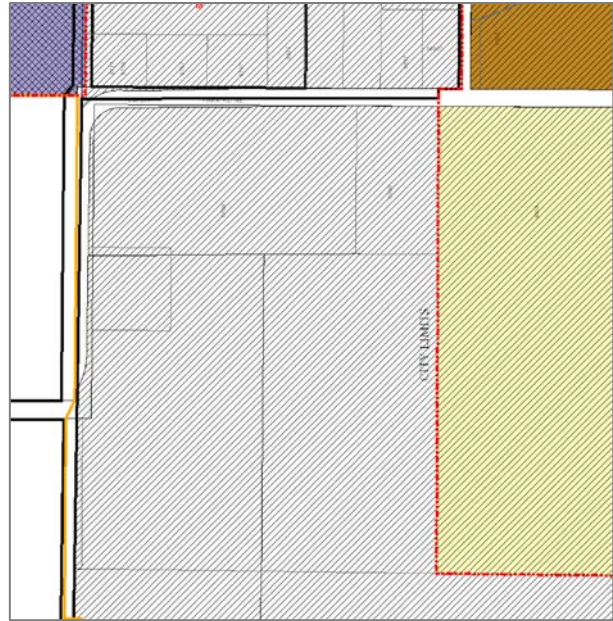
Land Use & Zoning

<i>Comprehensive Plan Land Use Designation</i>	Low Density Residential, Medium Density Residential, Nodal Development Overlay
<i>Zoning District</i>	Nodal Single-Family Residential (RSN) and Nodal Medium Density Residential (RMN) upon annexation
<i>Overlay Districts</i>	Nodal Overlay District
<i>Existing Use</i>	n/a; undeveloped

For context, the comprehensive plan land use map designations and zoning are illustrated, and adjacent zoning is tabulated, on the following page.



Comprehensive Plan land use map excerpt



Zoning map excerpt

<i>Cardinal Direction</i>	<i>Adjacent Zoning</i>
North	No City zoning because territory is not within City limits
East	RSN
South	No City zoning because territory is not within City limits
West	No City zoning because territory is not within City limits and is outside of the urban growth boundary

The Marion County Assessor property record notes the subject property is Parcel 2 of Partition Plat 2017-054 therefore it is a legal lot of record.

Section references throughout this staff report are to the vested version of the Woodburn Development Ordinance (WDO) at the time of application (Ordinance No. 2579), unless specified within a finding that the version of the WDO amended by Ordinance No. 2603 has been applied.

Statutory Dates

The application was submitted on April 22, 2022 and deemed complete as of October 24, 2022, making the 120-day decision deadline February 21, 2023.*

*However, the Assistant City Attorney had counseled staff on January 16, 2018 that an annexation request is not subject to the 120-day deadline for final action per Oregon Revised Statute (ORS) 227.178(8).

Applicable Provisions

2.02 Residential Zones

A. The City of Woodburn is divided into the following residential zones:

- 2. The Nodal Single Family Residential (RSN) zone provides for row houses (attached single-family homes) and detached single-family homes on smaller lots (typically 4,000 square foot lots).
- 5. The Nodal Multi-Family Residential (RMN) zone provides for row houses, multi-family dwellings and care facilities at higher densities than non-nodal zones.

B. Approval Types (Table 2.02A)

- 4. Permitted Uses (P) are allowed outright, subject to the general development standards of this Ordinance.

Uses Allowed in Residential Zones Table 2.02A						
Use		Zone				
Accessory Uses (A) Conditional Uses (CU) Permitted Uses (P) Special Permitted Uses (S) Specific Conditional Uses (SCU)		RS	RSN	R1S	RM	RMN
A	Dwellings					
1	Single-family detached dwellings (houses)	P	P	P	P	P
5	a. Townhouses: In a group or groups each of maximum 4 attached dwellings.	P	P	P	P	P

Because the middle housing WDO amendments were approved after the applicant originally submitted their application (Ordinance 2603 effective June 30, 2022), and because the amended table of allowed uses is more flexible than the vested WDO table of allowed uses for the Nodal zones, staff applies the amended table.

The proposal is a 219-lot subdivision for territory that, if annexed, would be within the RSN and RMN zones. The applicant proposes a mix of attached and detached single-family dwellings, both of which are permitted uses in each zone.

✓ The requirement is met.

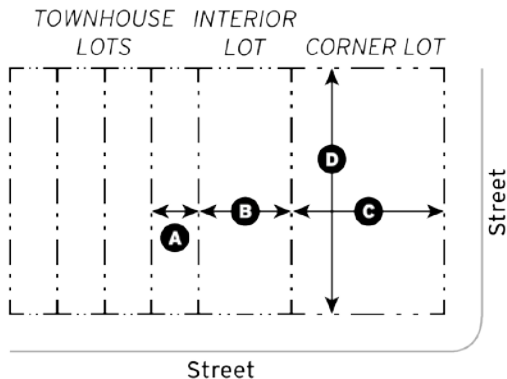
C. Development Standards (Tables 2.02B-F)

Nodal Residential Single-Family (RSN) – Site Development Standards Table 2.02C			KEY (See Figure 2.02C)
Lot Area, Minimum (square feet) ¹	Townhouse lot		1,500
	Interior or cul-de-sac	Single-family dwelling or duplex	4,000
		Triplex	5,000

Nodal Residential Single-Family (RSN) – Site Development Standards Table 2.02C				KEY (See Figure 2.02C)
	lot	Quadplex or cottage cluster	7,000	
	Corner lot	Single-family dwelling, duplex, or triplex	5,000	
		Quadplex, cottage cluster, or child care facility or group home ²	7,000	
	Any other use		10,000	
Lot Width, Minimum (feet)	Townhouse lot	15	A	
	Interior or cul-de-sac lot	30	B	
	Corner lot	40	C	
Lot Depth, Average (feet)		80	D	
Residential Density, Minimum (units per net acre)		7.9		
Street Frontage, Minimum (feet)	Townhouse lot	15		
	Interior	30		
	Corner lot	40		
	Cul-de-sac lot	22		
Front Setback and Setback Abutting a Street, Minimum (feet)		Per Table 2.02G	E F G	
Side Setback, Minimum (feet)	Townhouse lot	Common wall	Zero	H
		End unit exterior wall	5	
	Any other use		5	I
Rear Setback, Average (feet)	Cottage cluster	10		
	Primary structure	20 or zero ^{3, 5, 7}	J	
	Accessory structure	5	K	
	To an alley or shared rear lane		Zero	
Lot Coverage, Maximum (percent)	Primary building height 16 feet or less	40		
	Primary building height more than 16 feet	35		
	Accessory structure	25 of rear yard ^{4, 6, 8}		
Building Height, Maximum (feet)	Primary structure	35	M	
	Features not used for habitation	70		
	Accessory structure	15 ⁸		

<p style="text-align: center;">Nodal Residential Single-Family (RSN) – Site Development Standards Table 2.02C</p>	<p style="text-align: center;">KEY (See Figure 2.02C)</p>
<ol style="list-style-type: none"> 1. Flag lots are prohibited in the RSN zone. 2. Child care facility for 12 or fewer children, group home for five or fewer persons 3. With a maximum deviation of five feet from the setback standard 4. Accessory structures are included in the total lot coverage. 5. A house of worship shall be set back at least 20 feet from a property line abutting a residential zone or use. 6. Townhouses are exempt from maximum lot coverage, and per OAR 660-046-0220(4)(g) cottage clusters are exempt from the maximum lot coverage standard. 7. Garage or carport minimum setback from a street is per Table 3.07A. 8. Accessory Dwelling Units are subject to specific development standards (see Section 2.07, Special Uses). 	

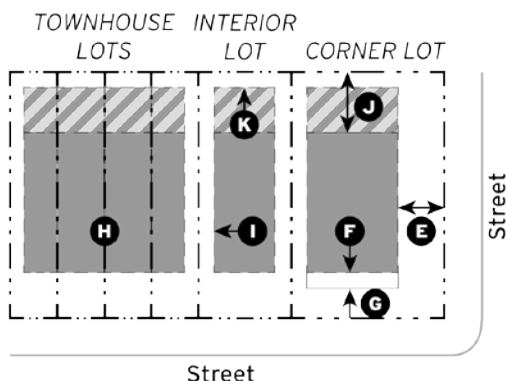
Lot Dimensions



Key

- - - ROW / Lot Line
- Street

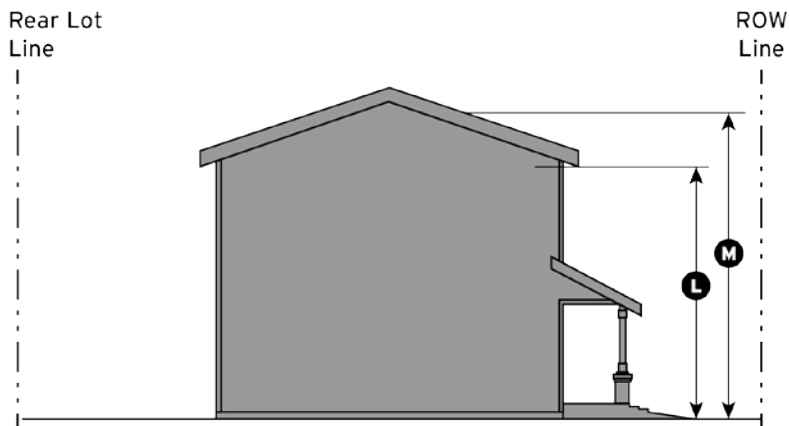
Building Setbacks



Key

- - - ROW / Lot Line
- Street
- - - Building Setback
- Buildable Area
- ▨ Accessory Structure Only

Building Height



Key

- - - ROW / Lot Line

Figure 2.02C: RSN Development Standards Key Diagrams

Nodal Medium Density Residential (RMN) – Site Development Standards Table 2.02F			KEY (See Figure 2.02F)	
Lot Area, Minimum (square feet)	Townhouse lot		1,500	
	Interior or cul- de-sac lot ¹	Single-family dwelling, duplex, child care facility or group home ²	4,000	
		Triplex	5,000	
		Quadplex or cottage cluster	7,000	
	Corner lot	Single-family dwelling, duplex, triplex, child care facility or group home ²	5,000	
		Quadplex or cottage cluster	7,000	
	Child care facility, group home, or nursing home ³		7,000	
Any other use		Not specified ⁵		
Lot Width, Minimum (feet)	Townhouse lot		15	A
	Single-family dwelling, duplex, triplex, quadplex, cottage cluster, child care facility or group home ²	Interior lot	30	B
		Corner lot	40	C
	Child care facility, group home, or nursing home ³		70	
	Any other use		Not specified ⁵	
Lot Depth, Average (feet)	Single-family dwelling, duplex, triplex, quadplex, cottage cluster, townhouse, multiple-family dwelling, child care facility or group home ^{2,3}		80	D
	Any other use		Not specified ⁵	
Street Frontage, Minimum (feet)	Townhouse lot		15	
	Single-family dwelling, duplex, triplex, quadplex, cottage cluster, multiple-family dwelling, child care facility or group home	Interior lot	30	E
		Corner lot	40	F
		Cul-de-sac lot	22	
Any other use		Not specified ⁵		
Residential Density	Minimum	Dwelling other than multiple-family	10	
		Multiple-family dwelling	19	

(units per net acre)	Any other use		Not specified ⁵			
	Maximum	Multiple-family dwelling		22		
		Child care facility, group care facility or nursing home ³		32		
		Manufactured dwelling park		12		
		Any other use		Not specified ⁵		
Front Setback and Setback Abutting a Street, Minimum (feet)			Per Table 2.02G	G H		
Front Setback and Setback Abutting a Street, Maximum (max.) (feet)	Dwelling other than multiple family: From (a) Major Arterial ¹⁰ (b) Any other class street		Max.: (a) 38 (b) 30			
	Multiple-family dwelling		Max.: Per Chapter 3.07			
	Any other use		Not specified			
Side Setback, Minimum (feet)	Single-family dwelling, duplex, triplex, quadplex, cottage cluster, child care facility, or group home ²			5	I	
	Townhouse		Common wall	Zero	J	
			End unit exterior wall	5		
	All other uses ^{3,6}	Abutting RS, RM, or P/SP zone, or an existing residential use	Building height (feet) ⁹	16 or less	24	
				more than 16 and less than 28	30	
				28 or more	36	
		Abutting NNC, or CG zone			10	
Abutting SWIR zone			15			
Accessory structure			Same as primary			
Rear Setback, Minimum (feet)	Same as Table 2.02B (RS)			K L M N		
Lot Coverage, Maximum (percent)	Single-family dwelling, dwelling other than multiple-	Primary building height 16 feet or less		40		
		Primary building height more than 16 feet		35		

	family, child care facility or group home ²			
	Any other use		Not specified ⁵	
Building Height, Maximum (feet)	Primary structure		45	⓪
	Features not used for habitation		70	
	Accessory structure ⁸		15	
<ol style="list-style-type: none"> 1. Flag lots are prohibited in the RMN zone. 2. Child care facility for 12 or fewer children, group home for five or fewer persons 3. Child care facility for 13 or more children, group home for six or more persons 4. With a maximum deviation of five feet from the setback standard 5. The minimum lot dimensions, maximum density, and maximum lot coverage are determined by setbacks, off-street parking, and landscaping requirements. 6. A house of worship shall be set back at least 20 feet from a property line abutting a residential zone or use. 7. The Director may exempt from maximum lot coverage townhouses and cottage clusters. 8. Accessory Dwelling Units are subject to specific development standards (see Section 2.07, Special Uses). 9. Zoning Adjustment permissible. 10. Per the Transportation System Plan (TSP) adopted 2019, Figure 2, Oregon Highways 99E, 211, 214, & 219 are Major Arterial class. 				

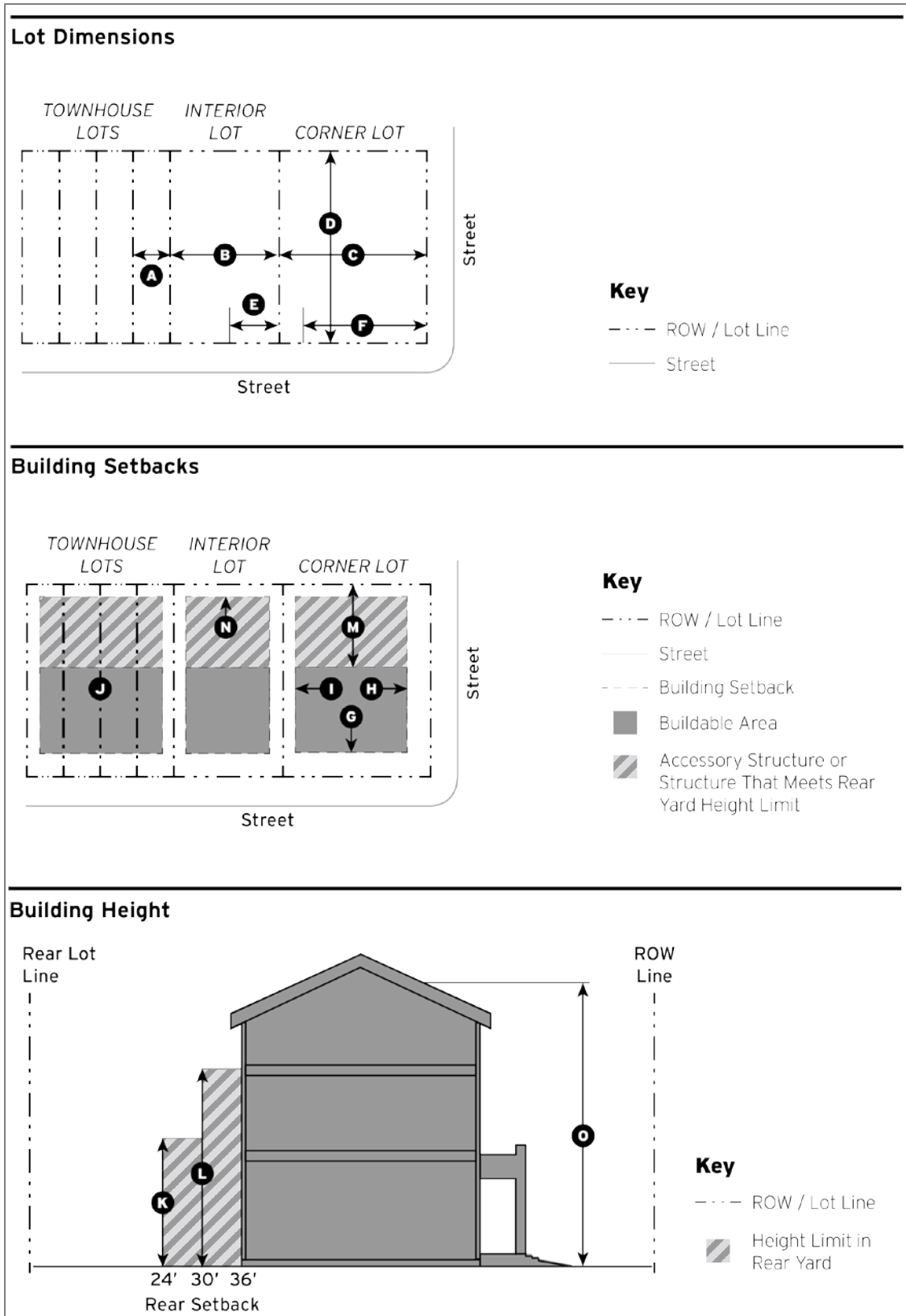


Figure 2.02F: RMN Development Standards Key Diagrams

All Residential Zoning Districts – Front Setback & Setback Abutting a Street Table 2.02G					
Use or Building Type	Boundary Street Functional Class	Lot	Whether Alley or Shared Rear Lane		Feet (ft) (Minimum unless specified maximum)
Cottage cluster					10
Dwelling other than multiple-family and other than cottage cluster	Major Arterial ²	Interior			20
		Corner	Where alley or shared rear lane		20
			Where vehicular access via street only	To Major Arterial	20
				To second frontage if lower than Major Arterial class	18
	Any other class	Interior	Where alley or shared rear lane		13
			Where vehicular access via street only		18
		Corner	Where alley or shared rear lane		13
			Where vehicular access via street only	From the access frontage	18
				From the other frontage	13
			Multiple-family dwelling, child care facility for 12 or fewer children, or group home for five or fewer persons	Major Arterial ²	Interior
Corner	Where alley or shared rear lane				20
	Where vehicular access via street only	To Major Arterial			20
		To second frontage if lower than Major Arterial class			15
Any other class	Interior	Where alley or shared rear lane		15	
		Where vehicular access via street only		18	
	Corner	Where alley or shared rear lane		15	
		Where vehicular access via street only		From the access frontage	18
				From the other frontage	15
		Child care facility for 13 or more children, group		Major Arterial ²	
Any other class				18	

All Residential Zoning Districts – Front Setback & Setback Abutting a Street Table 2.02G				
home for six or more persons, nursing home, or any other use				
Front porch or roofed patio, or, porch or roofed patio abutting a street	Minimum		Major Arterial	10
			Any other class	5
	Maximum	Dwelling other than multiple family	Major Arterial	24
			Any other class	22
		Multiple-family dwelling or any other use		
<ol style="list-style-type: none"> 1. Measured from the Street Widening Setback (Section 3.03.02), if any 2. Per the Transportation System Plan (TSP) adopted 2019, Figure 2, Oregon Highways 99E, 211, 214, & 219 are Major Arterial class. 3. This table is applicable to primary buildings. 4. Garage or carport minimum setback from a street shall be per Table 3.07A. 5. Accessory Dwelling Units are subject to specific development standards per Section 2.07.20. 				

Because the middle housing WDO amendments were approved after the applicant originally submitted their application (Ordinance 2603 effective June 30, 2022), and because the applicant requested to apply the amended site development standards tables instead of the vested WDO site development standards tables, staff applies the amended site development standards tables.

The applicant proposes 71 lots for the portion of the site that will be within the RSN zone, 65 of which are single-family detached lots and the remaining 6 are row house lots. With a total lot area of 8.92 acres, the proposed density is 7.96 units/net acre. The single-family detached lots have lot areas that range from 4,739 to 9,684 square feet (the two corner lots exceed 5,000 square feet); lot widths that range from 40.3 to 136.6 feet; and lot depths that range from 83.2 to 128.7 feet. The row house lots have lot areas that range from 2,896 to 3,644 square feet; lot widths and depths exceed the minimum requirements.

The applicant proposes 148 lots for the portion of the site that will be within the RMN zone, 106 of which are row house lots and the remaining 42 are single-family detached lots. With a total lot area of 13.05 acres, the proposed density is 11.34 units/net acre. The single-family detached lots have lot areas that range from 4,526 to 9,005 square feet (the nine corner lots exceed 5,000 square feet); lot widths that range from 45 to 80.7 feet; and lot depths that range from 94.8 to

113 feet. The row house lots have lot areas that range from 2,896 to 3,644 square feet; lot widths that range from 25 to 46 feet; and lot depths that range from 87.4 to 106.1 feet.

✓ The lot area, width, depth, street frontage, and density requirements are met.

Setbacks, lot coverage, and building height standards are analyzed as part of the review of each building permit application.

The applicant submitted a Variance application with the following requests related to site development standards:

- Increase the maximum lot coverage from 40 percent up to 50 percent for single-story, single-family detached lots in the RSN zone;
- Reduce the front setback from 18 feet down to 15 feet for all front-loaded row house lots; and
- Reduce the rear yard setback down to 20 feet for all lots within the RMN zone.

■ Staff addresses these requests further under the Variance provisions.

2.05 Overlay Districts

2.05.04 Nodal Overlay Districts

A. Purpose

Development within the Nodal Overlay Districts includes several residential building types, with limited commercial development and accessible parks. The intent of the overlay districts is to provide community identity to higher density residential developments within walking distance (generally one-half mile or less) of the neighborhood commercial center. Nodal development will be designed with a pedestrian focus, with interconnected streets and pedestrian walkways, alleys serving garages located at the rear of lots, and with limited on-street parking.

Nodal Overlay Districts are shown on the Comprehensive Plan Map with zoning applied at the time of annexation. To ensure that land is efficiently used within the Urban Growth Boundary (UGB), master plans shall be required for land within Nodal districts.

B. Nodal Single Family Residential (RSN) and Nodal Medium Density Residential (RMN) Districts access management:

- 1. Applicability:** This applies to residential development of other than multiple-family dwellings and where land division is applicable. The exception to applicability is development of a lot or lots each 8,000 square feet or larger and 80 feet wide or wider, measured after land division.
- 2. Alley / shared rear lane:** A development requires one or more alleys or shared rear lanes as Section 1.02 defines to serve minimum 75 percent of all lots and tracts. Direct vehicular access to a public street through driveway approaches, aprons, or curb cuts is prohibited, and access to on-site parking that abuts either an alley or shared rear lane is required. Zoning Adjustment is permissible.
- 3. Yards abutting streets:** Off-street parking, maneuvering, and vehicular circulation and storage is prohibited within both (a) the minimum setback abutting a street and (b) within a yard abutting a street sited closer to the street than the street-facing main wall plane of the primary building closest to the street. A lot having up to 4 dwellings and with one or more parking pads, which Section 3.05.03F requires or allows, is exempt.

4. Development standards: For alleys, refer to Section 3.01.

The Comprehensive Plan land use map illustrates the Nodal Development Overlay covering the subject property therefore, upon annexation, the RSN and RMN zones would be applied. The Nodal Overlay Districts provisions of 2.05.04 apply. Because the applicant requested to apply the amended Nodal Overlay Districts provisions (amended via Ordinance 2603 effective June 30, 2022) instead of the vested Nodal Overlay Districts provisions, staff applies the amended Nodal Overlay Districts provisions.

The proposed subdivision consists of 219 lots – 107 single-family detached lots and 112 row house lots. Since Lots 68, 183, and 184 are greater than 8,000 square feet, the provisions apply to a total of 216 lots. The associated 75 percent alley access requirement therefore requires at least 162 lots to be accessed via an alley. Because site plans illustrate only 72 lots (roughly 44.4 percent) to be accessed via an alley, the applicant submitted a Variance request.

■ Variance: The applicant requests a variance to the alley access requirement for lots within the Nodal Overlay District. This request is discussed further under the Variance Provisions section.

D. Master Planning Requirement

1. A master development plan shall be approved by the City Council for the entire area designated as Nodal Overlay on the Comprehensive Plan Map, prior to annexation of any property within the Nodal Development Overlay Comprehensive Land Use Plan map designation. The master plan shall be conceptual and non-binding in nature, but may be used as a general guide for development within the Nodal Overlay Districts.

2. The required master plan shall show:

- a. The location and rights-of-way for existing and planned streets. These streets shall provide access to all existing and proposed parcels, consistent with the Transportation System Plan (TSP);**
- b. The location and size of existing and planned sanitary sewer, storm water and water facilities, at adequate levels to serve existing and proposed development;**
- c. The location and area of the Riparian Corridor and Wetlands Overlay District (RCWOD). Planned streets and public facilities that cannot reasonably avoid the RCWOD shall be indicated;**
- d. A development plan for the Nodal Neighborhood Commercial center, neighboring multi-family areas, and potential parks, including planned pedestrian and bicycle connections within the Nodal Overlay District as shown on the Transportation System Plan, and pedestrian and bicycle connections to Southwest Industrial Reserve areas;**
- e. A development plan for all residential areas, demonstrating consistency with applicable nodal design standards.**

E. Removal of a Nodal Overlay District

1. Removal of a Nodal Overlay District from any area or parcel shall require the following:

- a. A revised transportation, housing and commercial land needs analysis, consistent with the Goal 9, 10 and 12 Rules (OAR Chapter 660, Divisions 8, 9 and 12);**
- b. A Comprehensive Plan Amendment that demonstrates compliance with all applicable Statewide Planning Goals, applicable goals and policies of the Marion County Framework Plan, and applicable goals and policies of the Comprehensive Plan;**
- c. A zoning map amendment that demonstrates consistency with the Comprehensive Plan.**

A Nodal Master Plan in conformance with the requirements of subsection D. was approved by City Council via Resolution No. 2124 in November 2018 as part of the Smith Creek Development project. The applicant is not proposing to remove the Nodal Overlay District.

✓ The provisions are met.

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).

There are no riparian corridors or 100-year floodplains within the site. The submitted plans illustrate wetlands in the southeast corner of the subject property, however the applicant's wetland delineation report indicated these were not significant wetlands. The RCWOD provisions are therefore not applicable. Out of an abundance of caution, staff submitted a Wetland Land Use Notice to the Department of State Lands on April 26, 2022.

⊖ The provisions are not applicable.

2.06 Accessory Structures

2.06.02 Fences and Walls

Fences are reviewed separately through the Fence Permit process. Regarding Tract A in the northwest corner, staff adds *Condition of Approval 24b.iii.* to outline fencing requirements for any perimeter fencing around this tract.

▲ The provisions are met with *Condition 24b.iii*.

2.07 Special Uses

– None apply.

2.08 Specific Conditional Uses

– None apply.

3.01 Streets

3.01.01 Applicability

- A. Right-of-way standards apply to all public streets.
- B. Improvement standards apply to all public and private streets, sidewalks and bikeways.
- C. Functional standards are identified in the Woodburn TSP.
- D. This applies to all development, and is not limited to partitions, subdivisions, multi-family, commercial or industrial construction, or establishment of a manufactured dwelling or recreational vehicle park. Construction of a single-family dwelling or placement of a manufactured dwelling does not, for the purposes of this Section, constitute development, however, in no case can this type of development occur without minimal access as determined by the Director.

3.01.02 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.

3.01.03 Improvements Required for Development

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

B. Internal Streets

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

C. Boundary Streets

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.

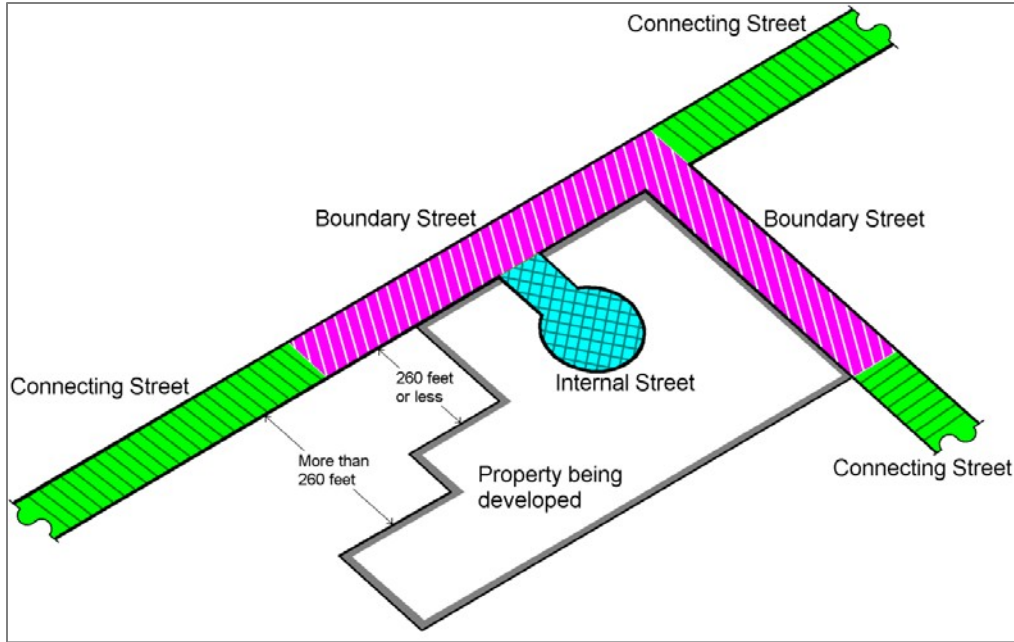


Figure 3.01A – Internal, Boundary, and Connecting Streets

3.01.04 Street Cross-Sections

A. These standards are based on the functional classification of each street as shown in the Woodburn TSP. The street right-of-way and improvement standards minimize the amount of pavement and right-of-way required for each street classification, consistent with the operational needs of each facility, including requirements for pedestrians, bicycles, and public facilities.

B. All public streets under the jurisdiction of the City of Woodburn shall comply with the cross-sections depicted in this Section.

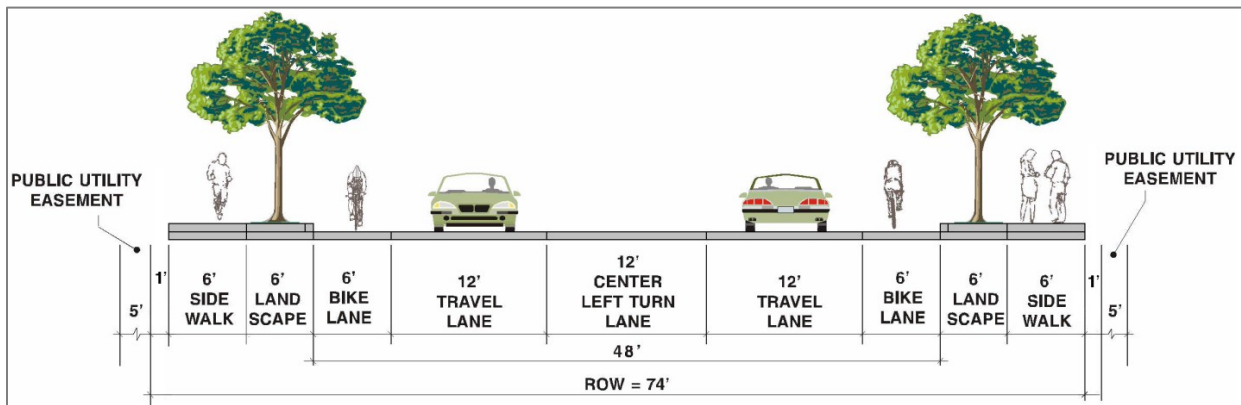


Figure 3.01C – Minor Arterial

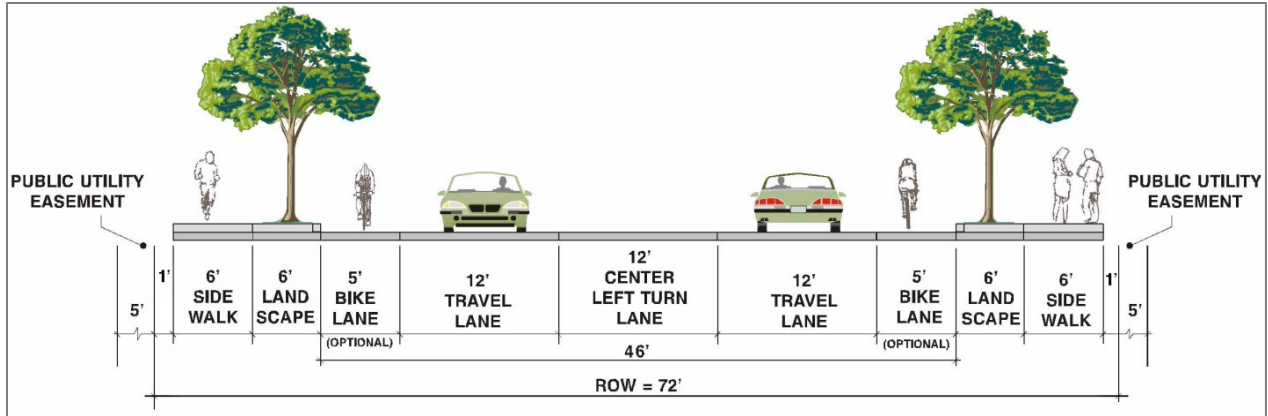


Figure 3.01D – Service Collector

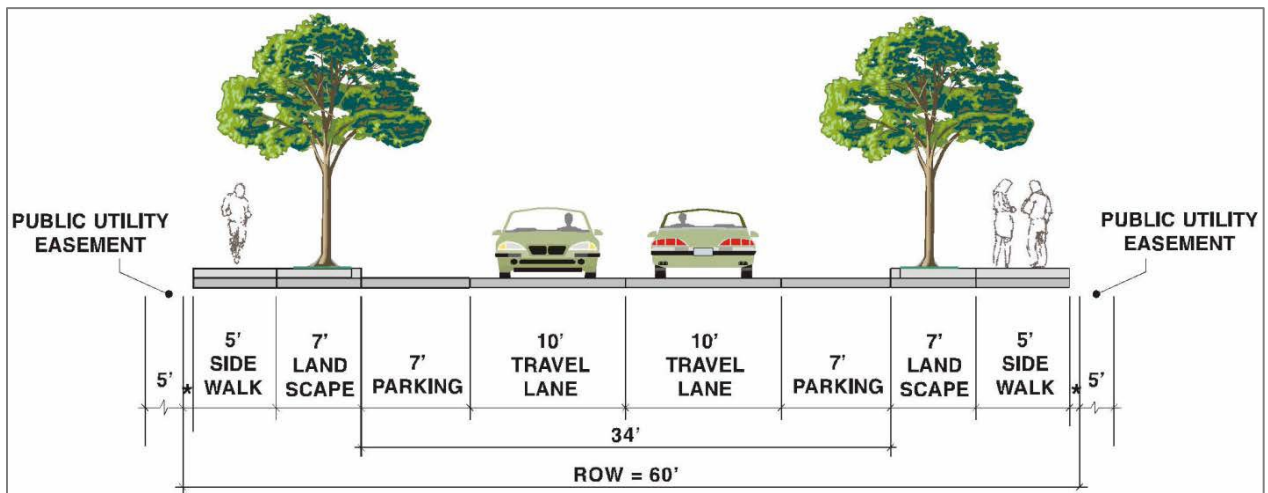


Figure 3.01G – Local Residential Street with Parking Both Sides, 60 Foot Right-of-Way

The proposal is a 219-lot subdivision to be developed in two phases. This is development therefore the provisions of 3.01 apply.

Phase 1

Phase 1 is the northerly phase; it contains 136 lots and includes the entire Parr Road frontage of the site as well as a network of internal streets to serve the lots. Figure 2 of the Woodburn Transportation System Plan (TSP) classifies the east/west portion of Parr Road as a Service Collector and the north/south portion as a Minor Arterial, for which the applicable WDO cross-sections are Figures 3.01D and 3.01C, respectively. The internal streets are classified as local streets, for which the default applicable WDO cross-section is Figure 3.01G. Staff adds *Condition of Approval 10* to require the developer to dedicate right-of-way, construct half-street improvements along both portions of Parr Road to match the applicable cross-sections, and construct full improvements for the internal streets to match the applicable cross-section.

Phase 2

Phase 2 is the southerly phase; it contains 83 lots and includes the southern extension of Evergreen Road as well as a network of internal streets to serve the lots. Because Roadway project R29 in the TSP describes the southern arterial as a two-lane street, the applicable WDO cross-section for the Evergreen Road extension is Figure 3.01C. TSP Figure 2 classifies the internal streets as local streets, for which the default applicable WDO cross-section is Figure 3.01G. Staff adds *Condition of Approval 11* to require the developer to dedicate right-of-way, construct minimum half-street improvements for the Evergreen Road extension to meet 3.01.03C and Figure 3.01C, and construct full improvements for the internal streets to match Figure 3.01G.

▲ The provisions are met with *Conditions 10 & 11*.

3.01.05 Street Layout

A. Termination of Streets, Bikeways and Pedestrian Ways

1. Cul-de-sac Streets

- a. The maximum length of a cul-de-sac street shall be 250 feet. Cul-de-sac length shall be measured along the center line from the nearest right-of-way line of the nearest intersecting street, to the point of curvature of the cul-de-sac bulb.
- b. The minimum radius of a cul-de-sac bulb right-of-way shall be 55 feet.
- c. The minimum improved street radius of a cul-de-sac shall be 48 feet plus curb, planting strip and sidewalk.
- d. The Director may require bikeway and pedestrian facilities to connect from one cul-de-sac to an adjacent cul-de-sac or street, except where the cul-de-sac abuts developed property, or where the Director determines that there is no need for a connection.

The proposed subdivision includes one cul-de-sac street, Street K within Phase 2. Plans illustrate the cul-de-sac meets the radius requirements of this section. The Director determined that there is no need for a bikeway/pedestrian facility to connect Street K to Street H.

✓ The provisions are met.

2. Temporary Dead End Streets

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

- a. Be extended to the adjoining tract when it is necessary to give access to, or permit, a future division of adjoining land;
- b. Require a barricade at the end of the street to be installed and paid for by the property owners. It shall not be removed until authorized by the City of Woodburn.
- c. Have an all-weather sign at the temporary street terminus, installed by the property owners, that states: "This Street is Planned for Future Extension".
- d. Provide either a one foot-reserve strip deeded to the City, or an alternative method for limiting access approved by the City, at the temporary end of the right-of-way.

The proposal is a 219-lot subdivision to be developed in two phases. Within Phase 1, Streets A, B, D, G, H, and I have temporary dead ends. Within Phase 2, Streets A and I have temporary dead ends. Staff adds *Condition of Approval 13* to note the barricade and signage requirements

for temporary dead end streets and require these provisions be met prior to receiving Subdivision Final Plat approval for the associated phase.

▲ The provisions are met with *Condition 13*.

3. Continuity of Public Bikeway and Pedestrian Facilities Located Off-Street

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

- a. Provide for a continuous system, with each segment originating and terminating with a connection to a public street, or to a designated activity center; or**
- b. Provide stubbed facilities that may extend beyond the limits of an approved development, when such a public facility has been required by the decision-maker.**

The subdivision plans include multiple tracts that will provide off-street bike and pedestrian facilities throughout the development. Within Phase 1, these include Tracts B, D, P, Q, R, and S. Within Phase 2, this includes Tract G. Staff adds *Condition of Approval 25* to outline improvement requirements for these tracts and record public easements over the tracts to allow for public access.

▲ The provisions are met with *Condition 25*.

B. Block Standards

- 1. Block length shall not be less than 200 feet and not more than 600 feet, except where street location is precluded by any of the following;**
 - a. Natural topography, wetlands, significant habitat areas or bodies of water, or pre-existing development;**
 - b. Blocks adjacent to arterial streets, limited-access highways, collectors or railroads;**
 - c. Residential blocks in which internal public circulation provides equivalent access.**
- 2. In any block that is longer than 600 feet, as measured from the right-of-way line of the street to the right-of-way line of the adjacent street, a bikeway/ pedestrian facility shall be required through and near the middle of the block.**
- 3. On any block longer than 1,200 feet, pathways may be required through the block at 600 foot intervals.**
- 4. In a proposed development, or where redevelopment potential exists and a street connection is not proposed, one or more bikeway and pedestrian facilities may be required to connect a cul-de-sac to public streets, to other pathways, or to the project boundary to allow for future connections.**

The subdivision plans illustrate blocks that conform with the provisions. Blocks that are longer than 600 feet have tracts in the middle to provide bike/pedestrian facilities. Staff adds *Condition of Approval 25* to outline improvement requirements for these tracts and record public easements over the tracts to allow for public access.

▲ The provisions are met with *Condition 25*.

C. Street Access

Developments comprised of 25 or more dwelling units, including existing units, shall have at least two means of public street access from a cul-de-sac, dead-end street, or other street. Those two or more means of public access must be two non-overlapping public street routes to a major arterial identified in the TSP.

The proposed subdivision includes two access points onto Parr Road and two routes to Newberg Highway, the nearest Major Arterial street. One route would be to travel east on Parr Road and turn left onto Settlemier Ave to travel northbound to the intersection with Newberg Hwy. The second route would be to travel west on Parr Road and turn right onto Butteville Road to travel northbound until the intersection with Newberg Hwy.

✓ The provision is met.

3.01.06 Street Names

Staff adds *Condition of Approval 12* to address the Street Names provisions prior to Subdivision Final Plat approval for each phase.

▲ The provisions are met with *Condition 12*.

3.02 Utilities and Easements

3.02.01 Public Utility Easements

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.

No public utility facilities are proposed to be located on private property. The applicant proposes an 8-foot wide public utility easement along all street frontages. Staff adds *Condition of Approval 19* to ensure these streetside easements are granted concurrently with recordation of the subdivision plat for each phase.

▲ The provisions are met with *Condition 19*.

3.02.03 Street Lighting

A. Public Streets

Public streets abutting a development shall be illuminated with street lights installed to the standards of the City and the electric utility.

Staff adds *Condition of Approval 17* to provide the appropriate documentation, or install new lighting, to meet this requirement.

▲ The provision is met with *Condition 17*.

3.02.04 Underground Utilities

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.

Staff adds *Condition of Approval 18* to require all utility service to and within the development be underground.

▲ The provision is met with *Condition 18*.

3.03 Setbacks and Open Space

Setbacks and vision clearance areas for new dwellings will be reviewed through Building Permit review. Vision clearance areas for new fencing would be reviewed through Fence Permit review.

— The standards do not apply.

3.04 Vehicular Access

3.04.01 Applicability and Permit

A. Street Access

Every lot shall have:

- 1. Direct access to an abutting public street, or**
- 2. Access to a public street by means of an access easement and maintenance agreement to the satisfaction of the Director, and revocable only with the concurrence of the Director.**

C. Access to County Roads

Access to a road under the jurisdiction of Marion County shall be subject to County requirements. The Director may incorporate County requirements into the conditions of approval for any application.

3.04.03 Driveway Guidelines and Standards

A. Number of Driveways

- 1. For residential uses, the maximum number of driveways per lot frontage shall be one. For purposes of controlling driveway access, every 100 feet of frontage is considered a separate lot frontage.**
- 2. A minimum of two driveways shall be provided in developments with:**
 - b. 100 dwelling units in multiple-family dwellings (200 if all dwelling units are equipped with automatic fire sprinklers); or**

B. Joint Access

- 2. A partition, subdivision, or PUD should be configured so that lots abutting a Major Arterial, Minor Arterial, or Service Collector have access to a local street. Access to lots with multiple street frontages should be from the street with the lowest functional classification.**

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.

The subject property has frontage along Parr Road, a public street. The proposal is a 219-lot subdivision with an internal network of public streets and private alleys. Each lot will have direct access to a public street or private alley. No lots are proposed to directly access Parr Road.

Driveways for each lot will be reviewed individually through the building permit review.

✓ The provisions are met.

3.04.04 Improvement Standards

Private driveways for new dwellings will be reviewed through building permit review.

⊖ The standards do not apply.

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.

B. A TIA shall evaluate the traffic impacts projected of a development proposal and the estimated effectiveness of potential traffic impact mitigation measures.

C. The methodology for a TIA shall be consistent with City standards.

The proposal is a 219-lot subdivision to be built out over two phases. The applicant provided a Traffic Impact Analysis indicating the proposal would generate 132 AM peak hour trips, 169 PM peak hour trips, and 1,876 daily trips.

City Staff, working with the City's contracted Traffic Engineer and in coordination with Marion County and ODOT reviewed the TIA and provided numerous comments that resulted in two TIA addendum memos that, with the conditions of approval recommended herein, can satisfy the requirements of the WDO. Conditions of approval are included that would effectuate the mitigations recommended by the City's contracted Traffic Engineer.

The specific deficiencies and mitigations are found in the TIA, the TIA addendum memos, and conditions of approval. Generally, the project involves the addition of two intersections onto Parr Road, half-street improvements to Parr Road, as well as mitigations for five nearby intersections that are impacted by the proposal – safety and capacity issues for three intersections on Evergreen Road, safety issues at the Parr/Butteville intersection, and safety issues at the I-5 northbound off-ramp. These are predominantly existing conditions exacerbated by the proposed

development. Fair share financial contributions, split between the two phases, have been conditioned on the applicant to provide the appropriate mitigation fee to either the City or the County, depending on which body has jurisdiction over the intersection when development takes place. The impacted intersections on Evergreen Road do not have a plan or design for the mitigation improvement in the TSP; the mitigation involves a planning and design study that will determine the preferred mitigation and costs.

One critical transportation issue in this area that extends beyond the technical scope of the TIA but which involved extensive cooperation by the applicant, County, and City staff to address relates to the future jurisdiction of the Parr/Butteville intersection. The TIA found that this intersection has documented safety issues (exceeding acceptable crash rates). The intersection is currently located in the County and subject to improvements under the County's requirements. The preferred solution, favored by all parties (applicant, City, County) would be to have the property transferred to the City. City Staff has initiated that process. Conditions of approval have been proposed that acknowledge the anticipated future transfer of this intersection. The conditions are written such that as long as the intersection is under the County's jurisdiction, the mitigation required by the County to address safety issues at this intersection would be paid by to the County. If the intersection is transferred to the City, then the proportionate share fee required by the City would be paid to the City.

▲ With the proposed conditions of approval related to transportation, staff finds that the requirements are met.

3.05 Off-Street Parking and Loading

3.05.01 Applicability

The provisions of this Section shall apply to the following types of development:

- A. All requirements and standards of Section 3.05 shall apply to any new building or structure constructed after the effective date of the Woodburn Development Ordinance (WDO).**

3.05.02 General Provisions

3.05.03 Off-Street Parking

A. Number of Required Off-Street Parking Spaces

- 1. Off-street vehicle parking spaces shall be provided in amounts not less than those set forth in this Section (Table 3.05A).**

F. Garages

1. For dwellings other than multi-family:

- a. The parking spaces required by this section (Table 3. 05A) shall be in a garage or garages; however, garages or carports are not required for duplexes, triplexes, quadplexes, townhouses, and cottage clusters in compliance with OAR 660-046-0220(2)(e)(D).**

Off-Street Parking Ratio Standards Table 3.05A	
Use ^{1, 2}	Parking Ratio - spaces per activity unit or square feet of gross floor area
1a. Single-family dwellings (houses), including manufactured homes, and multiple-family dwellings	2/ dwelling unit
1b. Duplexes, triplexes, quadplexes, townhouses, and cottage clusters	1/ dwelling unit ⁴
<p>1. The Director may authorize parking for any use not specifically listed in this table. The applicant shall submit an analysis that identifies the parking needs, and a description of how the proposed use is similar to other uses permitted in the zone. The Director may require additional information, as needed, to document the parking needs of the proposed use.</p> <p>2. There is no required parking ratio in the DDC zone per Section 3.07.07B.12.</p> <p>4. In compliance with OAR 660-046-0220(2)(e).</p>	

Because the middle housing WDO amendments were approved after the applicant originally submitted their application (Ordinance 2603 effective June 30, 2022), and because the applicant requested to apply the amended 3.05.03F1a section and Table 3.05A instead of the vested WDO 3.05.03F1a section and Table 3.05A, staff applies the amended 3.05.03F1a section and Table 3.05A.

The applicant proposes 107 single-family detached lots and 112 row house lots. Parking standards will be reviewed through the building permit review.

✓ The provisions are met.

3.06 Landscaping

3.06.02 General Requirements

3.06.03 Landscaping Standards

A. Street Trees

Within the public street right-of-way abutting a development, street trees shall be planted to City standards, prior to final occupancy.

- 1. One tree per every entire 50 feet of street frontage shall be planted within the right-of-way, subject to vision clearance area standards and placement of public utilities.**
- 2. Street trees shall be planted according to the property's zoning, and the abutting street's classification in the Transportation System Plan:**
 - a. Large trees shall be planted along Major and Minor Arterial streets. Large trees shall also be planted along all streets in the Neighborhood Conservation Overlay District (NCOD), regardless of street classification;**
 - b. Medium trees shall be planted along Service Collector and Access/Commercial Streets;**

The proposal is a two-phase subdivision consisting of 107 single-family detached lots, 112 row house lots, and numerous private tracts. The site fronts Parr Road on two sides – the east/west

segment is classified as a Service Collector and the north/south segment is classified as a Minor Arterial. There is a network of internal streets proposed within the subdivision, all of which are classified as local streets. Staff adds conditions of approval to outline street tree planting requirements.

▲ With the proposed conditions of approval related to street trees, staff finds that the provisions are met.

B. Site landscaping shall comply with Table 3.06A.

Planting Requirements Table 3.06A		
Location	Planting Density, Minimum	Area to be Landscaped, Minimum
Setbacks abutting a street	1 PU/15 square feet	Entire setback excluding driveways
Common areas, except those approved as natural common areas in a PUD	3 PU/50 square feet	Entire common area

3.06.04 Plant Unit Value

Plant Unit (PU) Value Table 3.06B		
Material	Plant Unit (PU) Value	Minimum Size
1. Significant tree ¹	15 PU each	24" Diameter
2. Large tree (60-120 feet high at maturity) ¹	10 PU each	10' Height or 2" Caliper
3. Medium tree (40-60 feet high at maturity) ¹	8 PU each	10' Height or 2" Caliper
4. Small tree (18-40 feet high at maturity) ¹	4 PU each	10' Height or 2" Caliper
5. Large shrub (at maturity over 4' wide x 4' high) ¹	2 PU each	3 gallon or balled
6. Small to medium shrub (at maturity maximum 4' wide x 4' high) ¹	1 PU each	1 gallon
7. Lawn or other living ground cover ¹	1 PU / 50 square feet	
8. Berm ²	1 PU / 20 lineal feet	Minimum 2 feet high
9. Ornamental fence ²	1 PU / 20 lineal feet	2½ - 4 feet high
10. Boulder ²	1 PU each	Minimum 2 feet high
11. Sundial, obelisk, gnomon, or gazing ball ²	2 PU each	Minimum 3 feet high

Plant Unit (PU) Value Table 3.06B		
Material	Plant Unit (PU) Value	Minimum Size
12. Fountain ²	3 PU each	Minimum 3 feet high
13. Bench or chair ²	0.5 PU / lineal foot	
14. Raised planting bed constructed of brick, stone or similar material except CMU ²	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 ²	2 per 50 square feet	None
1. Existing vegetation that is retained has the same plant unit value as planted vegetation. 2. No more than twenty percent (20%) of the required plant units may be satisfied by items in lines 8 through 15.		

The proposed subdivision includes numerous private tracts – some for open space, some for bike/pedestrian facilities, some for landscaping, and some for stormwater management. Staff adds conditions of approval to outline landscaping requirements within these private tracts.

▲ With the proposed conditions of approval related to tract landscaping, staff finds that the provisions are met.

3.06.07 Significant Trees on Private Property

Existing conditions include 15 trees along the north/south segment of Parr Rd, just north of 8702 Parr Rd NE (Tax Lot 052W130001000). Plans note that these trees are proposed to be removed. Staff adds *Condition of Approval 26a* to require replacement trees be planted.

▲ The provisions are met with *Condition 26a*.

3.07 Architectural Design

Architectural design for new dwellings will be reviewed through building permit review.

⊖ The standards do not apply.

3.08 Partitions and Subdivisions

3.08.01 Requirements

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

This staff report serves to ensure compliance with applicable standards of the Woodburn Development Ordinance whether they are met by the applicant's proposal, via conditions of approval, or by variance approval. The Marion County Surveyor's Office will ensure compliance with applicable ORS standards during their review of the subdivision plat.

It is worth noting that ORS 92.040(3) allows local governments to establish a time period not to exceed 10 years for which the Preliminary Subdivision approval applies. Staff adds *Condition of Approval 3* to specify a phasing schedule for the subdivision.

▲ The provisions are met with *Condition 3*.

3.09 Planned Unit Developments

⊖ The proposal does not include a Planned Unit Development.

3.10 Signs

⊖ Signage is reviewed separately through Sign Permit applications. These provisions are not applicable here.

4.01 Decision-Making Procedures

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 application package consists of Type IV Annexation and Zoning Map Change, and Type III Preliminary Subdivision, Phasing Plan, and Variance. Per 4.01.07, the applications are consolidated and reviewed at the Type IV level.

✓ The provision is met.

5.03.05 Phasing Plan for a Subdivision, PUD, Manufactured Dwelling Park or any other Land Use Permit

B. Criteria: The proposed phasing of development shall:

1. Ensure that individual phases will be properly coordinated with each other and can be designed to meet City development standards; and
2. Ensure that the phases do not unreasonably impede future development of adjacent undeveloped properties;
3. Ensure that access, circulation, and public utilities are sized for future development of the remainder of the site and adjacent undeveloped sites.

The proposed subdivision includes a phasing plan application to split the subdivision into two phases – the first phase includes 136 lots, while the second phase includes the remaining 83 lots. The plans demonstrate conformance with these provisions. Staff adds *Condition of Approval 3* to outline a phasing schedule.

▲ The provisions are met with *Condition 3*.

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.**

Upon annexation, the subject property would be partially assigned the RSN zone and partially the RMN zone. The development proposal is a 219-lot subdivision to be built out over two phases – the first phase includes 136 lots, while the second phase includes the remaining 83 lots. The applicant is proposing 107 single-family detached lots and 112 row house lots. As analyzed for 2.02, the proposed uses are permitted outright within these zones and the minimum density standards are met.

The layout of new internal streets and bicycle/pedestrian connections will aid in the future development of surrounding properties. Each lot will be served by City streets, water, sewer, and storm drainage facilities. The City Engineer confirmed that adequate public utility capacity exists to serve the proposal. Public utility extensions and private laterals will be constructed prior to Subdivision Final Plat approval.

Topography, vegetation, and other natural features have been accounted for. Site plans include a survey of existing trees and a grading plan. There appear to be non-significant wetlands on the property, for which the developer remains responsible for obtaining necessary permits from relevant outside agencies. Staff submitted a Wetland Land Use Notice to the Department of State

Lands on April 26, 2022. The applicant will need to apply for a Grading Permit to address any grade issues on site and to prepare the site for development. A geotechnical report may be required as part of the building permit review for the proposed dwellings.

As noted throughout this staff report, the proposal complies with all applicable provisions of the WDO, or can via conditions of approval, with exception for the applicant's four variance requests.

✓ The requirements are met.

5.03.12 Variance

A. Purpose: The purpose of this Type III Variance is to allow use of a property in a way that would otherwise be prohibited by this Ordinance. Uses not allowed in a particular zone are not subject to the variance process. Standards set by statute relating to siting of manufactured homes on individual lots; siding and roof of manufactured homes; and manufactured home and dwelling park improvements are non-variable.

B. Criteria: A variance may be granted to allow a deviation from development standard of this ordinance where the following criteria are met:

1. Strict adherence to the standards of this ordinance is not possible or imposes an excessive burden on the property owner, and
2. Variance to the standards will not unreasonably impact existing or potential uses or development on the subject property or adjacent properties.

C. Factors to Consider: A determination of whether the criteria are satisfied involves balancing competing and conflicting interests. The factors that are listed below are not criteria and are not intended to be an exclusive list and are used as a guide in determining whether the criteria are met.

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.
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 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.
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.
4. Whether the variance is the minimum deviation necessary to make reasonable economic use of the property;

5. Whether the variance conflicts with the Woodburn Comprehensive Plan.

The development proposal is a 219-lot subdivision to be built out over two phases – the first phase includes 136 lots, while the second phase includes the remaining 83 lots. The applicant is proposing 107 single-family detached lots and 112 row house lots.

The applicant submitted four variance requests:

1. Increase the maximum lot coverage from 40 percent up to 50 percent for single-story, single-family detached lots in the RSN zone (Table 2.02C of the amended WDO per Ordinance No. 2603).
2. Reduce the minimum front setback from 18 feet down to 15 feet for all front-loaded row house lots (Table 2.02G of the amended WDO per Ordinance No. 2603).
3. Reduce the minimum rear yard setback down to 20 feet for all lots within the RMN zone (Table 2.02F of the amended WDO per Ordinance No. 2603).
4. Reduce the minimum alley access requirement within the Nodal overlay district, which requires 75% of lots that are under 8,000 square feet or 80 feet wide to be accessed via an alley. The applicant proposes to alley-load 72 lots, roughly 44.4%.

Regarding the setbacks and lot coverage requests, the applicant’s narrative includes the following statements (pages 18-19):

The proposed lot coverage variance will not unreasonable impact existing or potential uses or development on the subject property or adjacent properties. In addition to providing the needed mix of housing types to serve the community, the minimum density standards were challenging to meet with lots large enough for single-story detached homes. The required lot sizes to meet the minimum density standards created a burden on the applicant within the RSN zone. The proposed lot coverage variance is the minimum deviation from the standard to alleviate the identified burden.

The Woodburn demographics as well as national survey data indicate a need to provide aging populations an option to age in place. Single-story homes, with bedrooms and bathrooms on one level, are often preferred architectural styles for this demographic. According to a new AARP "Home and Community Preferences Survey," 77 percent of adults 50 and older want to remain in their homes for the long term — a number that has been consistent for more than a decade. With a 10% increase to building coverage, the applicant is able to construct more single-story homes. In turn, city residents who are otherwise able, are given the choice to stay longer in their home and community.

A third variance is included with this application to allow a reduction in the front setback standard for front loaded townhouses in both the RSN and RMN zones. The applicant requests that the standard 18-foot front yard setback be reduced to 15 feet (building to front property line). This minor variation from the standard is the minimal adjustment needed to provide a mix of housing options meeting the most needs of the Woodburn community.

A fourth variance is requested with this application to allow a 20-foot rear yard setback rather than the tiered standard based on building height per Table 2.02B. To accommodate required stormwater facilities, vision clearance for corner lots, pedestrian access and preservation of the wetlands, many tracts were created for these amenities. The rear yard setback variance request will allow the applicant more efficient use of the remaining developable area, while not preventing or limiting future development on this or adjacent properties.

The variances are not necessary to develop the property nor is it addressing an applicant created hardship. However, slight deviations from the standard will provide the most housing options to best serve the current and future population growth of Woodburn.

Staff generally concurs with the applicant. There is nothing stopping the applicant from meeting standard code requirements because this is a new subdivision and new development, and there could be visual and noise impacts from the setbacks and lot coverage variances, however staff considers these *de minimis* impacts. The lots are proposed with development consistent with the Nodal overlay districts, which are anticipated to have smaller lots and a higher density of units. The Comprehensive Plan does not specify setback and lot coverage standards, that level of detail is relegated to the development ordinance.

Regarding the alley access request, the applicant's narrative includes the following statement (page 18):

The applicant finds that alley access for all proposed small lots will impose an excessive burden on the efficient development of the property due to existing conditions, stormwater needs and approved adjacent development. The adjacent development associated with the Parr Road subdivision, requires this applicant to extend a public street through the subject property at a fixed location. In addition, the applicant finds that this proposed variance will not unreasonably impact existing uses, potential uses, or development of the subject site or adjacent properties.

Staff generally concurs with the applicant. The location of Parr Road and the approved subdivision plans for 9008 Parr Road (SUB 21-03) provide substantial limitations on the layout of the subject property that are outside of the applicant's control. The Comprehensive Plan calls for nodal zones to allow single-family homes with alley access (Policy D-2.7), but does not state a specific requirement in terms of the percentage of lots that must utilize alleys for access.

Staff considers the proposed subdivision plan to be a high-quality project. There are two access points provided off Parr Road, tracts that will facilitate pedestrian movements throughout the site, and opportunities are provided for access and connectivity for future development to the south. The project also connects into the subdivision plans for 9008 Parr Road that were approved with SUB 21-03. For these reasons, staff considers the variance provisions met and recommends approval of the requests.

To maximize availability of on-street parking, staff adds *Condition of Approval 30* to limit front-loaded driveway widths along public streets and have the front-loaded row house units utilize shared driveways.

▲ The provisions are met with *Condition 30*.

5.04 Type IV (Quasi-Judicial) Decisions

5.04.01 Annexation

A. Purpose: The purpose of this Type IV review is to provide a procedure to incorporate contiguous territory into the City in compliance with state requirements, Woodburn Comprehensive Plan, and Woodburn Development Ordinance.

The subject property is contiguous with City limits. This staff report reviews the proposal for compliance with the Woodburn Comprehensive Plan and WDO, both of which were acknowledged by the state to be in compliance with statewide planning goals.

B. Mandatory Pre-Application Conference: Prior to requesting annexation to the City, a Pre-Application Conference (Section 4.01.04) is required. This provides the city an opportunity to understand the proposed annexation and an opportunity to provide information on the likely impacts, limitations, requirements, approval standards, and other information that may affect the proposal.

A pre-application meeting for the proposal was held on December 1, 2021 (PRE 21-35).

C. Criteria:

- 1. Compliance with applicable Woodburn Comprehensive Plan goals and policies regarding annexation.**
- 2. Territory to be annexed shall be contiguous to the City and shall either:**
 - a. Link to planned public facilities with adequate capacity to serve existing and future development of the property as indicated by the Woodburn Comprehensive Plan; or**
 - b. Guarantee that public facilities have adequate capacity to serve existing and future development of the property.**
- 3. Annexations shall show a demonstrated community need for additional territory and development based on the following considerations:**
 - a. Lands designated for residential and community uses should demonstrate substantial conformance to the following:**
 - 1) The territory to be annexed should be contiguous to the City on two or more sides;**
 - 2) The territory to be annexed should not increase the inventory of buildable land designated on the Comprehensive Plan as Low or Medium Density Residential within the City to more than a 5-year supply;**
 - 3) The territory proposed for annexation should reflect the City's goals for directing growth by using public facility capacity that has been funded by the City's capital improvement program;**
 - 4) The site is feasible for development and provides either:**

- a) Completion or extension of the arterial/collector street pattern as depicted on the Woodburn Transportation System Plan; or
 - b) Connects existing stub streets, or other discontinuous streets, with another public street.
- 5) Annexed fulfills a substantial unmet community need, that has been identified by the City Council after a public hearing. Examples of community needs include park space and conservation of significant natural or historic resources.

Criterion 1

Section G. "Growth Management and Annexation" of the Woodburn Comprehensive Plan includes Annexation Goal G-2 and Annexation Policies G-2.1, G-2.2, and G-2.3. Regarding Goal G-2, the applicant's narrative provides the following response (page 28):

The current boundary of the City of Woodburn is the eastern property line of the subject site. This application for annexation will add territory while keeping the service area compact in shape. The proposed annexation provides the opportunity for the growth of a variety of housing options, development of new public and private amenities, trails, and the preservation of natural features such as the wetland area. In addition, this proposal will improve circulation and connectivity aiding the city to meet a wide range of goals outlined in the comprehensive and transportation system plans. The annexation will utilize readily available services located within Parr Road right-of-way as well as expand the transportation system capacity with new routes and improved rights-of-ways. The subject property is also appropriately located to be served by other existing public facilities such as public schools and an existing large public park (Centennial Park) less than 1,000 feet from the eastern property boundary. It will facilitate utility extension with the potential to serve a future Nodal District commercial area and other residential areas helping the city achieve development of the Nodal District as envisioned in the comprehensive plan. Upon approval of this annexation request, the goal has been satisfied.

Regarding Policy G-2.1, the applicant's narrative provides the following response (page 28):

As demonstrated in the submitted application materials, the proposed annexation and preliminary development plans conform with the City's plans for Nodal District zoning and development, and capacity exists as identified by the preliminary stormwater and drainage report, and feedback from the City Engineer during the pre-application conference. The TIA addresses how capacity within the transportation system can be maintained. Service provider letters have been included with this submittal to demonstrate facility capacity. The impact on the community will be to add needed housing at a variety of price points and functional architectural styles. Other impacts are limited as the development of the subject site includes appropriate lot sizes and setbacks, improvements to the transportation network and utility extensions will be made and paid for by the developer. Upon approval of this annexation request, the goal has been satisfied.

Regarding Policy G-2.2, the applicant's narrative provides the following response (page 29):

The proposed subdivision represents an efficient pattern of development and thereby an efficient utilization of land within the City upon annexation and approval. It would also maximize use of the existing facilities located in the Parr Road right-of-way for the purpose of extension into the site and beyond. It would re-balance the costs of City services among all, benefitting residents by adding rate payers to contribute to the fund for maintenance of infrastructure and increases capacity for service. With the development of the subject site, the developer will pay for all on-site and new infrastructure to serve the lots. The builders of dwellings on the new lots also pay system development charges (SDCs) to pay for the growth-related share for planned expansion of facilities in the capital improvement plans of the city, and to help the city meet local match dollars for larger projects with the State. Finally, the applicant has provided a preliminary master plan design for the property to outline street connectivity, public services, and pedestrian connections in a way that preserves the ability of surrounding large parcels to develop with their intended uses. Upon approval of this application for annexation, the goal is met.

Regarding Policy G-2.3, the applicant's narrative provides the following response (page 29):

This is a directive to the City staff and not an approval criterion. The City can use approval of this annexation request to extend the city limits and capture the improvement jurisdiction of Parr Road. The pattern of development in this area, including along the borders of the site, will be consistent as proposed, and create a smooth transition from existing development within the Nodal development district overlay. Proposed streets and utility extensions are efficient and direct. The proposed annexation meets the goals and policies of the comprehensive plan regarding annexation criteria listed above.

Staff generally concurs with the applicant. The annexation goals and policies are effectuated by the annexation review criteria within the Woodburn Development Ordinance. The Nodal Master Plan, which was approved via Resolution 2124 in 2018, illustrates the conceptual layout of private development and public facilities throughout the Nodal overlay district area.

Criterion 2

The subject property is adjacent to land annexed into City limits in 2019 via Ordinance No. 2570. The application materials include service provider letters from the City Engineer, the Woodburn Fire District, and the Woodburn School District certifying there is capacity to serve the development. Conditions of approval have been added to have the development provide connections to public facilities (streets, utilities, bike/pedestrian facilities, etc.).

Criterion 3

The applicant's narrative provides the following response (pages 23-24):

The subject property's eastern boundary line is the current city limit line. Property northwest of the subject site (north of Parr Road and east of what will be Evergreen Road) and northeast of the subject site have been annexed into the City. The proposed annexation includes a subdivision to divide the property into 219 lots. No increases in buildable lands inventory are proposed as this application. The proposed subdivision is shown to be fully built-out within two phases, however all area within the subdivision boundary is proposed to be annexed at once. The subject property is identified by the comprehensive plan as residential with a Nodal overlay. Upon annexation, the property will be split zoned between the Nodal Single-Family Residential and Nodal Medium Density Residential zoning designations. The property is within the urban growth boundary of Woodburn and the proposal is consistent with the future zoning and current comprehensive plan requirements. Confirmation of adequate public facilities has been included with this application. Based on conversation with City Staff and the pre-application conference feedback, the applicant believes that the proposal reflects the city's goals for growth. Adjacent approved development at 9008 Parr Road stubbed a street to the eastern boundary of this application's subject property. This stubbed street is shown to be extended through the site, and boundary street improvements on Parr Road are also shown. This proposal includes a mix of public and private open space areas and pedestrian paths/trails totaling approx. 4.34 acres. The applicant finds that the proposed open space and pedestrian pathways meet the intent of the Nodal Master Plan showing similar sized open space and trail systems throughout the subject property. Tract A is shown to be a private park offering active recreation to be maintained by the Brighton Pointe HOA. Sidewalks are also shown on the submitted site plan to guide pedestrians through the site in a safe manor where trails may not be proposed. This proposed subdivision shows a mix of single-family attached and detached homes which the applicant believes is meeting an unmet community housing need as illustrated by the Housing Needs Analysis⁵ by providing housing at a range of price points. The subject property is only contiguous with the city limits on one side. Also, the above criteria states that the application "should" demonstrate substantial conformance with the standards rather than stating the application shall conform to the standards. The applicant has met the burden of proof that substantial conformance with all criteria is met.

Staff generally concurs. Conditions of approval have been added to have the development provide connections to public facilities (streets, utilities, bike/pedestrian facilities, etc.).

D. Procedures:

1. An annexation may be initiated by petition based on the written consent of:

ANX 22-03, PP 22-02, SUB 22-04, VAR 22-07, & ZMC 22-03
Brighton Pointe Subdivision
Staff Report Attachment 103
Page 36 of 38

- a. The owners of more than half of the territory proposed for annexation and more than half of the resident electors within the territory proposed to be annexed; or
 - b. One hundred percent of the owners and fifty percent of the electors within the territory proposed to be annexed; or
 - c. A lesser number of property owners.
2. If an annexation is initiated by property owners of less than half of property to be annexed, after holding a public hearing and if the City Council approves the proposed annexation, the City Council shall call for an election within the territory to be annexed. Otherwise no election on a proposed annexation is required.

The applicant's narrative addresses these provisions on page 25:

The proposed annexation is initiated by the property owners and the required application forms have been signed by said property owner. 100% of the ownership has initiated the annexation process. This application includes the annexation of the public right-of-way of Parr Road on the north and west frontages. The applicant understands that the City may initiate annexation of island properties without the consent of the property owners or the resident electors. An island (under different ownership) is shown on the proposed site plan as not all adjacent property owners have joined this annexation application, nor is it the responsibility of the applicant to gain the support of adjacent ownership for this application. The criteria are met.

E. Zoning Designation for Annexed Property: All land annexed to the City shall be designated consistent with the Woodburn Comprehensive Plan, unless an application to re-designate the property is approved as part of the annexation process.

The Comprehensive Plan designates the subject property as split between Low Density Residential and Medium Density Residential, and wholly within the Nodal Development overlay. The territory will be assigned to the RSN and RMN zoning districts upon annexation.

F. The timing of public improvements is as follows:

- 1. Street dedication is required upon annexation.
- 2. Dedication of public utility easements (PUE) is required upon annexation.
- 3. Street improvements are required upon development.
- 4. Connection to the sanitary sewer system is required upon development or septic failure.
- 5. Connection to the public water system is required upon development or well failure.
- 6. Connection to the public storm drain system is required upon development.

The applicant's narrative states on pages 25-26:

All public improvements are shown as future dedicated public features. This application includes annexation of the entire right-of-way width for Parr Road along the subject property's north and west side frontages (including frontage along tax lot 900 and

ANX 22-03, PP 22-02, SUB 22-04, VAR 22-07, & ZMC 22-03
Brighton Pointe Subdivision
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1000). Improvements to this right-of-way are proposed to meet the City's public improvement standards. All utilities are shown, and a composite utility plan has been included with this submittal. Typical right-of-way sections are included on submitted sheet 5/8 to show proposed improvements. The criteria are met.

Staff concurs.

▲ With the proposed conditions of approval related to providing connections to public facilities, staff finds that the annexation provisions are met.

5.04.04 Official Zoning Map Change, Owner Initiated

A. Purpose: The purpose of an Owner Initiated Official Zoning Map Change is to provide a procedure to change the Official Zoning Map, in a manner consistent with the Woodburn Comprehensive Plan.

B. Criteria: The following criteria shall be considered in evaluating an Official Zoning Map Change;

1. Demonstrated need for the proposed use and the other permitted uses within the proposed zoning designation.

2. Demonstrated need that the subject property best meets the need relative to other properties in the existing developable land inventory already designated with the same zone considering size, location, configuration, visibility and other significant attributes of the subject property.

3. Demonstration that amendments which significantly affect transportation facilities ensure that allowed land uses are consistent with the function, capacity, and level of service of the facility identified in the Transportation System Plan. This shall be accomplished by one of the following:

a. Limiting allowed land uses to be consistent with the planned function of the transportation facility; or

b. Amending the Transportation System Plan to ensure that existing, improved, or new transportation facilities are adequate to support the proposed land uses consistent with the requirement of the Transportation Planning Rule; or,

c. Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes of transportation.

C. Delineation: Upon approval, a zone change shall be delineated on the Official Zoning Map by the Director. A zone change subject to specific conditions shall be annotated on the Official Zoning Map to indicate that such conditions are attached to the designation.

The landowner of the subject property is requesting annexation into City limits. By its very nature, annexation of territory results in a change to the City limits boundary and the territory being annexed must be assigned to one or more zoning districts. The Comprehensive Plan designates the subject property as split between Low Density Residential and Medium Density Residential, and wholly within the Nodal Development Overlay. The territory will therefore be assigned the RSN and RMN zoning districts and the Zoning Map will be updated to reflect this.

✓ The provisions are met.



**PUBLIC WORKS DEPARTMENT
190 GARFIELD STREET
WOODBURN, OR 97071**

June 28, 2022

Jennifer Arnold
Emerio Design, LLC
1500 Valley River Dr, Suite 300
Eugene, OR 97401

Re: Annexation Certification
Subject Property: 8708 Parr Road
Marion County Tax Map: 052W130001001

This letter is to certify that the City of Woodburn has no capacity issue with the public wastewater treatment facility or public water treatment facility. However, the subject property is not adjacent to an existing collection system for water, wastewater or a public storm sewer collection system. The requirements for these collection facilities would still need to be determined. The capacity analysis, design and installation would be the responsibility of the applicant/property owner.

If you have any questions, please contact me at 503.982.5248.

Sincerely,

Dago Garcia

Dago Garcia, P.E.
City Engineer
City of Woodburn



Woodburn School District

1390 Meridian Drive, Woodburn, OR 97071

Phone: 503-981-9555

Fax: 971-983-3611

July 6, 2022

Jennifer Arnold
EMERIO; Senior Land Use Planner
1500 Valley River Drive Suite 100
Eugene, OR 97401

Re: Annexation for tax lot 052W130001001 located at 8708 Parr Road NE Woodburn, OR.

Ms. Arnold

In response to your request, Woodburn School District has determined that your planned annexation located at 8708 Parr Road NE will impact our schools. However, we do anticipate being able to accommodate the potential growth and if the City of Woodburn's traffic analysis determines that the impact on our schools located on Parr road will be minimal and will not impact the safety of our students, families, and busses accessing these sites, we will support their decision.

Thank you,

Casey Woolley
Director of Safety and Operations
Woodburn School District

Jennifer Arnold

From: James Gibbs <james.gibbs@woodburnfire.com >
Sent: Tuesday, June 28, 2022 1:49 PM
To: Jennifer Arnold
Subject: RE: Service Provider Letter for new proposed development

[External Sender]

If you are asking if our fire department had the capability to respond to the additional load (increase in property and life within our community) with your expansion then the answer is yes. As the district grows we have been adding to the ability to maintain an ISO response rating of 3. It will be up to the development to comply with the requirements for number of fire hydrants, distance between fire hydrants and the gpm and duration requirements per Oregon Fire Code. This will require a water flow test to confirm the gpm, this is the development's responsibility to conduct and provide results of the waterflow test of at least two fire hydrants and show no dead-end fire hydrants.

From: Jennifer Arnold [mailto:jarnold@emeriodesign.com]
Sent: Tuesday, June 28, 2022 1:17 PM
To: James Gibbs
Subject: Service Provider Letter for new proposed development

**** This email is from an EXTERNAL sender. Exercise caution when opening attachments or click links from unknown senders or unexpected email. ****

Hello,

Emerio Design represents the applicant for an annexation and new subdivision in Woodburn. The site is located at 8708 Parr Road NE (052W130001001). I am seeking a service provider letter noting adequate service capacity exists to serve our proposed project. I have attached the site plan for reference, but I am happy to provide you with additional information as needed. Let me know if you have any questions or need those additional materials.

Thanks,
Jennifer



Jennifer Arnold | Senior Land Use Planner
1500 Valley River Drive Suite 100, Eugene, OR 97401
503.746.8812-Main | 541.263.0933- Cell www.emeriodesign.com





**lancaster
moble**

Brighton Pointe Subdivision

Transportation Impact
Analysis

Woodburn, Oregon

Date:

August 10, 2022

Prepared for:

Lennar Northwest, LLC

Prepared by:

Jennifer Danziger, PE

Ken Kim, PE



RENEWS: 12/31/2023

ATTACHMENT 105

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Executive Summary

1. The proposed Brighton Pointe Subdivision located at 8708 Parr Road intends to develop the subject property with 107 detached single-family homes and 112 attached single-family homes for a total of 219 housing units in Woodburn, Oregon. The subdivision will be constructed over a period of three years with construction of all development expected to be completed by the end of year 2028.
2. The development will have two access points that connect into the existing transportation system. Street A will connect northward to Parr Road, forming a "T" intersection approximately 500 feet west of Stubb Road and approximately 800 feet east of the future Evergreen Road extension. Street H will connect westward to connect with Parr Road at the existing southern 90-degree bend in the roadway, forming a "T" intersection with future potential to add a four leg on the south side of the intersection.
3. Trip generation for the Brighton Pointe Subdivision is estimated at 132 morning peak hour, 169 evening peak hour, and 1,876 weekday trips
4. Based on a review of the most recent five years of available crash data, eight of the study intersections have crash rates that exceed the 90th percentile rates identified by ODOT for similar types of intersections. Potential intersection improvements have been identified in the Woodburn and Marion County TSPs at some intersections; others could require improvements not currently identified in a TSP.
5. At the other eight intersections, no significant trends or crash patterns were identified, and no safety mitigation is recommended per the crash data analysis.
6. Based on the sight distance analysis, all site accesses are expected to have adequate sight lines.
7. Left-turn lane warrants were not assessed at the site accesses because the proposed project will provide left-turn lanes at both site accesses.
8. The Parr Road & Butteville Road intersection will meet left-turn lane warrants under both background and buildout conditions; however, due to the proximity of the I-5 overpass, widening the roadway for a left-turn lane is not feasible without relocating the intersection southward.
9. Two intersections were identified as meeting preliminary traffic signal warrants:
 - o Stacy Allison Way & Evergreen Road will meet warrants for both background and buildout conditions.
 - o Hayes Street & Evergreen Road will meet warrants for both background and buildout conditions.
10. Three intersections are anticipated to exceed the mobility targets:
 - o The signalized intersection of OR 214 & Settlemier Avenue will exceed mobility standards under year 2028 background conditions. The proposed development will not change the overall intersection v/c ratio but will result in a small increase in overall delay.
 - o The all-way stop-controlled intersection of Hayes Street & Evergreen Road will exceed mobility standards during both the morning and evening peak hours under year 2028 background conditions. The proposed development will increase the critical v/c ratios during both the morning and evening peak hours.

- o The stop-controlled intersection of Evergreen Road & Harvard Drive will exceed mobility standards during the evening peak hour under year 2028 background conditions. The proposed development will not add traffic to the critical movement but will increase the critical v/c ratio by increasing the traffic volumes Evergreen Road.
11. In general, changes in 95th percentile queuing between the year 2028 background and buildout conditions are anticipated to be small, one vehicle or two vehicles. Larger increases in queues are anticipated on Evergreen Road due to congestion at the two intersections with OR 214 and Hayes Street.
 12. The proposed development will add traffic to eight intersections with high crash rates as well as worsening operations at three intersections where mobility standards will not be met under background conditions. Proportionate share contributions for potential mitigation will vary depending on projects for the intersections of Stacy Allison Way & Evergreen Road and Hayes Street & Evergreen Road, which do not currently have a TSP project assigned, and the Parr Road & Butteville Road intersection, which does not currently identify the specific project needed in the Marion County TSP. As such, mitigation is likely to involve a comprehensive discussion in the context of all the eight intersections with identify safety or operational concerns.



Project Description

Introduction

The proposed Brighton Pointe Subdivision located at 8708 Parr Road intends to develop the subject property with 107 detached single-family homes and 112 attached single-family homes for a total of 219 housing units in Woodburn, Oregon. The subdivision will be constructed over a period of three years with construction of all development expected to be completed by the end of year 2028.

This report examines the impacts of the proposed development on the transportation system in the vicinity of the project site. The purpose of this report is to ensure safe and efficient performance of the transportation facilities that will be impacted by the proposed development. The study area includes intersections that are under the jurisdiction of the City of Woodburn, ODOT, and Marion County, including:

1. OR 219 & Butteville Road
2. OR 214/219 & I-5 SB Ramps
3. OR 214/219 & I-5 NB Ramps
4. OR 214 & Evergreen Road
5. OR 214 & Settlemier Avenue
6. Stacy Allison Way & Evergreen Road
7. Hayes Street & Evergreen Road
8. Hayes Street North & Settlemier Avenue
9. Hayes Street & Settlemier Avenue
10. Evergreen Road & Harvard Drive
11. Parr Road & Butteville Road
12. Parr Road & Street H (Future Site Access)
13. Parr Road & Evergreen Road (Future)
14. Parr Road & Street A (Future Site Access)
15. Parr Road & Stubb Road
16. Parr Road & Settlemier Avenue

All supporting data and calculations are included in the appendices to this report.

Location Description

The site address is 8708 Parr Road. It is located south and east of Parr Road on tax lot 052W130001001 (listed as 38.45 acres), of which 37.75 acres is proposed to be annexed into Woodburn, Oregon following a Property Line Adjustment (PLA) with the adjacent parcel (8702 Parr Road). A vicinity map is shown in Figure 1 with the subject site outlined in red. A site plan is included in Appendix A.

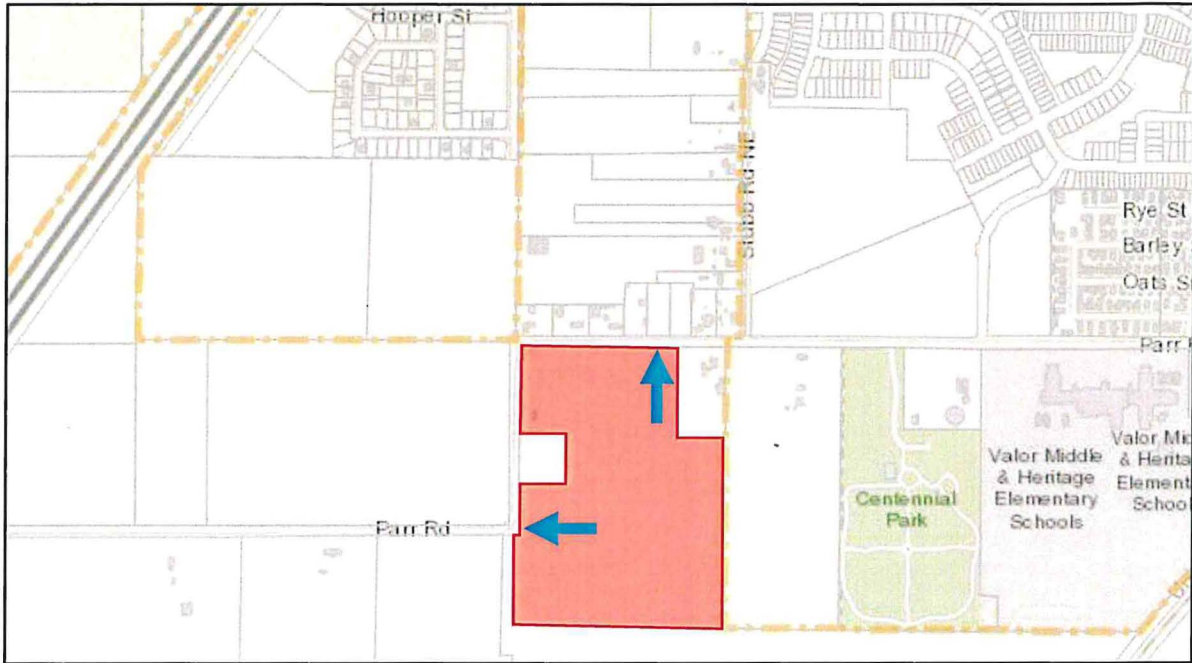


Figure 1: Project Location and Access (Marion County GIS)

The development will have two access points that connect into the existing transportation system as indicated by the blue arrows in Figure 1. Street A will connect northward to Parr Road, forming a “T” intersection approximately 500 feet west of Stubb Road and approximately 800 feet east of the future Evergreen Road extension. Street H will connect westward to connect with Parr Road at the existing southern 90-degree bend in the roadway, forming a “T” intersection with future potential to add a four leg on the south side of the intersection.

Vicinity Streets

The study area includes roadways under state, county, and city jurisdiction that are expected to be impacted by the proposed development. Table 1 describes each of the vicinity roadways.

Table 1: Vicinity Roadway Descriptions

Street Name	Functional Classification	Travel Lanes	Speed (mph)	Curbs & Sidewalks	On-Street Parking	Bicycle Facilities
Jurisdiction: ODOT						
Interstate 5 (I-5)	Freeway	6	65	No	No	No
OR 219	District Hwy Major Arterial (City)	2-5	35-55	Partial	Prohibited	Partial
OR 214	District Hwy Major Arterial (City)	2-5	30-35	Both Sides	Prohibited	Yes



Table 1: Vicinity Roadway Descriptions

Street Name	Functional Classification	Travel Lanes	Speed (mph)	Curbs & Sidewalks	On-Street Parking	Bicycle Facilities
Jurisdiction: Marion County						
Butteville Rd	Major Collector (County) Minor Arterial (City)	2	Not Posted (55 Statutory)	None	Prohibited	None
Parr Rd	Major/Minor Collector (County)	2	Not Posted (55 Statutory)	None	Prohibited	None
Jurisdiction: City of Woodburn						
Evergreen Rd	Minor Arterial	2-3	25-30	Partial	Generally Prohibited	Partial
Harvard Dr	Access Street	2	Not Posted (25 Statutory)	Yes	Permitted	None
Hayes St	Service Collector	2	25	Partial	Generally Prohibited	Partial South Side
Parr Rd	Minor Arterial/Service Collector	2-3	25	Partial	Prohibited	None
Settlemier Ave (Boones Ferry Rd)	Minor Arterial	2-3	25-35	Partial	Prohibited	None
Stacy Allison Way	Service Collector	3	25	Partial	Prohibited	None
Stubb Rd	Access Street	2	Not Posted (25 Statutory)	None	Prohibited	None

Study Intersections

Based on coordination with agency staff, 13 existing intersections and three future intersections were identified for analysis. A summarized description of the study intersections is provided in Table 2.

Table 2: Study Intersection Descriptions

	Intersection	Geometry	Traffic Control	Phasing/Stopped Approaches
1	OR 219 & Butteville Rd	Three Legs	Stop-Controlled	NB Stop Future Roundabout
2	OR 214/219 & I-5 SB Ramps	Four Legs	Signalized	Protected SB Free EB/WB Right Turns
3	OR 214/219 & I-5 NB Ramps	Three Legs	Signalized	Protected NB Approach Free EB/WB Right Turns
4	OR 214 & Evergreen Rd	Four Legs	Signalized	Protected/Permitted EB/WB Lefts Split Phasing NB/SB Yield-Controlled EB/NB/SB Rights



Table 2: Study Intersection Descriptions

	Intersection	Geometry	Traffic Control	Phasing/Stopped Approaches
5	OR 214 & Settlemier Ave	Four Legs	Signalized	Protected Lefts with Right-Turn Overlaps All Approaches
6	Stacy Allison Way & Evergreen Rd	Four Legs	Stop-Controlled	EB/WB Stop
7	Hayes St & Evergreen Rd	Four Legs	Stop-Controlled	All-Way Stop
8	Hayes St North & Settlemier Ave	Three Legs	Stop-Controlled	EB Left Stop
9	Hayes Street & Settlemier Ave	Four Legs	Stop-Controlled	EB/WB Stop
10	Evergreen Rd & Harvard Dr	Four Legs	Stop-Controlled	NB/SB Stop
11	Parr Rd & Butteville Rd	Three Legs	Stop-Controlled	WB Stop
12	Parr Rd & Street H (Future Site Access)	Three Legs ¹	Stop-Controlled	All-Way Stop
13	Parr Rd & Evergreen Rd (Future Intersection)	Four Legs ²	Stop-Controlled	All-Way Stop
14	Parr Rd & Street A (Future Site Access)	Three Legs ³	Stop-Controlled	NB Stop
15	Parr Rd & Stubb Rd	Four Legs ⁴	Stop-Controlled	NB/SB Stop
16	Parr Rd & Settlemier Ave	Four Legs	Stop-Controlled	All-Way Stop

Table Notes:

- 1. The third leg, Street H, will be constructed by the Project and the intersection will be all-way stop-controlled.*
- 2. The Specht project on the northwest corner of the intersection will extend Evergreen Road southward to connect with Parr Road and construct a new local industrial street that will connect from the west. The intersection will be all-way stop-controlled.*
- 3. The third leg, Street A, will be constructed by the Project and the intersection will be stop-controlled on the new approach.*
- 4. The fourth leg will be an extension of Stubb Road constructed with development to the south.*

A vicinity map showing the project site, vicinity streets, and study intersection configurations is shown in Figure 2.



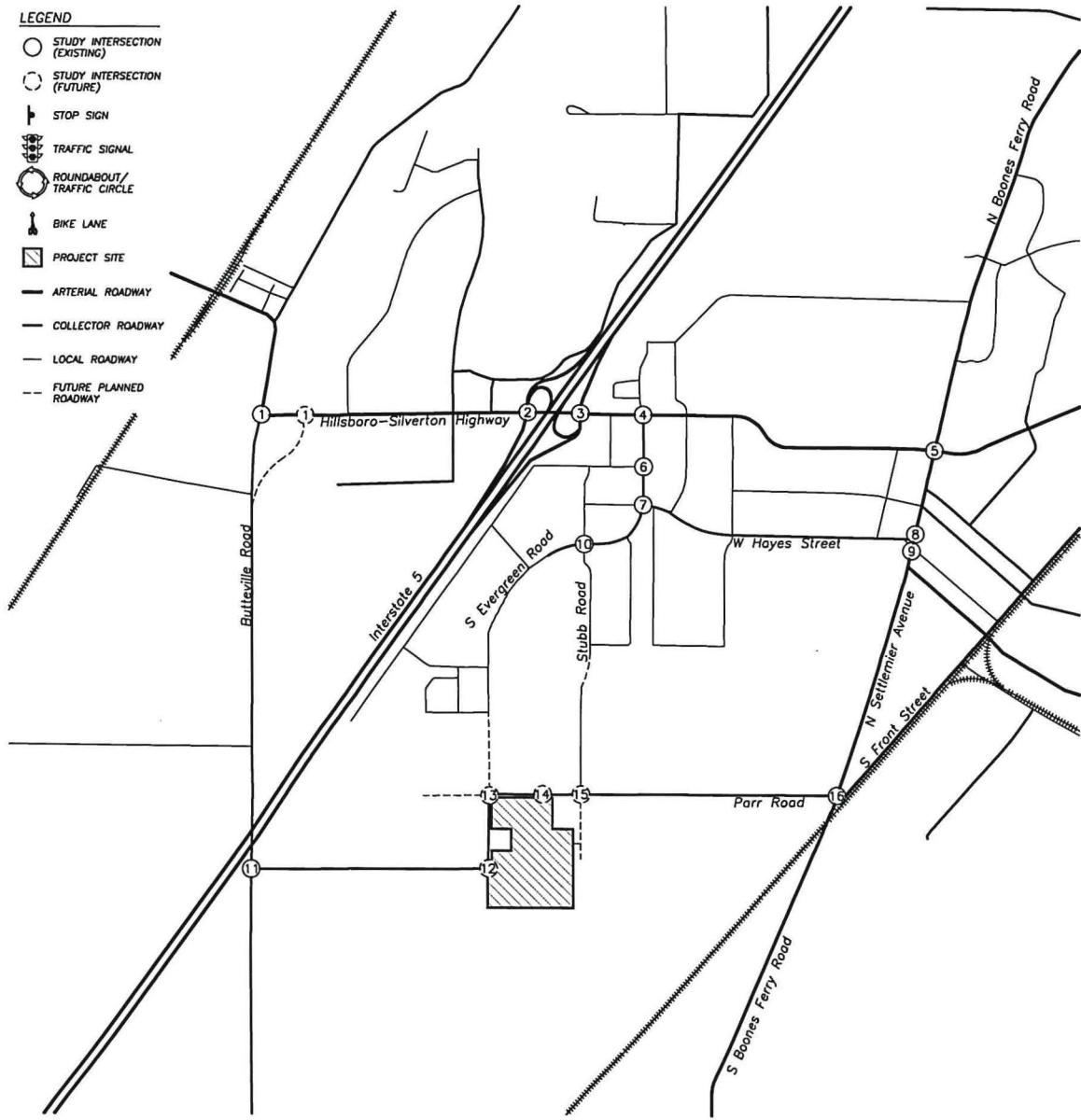
Transit

Woodburn Transit System (WTS) typically provides fixed route and express service along OR 214, OR 99E, downtown and through some of the nearby neighborhoods. The closest stops to the proposed development are located at the intersection of Parr Rd & Settlemier Avenue, approximately 4,000 feet east of the site, and at Hayes Street & Harvard Drive, nearly 5,000 feet north of the site. At this time, all WTS fixed routes are suspended due to the pandemic. Thus, the study area has no transit service except for the Dial-a-Ride Program.

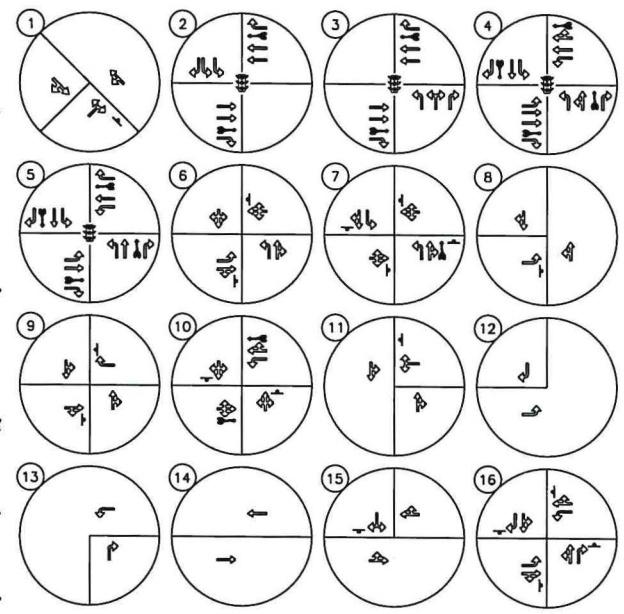


LEGEND

- STUDY INTERSECTION (EXISTING)
- STUDY INTERSECTION (FUTURE)
- ⊥ STOP SIGN
- Ⓣ TRAFFIC SIGNAL
- ROUNDABOUT / TRAFFIC CIRCLE
- 🚲 BIKE LANE
- ▨ PROJECT SITE
- ARTERIAL ROADWAY
- COLLECTOR ROADWAY
- LOCAL ROADWAY
- - - FUTURE PLANNED ROADWAY



EXISTING INTERSECTION CONFIGURATION



PLANNED INTERSECTION CONFIGURATIONS

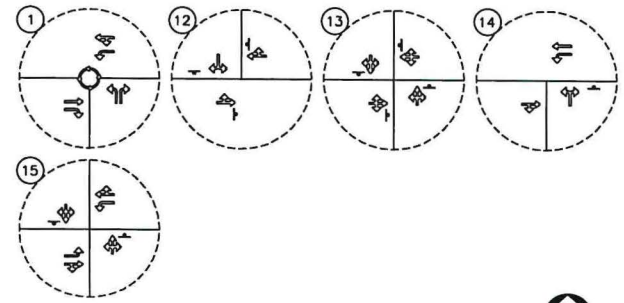


Figure 2
8708 Parr Road
8/10/2022

Site Trips

Trip Generation

To estimate trips that will be generated by the proposed development, trip equations from the *Trip Generation Manual*¹ were used. Equations for land use codes 210, *Single-Family Detached Housing*, and 215, *Single-Family Attached Housing*, were used to estimate trip generation based on the number of dwelling units.

As shown in Table 3, trip generation for the Brighton Pointe Subdivision is estimated at 132 morning peak hour, 169 evening peak hour, and 1,876 weekday trips when all phases are completed. Detailed trip generation calculations are included in Appendix A.

Table 3: Trip Generation Summary

ITE Code	Intensity (DU)	Morning Peak Hour			Evening Peak Hour			Daily Trips
		In	Out	Total	In	Out	Total	
210 - Single-Family Detached Housing	107	21	58	79	67	39	106	1074
215 - Single-Family Attached Housing	112	16	37	53	36	27	63	802
TOTAL	219	37	95	132	103	66	169	1876

Trip Distribution

The trip distribution from the site is expected to be largely similar to the distribution for the Smith Creek Development with 45 percent traveling to/from the north, 30 percent traveling to/from the south, 20 percent traveling to/from the east, and 5 percent traveling to/from the west. However, given the location of the site south of Parr Road NE, the travel routes are anticipated to be slightly different.

The anticipated distribution of site traffic is assumed to be:

- 40 percent to/from the west on Parr Road
 - 5 percent to/from the south on Butteville Road
 - 20 percent to/from the north on I-5 via Butteville Road & OR 219
 - 10 percent to/from the south on I-5 via Butteville Road & OR 219
 - 5 percent to/from destinations west of I-5 via Butteville Road
- 20 percent to/from the east on Parr Road
 - 5 percent to/from the north on Settlemier Avenue
 - 15 percent to/from the north on Front Street
- 35 percent to/from the north on Evergreen Road and 5 percent to/from the north on Stubb Road
 - 20 percent to/from the north on I-5
 - 15 percent to/from the south on I-5
 - 5 percent to/from local areas

¹ Institute of Transportation Engineers (ITE), *Trip Generation Manual*, 11th Edition, 2021.

Trip Assignment

The trip distribution and assignment for the total site trips generated during the morning and evening peak hours are shown in Figure 3 and Figure 4, respectively.

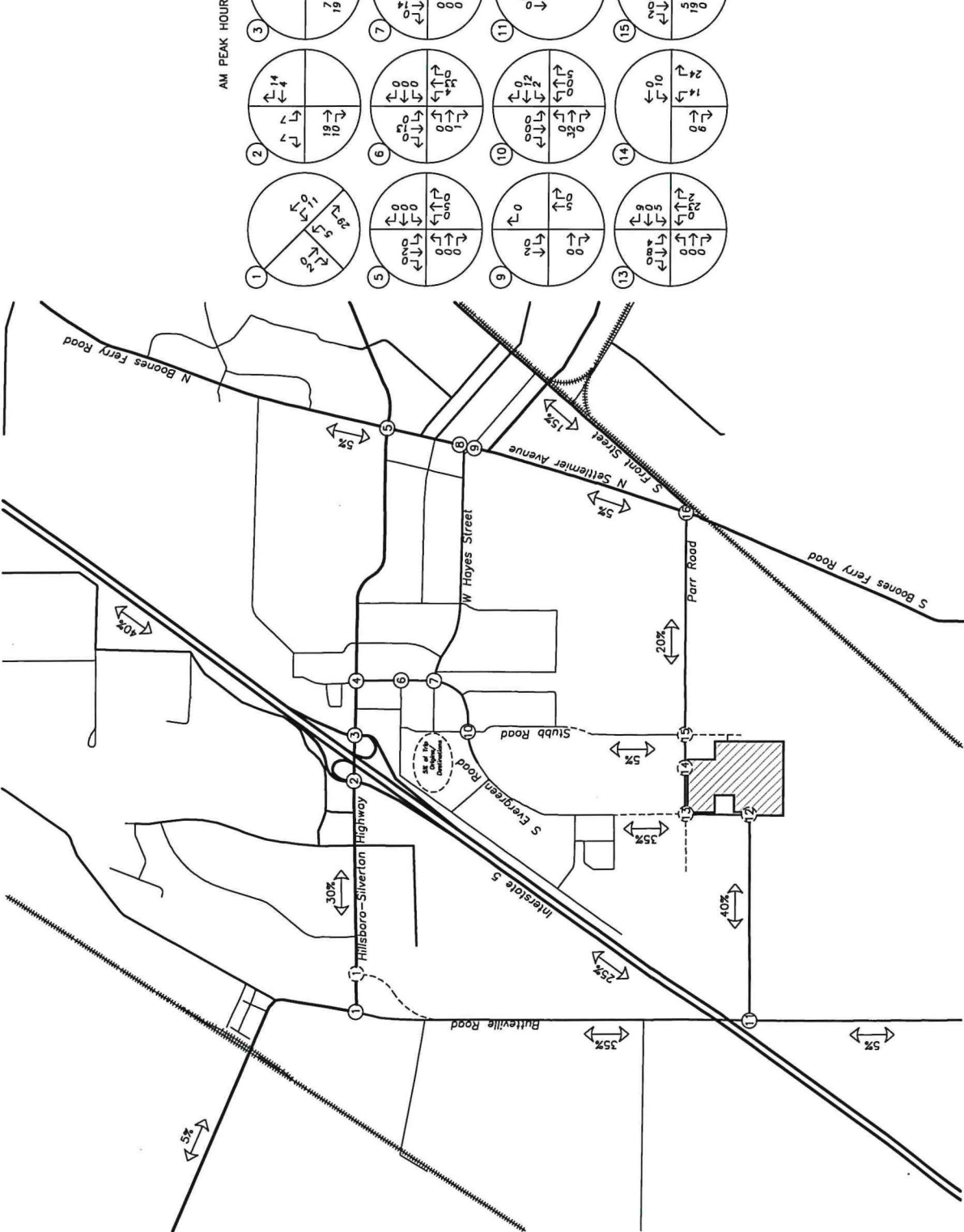


LEGEND

XX% ← XX% → PERCENT OF PROJECT TRIPS

TRIP GENERATION		TOTAL
IN	OUT	
AM	37	94
PM	102	66
		168

*5% PERCENT OF TRIPS ABOVE/DEPART FROM LOCALES WITHIN THE SITE VICINITY



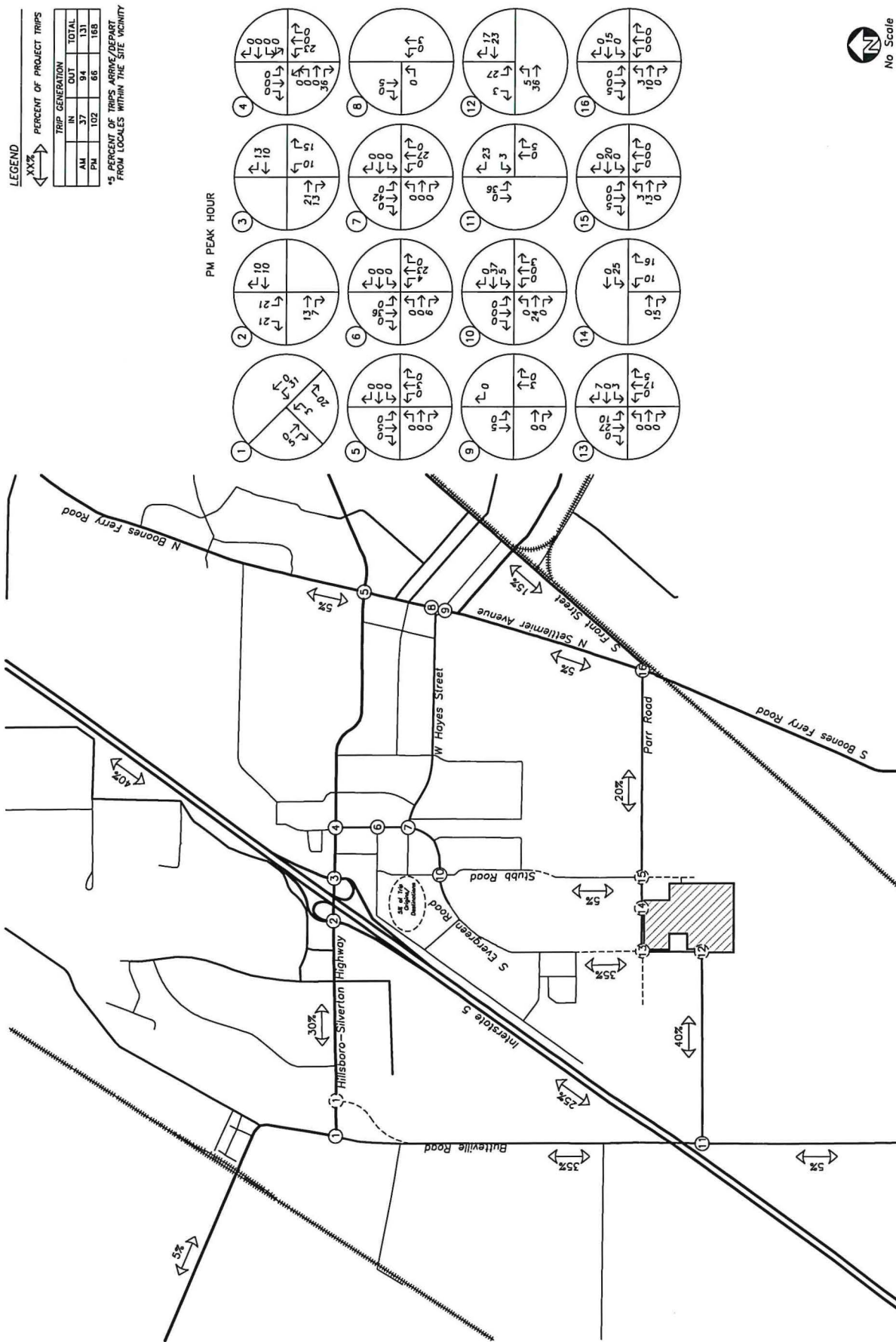


Lancaster
mobley

Proposed Development Plan - Site Trips
PM Peak Hour

SITE TRIP DISTRIBUTION & ASSIGNMENT

Figure 4
8708 Parr Road
8/10/2022



Traffic Volumes

Existing Conditions

Turning movement counts were collected at the study intersections on the following dates:

- OR 219 & Butteville Road – 6/1/2022
- OR 214/219 & I-5 SB Ramps – 6/1/2022
- OR 214/219 & I-5 NB Ramps – 6/1/2022
- OR 214 & Evergreen Road – 5/25/2021
- OR 214 & Settlemier Avenue – 6/1/2022
- Stacy Allison Way & Evergreen Road – 2/9/2022
- Hayes Street & Evergreen Road – 2/9/2022
- Hayes Street & Settlemier Avenue – 6/1/2022
- Evergreen Road & Harvard Drive – 4/12/2022
- Parr Road & Butteville Road – 4/12/2022
- Parr Road & Stubb Road – 1/19/2022
- Parr Road & Settlemier Avenue – 1/19/2022

All traffic counts were collected in 2022 except for the intersection of OR 214 & Evergreen Road. The May 2021 count adjusted for one year of growth was found to correspond significantly better with the other counts along OR 214 than a count from January 2022 after seasonal adjustments.

All traffic counts are included in Appendix B.

Peak Hours

The morning peak hour for the study intersections was selected from the period between 7:00 and 9:00 AM, which corresponds to the ITE trip generation rates for the peak of the adjacent roadway. Although some of the approved industrial developments show peak trip generation that will occur earlier in the morning, residential trip generation rates are only 65 to 75 percent of the peak rates prior to 7:00 AM.² For most intersections, the peak hour began sometime between 7:00 and 7:15 AM and ended sometime between 8:00 and 8:15 AM.

The evening peak hour for the study intersections was selected from the period between 4:00 and 6:00 PM, which corresponds to the ITE trip generation rates for the peak of the adjacent roadway. Although some of the approved industrial developments show peak trip generation that will occur later in the evening, residential trip generation rates are 90 percent of the peak rates after 6:00 PM. The peak hour timing varied more during the evening. The highest volumes were used at each intersection.

² Hourly Distribution of Entering and Exiting Vehicle Trips by Land Use, Institute of Transportation Engineers (ITE), *Trip Generation Manual*, 11th Edition, 2021

Pandemic Adjustments

Although the COVID-19 pandemic caused a statewide depression in traffic volumes, as the economy has recovered and children have returned to school, traffic volumes have increased near to or above pre-pandemic levels. The TIAs for the Amazon Warehouse project (DR 21-07) compared pre-pandemic volumes with the 2021 counts used in their study and concluded that no adjustments were needed for the disruptive event. The Phased Specht Development (DR 22-02) also used volumes with no adjustment for the pandemic.

A comparison of the year 2022 count volumes with counts collected in 2021 showed growth of 1 to 9 percent along OR 214 and OR 219 in the morning volumes and 20 to 25 percent at the Parr Road & Butteville Road intersection. Evening volumes varied with some higher and some lower but all within a few percent of the prior year.

Therefore, consistent with other recent projects, no pandemic-related adjustments were made.

Seasonal Adjustments

Volumes on the state highways, I-5, OR 219, and OR 214, were seasonally adjusted following the procedures in ODOT's *Analysis Procedures Manual (APM)*. Consistent with the Amazon and Specht traffic studies, the adjustment factor for the highway intersections was assumed to be the average of the "commuter" and "summer" trends from the seasonal trend table.

The counts along the highway were all collected on June 1, 2022, except for the intersection with Evergreen Road, which was counted on May 25, 2021. However, the closest data in the seasonal trend table is June 1; therefore, all adjustment factors were based on the June 1 data. The resulting calculations are shown in Table 4.

Table 4: ATR Seasonal Trend Method

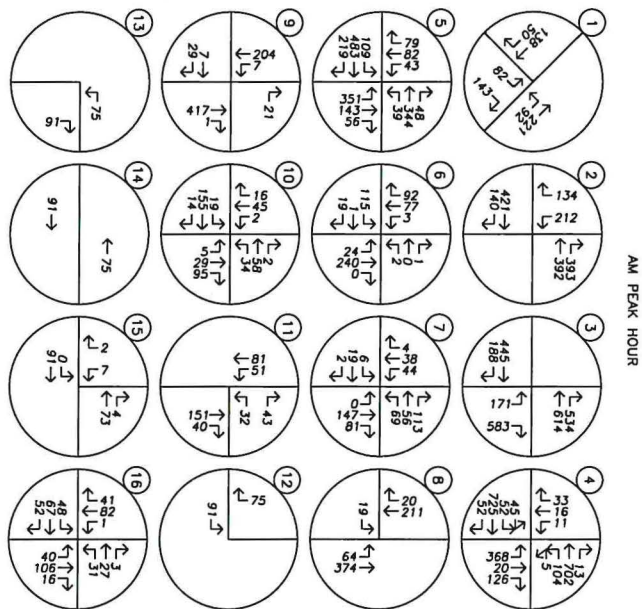
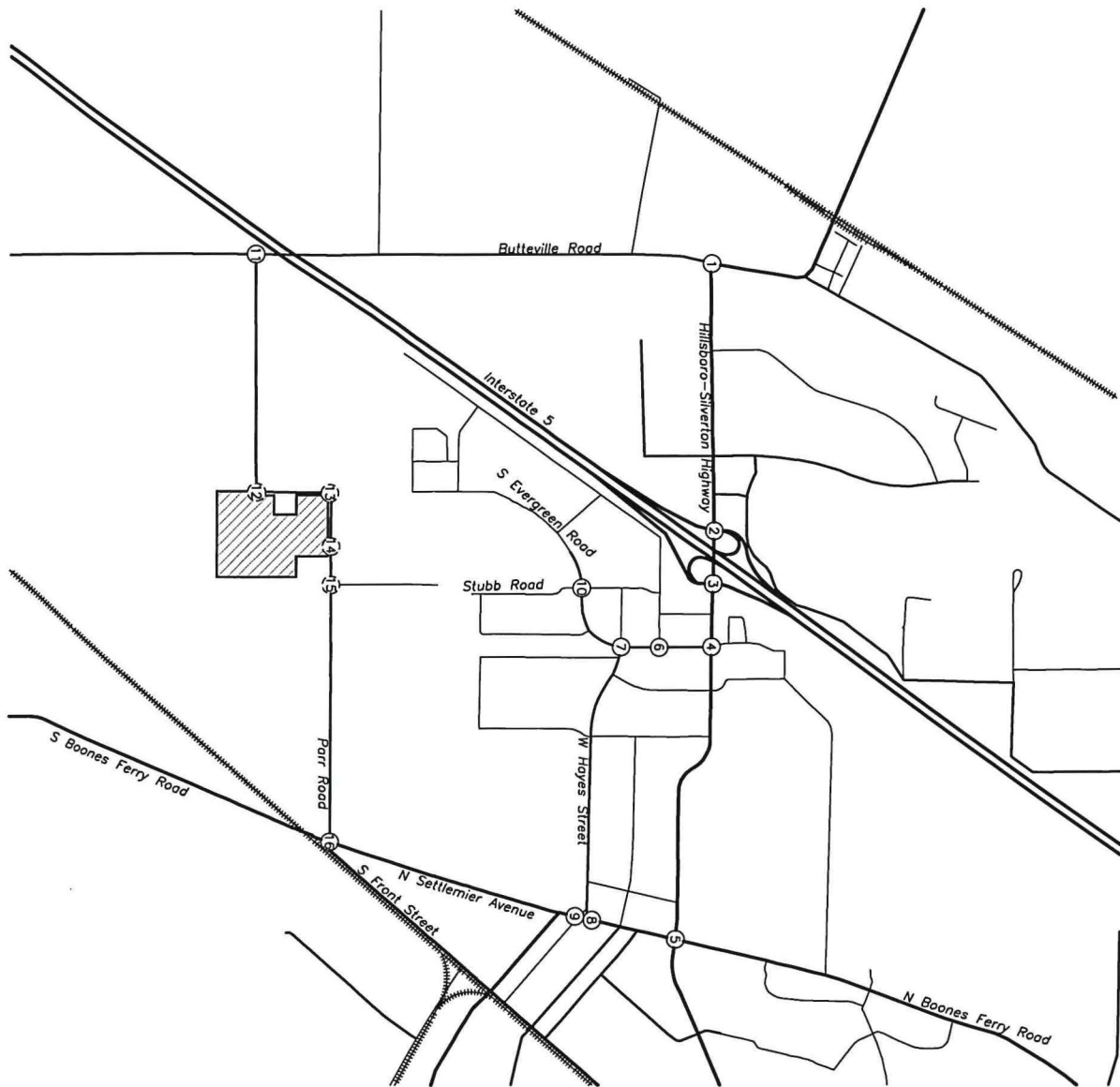
Trend	Count Month (June 1)	Peak Month	Adjustment Factor
Commuter	0.9503	0.9355	1.016
Summer	0.8976	0.8299	1.082
Average			1.049

After the volumes along OR 219/OR 214 were seasonally adjusted, they were balanced where appropriate.

Traffic Volumes

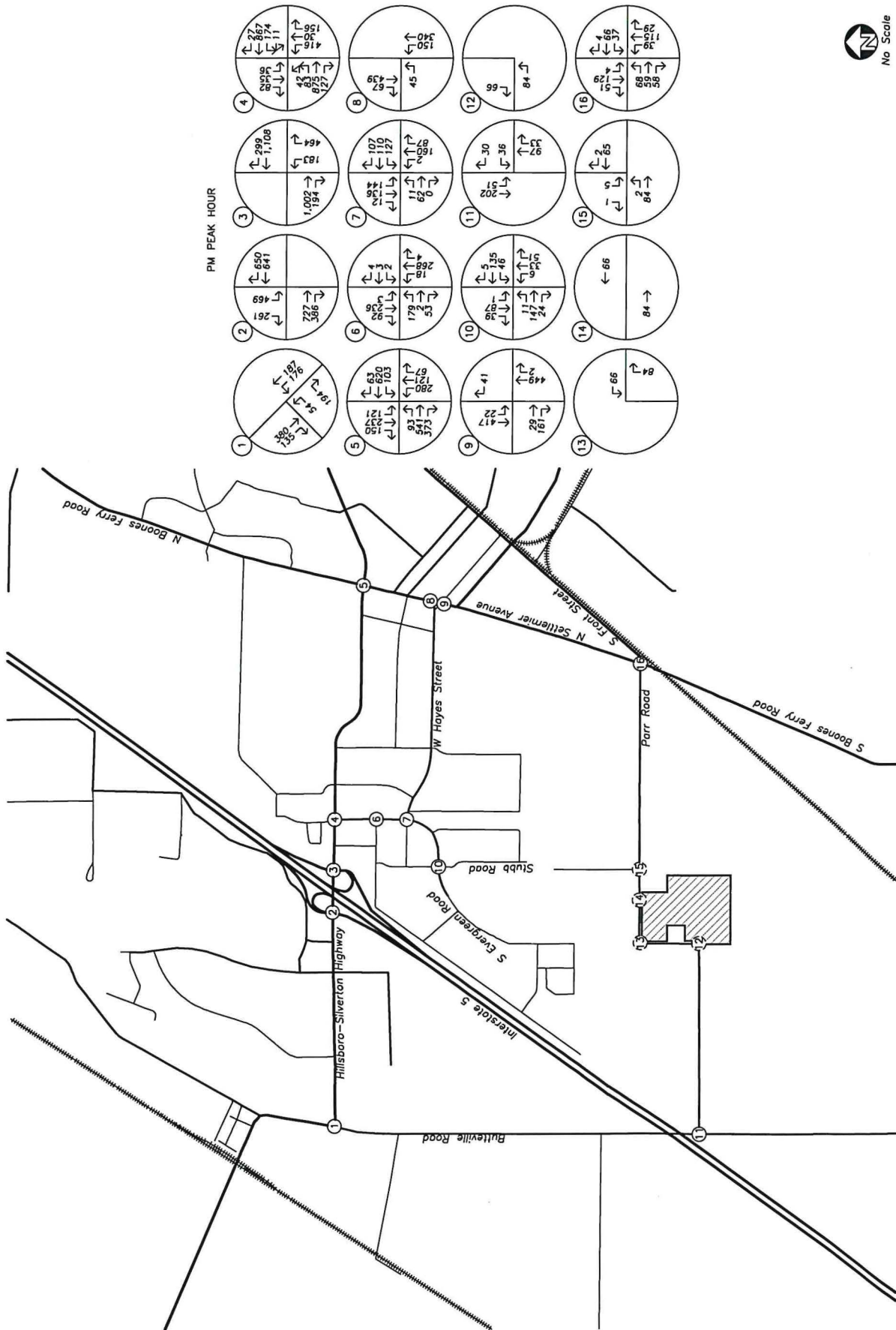
The year 2022 existing traffic volumes for the morning and evening peak hours are shown in Figure 5 and Figure 6, respectively.





AM PEAK HOUR





Background Conditions

To provide analysis of the impact of the proposed development on the nearby transportation facilities, an estimate of future traffic volumes is required. To account for general background growth through the year 2028, an annual 1 percent growth rate was applied to the year 2022 existing conditions baseline volumes for six years. In addition to the general growth, traffic from the following developments was added to the network volumes:

- 9008 Parr Road
- Allison Way Apartments
- Amazon Warehouse (Project Basie)
- Dove Landing
- Molalla Apartments
- Port of Willamette
- Smith Creek (Assumed to be approximately 45 percent build out to date)
- Woodburn Senior Living
- Woodland Crossing
- Weisz Property – Specht Phased Industrial

Figure 7 and Figure 8 present the year 2028 background volumes for the morning and evening peak hours, respectively.

Planned Improvements

Several significant improvements to the study area will be constructed with projects included in the background conditions:

- The intersection of OR 219 & Butteville Road will be relocated to the east of Senecal Creek and constructed with a double lane roundabout as part of the mitigation for the Amazon Warehouse.
- Evergreen Road will be extended southward from its current terminus to Parr Road and a new industrial road will be constructed westward from the intersection as part of the Specht Phase Industrial development of the Weisz property. The four-leg intersection will be all-way stop-controlled until all four quadrants have been redeveloped and the roadways are built out to their ultimate alignment.
- Stubb Road will be improved to Access Road standards and connected to Harvard drive as part of the network for the Smith Creek development.

Buildout Conditions

Peak hour trips calculated to be generated by the proposed development, as described earlier within the *Site Trips* section, were added to the background volumes to estimate the buildout volumes.

Figure 9 and Figure 10 present the year 2028 buildout volumes for the morning and evening peak hours, respectively.

Planned Improvements

The development will have two access points that connect into the existing transportation system:

- Street A will connect northward to Parr Road, forming a "T" intersection approximately 500 feet west of Stubb Road and approximately 800 feet east of the future Evergreen Road extension. The northbound approach will be stop-controlled. Parr Road will be widened to a Service Collector standard, including center refuge lane.
- Street H will connect westward to connect with Parr Road at the existing southern 90-degree bend in the roadway, forming a "T" intersection with future potential to add a fourth leg on the south side of the intersection. The three-leg intersection will be all-way stop-controlled until all quadrants have been redeveloped and the roadways are built out to their ultimate alignment.



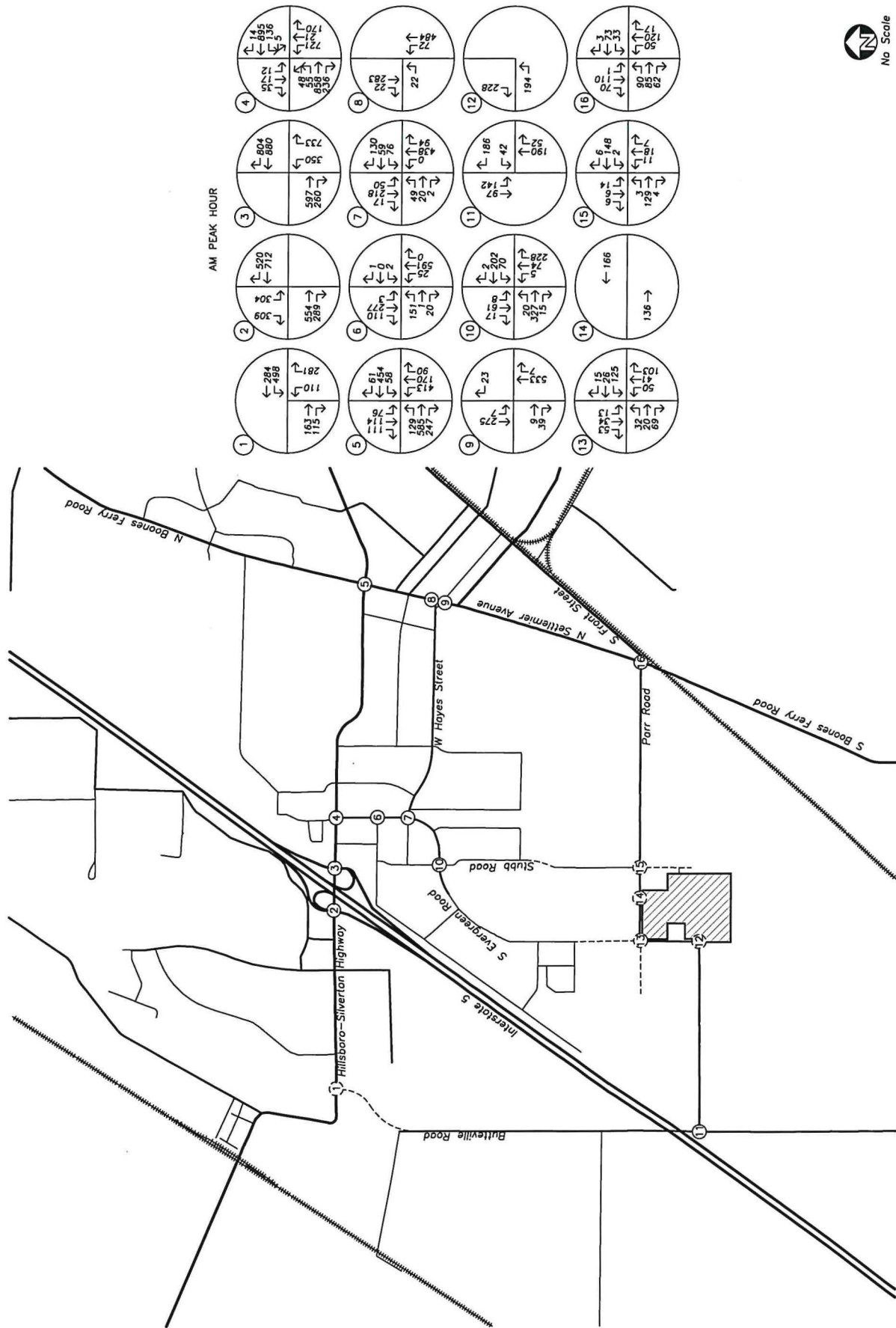
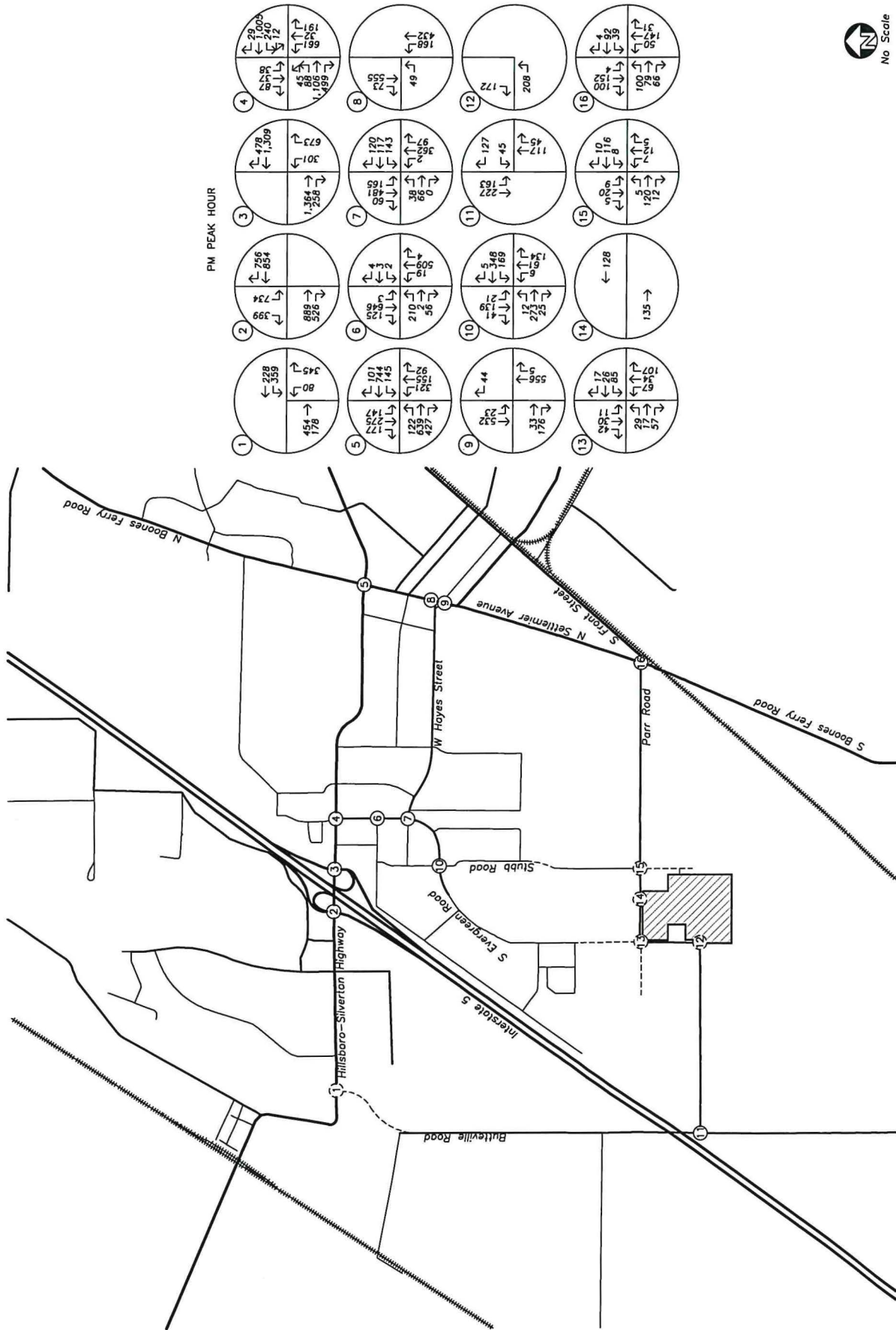
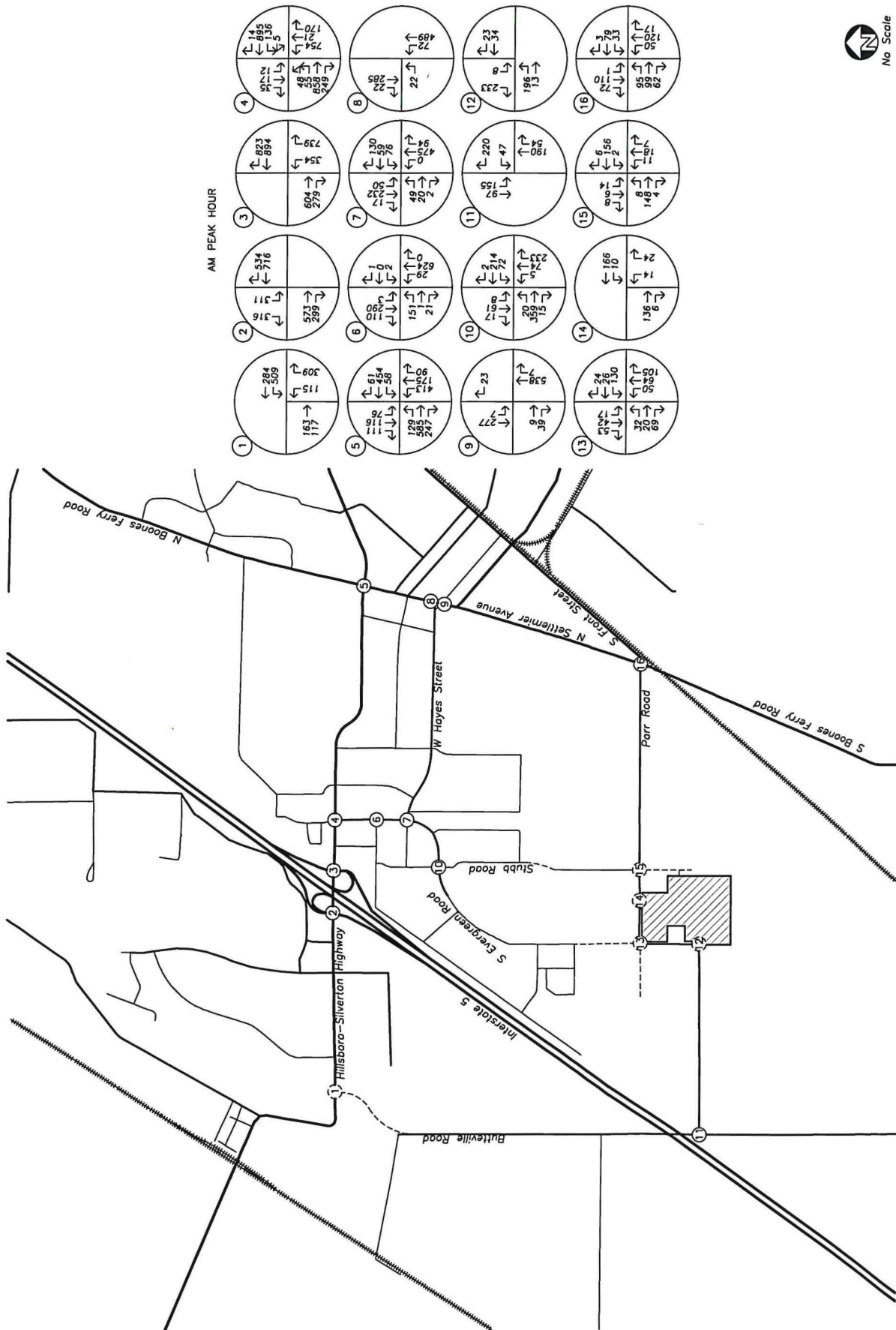
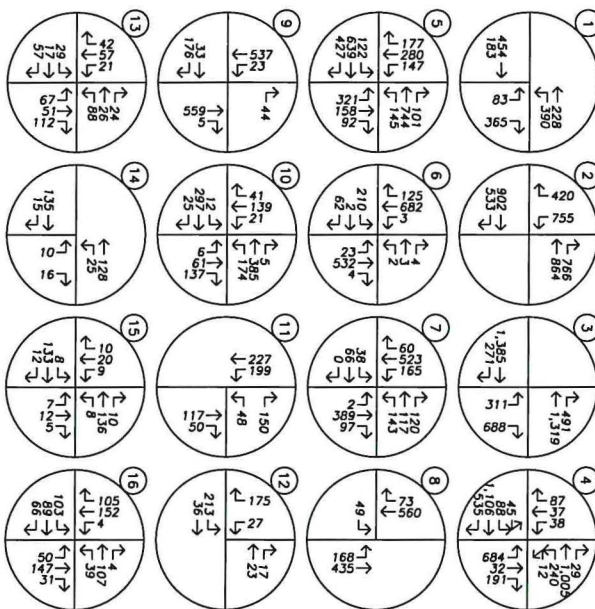


Figure 8







PM PEAK HOUR



TRAFFIC VOLUMES
 Year 2028 Buildout Conditions
 PM Peak Hour

Figure 10
 8708 Parr Road
 8/10/2022

Safety Analysis

Crash History Review

Using data obtained from ODOT's Crash Data System, a review of approximately five years of the most recent available crash history (January 2016 through December 2020) was performed at the study intersections. The crash data was evaluated based on the number of crashes, the type of collisions, and the severity of the collisions. Crash severity is based on injuries sustained by people involved in the collision, and includes five categories:

- *PDO* – Property Damage Only;
- *Injury C* – Possible Injury;
- *Injury B* – Suspected Minor Injury;
- *Injury A* – Suspected Serious Injury; and
- *Fatality*

Crash rates provide the ability to compare safety risks at different intersections by accounting for both the number of crashes that have occurred during the study period and the number of vehicles that typically travel through the intersection. Crash rates were calculated using the common assumption that traffic counted during the evening peak hour represents approximately 10 percent of the AADT at the intersection.

Table 5 provides a summary of crash types while Table 6 summarizes crash severities and rates for each of the study intersections. Detailed crash data is provided in Appendix C.

Crash Severity

None of the crashes reported in the five-year analysis period resulted in a fatality but three of the crashes resulted in an incapacitating injury (Injury A):

- At the intersection of OR 219/OR 214 & I-5 SB Ramps, a southbound vehicle making a left turn was struck by a westbound vehicle. The driver of the turning vehicle sustained injuries classified as Injury A and the driver of the striking vehicle sustained injuries classified as Injury B. The striking driver was reported as disregarding the traffic signal. The collision occurred under clear, dry, daytime conditions.
- At the intersection of OR 214 & Evergreen Road, a vehicle traveling eastbound disregarded the signal and struck a vehicle traveling southbound. The driver and two passengers in the striking vehicle sustained injuries classified as Injury A. The driver of the struck vehicle sustained injuries classified as Injury C. Three other vehicles were involved in the collision but no one sustained any injuries. The collision occurred under cloudy, dry, daytime conditions.
- A vehicle traveling southbound at the intersection of Parr Road & Butteville Road ran off the road into a ditch. The driver sustained injuries classified as Injury A. No other vehicles were involved in the collision but the driver action was reported as an avoiding maneuver which may indicate the presence of another vehicle. The collision occurred under clear, dry, nighttime (3:00 AM) conditions.

Table 5: Collision Type Summary

	Intersection	Crash Type							Total Crashes
		Turn	Rear End	Angle	Side swipe	Fixed Object	Ped	Bike	
1	OR 219 & Butteville Rd	1	2	0	1	5	0	0	9
2	OR 214/219 & I-5 SB	6	28	0	1	0	0	0	35
3	OR 214/219 & I-5 NB	25	15	0	2	2	0	0	44
4	OR 214 & Evergreen Rd	43	15	7	5	3	0	0	73
5	OR 214 & Settlemier Ave	2	16	0	1	0	1	0	20
6	Stacy Allison Way & Evergreen Rd	7	2	0	0	0	1	0	10
7	Hayes St & Evergreen Rd	2	0	1	0	1	0	0	4
8&9	Hayes St N & Settlemier Ave	0	4	1	0	1	1	1	8
10	Evergreen Rd & Harvard Dr	3	0	2	0	1	0	0	6
11	Parr Rd & Butteville Rd	5	2	0	0	3	0	0	10
15	Parr Rd & Stubb Rd	0	0	0	0	0	0	0	0
16	Parr Rd & Settlemier Ave	3	1	1	0	1	0	0	6

Table 6: Crash Severity and Rate Summary

	Intersection	Severity					Total Crashes	ADT	Crash Rate	90 th % Rate
		PDO	C	B	A	Fatal				
1	OR 219 & Butteville Rd	5	3	1	0	0	9	11,260	0.44	0.293
2	OR 214/219 & I-5 SB	7	23	4	1	0	35	31,340	0.61	0.509
3	OR 214/219 & I-5 NB	22	21	1	0	0	44	32,500	0.74	0.509
4	OR 214 & Evergreen Rd	27	37	8	1	0	73	28,090	1.42	0.860
5	OR 214 & Settlemier Ave	9	8	3	0	0	20	27,690	0.40	0.860
6	Stacy Allison Way & Evergreen Rd	6	3	1	0	0	10	8,640	0.63	0.408
7	Hayes St & Evergreen Rd	3	1	0	0	0	4	9,580	0.23	0.408
8&9	Hayes St N & Settlemier Ave	4	3	1	0	0	8	11,210	0.39	0.408
10	Evergreen Rd & Harvard Dr	2	3	1	0	0	6	5,850	0.56	0.408
11	Parr Rd & Butteville Rd	2	5	2	1	0	10	4,490	1.22	0.475
15	Parr Rd & Stubb Rd	0	0	0	0	0	0	1,590	0.00	0.293
16	Parr Rd & Settlemier Ave	3	3	0	0	0	6	6,590	0.50	0.408



Pedestrian and Bicycle Collisions

One of the reported crashes involved a bicyclist and three of the reported crashes involved a pedestrian:

- At the intersection of Hayes Street & Settlemier Avenue, a northbound passenger vehicle on Settlemier Avenue struck a bicyclist traveling westbound on Hayes Street. The bicyclist sustained injuries classified as Injury C; no injuries were sustained by the driver of the vehicle. The bicyclist was reported as not have the right of way when entering the intersection. The collision occurred under clear, dry, dawn conditions.
- At the intersection of OR 214 & Settlemier Avenue, a vehicle making an eastbound right turn struck a pedestrian walking in the south crosswalk. The pedestrian sustained injuries classified as Injury B; no injuries were sustained by the driver of the vehicle. The driver of the vehicle was reported as failing to yield the right of way although an obstructed view was also noted. The collision occurred under foggy, dry, dawn conditions.
- At the intersection of Stacy Allison Way & Evergreen Road, a vehicle making an eastbound left turn struck a pedestrian walking in the north crosswalk. The pedestrian sustained injuries classified as Injury C; no injuries were sustained by the driver of the vehicle. The driver of the vehicle was reported as failing to yield the right of way. The collision occurred under clear, dry, daytime conditions.
- At the intersection of Hayes Street (north connection) & Settlemier Avenue, a vehicle making an northbound left turn struck a pedestrian walking in the west crosswalk. The pedestrian sustained injuries classified as Injury C; no injuries were sustained by the driver of the vehicle. The driver of the vehicle was reported as failing to yield the right of way due to inattention. The collision occurred under clear, dry, daytime conditions.

ODOT 90th Percentile Crash Rates

Intersection crash rates were compared to the published statewide 90th percentile crash rates within ODOT's APM. According to Exhibit 4-1: Intersection Crash Rates per MEV by Land Type and Traffic Control in the APM, intersections which experience crash rates in excess of 90th percentile crash rates should be "flagged for further analysis".

Eight of the study area intersection were calculated to have a crash rate that exceeds the 90th percentile crash rates for similar unsignalized intersections:

OR 219 & Butteville Road

The OR 219 & Butteville Road intersection had 9 reported crashes over the most recent five-year analysis period.

The Amazon Warehouse project will be relocating this intersection to the east of Senecal Creek and constructing with a double lane roundabout. This improvement will address the historical patterns; therefore, no detailed review was conducted.

OR 219/OR 214 & I-5 SB Ramps

The OR 219/OR 214 & I-5 SB Ramps had 35 reported crashes over the five-year analysis period. Twenty-eight (28) of these crashes were reported as rear-end collisions and 25 occurred on the southbound off-ramp. The cause or error was generally failure to avoid a stopped vehicle ahead or following too closely. Nine (9) of the crashes were reported as northeast-to-southwest movements, which correspond to the southbound right-turn



lanes while 6 crashes were reported as northwest-to-southeast movements, which correspond to the southbound left-turn movements. Ten (10) were report as north-to-south; thus, the movement cannot be determined.

The Woodburn TSP identifies corridor signal timing and coordination adjustments (Project R8) as a medium priority project for capacity but does not identify specific safety improvements at the intersection. The City has suggested that a proportionate share contribution from the proposed development may be required for this intersection. The proposed project is estimated to generate 82 evening peak hour trips which is 1.9 percent of the total year 2028 buildout volume of 4,240 trips through the intersection.

OR 219/OR 214 & I-5 NB Ramps

The OR 219/OR 214 & I-5 NB Ramps had 44 reported crashes over the five-year analysis period. Twenty-five (25) of these crashes were reported as turning collisions and 15 were reported as rear-end collisions. Of the turning collisions, 18 involved a northbound left turn from the ramp, 4 involved a northbound right turn from the ramp and 3 could not be determined from the description. The primary cause identified for the turning collisions was disregarding the traffic signal. Of the rear-end collisions, 10 occurred on the northbound ramp, 3 occurred in the westbound direction, 1 occurred in the eastbound direction, and one occurred on the eastbound-to-northbound loop ramp. The cause was generally failure to avoid a stopped vehicle ahead or following too closely.

The Woodburn TSP identifies corridor signal timing and coordination adjustments (Project R9) as a medium priority project for capacity but does not identify any safety improvements at the intersection. The City has suggested that a proportionate share contribution from the proposed development may be required for this intersection. The proposed project is estimated to generate 82 evening peak hour trips which is 1.8 percent of the total year 2028 buildout volume of 4,465 trips through the intersection.

OR 214 & Evergreen Road

The intersection of OR 214 & Evergreen Road had 73 reported crashes over the five-year analysis period. Forty-three (43) of the crashes were reported as turning collisions and 15 were reported as rear-end collisions. Of the turning collisions, 24 involved a westbound left turn and 13 involved an eastbound U turn or left-turn. In general, the drivers at fault failed to yield the right of way to the through movements. The rear-end collisions were dispersed on the eastbound, westbound, and northbound approaches. The traffic signal timing allows for permitted left-turn and U-turn movements in the east-west direction. Changing to protected movements only could potentially reduce the frequency of these collisions but would likely reduce the capacity of the intersection.

The Woodburn TSP identifies corridor signal timing and coordination adjustments (Project R10) for capacity as a medium priority project for capacity but does not identify any safety improvements at the intersection. The proposed project is estimated to generate 59 evening peak hour trips which is 1.4 percent of the total year 2028 buildout volume of 4,129 trips through the intersection.

Stacy Allison Way & Evergreen Road

The intersection of Stacy Allison Way & Evergreen Road had 10 reported crashes over the five-year analysis period. Seven (7) of the crashes were reported as turning collisions. Six (6) involved an eastbound left-turn from Stacy Allison with 4 involving a southbound through vehicle on Evergreen and 2 involving a northbound

through vehicle. The other turning collision was an illegal U turn. Previous studies have shown increasing congestion on Stacy Allison Way as demand on Evergreen Road grows.

The Woodburn TSP does not include any safety or capacity projects at this intersection. Other studies have suggested a future traffic signal or roundabout. Either improvement would need to consider the congestion on Evergreen Road at OR 214 and coordination with other potential intersection control changes at Evergreen Road at Hayes Street and Evergreen Road at Harvard Drive.

The proposed project is estimated to generate 69 evening peak hour trips which is 4.2 percent of the total year 2028 buildout volume of 1,652 trips through the intersection.

Evergreen Road & Harvard Drive

The intersection of Evergreen Road & Harvard Drive had 6 reported crashes over the five-year analysis period. Three (3) of the crashes were turning collisions and 2 were angle collisions. A review of the data shows no clear pattern of crashes. Volumes on this approach are growing as the Smith Creek project continues to develop.

The Woodburn TSP does not include any safety or capacity projects at this intersection. Any change in traffic control would need to coordinate with other potential intersection control changes at Evergreen Road at Stacy Allison Way and Evergreen Road at Hayes Street.

The proposed project is estimated to generate 69 evening peak hour trips which is 5.3 percent of the total year 2028 buildout volume of 1,303 trips through the intersection.

Parr Road & Butteville Road

The intersection of Parr Road & Butteville Road had 10 reported crashes over the five-year analysis period. Five (5) of the crashes at the intersection were turning collisions, 3 were collisions with fixed objects, and 2 were rear end collisions. Half the of the crashes involved a vehicle making a southbound left turn including 3 of the turning collisions and the 2 rear-end collisions. Four (4) of the crashes involved a westbound vehicle; 2 were turn collisions involving a westbound left-turning vehicle and 2 were collisions with a fixed object during a westbound right-turn movement. Half of the crashes occurred at night, including a southbound vehicle collision with a fixed object that resulted in a severe injury.

The Port of Willamette project recommended safety countermeasures that include installing "STOP AHEAD" pavement markings along the stop-controlled leg of intersection and installing yellow flashing beacons as advanced warning on the existing W2-2 signs along Butteville Road. A southbound left-turn lane would potentially reduce the collision rate and would also address the growing demand left-turn demand from a number of approved projects as well as the proposed development; however, due to the proximity of the intersection to the I-5 overpass, widening the roadway to include a southbound left-turn lane may not be feasible.

Marion County has identified the need for future improvement at this intersection in their TSP, but a specific project has not been identified. They have been collecting some proportionate share contributions from developers towards a future project. Relocating the intersection further to the south to allow for the construction of a southbound left-turn lane requires acquisition of private property. A roundabout has also been suggested as a long-term solution that can potentially be constructed within the existing right of way.

The proposed project is estimated to generate 67 evening peak hour trips which is 8.5 percent of the total year 2028 buildout volume of 791 trips through the intersection.

Parr Road & Settlemier Avenue

The intersection of Parr Road & Settlemier Avenue had 6 reported crashes over the five-year analysis period. Three (3) crashes were turning collisions but were different combinations of vehicle movements. No crash patterns were discernible, and the high rate is largely attributable to the relatively low intersection volume.

The Woodburn TSP identifies intersection capacity improvement such as traffic signal (if warranted), turn lanes, or roundabout (Project R10) at the intersection. Given the low volumes, changes to the traffic control do not appear necessary in the near future. The proposed project is estimated to generate 33 evening peak hour trips which is 3.7 percent of the total year 2028 buildout volume of 897 trips through the intersection.

ODOT SPIS Review

The ODOT 2020 Safety Priority Index System (SPIS) list is based on reported crash data for the years 2017 through 2019. Two of the study area intersections were listed in the worst 15 percent³ of SPIS list:

- OR 214 & Evergreen Road – 95th percentile
- Parr Road & Butteville Road – 90th percentile

These findings coincide with other factors in the crash review, including high crash rates and locations with crashes that resulted in an injury classified as Injury A.

Conclusion

Based on a review of the most recent five years of available crash data, eight of the study intersections have crash rates that exceed the 90th percentile rates identified by ODOT for similar types of intersections. The Woodburn TSP or the Marion County TSP have projects identified at some of these locations. A proportionate share contribution or other mutually-agreeable mitigation may be warranted.

At the other eight intersections, no significant trends or crash patterns were identified, and no safety mitigation is recommended per the crash data analysis.

Sight Distance Evaluation

A sight distance analysis was conducted at the two site accesses proposed on existing roadways. To evaluate the sight distance available at these intersections, intersection sight distance was measured and recommended in accordance with the current AASHTO manual⁴. According to AASHTO, the driver's eye is assumed to be 14.5 feet from the near edge of the nearest travel lane of the intersecting street and at a height of 3.5 feet above the minor-street approach pavement. The vehicle driver's eye-height along the major-street approach is assumed to be 3.5 feet above the cross-street pavement.

At the future intersection of Street H & Parr Road, all-way stop-control is proposed; therefore, intersection sight distance is not relevant since all vehicles will be stopped. However, sight lines were reviewed in the field. Looking to the west, clear sight lines are available for at least 1,000 feet. Looking to the north, clear sight lines are available for at least 900 feet. The sight lines exceed the recommended intersection sight distance of 610 feet for a roadway with a statutory speed limit of 55 mph.

³ Oregon Department of Transportation, Safety Priority Index System, 2020 - On-State, Top 15% Groups - By Score

⁴ American Association of State Highway and Transportation Officials (AASHTO), *A Policy on Geometric Design of Highways and Streets*, 7th Edition, 2018.



At the future intersection of Street A & Parr Road, the existing roadway will be widened to a three-lane cross section. Assuming the statutory speed limit of 55 mph were to remain on Parr Road, the recommended intersection sight distance is 650 feet, and the required stopping sight distance is 495 feet. Available sight lines of more than 700 feet appear achievable in both directions.

Warrant Analysis

Left-Turn Lane Warrants

A left-turn refuge is primarily a safety consideration for the major-street approach, removing left-turning vehicles from the through traffic stream. Warrants were based on the methodology outlined in the National Cooperative Highway Research Program (NCHRP) Report Number 457⁵. This methodology evaluates the need for a left-turn lane based on the number of left-turning vehicles, the number of travel lanes, the number of advancing and opposing vehicles, and the roadway travel speed. Detailed information on the warrant analysis is included in Appendix C.

Left-turn lane warrants were not assessed at the site accesses because the proposed project will provide left-turn lanes at both site accesses.

The only existing intersection without left-turn lanes is Parr Road & Butteville Road. Left-turn lane warrants were examined for the applicable intersections under year 2028 background and buildout conditions. For both the morning and evening peak hours under both background and buildout conditions, a left-turn lane is warranted on southbound Butteville Road at Parr Road. However, due to the proximity of the intersection to the I-5 overpass, widening the roadway to include a southbound left-turn lane is not feasible without relocating the intersection to the south.

Preliminary Traffic Signal Warrants

Preliminary traffic signal warrants were examined for all unsignalized study intersections. Methodologies were based on the Manual on Uniform Traffic Control Devices (MUTCD), published by the Federal Highway Administration in 2009. Warrant 1, Eight-Hour Vehicular Volumes, was evaluated based on the common assumption that traffic counted during the evening peak hour represents 10 percent of the average daily traffic (ADT) and that the 8th highest hour is 5.65 percent of the daily volume.

Preliminary traffic signal warrants were conducted at all existing unsignalized intersections. Table 7 summarizes the warrant evaluation based on volumes from the morning and evening peak hours. Detailed information on the warrant analysis is included in Appendix C.

⁵ Bonneson, James A. and Michael D. Fontaine, *NCHRP Report 457: An Engineering Study Guide for Evaluating Intersection Improvements*, Transportation Research Board, 2001.

Table 7: Signal Warrant Evaluation Summary

Intersection		Warrant Met?			
		2028 Background Condition		2028 Buildout Condition	
		Based on AM	Based on PM	Based on AM	Based on PM
6	Stacy Allison Way at Evergreen Road	No	Yes	No	Yes
7	Hayes Street at Evergreen Road	No	Yes	No	Yes
8&9	Hayes Street at Settlemier Avenue	No	No	No	No
10	Harvard Drive at Evergreen Road	No	No	No	No
11	Parr Road at Butteville Road	No	No	No	No
15	Stubb Road at Parr Road	No	No	No	No
16	Parr Road at Settlemier Avenue	No	No	No	No

Two intersections were identified as meeting traffic signal warrants under both background and buildout conditions based on the evening peak hour volumes:

- The intersection of Stacy Allison Way & Evergreen Road will meet the preliminary traffic signal warrants under both background and buildout conditions. The Woodburn TSP does not identify a future traffic signal at this location; however, other projects (Allison Way Apartments, Specht Phased Industrial Development) have also identified the potential need for the signal. The proposed development may add a small amount of right-turning traffic to the side street (Stacy Allison Way) but will primarily add traffic on Evergreen Road.
- The intersection of Hayes Street & Evergreen Road will meet the preliminary traffic signal warrants under both background and buildout conditions. The Woodburn TSP does not identify a future traffic signal at this location; however, other projects have suggested the potential need for a signal at this intersection. The proposed development is not expected to add any traffic to the side street (Hayes Street) but will add traffic on Evergreen Road.



Operational Analysis

Intersection Capacity Analysis

A capacity and delay analysis were conducted for each of the study intersections per the signalized and unsignalized intersection analysis methodologies in the *Highway Capacity Manual (HCM)*⁶. Intersections are generally evaluated based on the average control delay experienced by vehicles and are assigned a grade according to their operation. The level of service (LOS) of an intersection can range from LOS A, which indicates very little, or no delay experienced by vehicles, to LOS F, which indicates a high degree of congestion and delay. The volume-to-capacity (v/c) ratio is a measure that compares the traffic volumes (demand) against the available capacity of an intersection.

The analysis was performed using the Synchro (version 10) software. The overall signalized v/c ratios were calculated following the methodologies in Chapter 16 of the ODOT APM for the critical intersection v/c ratio. This methodology was performed for all signalized intersections.

Mobility Standards

The following agency mobility standards are applicable in the study area:

- The **City of Woodburn** has the following mobility standards per the Woodburn Development Ordinance:⁷
 - For a signalized and all-way stop-control intersections, the minimum LOS shall be either "E" or if pre-development already operating at lower LOS, then at no lower LOS.
 - For a signalized intersection, the minimum V/C ratio shall be either less than 1.00 regardless of LOS or if pre-development already operating at 1.00 or higher V/C, then at no higher V/C.
 - For an unsignalized intersection, the minimum V/C shall be 0.95 or lower for the major movement through the intersection, or, if pre-development already operating at higher V/C, then at no higher V/C.
- **Marion County** has the following mobility standards per the Marion County TSP:⁸
 - All signalized and all-way-stop controlled intersections shall operate at LOS D or better (all individual movements shall operate at LOS E or better) with a v/c ratio of 0.85 or less.
 - Other unsignalized intersections (including unsignalized private accesses) shall operate LOS E or better, although LOS F may be allowed if the movement has a relatively low volume (as determined by County staff) and there is no indication that a safety problem will be created.
 - Intersections within the Urban Growth Boundary of a city shall also meet the intersection performance standards of that city. Intersections near state highways shall also meet the standards of the Oregon Department of Transportation.

⁶ Transportation Research Board, *Highway Capacity Manual 6th Edition*, 2016.

⁷ City of Woodburn, *Woodburn Development Ordinance*, Amended by Ordinance 2603 effective June 30, 2022 (LA 21-02).

⁸ Marion County, *Transportation System Plan*, Chapter 10 – Policies, December 21, 2005.



- **ODOT** has the following mobility targets in the study area per the Oregon Highway Plan:⁹
 - OR 219 is a district highway inside an urban growth boundary but not within a Metropolitan Planning Organization (MPO). West of the city limits, the posted speed is 55 mph, and the target v/c ratio is 0.90 or less. Within the city limits, the posted speed is 35 mph, and the target v/c ratio is 0.95 or less.
 - OR 214 is a district highway inside an urban growth boundary but not an MPO. Within the city limits, the posted speed is 30 mph, and the target v/c ratio is 0.95 or less.
 - The I-5 ramp terminals have a target v/c ratio of 0.80 or less inside an urban growth boundary but not an MPO.

Delay & Capacity Analysis

The LOS, delay, and v/c results of the capacity analysis are shown in Table 8 for the morning and evening peak hours. The detailed calculations are attached in Appendix D.

Table 8: Capacity Analysis Summary

Intersection & Condition	Mobility Standard	AM Peak Hour			PM Peak Hour		
		V/C	LOS	Delay (s)	V/C	LOS	Delay (s)
1. OR 219 & Butteville Road ¹							
2020 Existing Condition	0.90	0.41	C	15	0.83	F	50
2028 Background Condition		0.40	A	5	0.61	A	7
2028 Buildout Condition		0.41	A	5	0.63	A	7
2. OR 214/219 & I-5 SB Ramps ²							
2020 Existing Condition	0.80	0.23	B	16	0.43	B	16
2028 Background Condition ³		0.42	B	13	0.57	B	18
2028 Buildout Condition ³		0.43	B	13	0.57	B	19
3. OR 214/219 & I-5 NB Ramps ²							
2020 Existing Condition	0.80	0.40	B	13	0.57	A	8
2028 Background Condition ³		0.60	B	14	0.71	B	14
2028 Buildout Condition ³		0.61	B	14	0.72	B	15
4. OR 214 & Evergreen Road ²							
2020 Existing Condition	0.95	0.56	B	15	0.70	B	18
2028 Background Condition ³		0.77	C	25	0.92	C	32
2028 Buildout Condition ³		0.78	C	26	0.93	C	33

⁹ Oregon Department of Transportation, *Oregon Highway Plan*, Table 6: Volume to Capacity Ratio Targets for Peak Hour Operating Conditions, 1999 Including amendments November 1999 through May 2015.



Table 8: Capacity Analysis Summary

Intersection & Condition	Mobility Standard	AM Peak Hour			PM Peak Hour		
		V/C	LOS	Delay (s)	V/C	LOS	Delay (s)
5. OR 214 & Settlemier Avenue ²¹							
2020 Existing Condition	0.95	0.73	C	32	0.83	D	42
2028 Background Condition		0.85	D	46	0.96	E	68
2028 Buildout Condition		0.85	D	46	0.96	E	69
6. Stacy Allison Way & Evergreen Road							
2020 Existing Condition	0.95	0.26	B	14	0.38	C	17
2028 Background Condition		0.65	E	40	0.83	F	63
2028 Buildout Condition		0.70	E	47	0.89	F	76
7. Hayes Street & Evergreen Road							
2020 Existing Condition	LOS E	0.40	B	11	0.55	B	13
2028 Background Condition		1.16	F	64	1.22	F	80
2028 Buildout Condition		1.25	F	81	1.33	F	177
8. Hayes Street North & Settlemier Avenue							
2020 Existing Condition	0.95	0.08	C	19	0.31	E	37
2028 Background Condition		0.14	D	26	0.53	F	76
2028 Buildout Condition		0.14	D	26	0.54	F	77
9. Hayes Street & Settlemier Avenue							
2020 Existing Condition	0.95	0.07	B	12	0.42	C	18
2028 Background Condition		0.11	B	13	0.58	D	26
2028 Buildout Condition		0.11	B	13	0.59	D	27
10. Evergreen Road & Harvard Drive							
2020 Existing Condition	0.95	0.21	B	12	0.26	B	14
2028 Background Condition		0.67	D	30	1.27	F	209
2028 Buildout Condition		0.71	D	27	1.45	F	288
11. Parr Road & Butteville Road							
2020 Existing Condition	LOS E	0.14	B	11	0.15	B	12
2028 Background Condition		0.48	C	16	0.46	C	18
2028 Buildout Condition		0.56	C	19	0.57	C	22
12. Parr Road & Street H (Future Site Access)							
2028 Buildout Condition	0.95 ⁴	0.36	B	11	0.45	B	11



Table 8: Capacity Analysis Summary

Intersection & Condition	Mobility Standard	AM Peak Hour			PM Peak Hour		
		V/C	LOS	Delay (s)	V/C	LOS	Delay (s)
13. Parr Road & Evergreen Road (Future)							
2028 Background Condition	0.95 ⁴	0.33	A	10	0.36	B	10
2028 Buildout Condition		0.38	B	11	0.42	B	11
14. Parr Road & Street A (Future Site Access)							
2028 Buildout Condition	0.95 ⁴	0.07	B	10	0.05	B	10
15. Parr Road & Stubb Road							
2020 Existing Condition	0.95	0.02	B	10	0.01	A	9
2028 Background Condition		0.12	B	13	0.06	B	11
2028 Buildout Condition		0.13	B	14	0.07	B	11
16. Parr Road & Settlemier Avenue							
2020 Existing Condition	LOS E	0.26	A	9	0.28	A	10
2028 Background Condition		0.34	B	11	0.39	B	11
2028 Buildout Condition		0.34	B	11	0.40	B	12

Table Notes:

1. The existing intersection is stop-controlled on the northbound approach. A roundabout is assumed for the background and buildout conditions.
2. The overall signalized v/c ratio for this intersection was calculated following the methodologies in Chapter 16 of the ODOT APM for the critical intersection v/c ratio.
3. The peak hour factor for this intersection was increased to a minimum of 0.95 due to the substantial increase in background traffic.
4. This intersection is assumed to follow City of Woodburn Standards after annexation and jurisdictional transfer of Parr Road adjacent to the site.

Findings

As shown in Table 8, three intersections are anticipated to exceed the mobility targets:

- The signalized intersection of OR 214 & Settlemier Avenue is expected to operate with a v/c ratio of 0.96 during the evening peak hour under year 2028 background conditions, which exceeds the ODOT mobility target of 0.95. The proposed development will not change the overall intersection v/c ratio but will result in a small increase in overall delay. The Woodburn TSP includes Project R3, which would widen the highway to include two lanes in each direction and a two-way left-turn lane from Cascade Drive to OR 99E. This improvement would address the operational concerns for both the year 2028 background and buildout conditions.
- The all-way stop-controlled intersection of Hayes Street & Evergreen Road is expected to operate with a v/c ratio over 1.0 during both the morning and evening peak hours under year 2028 background conditions, which exceeds the City of Woodburn standard. The critical movement in the morning is the northbound through movement on Evergreen Road. The critical movement in the evening is the southbound through movement on Evergreen Road although the northbound movement is also



expected to exceed capacity. The proposed development will increase the critical v/c ratios during both the morning and evening peak hours. Traffic signal warrants are met at this intersection under year 2028 background and buildout conditions. A traffic signal or a roundabout would address the capacity issues associated with all-way stop control at this intersection.

- The stop-controlled intersection of Evergreen Road & Harvard Drive is expected to operate with a v/c ratio over 1.0 during the evening peak hour under year 2028 background conditions, which exceeds the City of Woodburn standard. The critical movement is the southbound approach. The proposed development will not add traffic to the critical movement but will increase the critical v/c ratio by increasing the traffic volumes Evergreen Road. A traffic signal or a roundabout would address the capacity issues associated with all-way stop control at this intersection; however, traffic control changes at the Hayes Street & Evergreen Road intersection might change traffic patterns and alleviate some of the congestion on the northbound and southbound approaches.

Queuing Analysis

An analysis of projected queuing was conducted for the study intersections. The 95th percentile queue lengths were estimated based on the same Synchro/SimTraffic simulations used for the delay calculations. The 95th percentile queue is a statistical measurement which indicates there is a 5 percent chance that the queue may exceed this length during the analysis period; however, given this is a probability, the 95th percentile queue length may theoretically never be met or observed in the field.

The 95th percentile queue lengths reported in the simulation are presented in Table 9 for the morning and evening peak hours. All queues more than 5 feet longer than a multiple of 25 were rounded up to the nearest 25 feet, equivalent to an average vehicle length. Those that were 5 feet or less than a multiple of 25 were rounded down since 5 feet is equivalent to the space between queued vehicles. Detailed queuing analysis reports are included in Appendix D.

Table 9: 95th Percentile Queueing Analysis Summary

Intersection/Movement	Available Storage (ft)	2028 Background Queue (ft)		2028 Buildout Queue (ft)	
		Morning	Evening	Morning	Evening
1. OR 219 & Butteville Road					
EB Through	>1,000	100	300	100	625
EB Right	210	50	175	75	225
WB Left	430	75	50	75	50
WB Left-Through	415	50	25	50	25
NB Left	>1,000	50	50	50	75
2. OR 214/219 & I-5 SB Ramps					
EB Through	950	200	450	200	425
WB Through	620	175	325	200	275
SB Left	650	250	300	225	350
SB Right	420	100	150	125	175



Table 9: 95th Percentile Queueing Analysis Summary

Intersection/Movement	Available Storage (ft)	2028 Background Queue (ft)		2028 Buildout Queue (ft)	
		Morning	Evening	Morning	Evening
3. OR 214/219 & I-5 NB Ramps					
EB Through	585	275	550	275	600
WB Through	800	450	600	450	525
NB Left	600	475	475	450	475
NB Left-Right	850	625	750	675	750
NB Right	270	425	350	425	400
4. OR 214 & Evergreen Road					
EB Left	200	200	378	175	425
EB Through	>1000	450	925	400	1000
EB Right	300	225	525	225	550
WB Left	370	300	425	325	500
WB Through-Right	510	650	825	775	850
NB Left-Through	680	800	825	800	850
NB Right	320	625	625	650	625
SB Left	170	50	100	50	100
SB Through	375	50	100	50	100
SB Right	75	25	75	25	75
5. OR 214 & Settlemier Avenue					
EB Left	340	475	500	450	475
EB Through	425	1350	1325	1400	1400
EB Right	200	475	475	475	475
WB Left	325	250	500	275	500
WB Through	1325	625	1300	625	1200
WB Right	150	225	275	250	325
NB Left	165	325	350	350	325
NB Through	185	1250	1475	1100	1400
NB Right	185	125	150	150	125
SB Left	360	150	625	150	575
SB Through	1200	200	1675	200	1525
SB Right	880	125	1200	125	875



Table 9: 95th Percentile Queueing Analysis Summary

Intersection/Movement	Available Storage (ft)	2028 Background Queue (ft)		2028 Buildout Queue (ft)	
		Morning	Evening	Morning	Evening
6. Stacy Allison Way & Evergreen Road					
EB Left ¹	135	250	225	250	225
EB Through-Right ¹	400	1000	950	1000	900
WB Left-Through-Right	50	25	25	25	25
NB Left	85	100	100	125	75
NB Through-Right ²	490	600	475	600	500
SB Left	270	25	25	25	25
SB Through-Right ³	680	25	150	25	250
7. Hayes Street & Evergreen Road					
EB Left-Through-Right	290	100	100	100	100
WB Left-Through-Right	350	250	325	225	350
NB Left	155	25	50	25	50
NB Through-Right	485	1200	775	1450	900
SB Left	125	75	200	75	250
SB Through-Right	475	125	375	125	525
8. Hayes Street North & Settlemier Avenue					
EB Left	475	75	175	50	225
NB Left-Through	75	75	100	75	100
9. Hayes Street & Settlemier Avenue					
EB Through-Right	130	50	125	75	125
WB Right	260	25	75	25	75
SB Left-Through	65	25	50	25	50
10. Evergreen Road & Harvard Drive					
EB Left	300	75	25	125	25
WB Left	150	50	75	75	75
NB Left-Through-Right	125	500	175	775	175
SB Left-Through-Right	510	100	175	200	200
11. Parr Road & Butteville Road					
WB Left-Through-Right	>1000	125	100	150	125
SB Left-Through	>1000	75	75	100	75
12. Parr Road & Street H (Future Site Access)					
EB Left-Through	>1000	-	-	75	75
WB Through-Right	110	-	-	50	50
SB Left-Right	950	-	-	100	75



Table 9: 95th Percentile Queueing Analysis Summary

Intersection/Movement	Available Storage (ft)	2028 Background Queue (ft)		2028 Buildout Queue (ft)	
		Morning	Evening	Morning	Evening
13. Parr Road & Evergreen Road (Future)					
EB Left-Through-Right	>100	75	75	75	75
WB Left-Through-Right	800	75	50	75	75
NB Left-Through-Right	950	75	75	75	75
SB Left-Through-Right	>1000	75	75	75	75
14. Parr Road & Street A (Future Site Access)					
WB Left	100	-	-	25	25
NB Left-Right	100	-	-	50	50
15. Parr Road & Stubb Road					
EB Left	TBD	25	25	25	25
WB Left	TBD	25	25	25	25
NB Left-Through-Right	80	50	50	50	50
SB Left-Through-Right	>1000	75	50	75	50
16. Parr Road & Settlemier Avenue					
EB Left	185	75	75	75	100
EB Through-Right	550	100	100	100	75
WB Left	80	50	50	50	50
WB Through-Right	900	75	75	75	75
NB Left-Through	275	75	100	75	100
NB Right	75	25	50	25	50
SB Left-Through	515	75	75	75	75
SB Right	130	50	50	50	50

Table Notes:

1. *SimTraffic cannot simulate a two-stage left-turn movement; therefore, the queuing for the left-turn lane is substantially worse the Synchro results imply.*
2. *The queues for the northbound approach of Evergreen Road at Stacy Allison Way reflect congestion extending southward from the intersection with OR 214.*
3. *The queues for the southbound approach of Evergreen Road at Stacy Allison Way reflect congestion extending northward from the intersection with Hayes Street.*

In general, changes in 95th percentile queuing between the year 2028 background and buildout conditions are anticipated to be small, one vehicle or two vehicles. Larger increases in queues are anticipated on Evergreen Road due to congestion at two intersections. Queues on the northbound approach of Evergreen Road at OR 214 are expected to extend through the intersection with Stacy Allison Road during both the morning and evening peak hours. Queues on the southbound approach of Evergreen Road at Hayes Street are expected to extend northward through the intersection with Stacy Allison Road during the evening peak hour.





Potential Mitigation

The proposed development will add traffic to eight intersections with high crash rates as well as worsening operations at three intersections where mobility standards will not be met under background conditions.

Table 10 summarizes potential mitigation and proportionate share contributions.

Table 10: Potential Mitigation

Intersection & Improvement	Estimated Cost	Total Volume	Project Volume	Project Percent
2. OR 214/219 & I-5 SB Ramps				
Woodburn TSP Project R8 - Corridor signal timing and coordination adjustments	\$15,000	4,240	82	1.9%
3. OR 214/219 & I-5 NB Ramps				
Woodburn TSP Project R9 - Corridor signal timing and coordination adjustments	\$15,000	4,465	82	1.8%
4. OR 214 & Evergreen Road				
Woodburn TSP Project R10 - Corridor signal timing and coordination adjustments	\$15,000	4,129	59	1.4%
5. OR 214 & Settlemier Avenue				
Woodburn TSP Project R3 - Widen OR 214 from Cascade Avenue to OR 99E to five-lanes with bicycle facilities	\$20,300,000	NA ¹	NA ¹	NA ¹
6. Stacy Allison Way & Evergreen Road				
Potential new TSP project – Install a traffic signal or roundabout	\$500,000 - \$1,000,000	1,652	69	4.2%
7. Hayes Street & Evergreen Road				
Potential new TSP project – Install a traffic signal or roundabout	\$500,000 - \$1,000,000	1,720	69	4.0%
10. Evergreen Road & Harvard Drive				
No Improvement Recommended ²	\$0	1,303	69	5.3%
11. Parr Road & Butteville Road				
Potential replacement TSP project – Relocate intersection or install a roundabout	To be determined	791	67	8.5%

Table Notes:

1. The improvement project involves widening the highway for approximately 1.8 miles. The proposed development is not expected to add traffic to the corridor; therefore no proportionate share is calculated.
2. Traffic control changes at the Hayes Street & Evergreen Road intersection might change traffic patterns and alleviate some of the congestion on the northbound and southbound approaches.



Conclusions

Key findings of this study include:

- Based on a review of the most recent five years of available crash data, eight of the study intersections have crash rates that exceed the 90th percentile rates identified by ODOT for similar types of intersections. Potential intersection improvements have been identified in the Woodburn and Marion County TSPs at some intersections; others could require improvements not currently identified in a TSP.
- At the other eight intersections, no significant trends or crash patterns were identified, and no safety mitigation is recommended per the crash data analysis.
- Based on the sight distance analysis, all site accesses are expected to have adequate sight lines.
- Left-turn lane warrants were not assessed at the site accesses because the proposed project will provide left-turn lanes at both site accesses.
- The Parr Road & Butteville Road intersection will meet left-turn lane warrants under both background and buildout conditions; however, due to the proximity of the I-5 overpass, widening the roadway for a left-turn lane is not feasible without relocating the intersection southward.
- Two intersections were identified as meeting preliminary traffic signal warrants:
 - Stacy Allison Way & Evergreen Road will meet warrants for both background and buildout conditions.
 - Hayes Street & Evergreen Road will meet warrants for both background and buildout conditions.
- Three intersections are anticipated to exceed the mobility targets:
 - The signalized intersection of OR 214 & Settlemier Avenue will exceed mobility standards under year 2028 background conditions. The proposed development will not change the overall intersection v/c ratio but will result in a small increase in overall delay.
 - The all-way stop-controlled intersection of Hayes Street & Evergreen Road will exceed mobility standards during both the morning and evening peak hours under year 2028 background conditions. The proposed development will increase the critical v/c ratios during both the morning and evening peak hours.
 - The stop-controlled intersection of Evergreen Road & Harvard Drive will exceed mobility standards during the evening peak hour under year 2028 background conditions. The proposed development will not add traffic to the critical movement but will increase the critical v/c ratio by increasing the traffic volumes Evergreen Road.
- In general, changes in 95th percentile queuing between the year 2028 background and buildout conditions are anticipated to be small, one vehicle or two vehicles. Larger increases in queues are anticipated on Evergreen Road due to congestion at the two intersections with OR 214 and Hayes Street.
- The proposed development will add traffic to eight intersections with high crash rates as well as worsening operations at three intersections where mobility standards will not be met under background conditions. Proportionate share contributions for potential mitigation will vary depending on projects for the

intersections of Stacy Allison Way & Evergreen Road and Hayes Street & Evergreen Road, which do not currently have a TSP project assigned, and the Parr Road & Butteville Road intersection, which does not currently identify the specific project needed in the Marion County TSP. As such, mitigation is likely to involve a comprehensive discussion in the context of all the eight intersections with identify safety or operational concerns.



Memorandum

To: City of Woodburn
Marion County

Copy: Roseann Johnson, Lennar Northwest, LLC

From: Jennifer Danziger, PE

Date: October 6, 2022

Subject: Brighton Pointe TIA – Addendum 1



RENEWS: 12/31/2023

Introduction

In a memorandum dated September 6, 2022, the Brighton Pointe Transportation Impact Analysis (TIA) was deemed incomplete. As suggested, this addendum addresses those missing items and provides clarifications where requested. It also documents agreements from a meeting with agencies held on September 28, 2022, to discuss incompleteness comments. Where additional analysis is required, documentation of findings is attached.

Bicycle and Pedestrian Modes

The comments indicated the need for additional discussion regarding the bicycle and pedestrian improvements and how they related to planned projects in the Woodburn Transportation System Plan (TSP). These items are listed as they appear in the comments with responses following.

Comment: The Pedestrian System Plan includes Project P-54 in the vicinity which will “Construct a connection between Santiam Drive and pedestrian facilities that are part of future development to the south.” The TIA should provide an addendum which describes how this site, and the stubbed neighborhood street to the east side of the development, accommodate this TSP project. *Note: This project is shown in TSP Figure 8 as project P-54 but listed as P-53 in TSP Table 5. The correct description is “Construct a connection between the Centennial Park multi-use path and pedestrian facilities that are part of future development to the west.” The map reference will be used in the response below.*

Response: The project will construct local roadways that will connect to the internal roadway system of the subdivision immediately to the east of the project site. The subdivision at 9008 Parr Road will include at least two tracts with along the eastern property line that will provide 8-foot path connections extending eastward from the internal road network to the edge of Centennial Park. These paths will connect to the paths in the park.

Additionally, the project will construct proposed Tract 'P' with pathway leading to the subdivision at 9008 Parr Road. Should one of the 9008 Parr Road tracts be moved south, it could line up with the project's proposed Tract 'P', providing additional pathway connection between the two subdivisions and the park.

Together, these two subdivisions implement Project P-54.

Comment: The TSP (TIA) does not recognize that the sidewalks provided along the western and northern frontage of the site implement TSP Project P-14 to "Install new sidewalks (along Parr Road). This project improves safe routes to school for Heritage Elementary School and Valor Middle School." The TIA should provide an addendum which assesses how pedestrian connections within the development provide safe pedestrian passage and safe route to school access to this TSP project.

Response: The project will construct frontage improvements along Parr Road that will include sidewalks along the south and east sides of Parr Road, which implements a portion of Project P-14. The subdivision to the east at 9008 Parr Road will also include sidewalks as part of their frontage improvements. However, a gap in the sidewalks will remain until the parcel at 8908 Parr Road redevelops and frontage improvements are implemented. Until that occurs, a safe route to/from the elementary and middle school will be available using the local street network in Brighton Pointe as it connects to the street network within the 9008 Parr Road subdivision. Another potential safe route to/from the schools could be available should the 9008 Parr Road tract align with the project's proposed Tract 'P.' Pedestrians will then have two options to connect with sidewalks along Parr Road by either accessing the frontage improvements provided by the 9008 Parr Road subdivision or using the paths (Project P-54) that connect to Centennial Park.

Comment: The TSP includes Project B-21 which will "widen roadway and install bike lanes (along Parr Road). This project improves safe routes to school for Heritage Elementary School and Valor Middle School." The TIA should include an addendum which assesses the site's ability to provide for safe bicycle routing within the subdivision to this TSP project. The addendum should also address the potential impacts of left turn lane striping for the two site access points onto Parr Road and whether these would impact a continuous bike lane or shoulder along the site frontage.

Response: The project will construct frontage improvements along Parr Road that are planned to include bike lanes along the south and east sides of Parr Road, which implements a portion of Project B-21. The subdivision to the east at 9008 Parr Road will also include bike lanes on the south side of Parr Road as part of their frontage improvements. Additionally, subdivisions along the north side of Parr Road will construct bike lanes on the north side of the street up to the intersection with Stubb Road. Despite these improvements, which all work towards implementation of Project B-21, gaps in the bike lanes will remain on both sides of the roadway. Until the parcel at 8908 Parr Road and the properties west of Stubb Road redevelop and frontage improvements are implemented, the bike lanes will not extend continuously to Brighton Pointe. Until those improvements are made, a safe route to/from the elementary and middle school is available using the local street network in Brighton Pointe as it will connect to the street network of the 9008 Parr Road subdivision. Another potential safe route to/from the schools could be available should the 9008 Parr Road tract align with the project's proposed Tract 'P.' Eastbound bicyclists will then have two options to connect with bike facilities along Parr Road by either accessing the frontage improvements provided by the 9008 Parr Road subdivision or using the paths (Project P-54) that connect to Centennial Park and the multiuse path that extends eastward along the south side of Parr Road. Westbound bicyclists to and from the schools will be more likely to use the multiuse path along the south side of Parr Road where they can access the trail in Centennial Park and connect to the local streets within the subdivisions.

Although the TIA assumed the ultimate lane configuration for Parr Road, an assessment of left-turn lane warrants included in this memorandum shows that a left-turn lane is not warranted at the Street A intersection with Parr Road through the horizon year 2033. Analysis of year 2033 horizon year conditions show the



intersection will operate acceptably with no left-turn lane on Parr Road at Street A. Therefore, a left-turn lane with an interim Parr Road configuration is not necessary.

The project team and the agencies agreed that the final decision on striping would be an engineering decision and not a completeness item.

Comment: The Evergreen Road/Parr Road intersection. Interim intersection configurations provided by Mackenzie for the Specht Spec Industrial proposal and Evergreen Road extension showed a combination of temporary and permanent crosswalks/ crossing locations at this intersection. The Brighton Pointe development should analyze these pedestrian provisions in light of their frontage improvements and upcoming signing and striping plan.

Response: The project team and the agencies agreed that the final decision on pedestrian improvements at this intersection would be an engineering decision and not a completeness item.

Parr Road at "Street H" Intersection

The comments indicated the need for additional evaluation of the configuration of the Parr Road & Street H intersection traffic control and lane configuration. The comment is listed below with a response following.

Comment: The TIA indicates that as an interim three-leg intersection, it will be all-way stop-controlled until all quadrants have been redeveloped and the roadways are built out to their ultimate alignment. It is noted here that based on the 2028 PM Peak buildout scenario traffic volumes (Figure 10), 79% of the traffic movements at the Parr Road/Street H intersection will be turning from north-to-west or from west-to-north. The TIA did not present an analysis justifying this as meeting preliminary all-way stop warrants and, in fact, would be stopping traffic for 79% of the vehicles using that intersection. The intersection should treat the "major street" movement as the north-to-west and vice versa traffic condition, which likely does not warrant an all-way stop. An addendum to the TIA is requested to provide a quantitative, warrant-based analysis of traffic control at this intersection and make a recommendation as to the lane configurations and traffic control signage at this intersection to be reviewed by both Marion County and City of Woodburn traffic staff. The recommended signage configuration should then be incorporated into the signing and striping plan component of the overall site engineering plans.

Response: At the meeting to discuss incompleteness, the project team and agencies agreed to consider an interim roadway and traffic control configuration at this intersection. The interim configuration would maintain the current alignment of Parr Road as a through street and extend Street H to a perpendicular intersection with Parr Road along the existing curve. Emerio is providing a concept illustrating this connection (attached).

Based on this configuration, left-turn lane warrants were prepared for a 2033 horizon year. The warrant analysis shows that a left-turn lane is not warranted at the Street H intersection with Parr Road through the horizon year 2033. Analysis of year 2033 horizon year conditions show the intersection will operate acceptably with no left-turn lane on Parr Road at Street H.

The sight distance was checked with this intersection configuration. With a statutory speed 55 mph, the recommended intersection sight distance is 610 feet and the required stopping sight distance is 495 feet. Photos of the available sight distance looking west and north are attached along with Google Earth images showing the



sight line and elevation profile for approximately 700 feet in each direction. Available sight lines are adequate to meet the recommended intersection sight distance recommendation.

Five-Year Planning Horizon

At the meeting to discuss incompleteness, Marion County staff commented that their standards require a five-year planning horizon year analysis for developments that generate between 1,000 and 1,999 trips. A follow-up email from Chuck Green (attached) indicated that a five-year planning horizon should be the basis for the left-turn lane warrants and operations at the site access intersections with Parr Road, but a forecast will not be required for the intersections of Parr Road & Butteville Road and Parr Road & Evergreen Road because these intersections are under separate study or design.

Year 2033 volumes were developed by adding another five years of background traffic growth at 1 percent per year to the year 2028 buildout volumes. These volumes estimates are available in the attached Synchro reports.

Attachments:

Left-Turn Lane Warrants

Synchro Operations

Queuing Reports

Potential Parr Road & Street H Concept

Sight Distance Exhibit for Parr Road & Street H

Email from Chuck Green, OTAK/City of Woodburn Traffic Engineer



Memorandum

To: **City of Woodburn
Marion County**

Copy: **Roseann Johnson, Lennar Northwest, LLC**

From: **Jennifer Danziger, PE**

Date: **November 17, 2022**

Subject: **Brighton Pointe TIA – Addendum 2**

Introduction

In an email dated October 21, 2022, City staff provided an analysis provided by the Oregon Department of Transportation (ODOT) regarding the left-turn lane warrants on Parr Road at the Street A and Street H connections created by the proposed Brighton Pointe Subdivision. This memorandum addresses that analysis.

Street A & Parr Road E-W

Existing Roadway Characteristics

East-west Parr Road is classified as a service collector in the Woodburn Transportation System Plan (TSP). As shown in Figure 1, it is posted with a speed limit of 25 mph as one is traveling eastbound and entering the city limits before the recent annexations of the Smith Creek Development and the subdivision at 9008 Parr Road. Parr Road has no signage indicating the end of the speed zone as one is traveling westbound and exiting the city limits, as shown in Figure 2. As one continues westbound on Parr Road, an advisory sign located approximately 600 feet east of the roadway curve indicates the presence of an upcoming 90-degree turn in the roadway and advises a speed of 20 mph, as shown in Figure 3.



Figure 1: Parr Road Looking East at City Limits (© Google Street View, June 2019)



Figure 2: Parr Road Looking West at City Limits (© Google Street View, June 2019)



Figure 3: Parr Road Looking West at 90-Degree Curve (© Google Street View, June 2019)

Two approved development projects, the Smith Creek Development and the Subdivision at 9008 Parr Road, have resulted in annexations that have extended the city limits on Parr Road to a Pointe approximately 80 feet west of Stubb Road. However, neither of these projects has completed the frontage improvements along Parr Road, so it remains with a rural cross-section west of Centennial Park, which was the edge of the former city limits prior to the annexation.

Future Roadway Characteristics

Once the frontage improvements for approved developments at 9008 Parr Road and the Smith Creek are completed, Parr Road will have a full three-lane cross-section with sidewalks and bike lanes extending westward to Stubb Road. An urban speed limit should be established consistent with the service collector functional classification for Woodburn.

The proposed Brighton Pointe Subdivision will include annexation of additional lands extending the city limits from the western boundary of 9008 Parr Road, circumnavigating 8908 Parr Road, to the western boundary of 8702 Parr Road, which is where the roadway alignment shifts from east-west to north-south. Half-street frontage improvements will include sidewalks on the south side of Parr Road and 23 feet of pavement improvements from the roadway centerline. The currently proposed cross section shown in Sheet 5 of 9 of the

submitted site plans includes a 5-foot bike lane, a 12-foot travel lane, and 6 feet that will become part of a future center turn lane when the north side of Parr Road is improved. However, west of Stubb Road, Parr Road will not have a full urban, urban three-lane cross section until 8908 Parr Road and the north side parcels are built out.

Future Speed on Parr Road

With annexation and the construction of urban street facilities on at least one side of Parr Road with the exception of 8908 Parr Road, consideration should be given to an appropriate urban speed limit between the curve and Centennial Park. Additionally, until 8908 Parr Road develops, there will be a tapering transition between future bike/ped facilities fronting 9008 Parr Road and Brighton Pointe. As such, additional consideration should be given for a speed that accommodates multiple transitions between different-width transportation facility cross sections.

The Woodburn TSP does not include recommended speeds based on functional classification and the Woodburn Development Ordinance (WDO) does not provide a methodology or guidance for establishing the posted speed of roadways within the city limits. Therefore, Oregon Administrative Rule (OAR) 734-020-0015(2), which outlines the method for establishing speed zones for highways within city limits, was referenced to suggest an appropriate speed for Parr Road when the urban cross sections are completed and additional areas are annexed into the City of Woodburn. The rule recommends that an engineering study is conducted but also specifies in OAR 734-020-0015(2)(b) that the “engineering study must recommend a speed for the highway which falls within the range of recommended speeds, listed below by context / functional class.” Those ranges are summarized in Table 1.

Table 1: Recommended Speeds Based on Context and Functional Class

Classification	Context			
	Urban Core	Urban Mix	Suburban Commercial or Residential	Suburban Fringe
Arterial	20-25 mph	25-30 mph	30-35 mph	35-45 mph
Collector	20-25 mph	25-30 mph	25-35 mph	30-40 mph
Local	20-25 mph	20-25 mph	25-35 mph	25-35 mph

Source: OAR 734-020-0015(2)(b).

The existing section of Parr Road east of Centennial Park might best be classified as “suburban commercial or residential” which is partially defined as “large residential neighborhoods along the corridor or that have their access from widely spaced roadway connections with few driveways to the roadway.” As noted previously, the current posted speed limit is 25 mph.

As the Smith Creek Development, the Subdivision at 9008 Parr Road, and the proposed Brighton Pointe Subdivision develop, the section of Parr Road west of Centennial Park will also have those characteristics along a collector roadway. Therefore, the recommended speed should be between 25 and 35 mph.

Another consideration when setting the posted speed is the potential for a new intersection with an extension of Evergreen Road southward to Parr Road and construction of an east-west local industrial street to the west of



the intersection as part of the proposed Phased Specht Industrial Development. At minimum, Parr Road, as the lower classification roadway, will still be stop-controlled at this future intersection. This change also supports a slower posted speed on Parr Road.

Finally, even if the proposed Phased Specht Industrial Development does not proceed and Evergreen Road is not connected for years to come, Brighton Pointe will construct its transportation roadway improvements with a continuous roadway that bends approximately 90 degrees heading westbound to southbound. Therefore, an advisory speed akin to the one currently advising 20 mph should be maintained to ensure vehicles traveling westbound are advised slow down to safely make the sharp bend in the road.

Left-Turn Lane Warrants

The left-turn lane warrants following ODOT's preferred criteria are attached to this memorandum for the year 2033 traffic forecasts, which is five years beyond the planned buildout of the proposed Brighton Pointe Subdivision. If the ODOT left-turn lane warrants are used, the volume plots indicate that a left-turn lane should be considered if the speed were to remain at 55 mph. However, if the speed is lowered to reflect the urban roadway context and classification, then the left-turn lane warrants are not met.

Conclusion

With the approved Smith Creek Development and the Subdivision at 9008 Parr Road and the proposed Brighton Pointe Subdivision, much of the land along Parr Road will have been annexed into the city limits and developed with urban street cross sections. Given these changes, a reduction in the speed between Centennial Park and the north-south alignment of Parr Road should be considered. The suburban residential context and the service collector classification suggest a posted speed of 25 to 35 mph is most appropriate and consistent with the existing speed limit to the east. With a lower speed, the ODOT left-turn lane warrants will not be met with the 2033 horizon year traffic volumes. Therefore, the half-street cross section shown in the site plans is recommended.

Street H & Parr Road

Existing Roadway Characteristics

North-south Parr Road is classified as a minor arterial in the Woodburn TSP and a minor collector in the Marion County TSP. It has no posted speed from the Woodburn city limits to Butteville Road and is assumed it have a statutory speed of 55 mph. However, the north-south section Parr Road is approximately 1,000 feet long and is located between two 90-degree curves. As shown in Figure 4 and Figure 5, the advisory speed is 20 mph on the corner where the proposed Street H intersection will be created.

Parr Road currently has a rural cross section with one travel lane in each direction and drainage ditches to either side (see Figure 4 through Figure 6).





Figure 4: Parr Road Looking South at 90-Degree Curve to West (© Google Street View, June 2019)



Figure 5: Parr Road Looking East at 90-Degree Curve to North (© Google Street View, June 2019)



Figure 6: Parr Road Looking North at 90-Degree Curve to East (© Google Street View, June 2019)

Future Roadway Characteristics

Two proposed projects could change the future characteristics of Parr Road: Brighton Pointe Subdivision and the Phased Specht Industrial Development.

The proposed Brighton Pointe Subdivision will construct half-street improvements for a three-lane minor arterial along its frontage. These improvements will include sidewalks on the east side of Parr Road and 24 feet of pavement improvements from the roadway centerline. The currently proposed cross section shown in Sheet 5 of 9 of the submitted site plans includes a 6-foot bike lane, a 12-foot travel lane, and 6 feet that will become part of a future center turn lane when the west side of Parr Road is improved. In addition to its own frontage improvements, the subdivision will also upgrade the east side of Parr Road along the north-south frontage abutting the church property.

The proposed Phased Specht Industrial Development, which lies within the city limits, would extend Evergreen Road southward to a new intersection with Parr Road and construct an east-west local industrial street to the west of the intersection. Current plans show that Parr Road, as the lower classification roadway, will still be stop-controlled at this future intersection. However, all-way stop control has also been considered to address off-set lane alignments through the intersection that would be present until all four corners of the intersection are fully developed with urban frontage improvements. All-way stop control, if implemented, also supports a slower posted speed on Parr Road.

The Evergreen Road extension would include two travel lanes and urban frontage improvements on the west side of the extension.

Future Speed on Parr Road

If both the proposed Brighton Pointe Subdivision and the proposed Phased Specht Industrial Development are constructed, a speed reduction may be appropriate on the Evergreen Road/Parr Road minor arterial. Despite its classification as a minor arterial, Evergreen Road currently has a speed limit of 25 mph. If extended southward to connect with the north-south alignment of Parr Road, consideration should be given to an appropriate urban speed limit on Evergreen Road as it extends southward from Sweetwater Avenue to the 90-degree curve that will begin the fully rural section of Parr Road.

Referring to Table 1, the extension of Evergreen Road and the north-south section of Parr Road could be classified as "suburban commercial or residential" or "suburban fringe" which "generally includes transition areas between urban and rural areas where there may be few homes and structures, sparsely developed land, lower density of businesses and fewer driveways, intermittent commercial or industrial uses and typically have fewer street connections and larger lot sizes." As noted previously, the current posted speed limit north of this section is 25 mph.

The suburban fringe context could be considered for the Evergreen Road extension and north-south section of Parr Road given that the east side of the Evergreen Road extension has no current proposal for development and the west side of Parr Road is currently outside of the Woodburn Urban Growth Boundary (UGB). Based on the context and classification, the recommended speed would be 35 to 45 mph.

However, as lands adjacent to Evergreen Road continue to develop, "suburban commercial or residential" could be more appropriate. The Woodburn Comprehensive Plan shows medium density residential on the east side of Evergreen Road with a commercial node on the northeast corner of the future Evergreen Road/Parr Road



intersection. These uses will change the nature of area and increase traffic activity on the roadway. Additionally, Phased Specht Industrial Development includes slow-moving and wide turning truck movements from Industrial Way onto Evergreen Road/Parr Road and vice versa. Taking a longer-term perspective and applying the "suburban commercial or residential" with a recommended speed of 30 to 35 mph should be considered.

Current plans show that Parr Road, as the lower classification roadway, will still be stop-controlled at the future intersection with Evergreen Road. However, all-way stop control has also been considered to address off-set lane alignments through the intersection that would be present until all four corners of the intersection are fully developed with urban frontage improvements. If implemented, all-way stop control may support a slower posted speed on the Evergreen Road extension and north-south section of Parr Road.

Another consideration is the 90-degree corner at the southern end of the north-south section of Parr Road. This curve has an advisory speed of 20 mph. Street H will be temporarily intersecting Parr Road on this corner in a configuration that will allow for the through movement of traffic along Parr Road. These factors may also support a slower posted speed on the north-south section of Parr Road.

Finally, if the proposed Phased Specht Industrial Development does not proceed and Evergreen Road is not connected for years to come, Brighton Pointe will construct its transportation roadway improvements with a continuous roadway that bends approximately 90 degrees heading westbound to southbound. Parr Road would then have two 90-degree corners with an advisory speed of 20 mph and the north-south section would have urban street improvements on the west side of the street. These factors all support a slower posted speed on the north-south section of Parr Road.

Left-Turn Lane Warrants

The left-turn lane warrants following ODOT's preferred criteria are attached to this memorandum for the year 2033 traffic forecasts, which is five years beyond the planned buildout of the proposed Brighton Pointe Subdivision. If the ODOT left-turn lane warrants are used, the volume plots indicate that a left-turn lane should be considered if the speed were to remain at 55 mph or if the speed were reduced to 45 mph. However, if the speed is lowered to 35 mph, then the left-turn lane warrants are not met. Or, if the advisory speed + 10 mph, which equals 30 mph is used as the basis of the calculation, the left-turn lane warrants are not met.

Conclusion

The conclusion based on the left-turn lane warrant is less definitive at the intersection of Street H and Parr Road. If the advisory speed at the corner intersection is considered or an urban speed limit of 30 to 35 mph is applied to north-south Parr Road, then a left-turn lane is not warranted. However, if an urban speed limit of 45 mph is applied, then the left-turn warrants are met.

Other factors to consider at this intersection is the temporary geometry requested by City staff. To allow the dominant through movement on Parr Road to continue, Street H would be temporarily extended from the property line to intersect along the 90-degree curve of Parr Road. At the correct location, this intersection would allow for adequate sight distance in both directions.

Adding a left-turn at this temporary intersection would have cost impacts and could cause other safety concerns. Widening to accommodate the left-turn lane could have implications on right of way outside of the UGB. It would require widening Parr Road to the west of the intersection to create tapers. It would also require widening to the north of the intersection. The widening could be minimized with the loss of the new



northbound bike lane. The biggest safety concern could be that a left-turning vehicle might interfere with sight lines looking to the north making it difficult for a vehicle on Street H to see an approaching southbound vehicle. If the City and County want to use a higher speed threshold (i.e., 45 mph or higher), then a configuration that does not permit southbound left turns into Street H should be considered until the ultimate intersection configuration is constructed. Instead of traveling south on Parr Road, traffic from Evergreen would turn left onto eastbound Parr Road and enter the site on Street A. This would increase travel distances slightly for some residences but can easily be accommodated and would not measurably change the operations at the Evergreen Road and Parr Road intersection. Volumes on Street A would still be below 1,000 vehicles per day with the added traffic.

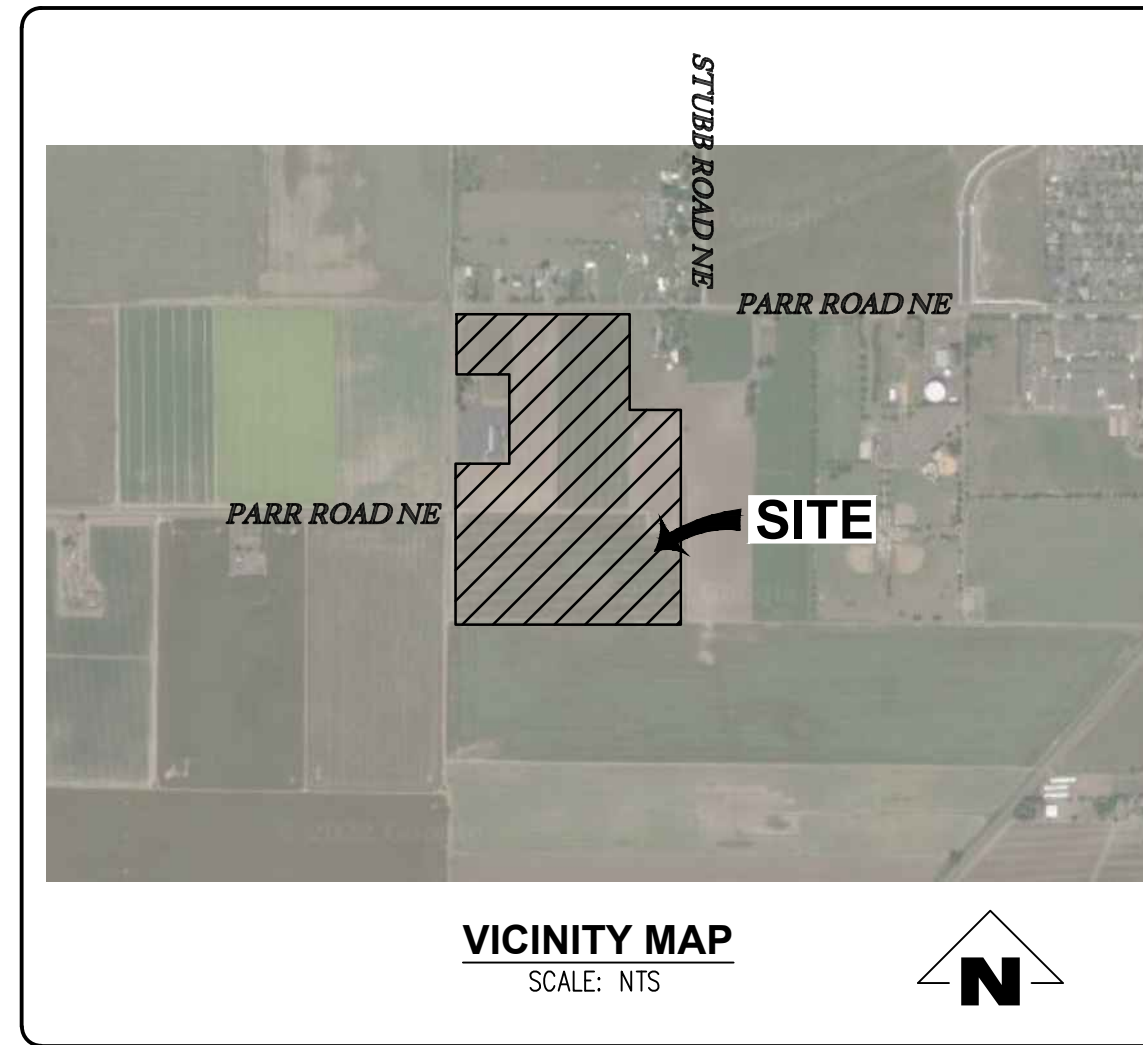
Attachments:

- Turn Lane Evaluation – Parr Road & Street A – 2028 Buildout Volumes
- Turn Lane Evaluation – Parr Road & Street A – 2033 Horizon Volumes
- Turn Lane Evaluation – Parr Road & Street H – 2028 Buildout Volumes
- Turn Lane Evaluation – Parr Road & Street H – 2033 Horizon Volumes



BRIGHTON POINTE

219 - LOT SUBDIVISION - TENTATIVE SUBDIVISION IMPROVEMENT PLANS TAXLOT 052W130001001 CITY OF WOODBURN, OREGON



SITE DATA

SITE AREA:	38.44 ACRES
CURRENT ZONING:	NODAL SINGLE-FAMILY RESIDENTIAL (RSN)
TAXLOT:	052W130001001
NO OF LOTS:	219

BENCHMARK INFORMATION

THE HORIZONTAL DATUM FOR THIS SURVEY IS BASED UPON STATE PLANE COORDINATES, OREGON NORTH ZONE (3601), NAD83.

THE VERTICAL DATUM FOR THIS SURVEY IS BASED UPON BENCHMARK NO. 00120, ELEVATION = 418.260', NGVD 29. UNITS ARE INTERNATIONAL FEET.

PROJECT CONTACTS

OWNER: LENNAR NW, LLC 11807 NE 99TH STREET, SUITE 1170 VANCOUVER, WA 98682 CONTACT: ROSEANN JOHNSON (360) 258-7879 (P)	SURVEYOR: EMERIO DESIGN, LLC 6445 SW FALLBROOK PLACE, SUITE 100 BEAVERTON, OR 97008 CONTACT: ERIC LYNCH, PLS (503) 746-8812 (P)
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GEOTECHNICAL ENGINEER: GEOPACIFIC 14835 SW 72ND AVENUE PORTLAND, OR 97224 CONTACT: JAMES D. IMBRIE (503) 598-8445 (P) (503) 941-9281 (F)	CIVIL ENGINEER: EMERIO DESIGN, LLC 1500 VALLEY RIVER DR, SUITE 100 EUGENE, OR 97401 CONTACT: ROY W. HANKINS, PE (503) 746-8812 (P) (503) 639-9592 (F)
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TRANSPORTATION ENGINEER:
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321 SW 4TH AVE, STE 400
PORTLAND, OR 97024
CONTACT: JENNIFER DANZINGER, PE
(503) 248-0313 X327 (P)
JENNIFER@LANCASTERMOBLEY.COM

DRAWING INDEX

SHEET NUMBER	SHEET TITLE
1	COVER SHEET
2	EXISTING CONDITIONS
3	TENTATIVE PLAT
4	TENTATIVE SITE PLAN
5	TYPICAL STREET SECTIONS
6	TENTATIVE GRADING PLAN
7	TENTATIVE COMPOSITE UTILITY PLAN
8	TENTATIVE EROSION CONTROL AND SEDIMENT PLAN
9	TENTATIVE PHASING PLAN

LEGEND

BOUNDARY LINE	SS	EXISTING SANITARY SEWER LINE
EASEMENT	W	EXISTING WATER LINE
EXISTING 1' CONTOUR LINE	—	EXISTING OVERHEAD POWER LINE
EXISTING 5' CONTOUR LINE	—	EXISTING GAS LINE
EXISTING CROWN (CENTER LINE OF ROAD)	—	EXISTING DITCH LINE
EXISTING TREE	WL	EXISTING WETLAND LINE
EXISTING STORM DRAIN MANHOLE	—	EXISTING HEDGE LINE
EXISTING SANITARY SEWER MANHOLE	—	EXISTING WOODEN FENCE
EXISTING CATCH BASIN	—	EXISTING RAIL FENCE
EXISTING CLEANOUT	X	EXISTING CHAIN LINK FENCE
EXISTING WATER METER	SD	PROPOSED STORM LINE
EXISTING WATER VALVE	—	PROPOSED SANITARY LINE
EXISTING FIRE HYDRANT	W	PROPOSED WATERLINE
EXISTING MAIL BOX	—	PROPOSED STORM LATERAL
EXISTING UTILITY POLE	—	PROPOSED SANITARY LATERAL
EXISTING GUY WIRE	—	PROPOSED SINGLE WATER METER
EXISTING LIGHT	—	PROPOSED STORM MANHOLE
EXISTING COMMUNICATION PEDESTAL	—	PROPOSED CATCH BASIN/AREA DRAIN
EXISTING ELECTRICAL METER	—	PROPOSED SANITARY MANHOLE
EXISTING JUNCTION BOX	—	PROPOSED BLOWOFF
EXISTING BOLLARD	—	PROPOSED WATER VALVE
EXISTING DOWNSPOUT	—	PROPOSED 1' CONTOUR LINE
EXISTING WETLAND FLAG	—	PROPOSED 5' CONTOUR LINE
EXISTING STORM LINE	—	PROPOSED SEDIMENT FENCE

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.

THIS DESIGN COMPLIES WITH ORS 92.044 (7) IN THAT NO UTILITY INFRASTRUCTURE IS DESIGNED TO BE WITHIN ONE (1) FOOT OF A SURVEY MONUMENT LOCATION SHOWN ON A SUBDIVISION OR PARTITION PLAT. NO DESIGN EXCEPTIONS NOT FINAL FIELD LOCATION CHANGES SHALL BE PERMITTED IF THAT CHANGE WOULD CAUSE ANY UTILITY INFRASTRUCTURE TO BE PLACED WITHIN THE PROHIBITED AREA.

PAPER SCALE NOTE

THESE PLANS ARE FULL SIZED ON 24"x34" PAPER, IF 11"x17", SCALE ACCORDINGLY.

NOTICE TO EXCAVATORS:
ATTENTION: OREGON LAW REQUIRES YOU TO FOLLOW RULES ADOPTED BY THE OREGON UTILITY NOTIFICATION CENTER. THOSE RULES ARE SET FORTH IN OAR 952-001-0010 THROUGH OAR 952-001-0090. YOU MAY OBTAIN COPIES OF THE RULES BY CALLING THE CENTER.
(NOTE: THE TELEPHONE NUMBER FOR THE OREGON UTILITY NOTIFICATION CENTER IS (503)-232-1987).

POTENTIAL UNDERGROUND FACILITY OWNERS
Dig Safely.
Call the Oregon One-Call Center
DIAL 811 or 1-800-332-2344

BRIGHTON POINTE
TAX MAP 052W13-TL 1001
MARION COUNTY
WOODBURN, OREGON

COVER SHEET

REVISIONS

NO.	DATE	DESCRIPTION

EMERIO
ENGINEERING • SURVEYING • DESIGN
1500 VALLEY RIVER DRIVE, SUITE 100
EUGENE, OREGON 97401
TEL: (503) 746-8812
FAX: (503) 639-9592
www.emeriodesign.com

REGISTERED PROFESSIONAL ENGINEER
ROY W. HANKINS
PE
EXPIRES: 6/30/2023

SHEET
1 OF **9**

ATTACHMENT 106

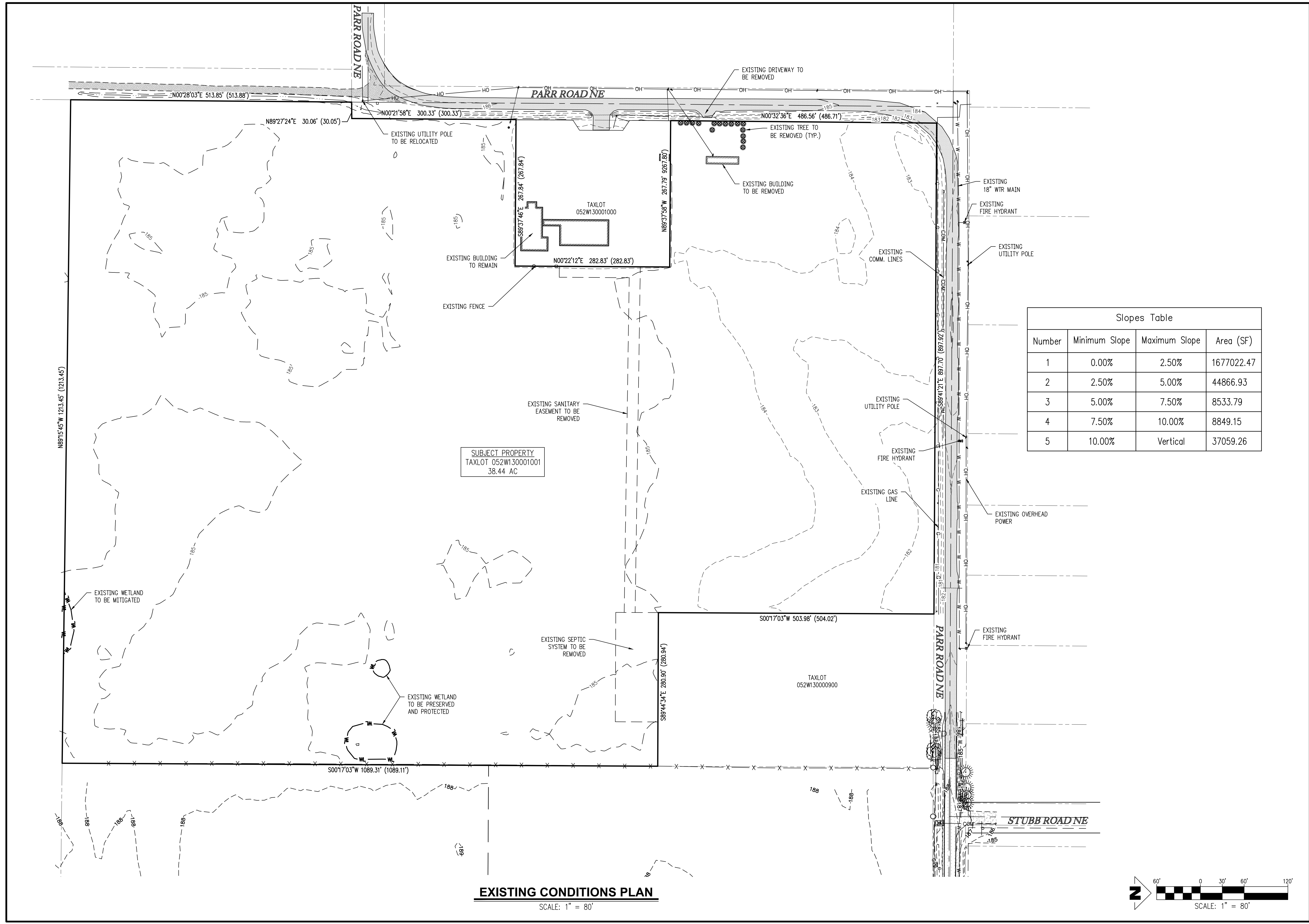
EXISTING CONDITIONS

NO.	DATE	DESCRIPTION

EMERIO
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 www.emeriodesign.com

REGISTERED PROFESSIONAL ENGINEER
NOT FOR CONSTRUCTION
 W. HANKINS
 EXPIRES: 6/30/2023

FILE: P:\0196-007 Woodburn Subdivision - Kalign\dwg\plan\0196-007_P2.0_Precor_Layer1.dwg Plot Date: 10/7/2022 2:08 PM, by: Tyler Korb



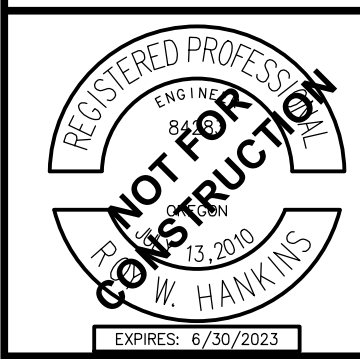
EXISTING CONDITIONS PLAN
 SCALE: 1" = 80'



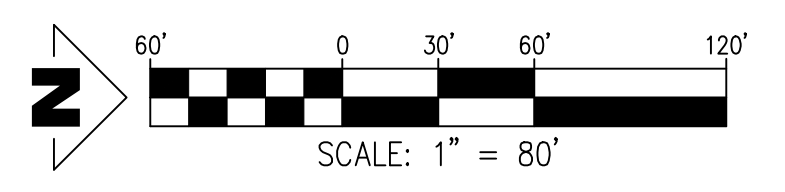
TENTATIVE PLAT

NO.	DATE	DESCRIPTION

EMERIO
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EUGENE, OREGON 97401
TEL: (603) 746-8812
FAX: (603) 639-6562
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TENTATIVE PLAT
SCALE: 1" = 80'



FILE: P:\0196-007 Woodburn Subdivision - Katigiri.dwg | Plan | 0196-007_P3.0_Plat, Layout: P3_TENTATIVE PLAT, Plot Date: 10/10/2022 11:16 AM, by: Tyler Korb

NO.	DATE	DESCRIPTION

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REGISTERED PROFESSIONAL ENGINEER
NOT FOR CONSTRUCTION
J.W. HANKINS
EXPIRES: 6/30/2023

RSN DENSITY CALCULATIONS

TOTAL LOT AREA =	388,411 SF (8.92 AC)
TOTAL LOT COUNT =	71 LOTS
TOTAL DENSITY =	7.96 LOTS/AC

RMN DENSITY CALCULATIONS

TOTAL LOT AREA =	568,403 SF (13.05 AC)
TOTAL LOT COUNT =	148 LOTS
TOTAL DENSITY =	11.34 LOTS/AC

RSN ZONE SETBACK REQUIREMENTS - WDO TABLE 2.02C

FRONT SETBACK AND SETBACK ABUTTING A STREET, MINIMUM (FEET):	20
FRONT PORCH SETBACK, MAXIMUM (FEET):	10
SIDE SETBACK, MINIMUM (FEET):	5
TOWNHOUSE: - COMMON WALL	0
- END UNIT EXTERIOR WALL	5
REAR SETBACK, AVERAGE (FEET):	20 OR 0
PRIMARY STRUCTURE	20 OR 0
ACCESSORY STRUCTURE	0
TO AN ALLEY OR SHARED REAR LANE	0
SETBACK FOR A PRIVATE ACCESS EASEMENT, MINIMUM (FEET):	5

* EFFECTIVE DATE: 06/30/2022

RMN ZONE SETBACK REQUIREMENTS - WDO TABLE 2.02F

FRONT SETBACK AND SETBACK ABUTTING A STREET, MINIMUM (FEET):	18
FRONT PORCH SETBACK, MINIMUM (FEET):	5
SIDE SETBACK, MINIMUM (FEET):	5
TOWNHOUSE: - COMMON WALL	0
- END UNIT EXTERIOR WALL	5
REAR SETBACK, MINIMUM (FEET):	24
* APPLIES TO THE STORY OR STORIES OF THE BUILDING WITHIN THIS HEIGHT TIER, NOT THE GROUND STORY PER FIGURE 2.02 B OF WDO:	
BUILDING HEIGHT 16' OR LESS:	24
BUILDING HEIGHT MORE THAN 16' AND LESS THAN 28':	30
BUILDING HEIGHT 28' OR MORE:	36
SETBACK FOR A PRIVATE ACCESS EASEMENT, MINIMUM (FEET):	5

* EFFECTIVE DATE: 06/30/2022

SITE AREAS

RIGHT-OF-WAY:	432,095 SF (9.92 AC)
TRACTS/ALLEYS/WQF:	226,258 SF (5.19 AC)
LOTS:	956,844 SF (21.97 AC)
PLA AREA:	30,056 SF (0.69 AC)
TOTAL AREA:	1,645,253 SF (38.44 AC)

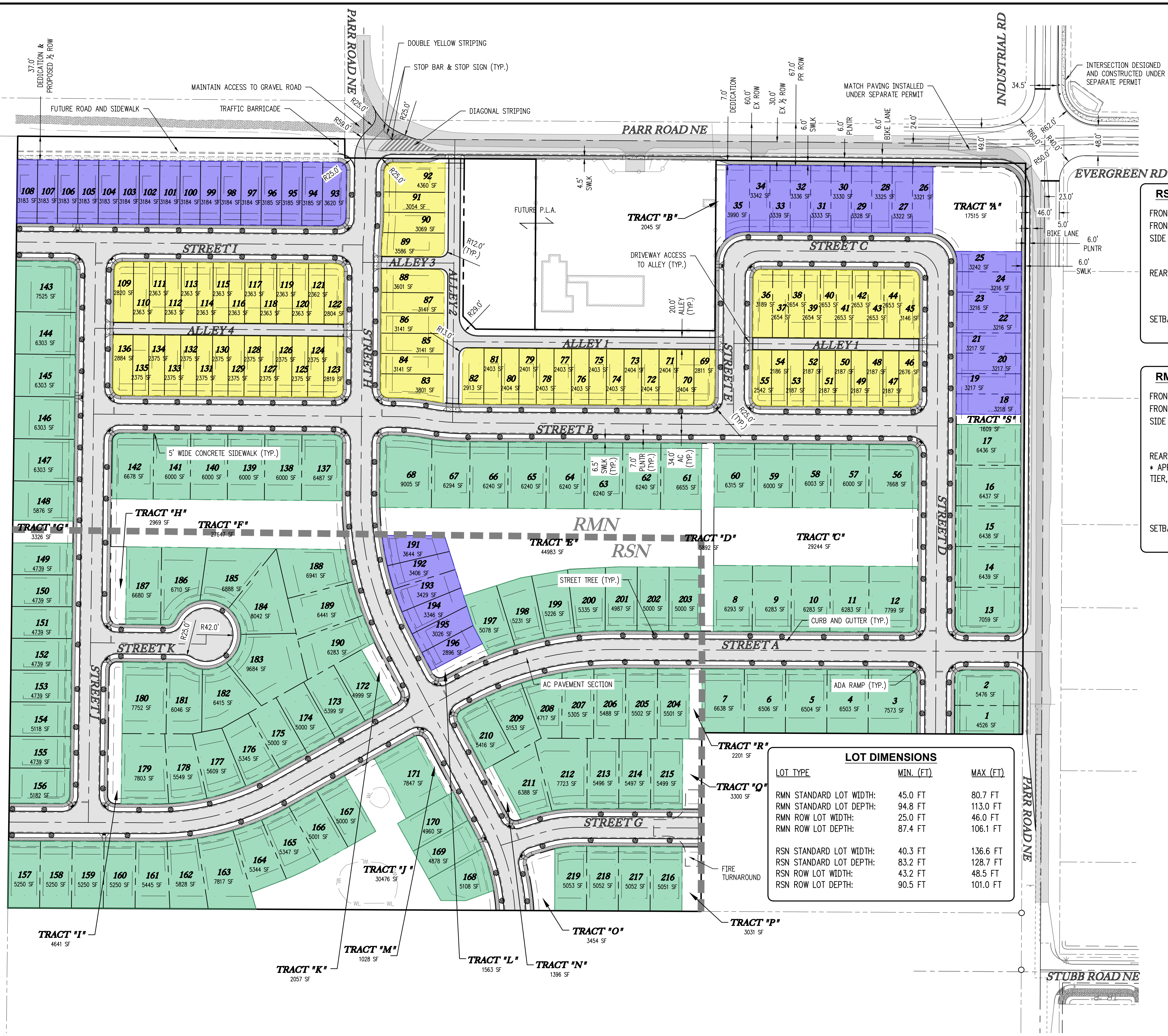
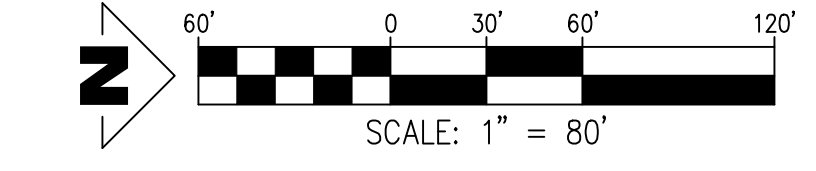
LOT COUNTS

TOTAL LOTS:	219 LOTS
-------------	----------

- STREET TREE PLANTING NOTES**
- ONE TREE PER EVERY ENTIRE 50 FEET OF STREET FRONTAGE SHALL BE PLANTED WITHIN THE RIGHT-OF-WAY, SUBJECT TO VISION CLEARANCE AREA STANDARDS AND PLACEMENT OF PUBLIC UTILITIES.
 - MEDIUM TREES SHALL BE PLANTED ALONG THE PARR ROAD NE FRONTAGE.
 - SMALL TREES SHALL BE PLANTED ALONG ALL OTHER NEW LOCAL RESIDENTIAL STREETS.

LOT TYPE LEGEND

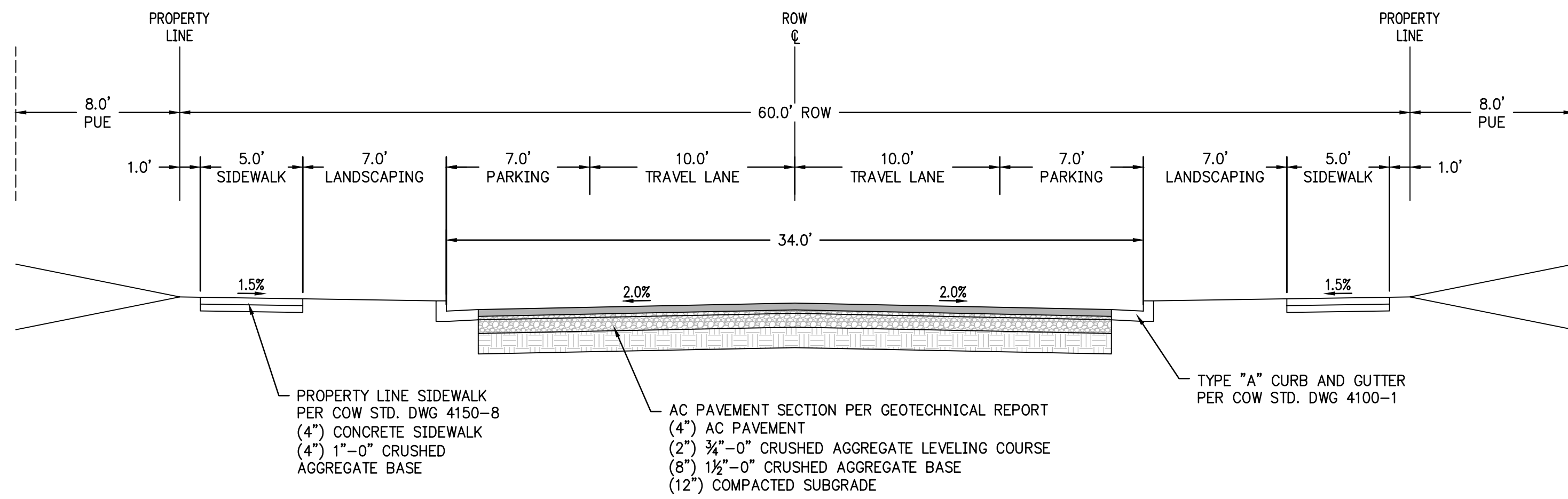
	- STANDARD LOT (107 LOTS) (MIN: 4526 SF MAX: 9684 SF)
	- FRONT LOADED ROW HOUSE (40 LOTS) (MIN: 2896 SF MAX: 4027 SF)
	- ALLEY LOADED ROW HOUSE (72 LOTS) (MIN: 2186 SF MAX: 4452 SF)



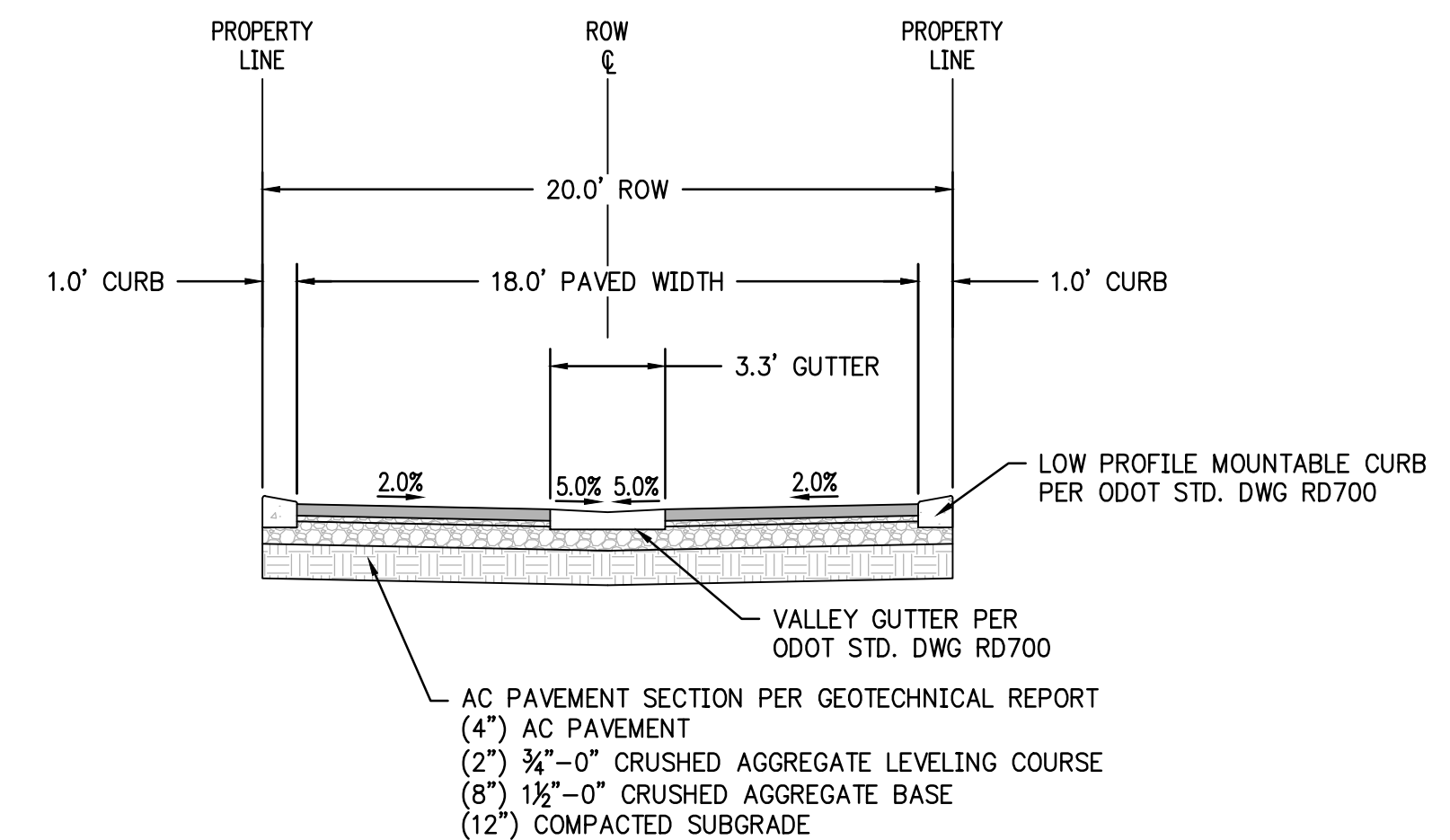
LOT DIMENSIONS

LOT TYPE	MIN. (FT)	MAX. (FT)
RMN STANDARD LOT WIDTH:	45.0 FT	80.7 FT
RMN STANDARD LOT DEPTH:	94.8 FT	113.0 FT
RMN ROW LOT WIDTH:	25.0 FT	46.0 FT
RMN ROW LOT DEPTH:	87.4 FT	106.1 FT
RSN STANDARD LOT WIDTH:	40.3 FT	136.6 FT
RSN STANDARD LOT DEPTH:	83.2 FT	128.7 FT
RSN ROW LOT WIDTH:	43.2 FT	48.5 FT
RSN ROW LOT DEPTH:	90.5 FT	101.0 FT

TENTATIVE SITE PLAN
SCALE: 1" = 80'

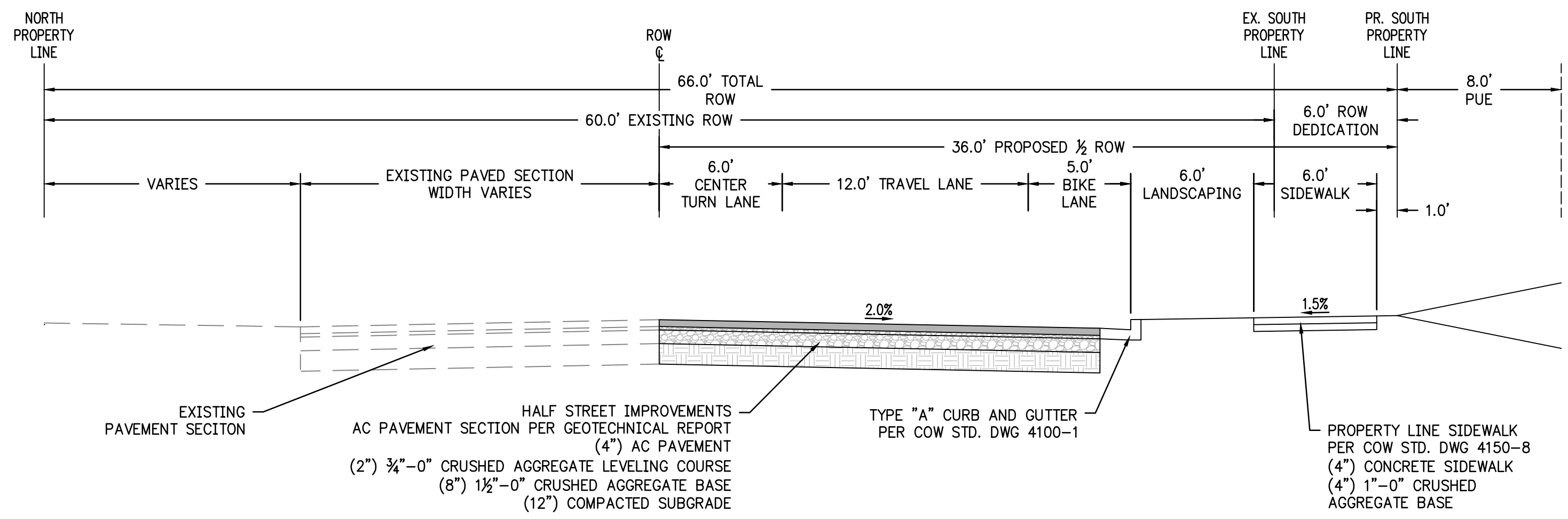


1 LOCAL RESIDENTIAL STREET - TYPICAL SECTION
 4 1" = 5'

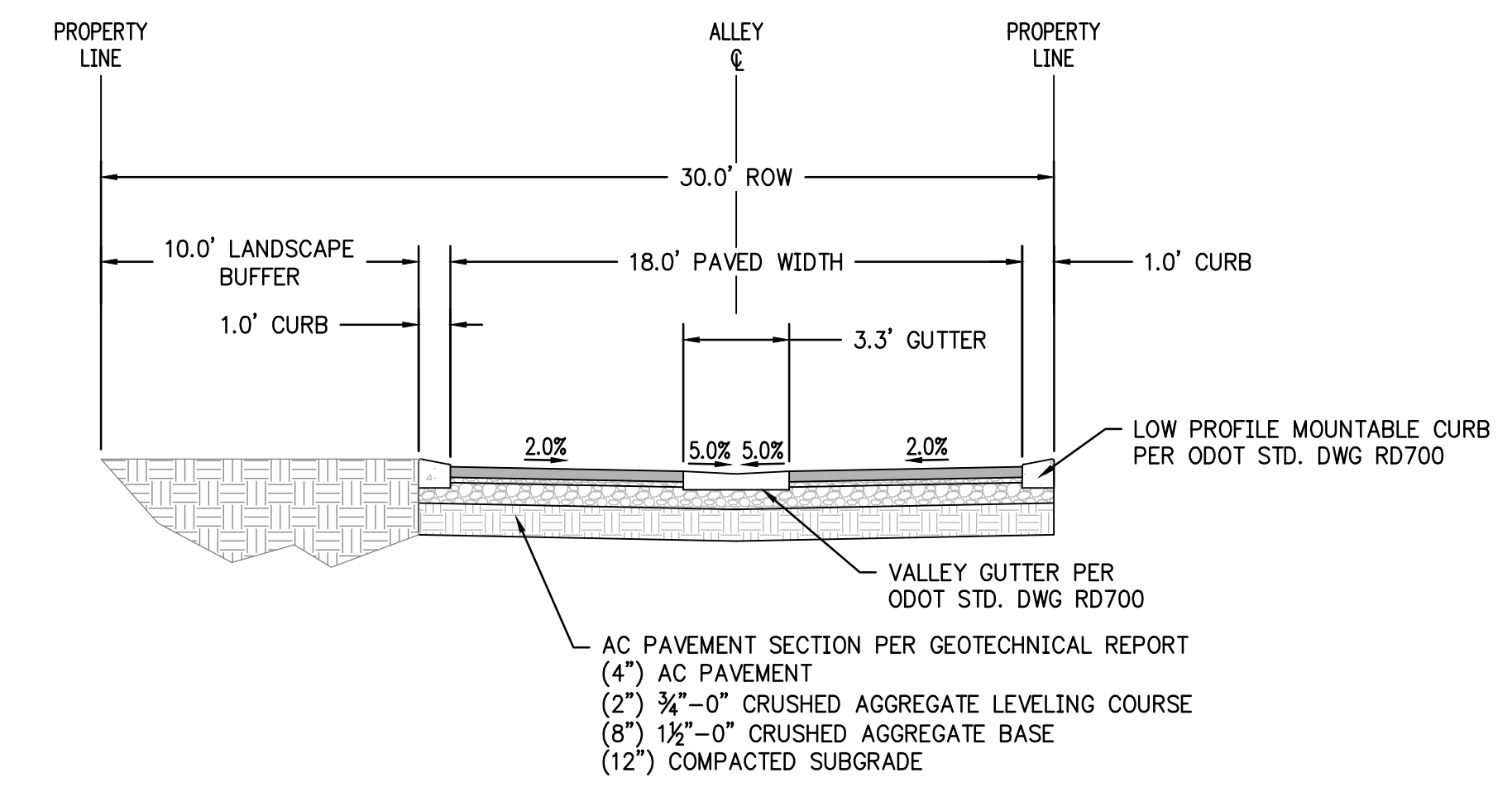


4 ALLEY 1, 3, AND 4 - TYPICAL SECTION
 4 1" = 5'

* NOTE: ALLEY WILL BE PRIVATELY MAINTAINED BY HOA

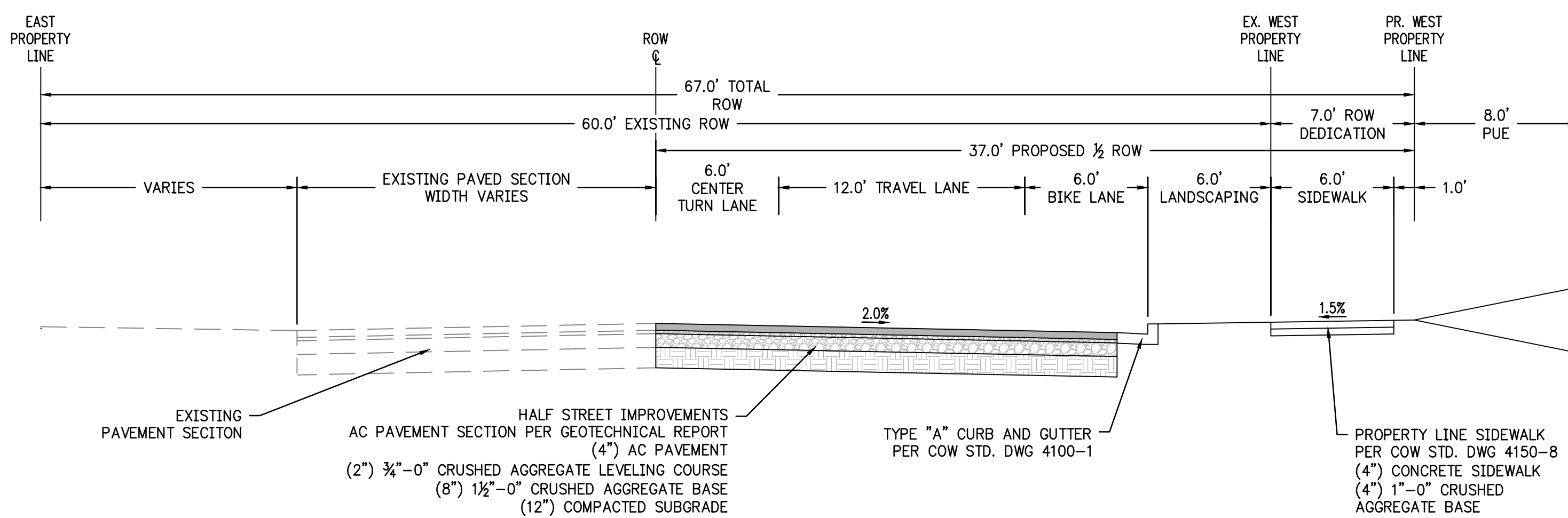


2 PARR ROAD NE (EAST-WEST) - HALF STREET IMPROVEMENT SECTION (SERVICE COLLECTOR)
 4 1" = 5'

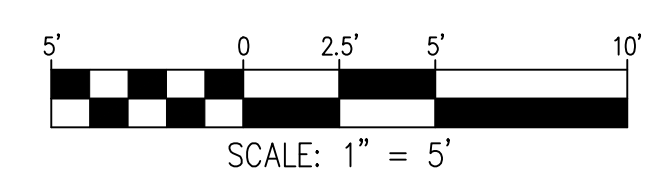


5 ALLEY 2 - TYPICAL SECTION
 4 1" = 5'

* NOTE: ALLEY WILL BE PRIVATELY MAINTAINED BY HOA



3 PARR ROAD NE (NORTH-SOUTH) - HALF STREET IMPROVEMENT SECTION (MINOR ARTERIAL)
 4 1" = 5'



BRIGHTON POINTE
 TAX MAP 052W13-TL 1001
 MARION COUNTY
 WOODBURN, OREGON

TYPICAL STREET
 SECTIONS

NO.	DATE	DESCRIPTION

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 FAX: (603) 639-9592
 www.emeriodesign.com

REGISTERED PROFESSIONAL ENGINEER
DO NOT FOR CONSTRUCTION
 03/2010
 W. HANKINS
 EXPIRES: 6/30/2023

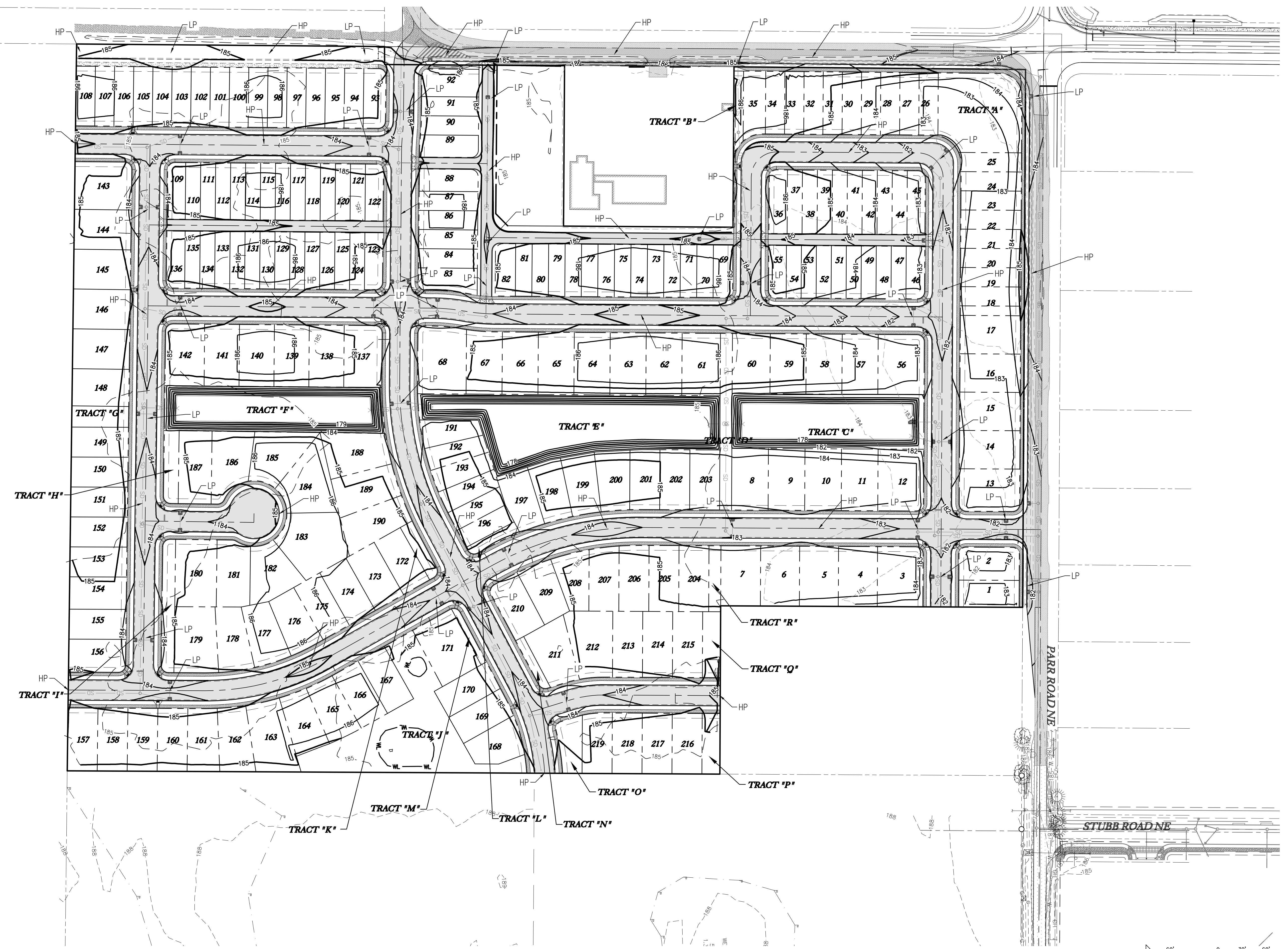
SHEET
5 OF **9**

TENTATIVE GRADING PLAN

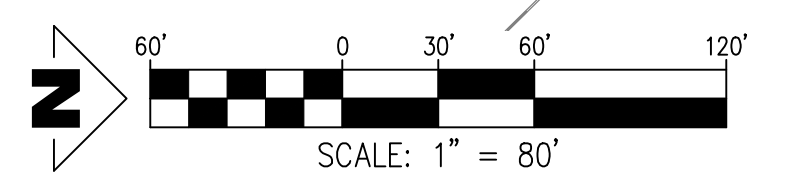
NO.	DATE	DESCRIPTION

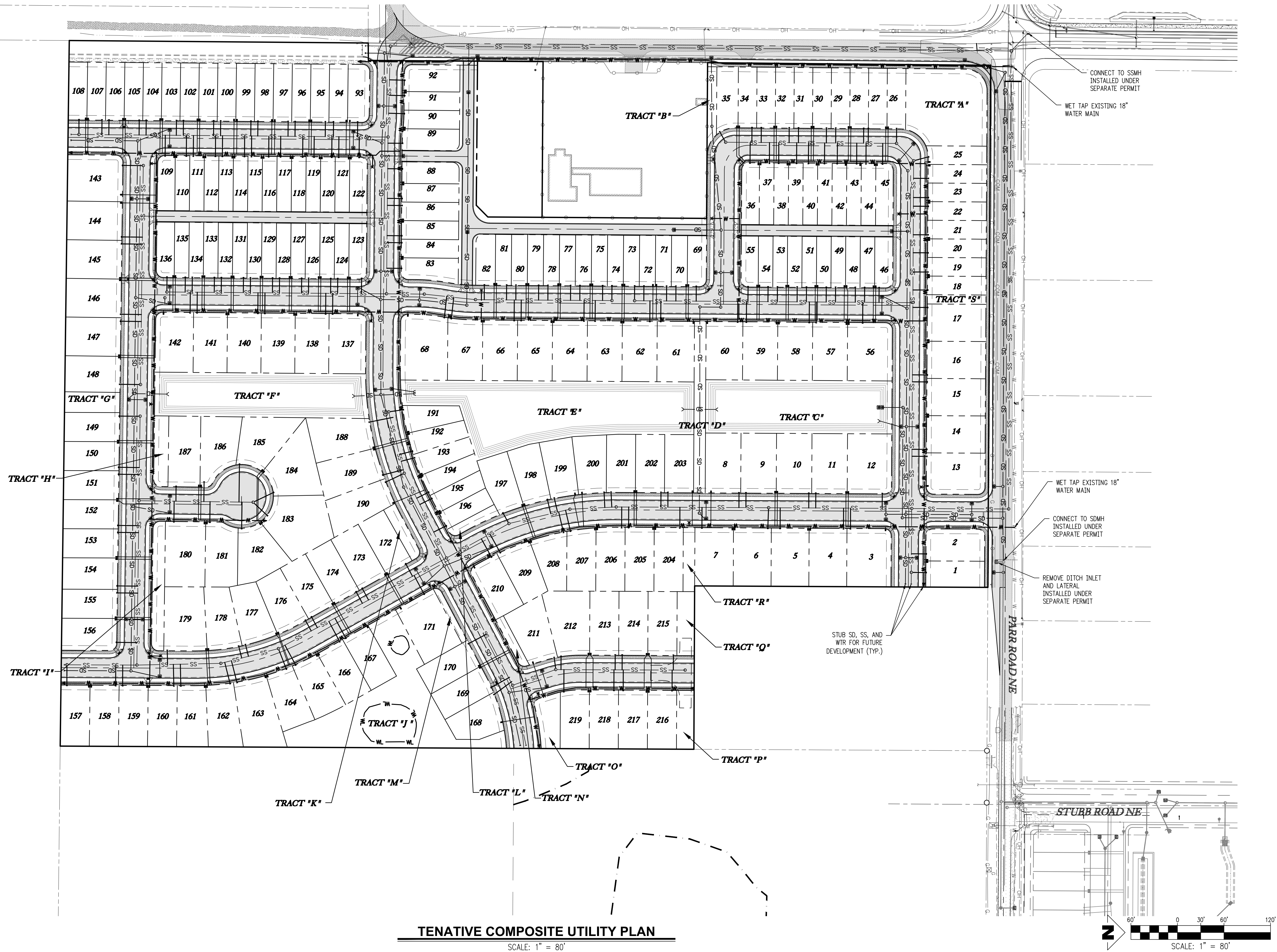
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 FAX: (503) 639-9592
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REGISTERED PROFESSIONAL ENGINEER
DO NOT FOR CONSTRUCTION
 W. HANKINS
 EXPIRES: 6/30/2023



TENTATIVE GRADING PLAN
 SCALE: 1" = 80'





BRIGHTON POINTE
TAX MAP 052W13-TL 1001
MARION COUNTY
WOODBURN, OREGON

**TENTATIVE COMPOSITE
UTILITY PLAN**

NO.	DATE	DESCRIPTION

EMERIO
ENGINEERING - SURVEYING - DESIGN
1500 VALLEY RIVER DRIVE, SUITE 100
EUGENE, OREGON 97401
TEL: (603) 746-8812
FAX: (603) 639-6562
www.emeriodesign.com

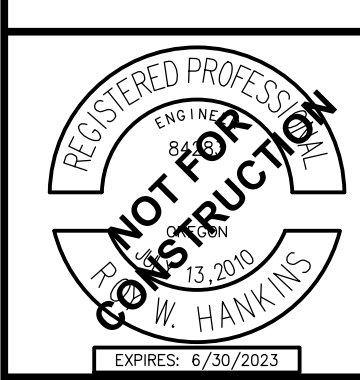
REGISTERED PROFESSIONAL ENGINEER
DO NOT FOR CONSTRUCTION
W. HANKINS
EXPIRES: 6/30/2023

FILE: P:\0196-007 Woodburn Subdivision - Kathryn\dwg\plan\0196-007_P7.0_PeapL Layout: P7 TENTATIVE COMPOSITE UTILITY PLAN, Plot Date: 10/10/2022 11:22 AM, by: Tyler Korb

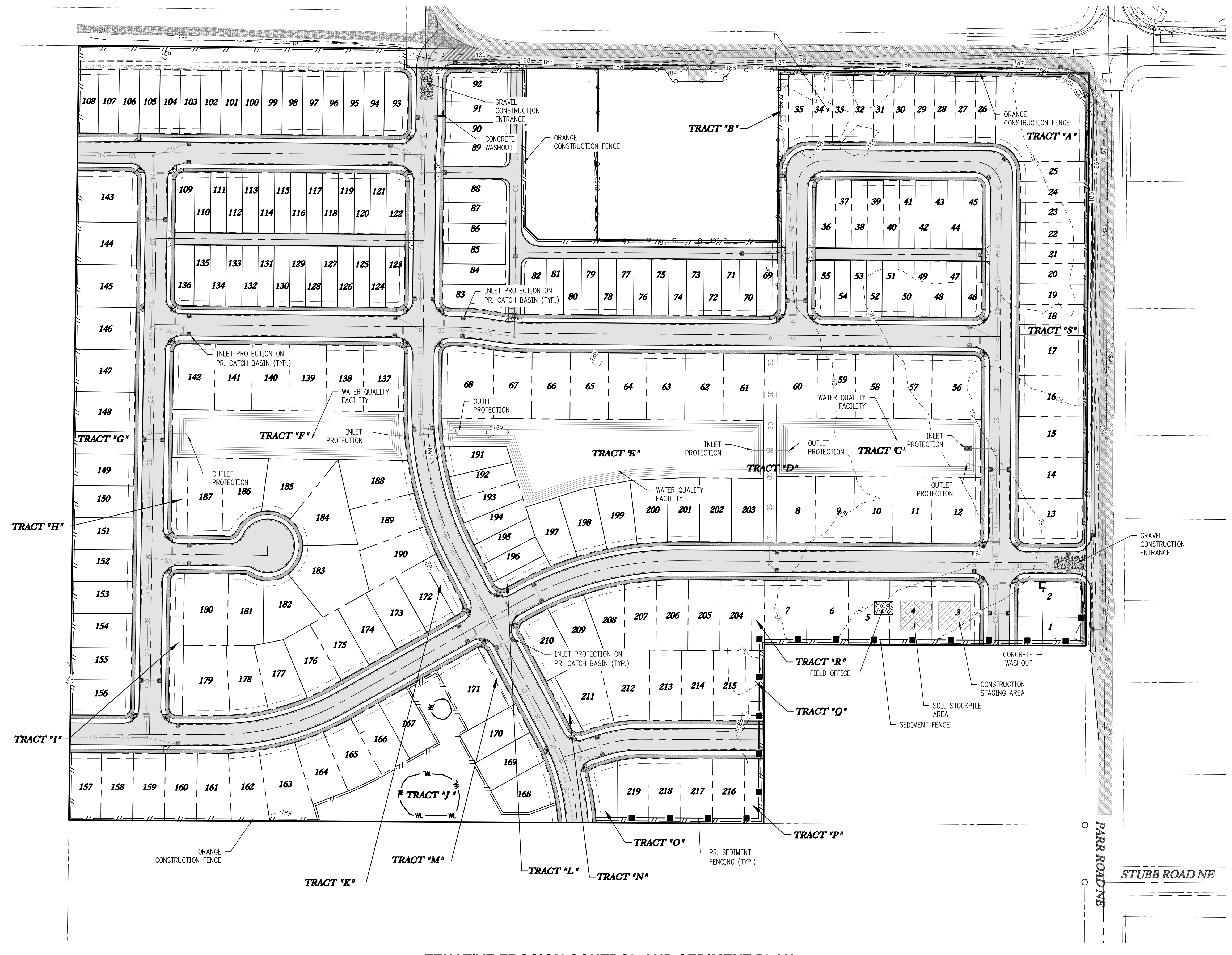
TENTATIVE EROSION
 CONTROL AND SEDIMENT
 PLAN

REVISIONS	
NO.	DATE

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 FAX: (503) 639-6552
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FILE: P:\0196-007 Woodburn Subdivision - Katigh\dwg\plan\0196-007_P8.O_Pescp Layout: P8 TENTATIVE EROSION CONTROL AND SEDIMENT PLAN, Plot Date: 10/10/2022 11:25 AM, Dwg: Tyler Korb

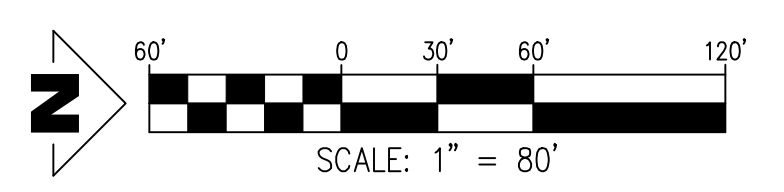


ESCP LEGEND

- CONSTRUCTION FENCE
- SEDIMENT FENCE
- FIELD OFFICE
- CONSTRUCTION STAGING AREA
- CONCRETE WASHOUT
- SOIL STOCKPILE AREA

TENTATIVE EROSION CONTROL AND SEDIMENT PLAN

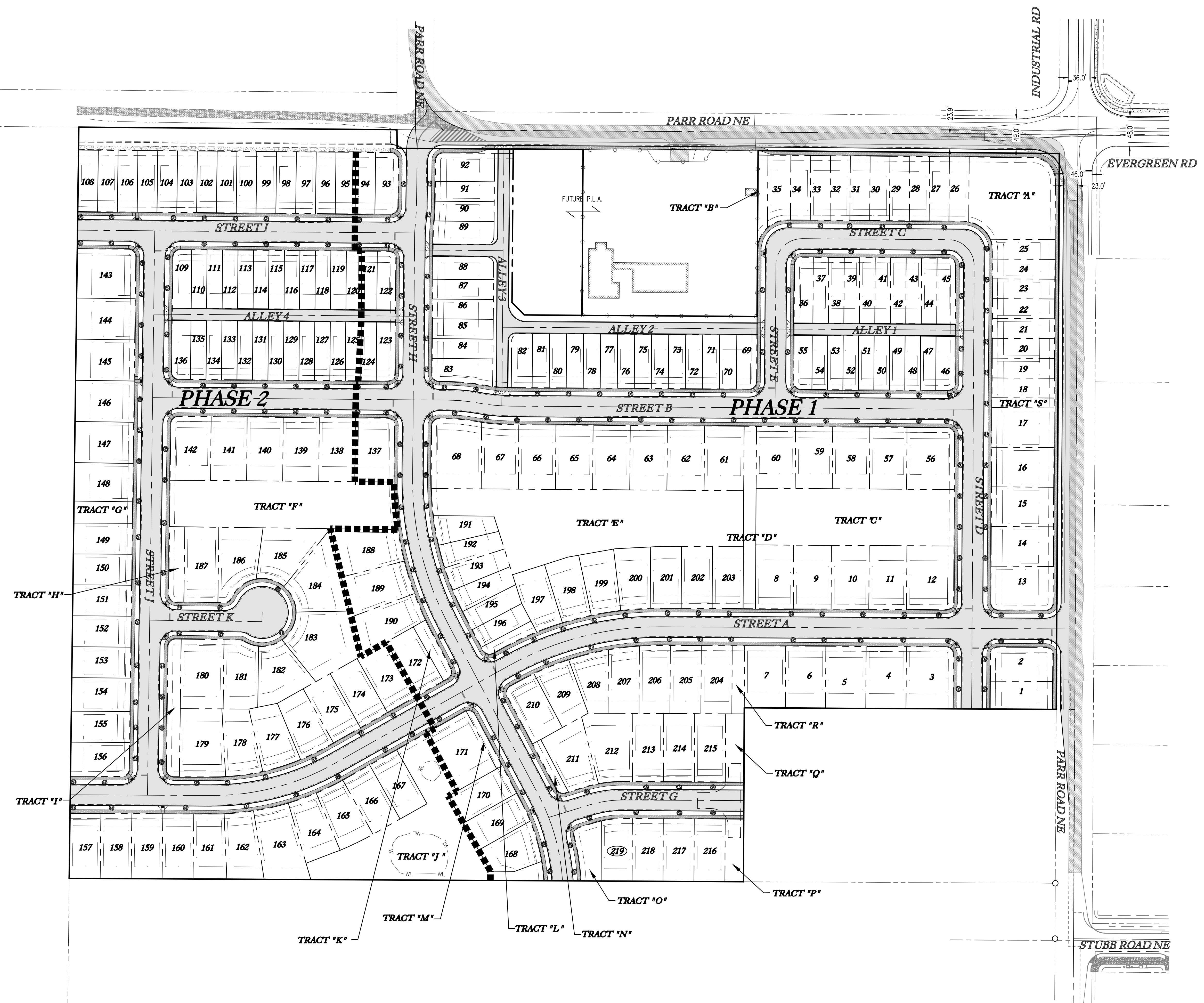
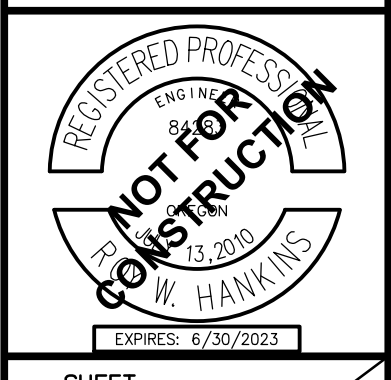
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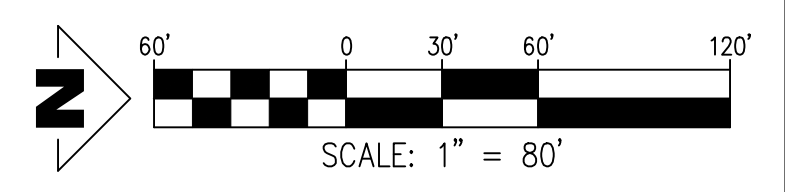
TENTATIVE PHASING PLAN

NO.	DATE	DESCRIPTION

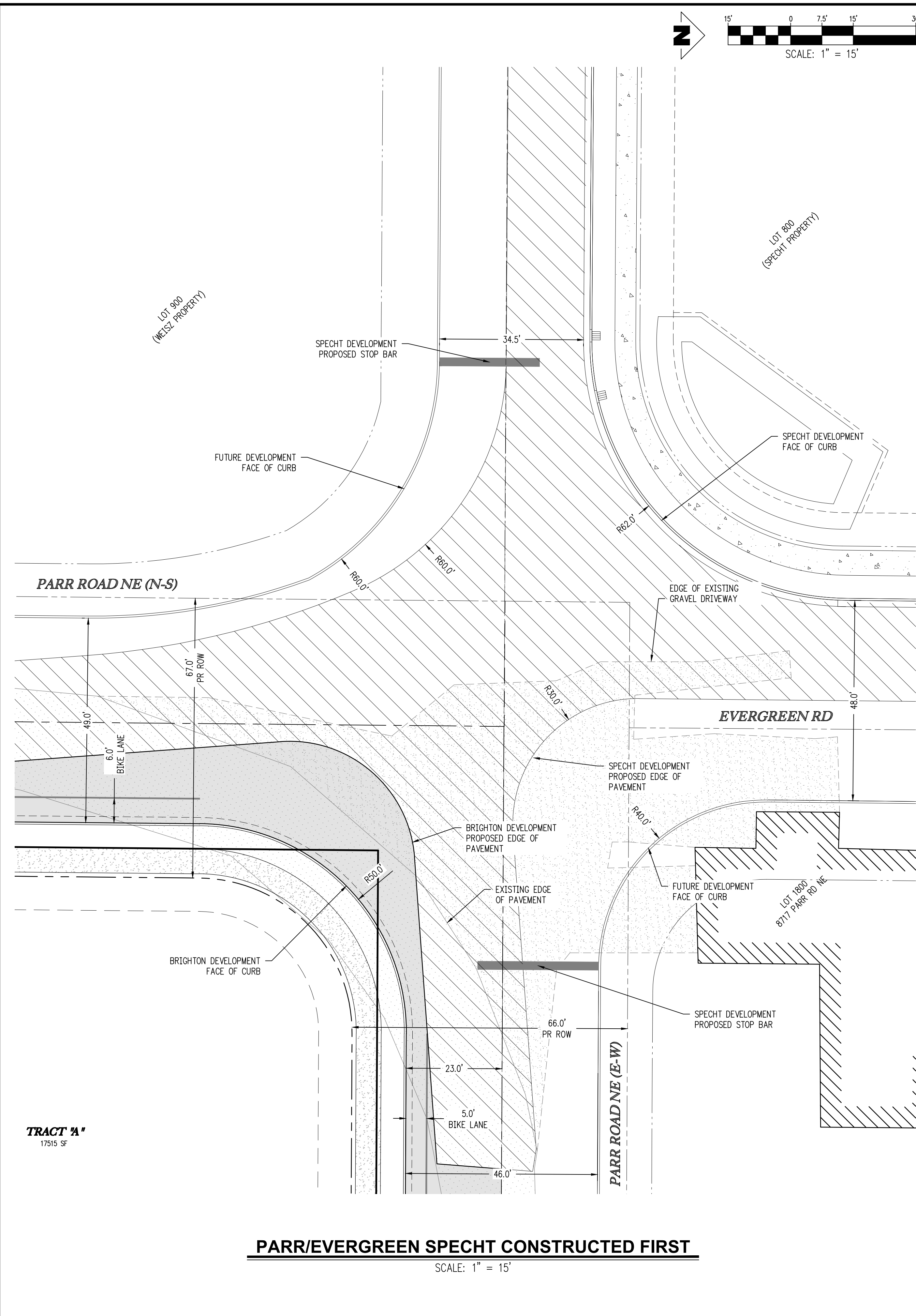
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TENTATIVE PHASING PLAN
 SCALE: 1" = 80'

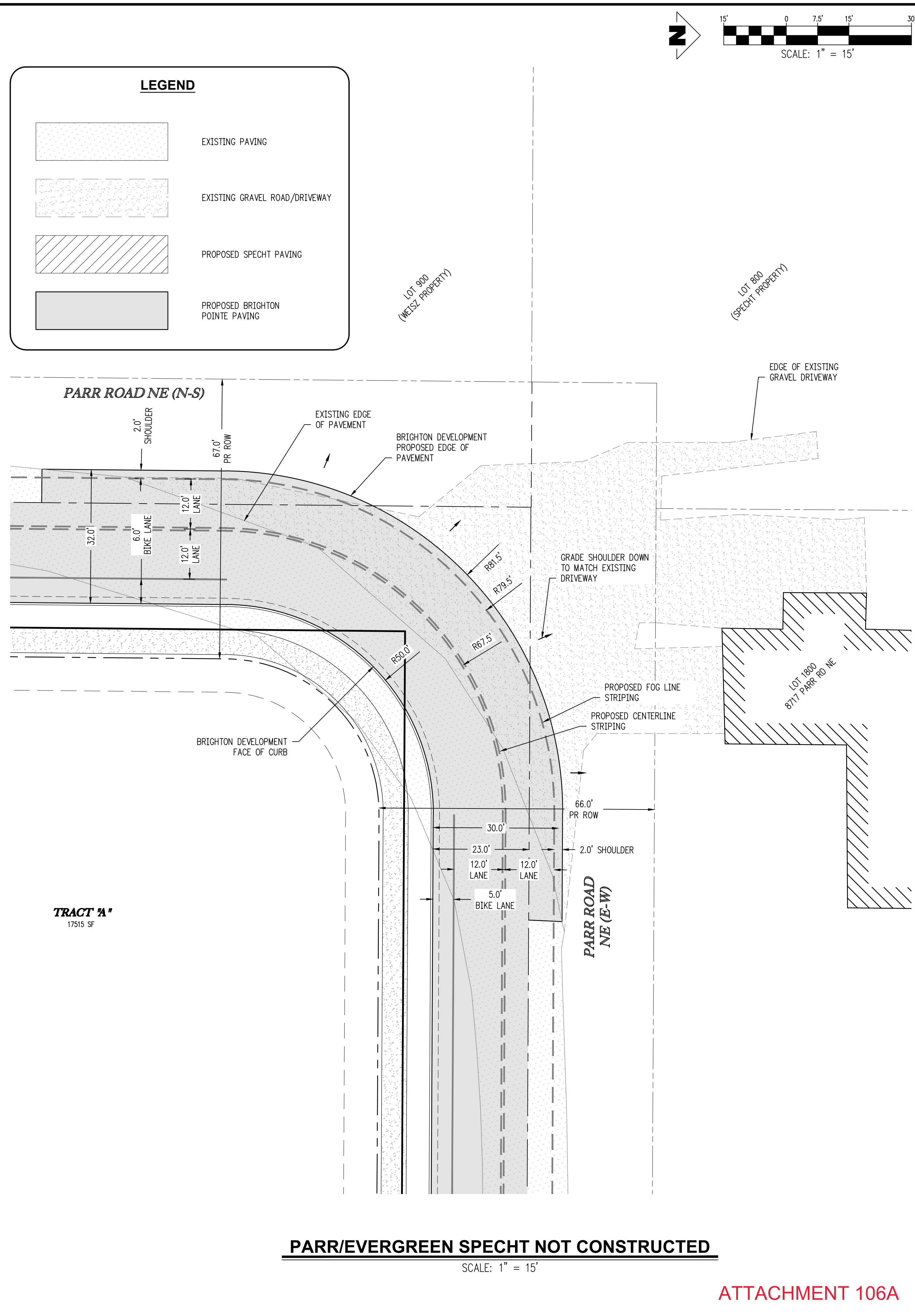


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PARR/EVERGREEN SPECHT CONSTRUCTED FIRST

SCALE: 1" = 15'



PARR/EVERGREEN SPECHT NOT CONSTRUCTED

SCALE: 1" = 15'

LEGEND

- EXISTING PAVING
- EXISTING GRAVEL ROAD/DRIVEWAY
- PROPOSED SPECHT PAVING
- PROPOSED BRIGHTON POINTE PAVING

BRIGHTON POINTE
TAX MAP 052W13-TL 1001
MARION COUNTY
WOODBURN, OREGON

**PARR/EVERGREEN
CONSTRUCTION EXHIBIT**

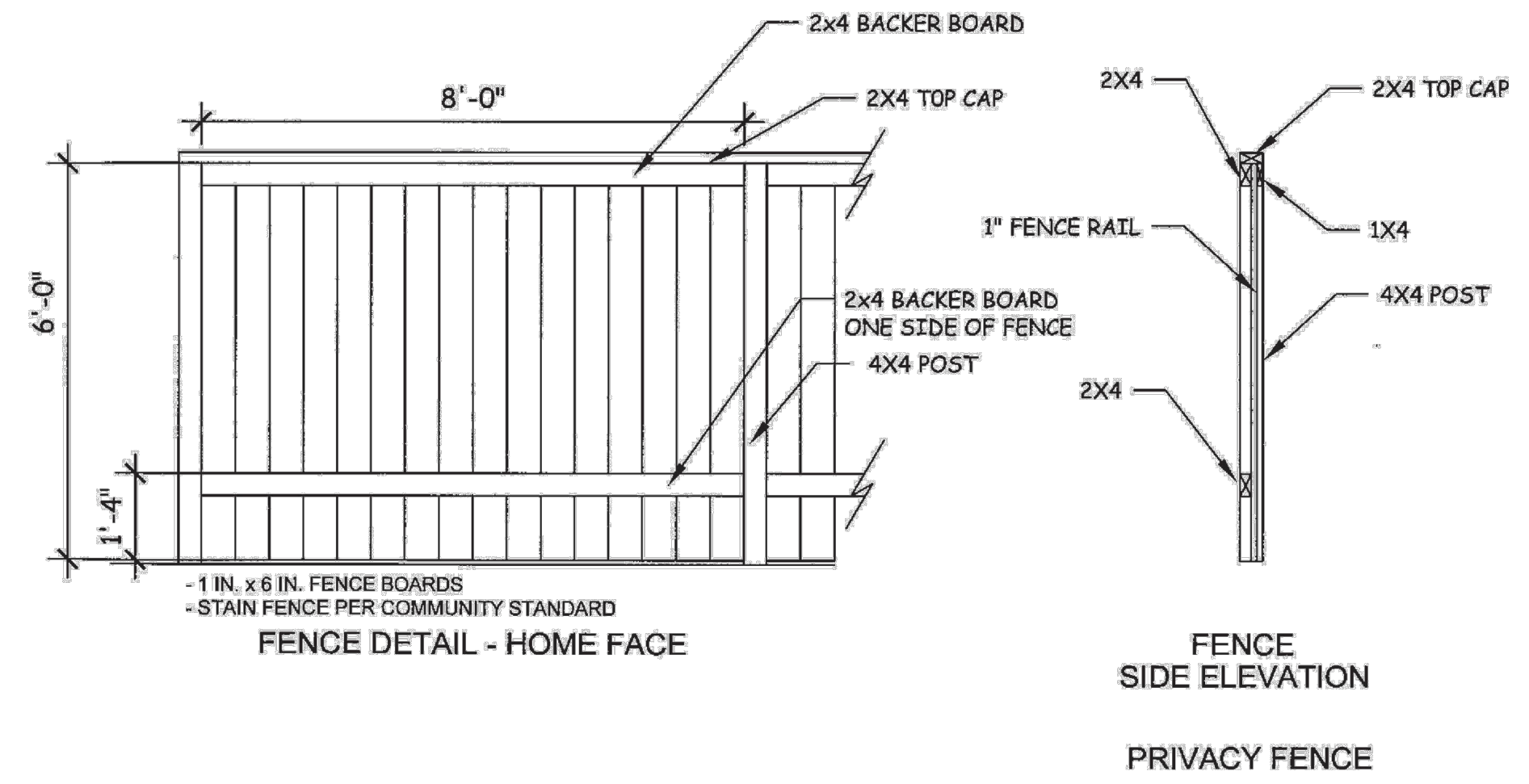
NO.	DATE	DESCRIPTION

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EUGENE, OREGON 97401
TEL: (603) 746-8812
FAX: (603) 639-6562
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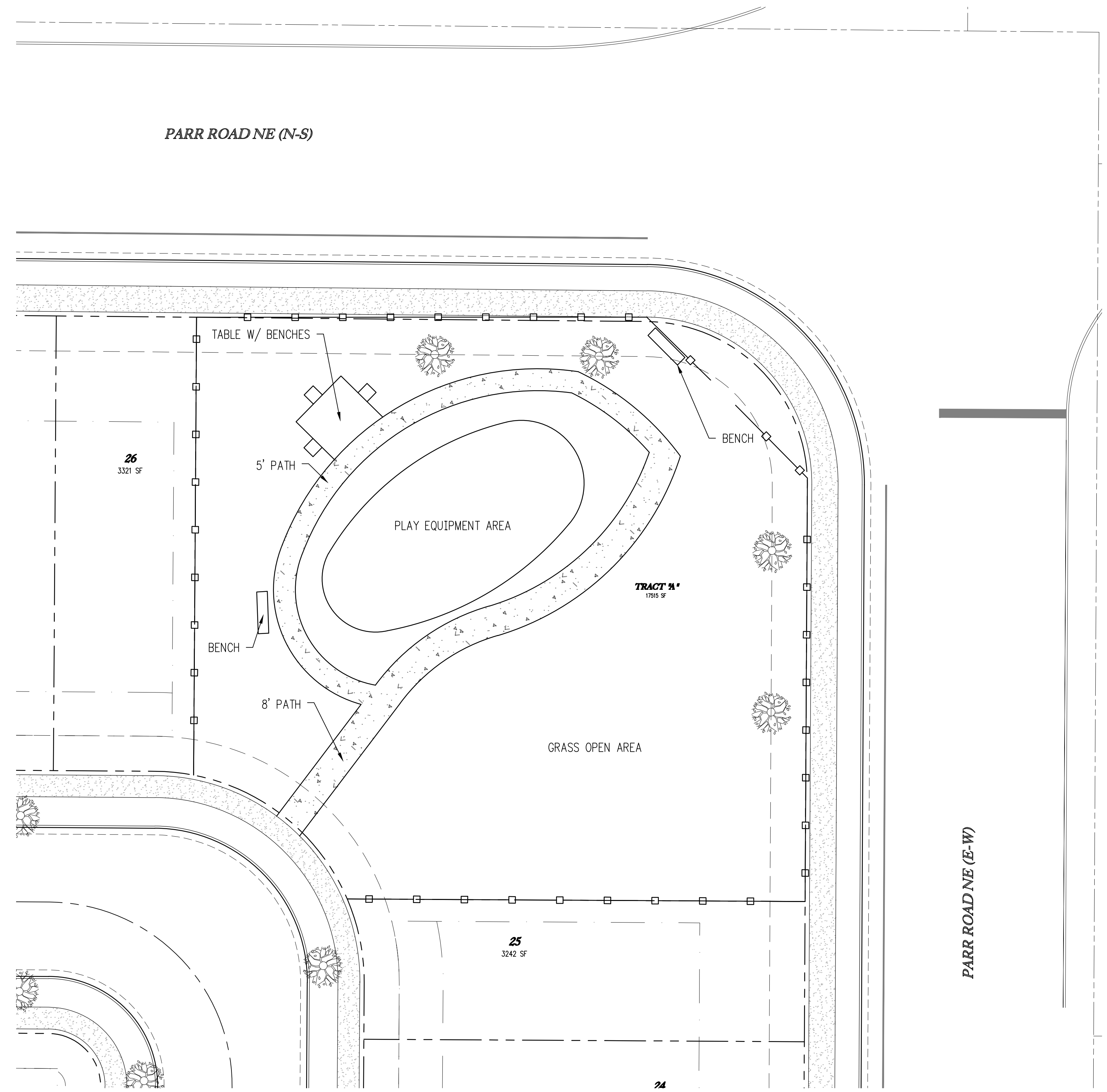
REGISTERED PROFESSIONAL ENGINEER
ROY W. HANKINS
EXPIRES: 9/30/2023

SHEET
1 OF **1**

FILE: P:\0196-007 Woodburn Subdivision - Kalign\dwg\plan\EXHIBITS\2022-10-24 Parr-Evergreen Construction Exhibit Layout: PARR-EVERGREEN CONSTRUCTION, Plot Date: 10/25/2022 5:57 PM, by: Roy Hankins



FENCE DETAIL



BRIGHTON POINTE
 TAX MAP 052W13-TL 1001
 MARION COUNTY
 WOODBURN, OREGON

**PARR/EVERGREEN TRACT
 "A" OPEN SPACE EXHIBIT**

REVISIONS	
NO.	DESCRIPTION

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SHEET
1 OF **2**

ATTACHMENT 106B

FILE:P:\0196-007 Woodburn Subdivision - Katighn (dwg) (plan) (EXHIBITS) (2022-11-22) Park open space Exhibit 2.0, Layout: PARR EVERGREEN CONSTRUCTION, Plot Date: 12/13/2022 1:02 PM, by: Peyton Hankins



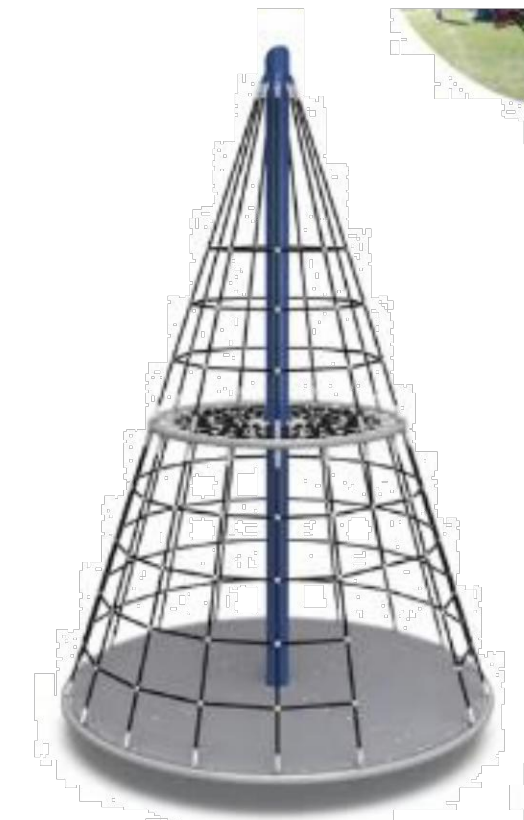
infiNET™ INET-2205
INET-2205 • AGES: 5-12 • SPACE REQUIRED: 59' 5" X 62' 6"



Challengers Tot Lot
350-2221 • AGES: 2-5 • SPACE REQUIRED: 28' 6" X 24' 6"



Unity Basket Swing
350-BASKET • AGES: 2-12
TOP INCLUSIVE PRODUCT



Cone Spinner Double-Decker
ZZXX0914 • AGES: 5-12
TOP INCLUSIVE PRODUCT



Rectangle Table
• Rectangular shaped table with pedestal base
• Two long benches attached to each side
• 6' (1,83m) or 8' (2,44m) lengths

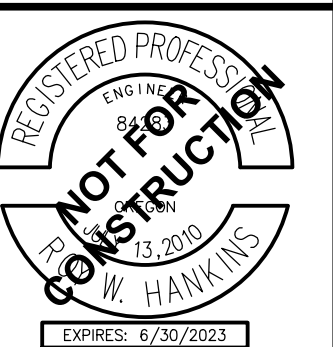


BRIGHTON POINTE
TAX MAP 052W13-TL 1001
MARION COUNTY
WOODBURN, OREGON

PARK DETAILS

NO.	DATE	DESCRIPTION

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EXPIRES: 9/30/2023

SHEET

2 OF 2



Agenda Item

April 10, 2023

TO: Honorable Mayor and City Council through City Administrator

FROM: Chris Kerr, Community Development Director
Dan Handel, Planner

SUBJECT: **Annexation of Approximately 0.93 Acres of Territory at 2115 Molalla Road NE (ANX 22-04) and Assignment of City Zoning (ZMC 22-04)**

RECOMMENDATION:

Conduct a public hearing and make a motion to tentatively approve the land use applications, directing staff to prepare and submit ordinances for consideration at the next City Council meeting.

BACKGROUND:

The item before the Council is action on annexation application ANX 22-04 by AKS Engineering & Forestry, LLC on behalf of Matveev Development, LLC for property totaling approximately 0.93 gross acres at 2115 Molalla Road NE. The territory is eligible for annexation because it is within the City urban growth boundary (UGB) and is bordered on all sides by existing City limits.

Upon annexation, the City would need to designate the property with City zoning. The Comprehensive Plan land use map designates the territory Commercial. Per Comprehensive Plan Policy Table 1, the default compatible base zoning district is Commercial General (CG), which the applicant accepts.

The applicant is not proposing any development of the property at this time. Future development of the site would be reviewed for conformance with the Woodburn development ordinance, including the list of permitted uses in Table 2.03A. Additionally, the extent of any necessary utility extensions, upgrades, or right-of-way improvements would be reviewed during the time of future development.

Site Context

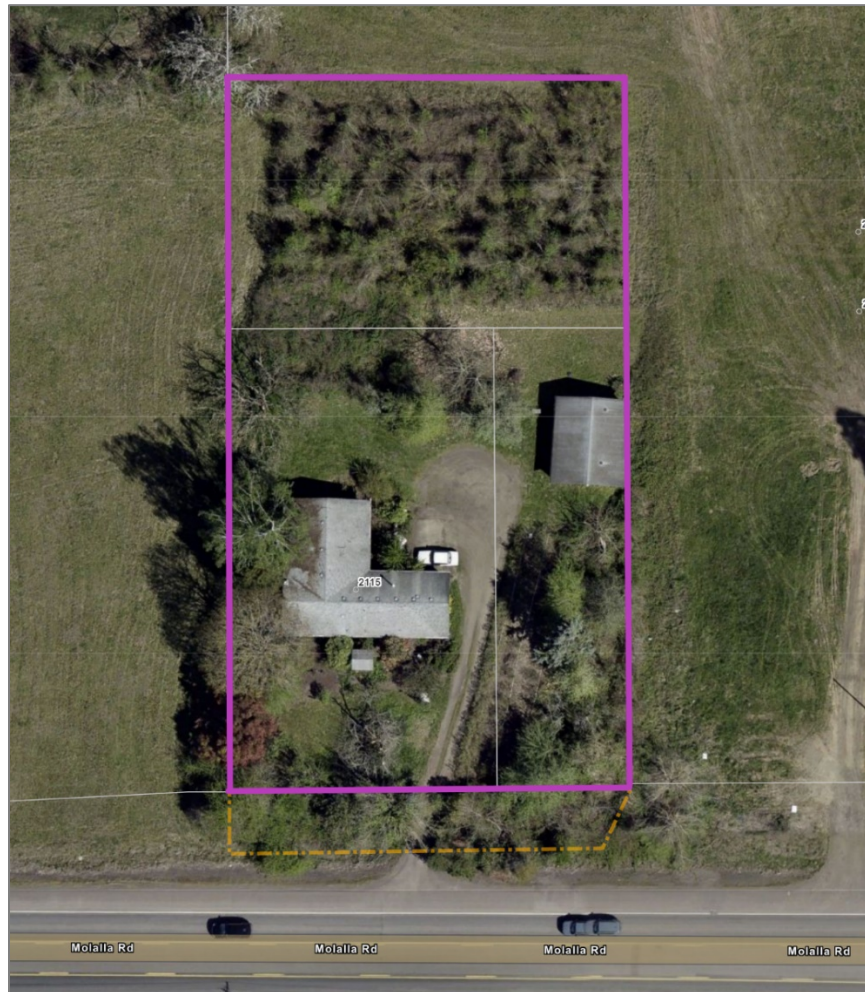
The territory proposed for annexation was developed with a single-family dwelling and detached shop building, however the structures have since been

Agenda Item Review: City Administrator City Attorney Finance

demolished and the site has been cleared. The site is bordered on the west, north, and east sides by the Woodburn Place Apartments and Woodburn Place West Apartments projects. See the following pages for aerial photos of the site.



Aerial image of the site's location in the northeast corner of the Woodburn.



Close-up aerial image of the site (2021).



Site photo taken 3/15/2023.

Commission Recommendation

On February 9, 2023, the Planning Commission heard and unanimously recommended approval of the consolidated applications package.

Testimony

No testimony was received for the Planning Commission public hearing.

DISCUSSION:

Annexation is a policy decision by the Council.

Decision-making criteria for annexation are outlined in Woodburn Development Ordinance (WDO) 5.04.01C. The attached staff report addresses the criteria for annexation and finds them met.

FINANCIAL IMPACT:

Annexing the territory into city limits would subject it to City taxing authority, including property tax that generates the largest source of funding for general fund services such as the library, policing, and parks and recreation.

The City permanent tax rate is \$6.0534 per thousand dollars – equal to a millage rate of 6.0534 mils – as set by Oregon Ballot Measure 50 in 1997-98. The most recent assessed value is based on the rural dwelling that used to be there. The table below simplifies and grossly estimates tax revenue, not accounting for increase resulting from any future development:

<i>Address</i>	<i>Tax Lot</i>	<i>Marion County Assessed Value (AV)</i>	<i>Gross Estimate of City Property Tax (6.0534 mils)</i>
none	051W09B001000	\$45,580	\$275.91
none	051W09B001100	\$40,650	\$246.07
none	051W09B001200	\$176,070	\$1,065.82
Total:		\$262,300	\$1,587.80

The estimate neither accounts for how the City might assess property value differently than Marion County nor excludes the unknown cost of providing basic utility services to the properties that the City does not already provide. Crucially, future site development would increase both the assessed valuation (AV) while also increasing City utility and other service costs.

Attachments:

1. Planning Commission (February 9, 2023) Staff Report and its attachments:
 101. Analyses & Findings (8 pages)
 102. Applicant's narrative letter
 103. Service Provider Letters
 104. Legal Description and Map



Staff Report

To: Planning Commission

Through: Chris Kerr, Community Development Director *C.K.*

From: Dan Handel, AICP, Planner

Meeting Date: February 9, 2023 (Prepared January 30, 2023)

Item: ANX 22-04 & ZMC 22-04 "2115 Molalla Rd Annexation" for 2115 Molalla Road NE

Issue before the Planning Commission

Action on a Type IV land use application package: Annexation (ANX) 22-04 and Zoning Map Change (ZMC) 22-04. Because the package is a Type IV review, the Planning Commission is to hold a public hearing and make a recommendation to the City Council for a final decision on the application package.

Executive Summary

The proposed annexation is for 2115 Molalla Road NE, which includes three properties (Tax Lots 051W09B001000, 1100, 1200) and totals 0.93 acres of territory. It is located on the north side of Molalla Road. Existing development on the site includes a single-family dwelling and an accessory barn structure. The site is surrounded on three sides by properties that were recently annexed into the City and which are being developed as multi-family apartments (Woodburn Place East/West).

The Comprehensive Plan land use map designates the territory as Commercial. If the annexation is approved, the default zoning district that would be assigned is Commercial General (CG).

No development of the property is proposed at this time.



Aerial view with the territory to be annexed outlined in purple.

Recommendation

Approval: Staff recommends that the Planning Commission consider the staff report and its attachments and recommend approval to the City Council.

Actions

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

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

After the Planning Commission acts upon the application, staff would proceed to a City Council public hearing, tentatively scheduled for March 13, 2023, with the Commission recommendation. (Were the Council to approve the application package, it would do so by adopting two ordinances, one for annexation and one for zoning, and authorizing a final decision document for the applications besides the annexation.)

Attachment List

101. Analyses & Findings
102. Narrative
103. Service Provider Letters
104. Legal Description & Map

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"> Requirement (or guideline) met with condition of approval Other special circumstance benefitting from attention 	Modification or condition of approval required

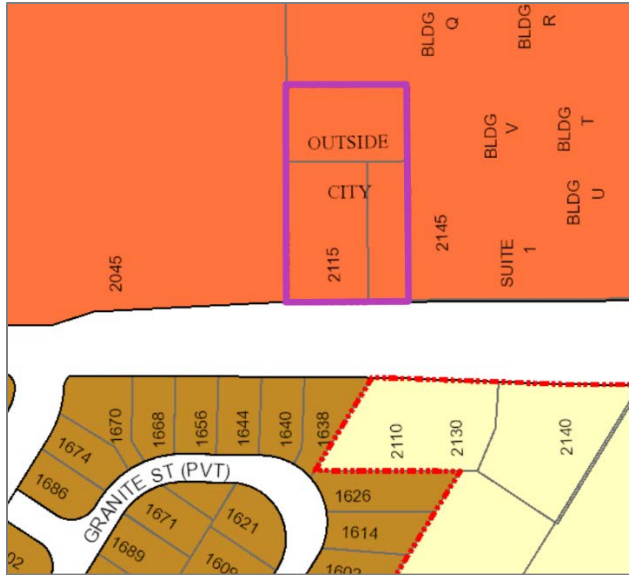
Location

<i>Address</i>	2115 Molalla Road NE
<i>Tax Lots</i>	051W09B001000, 1100, & 1200
<i>Nearest intersection</i>	Molalla Road / June Way

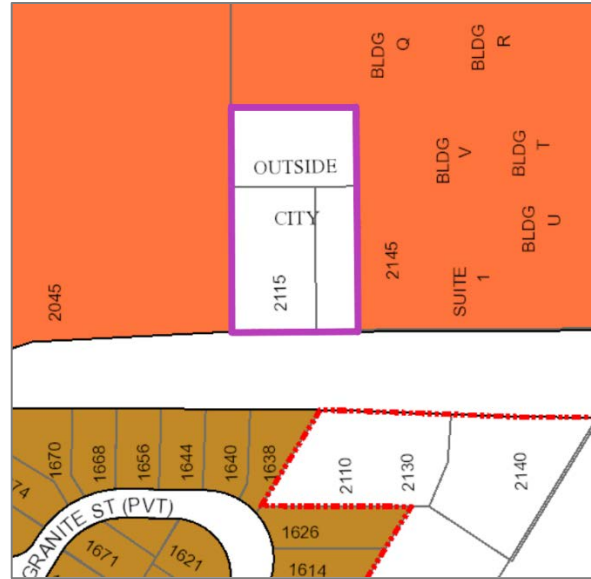
Land Use & Zoning

<i>Comprehensive Plan Land Use Designation</i>	Commercial
<i>Zoning District</i>	Commercial General (CG) upon annexation
<i>Overlay Districts</i>	none
<i>Existing Use</i>	Single-family dwelling

For context, the comprehensive plan land use map designations and zoning are illustrated, and adjacent zoning is tabulated, on the following page.



Comprehensive Plan land use map excerpt



Zoning map excerpt

<i>Cardinal Direction</i>	<i>Adjacent Zoning</i>
North	CG
East	CG
South	RM
West	CG

The Marion County Assessor property records note the subject properties as a fraction of Lot 4 of the Woodburn Fruit Farms subdivision plat recorded in November of 1889. Staff surmises they are legal lots of record.

Section references throughout this staff report are to the Woodburn Development Ordinance.

Statutory Dates

The application was submitted on November 21, 2022 and deemed complete as of January 10, 2023, making the 120-day decision deadline May 10, 2023.*

*However, the Assistant City Attorney had counseled staff on January 16, 2018 that an annexation request is not subject to the 120-day deadline for final action per Oregon Revised Statute (ORS) 227.178(8).

Applicable Provisions

4.01 Decision-Making Procedures

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 application package consists of Type IV Annexation and Zoning Map Change. Per 4.01.07, the applications are consolidated and reviewed at the Type IV level.

✓ The provision is met.

5.04 Type IV (Quasi-Judicial) Decisions

5.04.01 Annexation

A. Purpose: The purpose of this Type IV review is to provide a procedure to incorporate contiguous territory into the City in compliance with state requirements, Woodburn Comprehensive Plan, and Woodburn Development Ordinance.

The subject property is contiguous with City limits. This staff report reviews the proposal for compliance with the Woodburn Comprehensive Plan and WDO, both of which were acknowledged by the state to be in compliance with statewide planning goals.

B. Mandatory Pre-Application Conference: Prior to requesting annexation to the City, a Pre-Application Conference (Section 4.01.04) is required. This provides the city an opportunity to understand the proposed annexation and an opportunity to provide information on the likely impacts, limitations, requirements, approval standards, and other information that may affect the proposal.

A pre-application meeting for the proposal was held on October 12, 2022 (PRE 22-34).

C. Criteria:

1. Compliance with applicable Woodburn Comprehensive Plan goals and policies regarding annexation.

Woodburn Comprehensive Plan

Annexation Goals and Policies

Goal G-2. The goal is to guide the shape and geographic area of the City within the urban growth boundary so the City limits:

(a) Define a compact service area for the City;

- (b) Reflect a cohesive land area that is all contained within the City; and**
- (c) Provide the opportunity for growth in keeping with the City’s goals and capacity to serve urban development.**

Policy G-2.1 For each proposed expansion of the City, Woodburn shall assess the proposal’s conformance with the City’s plans, and facility capacity and assess its impact on the community.

Policy G-2.2 Woodburn will achieve more efficient utilization of land within the City by:

- (a) Incorporating all of the territory within the City limits that will be of benefit to the City.**
- (b) Providing an opportunity for the urban in-fill of vacant and under utilized property.**
- (c) Fostering an efficient pattern of urban development in the City, maximizing the use of existing City facilities and services, and balancing the costs of City services among all benefited residents and development.**
- (d) Requiring master development plans for land within Nodal Development Overlay or Southwest Industrial Reserve overlay designations prior to annexation. Master plans shall address street connectivity and access, efficient provision of public facilities, and retention of large parcels for their intended purpose(s).**

Policy G-2.3 Woodburn will use annexation as a tool to guide:

- (a) The direction, shape and pattern of urban development;**
- (b) Smooth transitions in the physical identity and the development pattern of the community;**
and
- (c) The efficient use and extension of City facilities and services.**

Section G. “Growth Management and Annexation” of the Woodburn Comprehensive Plan includes Annexation Goal G-2 and Annexation Policies G-2.1, G-2.2, and G-2.3. The applicant’s narrative provides the following response to this goal and associated policies (page 13):

This application serves the City’s annexation goals by eliminating an existing island of nonannexed land and allowing for more efficient utilization of the subject site and surrounding commercial properties. Incorporating the site into City limits fulfills the City’s plan to accommodate additional commercial land needs in this part of the City. This Goal is met.

Staff generally concurs with the applicant. The annexation goals and policies are effectuated by the annexation review criteria within the Woodburn Development Ordinance.

- 2. Territory to be annexed shall be contiguous to the City and shall either:**
 - a. Link to planned public facilities with adequate capacity to serve existing and future development of the property as indicated by the Woodburn Comprehensive Plan; or**
 - b. Guarantee that public facilities have adequate capacity to serve existing and future development of the property.**

The applicant’s narrative provides the following response (page 4):

The subject site is surrounded by properties within Woodburn City limits and linked to

ANX 22-04 & ZMC 22-04
2115 Molalla Road Annexation
Staff Report Attachment 101
Page 4 of 8

planned facilities with adequate capacity to serve reasonable future commercial development on the site. Service provider letters are provided (see Exhibit D) verifying that there are no known capacity issues in the vicinity of the subject site. This criterion is met.

The site is surrounded on all sides by territory within City limits. While this application is simply for annexation and does not include any development proposal, the application materials include service provider letters from the City Engineer, the Woodburn Fire District, and the Woodburn School District certifying there is capacity to serve the development. Notably, two recent land use approvals for development of the adjacent properties to the east and west (ANX 2019-01 and CU 22-01) identified safety and capacity issues with the OR 214 / OR 99E / OR 211 intersection. There were conditions of approval applied to both projects to provide proportionate share contributions to the proposed mitigation measures. Any future development of the subject properties of this annexation would similarly be conditioned to provide a proportionate share contribution to the mitigation measures.

3. Annexations shall show a demonstrated community need for additional territory and development based on the following considerations:

b. Lands designated for commercial, industrial and other uses should demonstrate substantial conformance to the following criteria:

1) The proposed use of the territory to be annexed shall be for industrial or other uses providing employment opportunities;

The applicant's narrative provides the following response (pages 4-5):

This application does not include a specific proposal for the future use of the subject site. The applicant anticipates that property will be developed, at a future date, in accordance with the allowed uses in the CG zoning district, which are intended to provide for the business and employment needs of the community. The uses listed in Table 2.03A are permitted outright in the CG zoning designation and provide employment opportunities in accordance with this provision. This criterion is met.

Staff generally concurs with the applicant. The default zoning district to be applied to the site will be Commercial General (CG). Future development of the site would be reviewed for conformance with the development ordinance, including the list of allowed uses in Table 2.03A.

2) The proposed industrial or commercial use of the territory does not require the expansion of infrastructure, additional service capacity, or incentives that are in excess of the costs normally borne by the community for development;

The applicant's narrative provides the following response (page 5):

This application does not include a proposal for specific uses to be established on the subject site. Service provider letters are provided (see Exhibit D) verifying that there are no known capacity issues in the vicinity of the subject site. The site can be served by existing facilities without requiring extensive infrastructure expansion. The extent of any necessary utility extensions will be reviewed during a future site development review. This criterion is met.

The application materials include service provider letters from the City Engineer, the Woodburn Fire District, and the Woodburn School District certifying there is capacity to serve the development. Notably, two recent land use approvals for development of the adjacent properties to the east and west (ANX 2019-01 and CU 22-01) identified safety and capacity issues with the OR 214 / OR 99E / OR 211 intersection (an ODOT-managed intersection). There were conditions of approval applied to both projects to provide proportionate share contributions to the proposed mitigation measures. Any future development of the subject properties of this annexation would similarly be conditioned to provide a proportionate share contribution to the mitigation measures.

3) The proposed industrial or commercial use of the territory provides an economic opportunity for the City to diversify its economy.

The applicant's narrative provides the following response (page 5):

This application does not include a specific proposal for the future use of the subject site. Applicant anticipates that the property will be developed in accordance with the allowed uses in the CG zoning designation, which are intended to provide for the business and employment needs of the community. The uses listed in Table 2.03A are permitted outright in the CG zoning designation and provide opportunities for economic diversification in accordance with this provision. This criterion is met.

Staff generally concurs with the applicant. The default zoning district to be applied to the site will be Commercial General (CG). Future development of the site would be reviewed for conformance with the development ordinance, including the list of allowed uses in Table 2.03A.

D. Procedures:

- 1. An annexation may be initiated by petition based on the written consent of:**
 - a. The owners of more than half of the territory proposed for annexation and more than half of the resident electors within the territory proposed to be annexed; or**
 - b. One hundred percent of the owners and fifty percent of the electors within the territory proposed to be annexed; or**
 - c. A lesser number of property owners.**
- 2. If an annexation is initiated by property owners of less than half of property to be annexed, after holding a public hearing and if the City Council approves the proposed annexation, the City**

Council shall call for an election within the territory to be annexed. Otherwise no election on a proposed annexation is required.

The site is collectively owned by a single owner – Matveev Development LLC. Trofim Kiprianovich Matveev, who is listed as Manager on the business license issued by the Oregon Secretary of State, signed the annexation petition form.

E. Zoning Designation for Annexed Property: All land annexed to the City shall be designated consistent with the Woodburn Comprehensive Plan, unless an application to re-designate the property is approved as part of the annexation process.

The Comprehensive Plan designates the subject property as Commercial. The territory will be assigned to the CG zoning district upon annexation.

F. The timing of public improvements is as follows:

- 1. Street dedication is required upon annexation.**
- 2. Dedication of public utility easements (PUE) is required upon annexation.**
- 3. Street improvements are required upon development.**
- 4. Connection to the sanitary sewer system is required upon development or septic failure.**
- 5. Connection to the public water system is required upon development or well failure.**
- 6. Connection to the public storm drain system is required upon development.**

The applicant’s narrative states on page 6:

Based on feedback received during the pre-application conference held October 12, 2022, the abutting street frontage improvements are planned to be completed by an abutting development that is currently in progress. If necessary, any right-of-way donation required will be coordinated with the Oregon Department of Transportation (ODOT) and will be completed prior to any future site development. Public utility locations and corresponding public utility easements will be determined, dedicated, and improved in accordance with the WDO and applicable City of Woodburn Public Works Standards and Specifications.

Staff concurs. Street right-of-way, street improvements, and connections into public utility facilities will be reviewed through a future development proposal for the site.

✓ The Annexation provisions are met.

5.04.04 Official Zoning Map Change, Owner Initiated

A. Purpose: The purpose of an Owner Initiated Official Zoning Map Change is to provide a procedure to change the Official Zoning Map, in a manner consistent with the Woodburn Comprehensive Plan.

B. Criteria: The following criteria shall be considered in evaluating an Official Zoning Map Change;

- 1. Demonstrated need for the proposed use and the other permitted uses within the proposed zoning designation.**
 - 2. Demonstrated need that the subject property best meets the need relative to other properties in the existing developable land inventory already designated with the same zone considering size, location, configuration, visibility and other significant attributes of the subject property.**
 - 3. Demonstration that amendments which significantly affect transportation facilities ensure that allowed land uses are consistent with the function, capacity, and level of service of the facility identified in the Transportation System Plan. This shall be accomplished by one of the following:**
 - a. Limiting allowed land uses to be consistent with the planned function of the transportation facility; or**
 - b. Amending the Transportation System Plan to ensure that existing, improved, or new transportation facilities are adequate to support the proposed land uses consistent with the requirement of the Transportation Planning Rule; or,**
 - c. Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes of transportation.**
- C. Delineation: Upon approval, a zone change shall be delineated on the Official Zoning Map by the Director. A zone change subject to specific conditions shall be annotated on the Official Zoning Map to indicate that such conditions are attached to the designation.**

The landowner of the subject property is requesting annexation into City limits. By its very nature, annexation of territory results in a change to the City limits boundary and the territory being annexed must be assigned to one or more zoning districts. The Comprehensive Plan designates the subject properties as Commercial. The territory will therefore be assigned the CG zoning district and the Zoning Map will be updated to reflect this.

✓ The provisions are met.

2115 Molalla Road Annexation

Date: November 2022

Submitted to: City of Woodburn
Community Development Department
270 Montgomery Street
Woodburn, OR 97071-4730

AKS Job Number: 9438



3700 River Road N, Suite 1
Keizer, OR 97303
(503) 400-6028

ATTACHMENT 102

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Exhibits

- Exhibit A:** Annexation Application Packet
 - Exhibit B:** Preliminary Annexation Site Plan
 - Exhibit C:** Annexation Map and Legal Description
 - Exhibit D:** Service Provider Letters
 - Exhibit E:** Title Report
 - Exhibit F:** Transportation Planning Rule (TPR) Analysis
 - Exhibit G:** October 12, 2022, Pre-Application Meeting Agenda
-

2115 Molalla Road Annexation

Submitted to:	City of Woodburn Community Development Department 270 Montgomery Street Woodburn, OR 97071-4730
Property Owners:	Matveev Development, LLC 31696 S Ona Way Molalla, OR 97038
Applicant's Consultant:	AKS Engineering & Forestry, LLC 3700 River Road N, Suite 1 Keizer, OR 97303 Contact(s): Zach Pelz, AICP Email: pelzz@aks-eng.com Phone: (503) 400-6028
Site Location:	2115 Molalla Road NE, Woodburn
Marion County Assessor's Map:	Marion County Assessor's Map 05 1W 09B; Tax Lots 1000, 1100, and 1200
Site Size:	0.92 total acres
Comprehensive Plan Designation:	Commercial

I. Executive Summary

AKS Engineering and Forestry, LLC (AKS) is submitting this application for an annexation into the City of Woodburn and zone change affecting three tax lots comprising a total area of ±0.92 acres. The site is currently zoned UT-5 (Urban Transition- 5 Acre Minimum) in Marion County and is within the City of Woodburn's (City) Urban Growth Boundary (UGB).

The site is designated Commercial by the City of Woodburn Comprehensive Plan map. This request includes a zone change to apply the Commercial General (CG) zoning designation to the site, and no Comprehensive Plan Map amendment will be required. The site is a high priority for annexation into the City since it is surrounded by properties within City limits but remains as an unincorporated island. The site was also included in the City's 2001 Economic Opportunities Analysis (EOA) and is expected to contribute toward the City's need for commercial buildable lands.

The application will be processed as a Type IV procedure per Woodburn Development Ordinance (WDO) Section 4. The Applicant does not have a plan for the end use of the site at this time but anticipates that future development on the site will fall within the allowed uses of the CG zoning designation per WDO Table 2.03A. The final use of the site, as well as the associated development standards, will be reviewed at a later date.

The relevant provisions of the WDO and Woodburn Comprehensive Plan, as well as the applicable Statewide Planning Goals, are addressed in this narrative. The application package includes the required City application forms, written materials, and preliminary plans for City staff to review and determine compliance with the applicable approval criteria.

II. Site Description/Setting

The site consists of three tax lots (Marion County Assessor's Map 05 1W 09B, Tax Lots 1000, 1100, and 1200) located off OR State Highway 211 (Molalla Road, ± ¼ mile east of the intersection with Highway 99E). The property currently contains a single-family home with access directly from Highway 211 and accessory structures consistent with the residential use. The property is one of several islands within Woodburn that are surrounded by lots within City limits that have not been annexed. The site is designated Commercial on the Comprehensive Plan Map and surrounding lots are within the Commercial General (CG) zoning designation. The approved developments to the north, east, and west of the subject site have included approval for the construction of public improvements along the frontage adjacent to the subject site. These improvements are currently underway and will include a sidewalk, curb, landscape strip, and bike and travel lanes in addition to the existing half-street improvements and center left turn lane.

III. Applicable Review Criteria

WOODBURN DEVELOPMENT ORDINANCE (WDO)

VOLUME 4—ADMINISTRATION AND PROCESS

4.01 Decision-Making Procedures

4.01.02 Assignment of Decision-Makers:

The following City entity or official shall decide the following types of decisions:

[...]

-
- D. **Type IV Decisions (Quasi-Judicial):** The Planning Commission shall hold an initial public hearing on all Type IV permit applications before making a recommendation to the City Council. The City Council shall then conduct a *de novo* public hearing. The City Council's decision is the City's final decision on a Type IV application and is appealable to LUBA within 21 days after it becomes final.

Response: This application includes an applicant-initiated annexation and zoning map amendment that does not include a Comprehensive Plan Map amendment and should be considered in accordance with the Type IV application decision procedure. The applicable decision-making process is understood.

4.01.06 Conditions of Approval

- A. All City decision-making bodies have the authority to impose conditions of approval reasonably related to impacts caused by the development or designed to ensure that all applicable approval standards are, or can be, met on Type II, III, and IV decisions except annexation.

Response: As noted above, Type IV decisions are not subject to conditions of approval.

[...]

4.01.15 Quasi-Judicial Hearing Process

- A. **Applicable Procedures:** All public hearings pertaining to Type III and IV permits, whether before the Planning Commission, Design Review Board, or City Council, and any appeal or review for a Type II, III or IV permit, shall comply with the procedures of this Section. In addition, all public hearings shall comply with the Oregon Public Meetings Law, the applicable provisions of ORS 197.763 and any other applicable law.
- B. **Scheduling:** Once the Director determines that an application for a Type III or IV decision is complete, the Director shall schedule a hearing before the Planning Commission or Woodburn Development Ordinance Section 4.01 Page 294 Design Review Board, as applicable. If the Director has doubt about which type of procedure is applicable to a particular application, the application shall be processed pursuant to the procedure that provides the greater opportunity for public review. Once the Director determines that an appeal of a Type II or Type III decision has been properly filed, or that the City Council has called the decision up for review, the Director shall schedule a hearing before the City Council.
- C. **Public Hearing Notice:** Notice of the hearing shall be issued as provided by this Ordinance.
- D. **Staff Report:** The Director shall prepare a staff report on the application which lists the applicable approval criteria, describes the application and the applicant's development proposal, summarizes all relevant City department, agency and public comments, describes all other pertinent facts as they relate to the application and the approval criteria, concludes whether each of the approval criteria are met and makes a recommendation to approve, approve with conditions, or deny the application.

Response: This annexation application should be considered in accordance with the Type IV application procedures. The applicable decision-making processes are understood.

[...]

VOLUME 5—APPLICATION REQUIREMENTS

5.04.01 Annexation

- A. **Purpose:** The purpose of this Type IV review is to provide a procedure to incorporate contiguous territory into the City in compliance with state requirements, Woodburn Comprehensive Plan, and Woodburn Development Ordinance.

Response: The applicable sections of the Woodburn Comprehensive Plan, Woodburn Development Ordinance, and the Statewide Planning Goals are addressed in this narrative, below.

- B. **Mandatory Pre-Application Conference:** Prior to requesting annexation to the City, a Pre-Application Conference (Section 4.01.04) is required. This provides the city an opportunity to understand the proposed annexation and an opportunity to provide information on the likely impacts, limitations, requirements, approval standards, and other information that may affect the proposal.

Response: A pre-application conference was held with the City on October 12, 2022, to discuss the planned annexation and was attended by the applicant and their consultants. The agenda from the meeting is included with this application package as Exhibit G. This criterion is met.

C. **Criteria:**

1. **Compliance with applicable Woodburn Comprehensive Plan goals and policies regarding annexation.**

Response: The applicable sections of the Woodburn Comprehensive Plan are addressed in this narrative, below. This criterion is met.

2. **Territory to be annexed shall be contiguous to the City and shall either:**

- a. **Link to planned facilities with adequate capacity to serve existing and future development of the property as indicated by the Woodburn comprehensive Plan; or**
- b. **Guarantee that public facilities have adequate capacity to serve existing and future development of the property.**

Response: The subject site is surrounded by properties within Woodburn City limits and linked to planned facilities with adequate capacity to serve reasonable future commercial development on the site. Service provider letters are provided (see Exhibit D) verifying that there are no known capacity issues in the vicinity of the subject site. This criterion is met.

3. **Annexations shall show a demonstrated community need for additional territory and development based on the following considerations:**

[...]

- b. **Lands designated for commercial, industrial and other uses should demonstrate conformance to the following criteria:**
- 1) **The proposed use of the territory to be annexed shall be for industrial or other uses providing employment opportunities;**

Response: This application does not include a specific proposal for the future use of the subject site. The applicant anticipates that property will be developed, at a future date, in accordance with the allowed uses in the CG zoning district, which are intended to provide for the

business and employment needs of the community. The uses listed in Table 2.03A are permitted outright in the CG zoning designation and provide employment opportunities in accordance with this provision. This criterion is met.

- 2) The proposed industrial or commercial use of the territory does not require the expansion of infrastructure, additional service capacity, or incentives that are in excess of the costs normally borne by the community for development;

Response: This application does not include a proposal for specific uses to be established on the subject site. Service provider letters are provided (see Exhibit D) verifying that there are no known capacity issues in the vicinity of the subject site. The site can be served by existing facilities without requiring extensive infrastructure expansion. The extent of any necessary utility extensions will be reviewed during a future site development review. This criterion is met.

- 3) The proposed industrial or commercial use of the territory provides an economic opportunity for the city to diversify its economy.

Response: This application does not include a specific proposal for the future use of the subject site. Applicant anticipates that the property will be developed in accordance with the allowed uses in the CG zoning designation, which are intended to provide for the business and employment needs of the community. The uses listed in Table 2.03A are permitted outright in the CG zoning designation and provide opportunities for economic diversification in accordance with this provision. This criterion is met.

D. Procedures:

1. An annexation may be initiated by petition based on the written consent of:
 - a. The owners of more than half of the territory proposed for annexation and more than half of the resident electors within the territory proposed to be annexed; or
 - b. One hundred percent of the owners and fifty percent of the electors within the territory proposed to be annexed; or
 - c. A lesser number of property owners.

Response: The subject site belongs to a single property owner. The Annexation Petition, included with this package in Exhibit A, includes the signed property owner consent form. This criterion is met.

[...]

- E. Zoning Designation for Annexed Property:** All land annexed to the City shall be designated consistent with the Woodburn Comprehensive Plan, unless an application to re-designate the property is approved as part of the annexation process.

Response: The site is designated Commercial in the Woodburn Comprehensive Plan and is planned to be zoned Commercial General (CG) upon annexation. An application to re-designate the property is not included. This criterion is met.

- F. The timing of public improvements is as follows:**

1. Street dedication is required upon annexation.

2. Dedication of public utility easements (PUE) is required upon annexation.
3. Street improvements are required upon development.
4. Connection to the sanitary sewer system is required upon development or septic failure.
5. Connection to the public water system is required upon development or well failure.
6. Connection to the public storm drain system is required upon development.

Response: Based on feedback received during the pre-application conference held October 12, 2022, the abutting street frontage improvements are planned to be completed by an abutting development that is currently in progress. If necessary, any right-of-way donation required will be coordinated with the Oregon Department of Transportation (ODOT) and will be completed prior to any future site development. Public utility locations and corresponding public utility easements will be determined, dedicated, and improved in accordance with the WDO and applicable City of Woodburn Public Works Standards and Specifications.

[...]

WOODBURN COMPREHENSIVE PLAN

A. COMPREHENSIVE PLAN DESIGNATIONS AND IMPLEMENTATION

Policy

- A-1. Land use ordinances adopted by the City shall be strictly enforced. While the Comprehensive Plan and zoning ordinances are important phases of the land use planning process, without strict enforcement of the code, what actually occurs in the City will not have a direct relationship to the plans and ordinances adopted by the Council. Therefore, strict enforcement must be practiced by the City to ensure that the policies of the City are actually being implemented.

Response: This chapter of the Woodburn Comprehensive Plan outlines the format and application of the plan and designates the process for revising and enforcing the policies therein. The Comprehensive Plan is implemented through policies codified in the Woodburn Development Ordinance (WDO), which is addressed in this narrative.

B. CITIZEN INVOLVEMENT AND AGENCY COORDINATION

Policies

- B-1. It is the policy of the City of Woodburn to solicit and encourage citizen input at all phases of the land use planning process. Since the City is trying to plan the community in accordance with the community's benefit, it is essential that the community be consulted at all stages of the planning process.

Response: Citizen involvement is incorporated into the annexation process through the requirement that public hearings be held by both the Planning Commission and the City Council and the requirement that public notice be sent to property owners within 250 feet of the subject property, as well as any affected neighborhood association(s). Notice must also be posted on the site and published in the newspaper in accordance with the requirements of WDO Section 4. These requirements serve to meet the Woodburn's Citizen Involvement goal.

-
- B-2. Woodburn shall coordinate with affected state agencies regarding proposed comprehensive plan and land use regulation amendments, as required by state law.

Response: This policy applies to the City of Woodburn and provides standards for the coordination of plans and ordinances with other agencies. Public notice is required to be sent to affected agencies including ODOT, the Oregon Department of State Lands, and the Oregon Department of Land Conservation and Development. The City is responsible for ensuring that affected state agencies are notified of this annexation, as applicable. The Goal is met.

C. MARION COUNTY COORDINATION

Goal

- C-1. To coordinate with Marion County regarding planning issues that extend beyond the boundaries of the City of Woodburn, including population allocations, amendments to acknowledged comprehensive plans and transportation system plans, and achievement of a compact urban growth form, as required by Statewide Planning Goals 2 (Land Use Planning and Coordination), 12 (Transportation), and 14 (Urbanization).

Policies

- C-1.1 Marion County Framework Plan goals, policies, and guidelines will be considered when the City considers plan amendments that require Marion County concurrence.
- C-1.2 The City of Woodburn shall have primary responsibility to plan for community growth within its Urban Growth Boundary and recognizes its responsibility to coordinate with Marion County to ensure the efficient use of urbanizable land within the Woodburn Urban Growth Boundary.

Response: The City has an Urban Growth Coordination Agreement with Marion County for land outside the current City limits, but within the UGB. The coordination policies contained in this agreement are listed below:

1. The County shall retain responsibility for regulating land use on lands within the Urban Growth Area until such lands are annexed by the City. The City and County identify the Urban Growth Area as urbanizable and available over time for urban development.
2. The City and County shall maintain a process providing for an exchange of information and recommendations relating to land use proposals in the Urban Growth Area. The County shall forward land use activities being considered within the Urban Growth Area by the County to the City for comments and recommendations. The City shall respond within twenty (20) days unless the City requests and the County grants an extension.
3. Upon receipt of an annexation request or the initiation of annexation proceedings by the City, the City shall forward information regarding the request (including any proposed zone change) to the County for comments and recommendations. The County shall have twenty (20) days to respond unless they request, and the City allows additional time to submit comments before the City makes a decision on the annexation proposal.

-
4. All land use actions within the Urban Growth Area shall be consistent with the Woodburn Comprehensive Plan and the County's land use regulations.
 5. In order to promote consistency and coordination between the City and County, both the City and County shall review and approve amendments of the Woodburn Comprehensive Plan that apply to the Urban Growth Area. Such changes shall be considered first by the City and referred to the County prior to final adoption. If the County approves a proposed amendment to the Woodburn Comprehensive Plan, the change shall be adopted by ordinance and made a part of the County's Plan.
 6. The area outside the Urban Growth Boundary shall be maintained in rural and resource uses consistent with Statewide Planning Goals. The area outside the Urban Growth Boundary designated the Urban Reserve Area shall be subject to the requirements in Section V below.
 7. The City and County shall promote logical and orderly development within the Urban Growth Area in a cost-effective manner. The County shall not allow uses requiring a public facility provided by the City within the Urban Growth Area prior to annexation to the City unless agreed to in writing by the City.
 8. City sewer and water facilities shall not be extended beyond the Urban Growth Boundary, except as may be agreed to in writing by the City and County, consistent with Oregon Administrative Rules, the Woodburn Comprehensive Plan, and the Marion County Comprehensive Plan.
 9. Conversion of land within the Urban Growth Area to urban uses shall occur upon annexation and be based on consideration of applicable annexation policies in the Woodburn Comprehensive Plan.
 10. The City shall discourage the extension of public facilities into the Urban Growth Area without annexation. However, if the extension of public facilities into the Urban Growth Area is necessary because of an emergency, health hazard or the City determines it is otherwise desirable, the facilities may be extended subject to terms and conditions contained in a service contract between the City and the property owner.
 11. The City shall be the provider of public water, sanitary sewer and stormwater facilities within the Urban Growth Boundary unless otherwise agreed to by the City, the County, and any other applicable party. The City shall be responsible for preparing the public facilities plan for all lands within the Urban Growth Boundary.

The property included in this application is in the UGB area, and the annexation is compliant with the applicable policies listed above. Marion County will be provided an opportunity to comment on this application prior to and during the public hearing. The Goal is met.

D. RESIDENTIAL LAND DEVELOPMENT AND HOUSING

Response: This application does not include the annexation, rezoning, or development of land designated for residential uses. While limited residential uses are permitted as conditional uses in the CG zoning district, the Applicant does not anticipate that the site will be used for future residential purposes. Therefore, this Goal is not applicable.

E. INDUSTRIAL LAND AND EMPLOYMENT

Response: This application does not include the annexation, rezoning, or development of land for industrial uses; therefore, this Goal is not applicable.

F. COMMERCIAL LAND DEVELOPMENT AND EMPLOYMENT

Goal

F-1. Encourage infill and redevelopment of existing commercial areas within the community, as well as nodal neighborhood centers, to meet future commercial development needs.

Policies

F-1.1 The City should at all times have sufficient land to accommodate the retail needs of the City and the surrounding market area while encouraging commercial infill and redevelopment. The City presently has five major commercial areas: 99E, 1-5 Interchange, the downtown area, the Parr Road Nodal Commercial area, and the 214/211/99E four corners intersection area. No new areas should be established.

F-1.2 Lands for high traffic generating uses (shopping centers, malls, restaurants, etc.) should be located on well improved arterials. The uses should provide the necessary traffic control devices needed to ameliorate their impact on the arterial streets.

F-1.3 Strip zoning should be discouraged as a most unproductive form of commercial land development. Strip zoning is characterized by the use of small parcels of less than one acre, with lot depths of less than 150 feet and parcels containing multiple driveway access points. Whenever possible, the City should encourage or require commercial developments which are designed to allow pedestrians to shop without relying on the private automobile to go from shop to shop. Therefore, acreage site lots should be encouraged to develop "mall type" developments that allow a one stop and shop opportunity. Commercial developments or commercial development patterns that require the use of the private automobile shall be discouraged.

F-1.4 Architectural design of commercial areas should be attractive with a spacious feeling and enough landscaping to reduce the visual impact of large expanses of asphalt parking areas. Nodal and mixed-use village commercial areas should be neighborhood and pedestrian oriented, with parking to the rear or side of commercial buildings, and with pedestrian connections to neighboring residential areas.

F-1.5 It would be of benefit to the entire City to have Woodburn's Downtown Design and Conservation District an active, healthy commercial area. Downtown redevelopment should be emphasized and the City should encourage property owners to form a local improvement district to help finance downtown improvements. Urban renewal funds may also be used to fund planned improvements.

F-1.6 Commercial office and other low traffic generating commercial retail uses can be located on collectors or in close proximity to residential areas if care in architecture and site planning is exercised. The City should ensure by proper regulations that any commercial uses located close to residential areas have the proper architectural and landscaping buffer zones.

- F-1.7 The Downtown Goals and Policies are included in Section K of the Plan and are intended as general guidelines to help the City and its residents reshape the downtown into a vital part of the community. Generally, development goals are broken into four categories, short-term goals, intermediate term goals, long-term goals, and continual goals. Whenever development is proposed within the CBD these goals should be reviewed and applied as necessary so as to maintain balance and uniformity over time. Although not part of the Downtown Plan or Woodburn Comprehensive Plan, Urban Renewal funding can help to realize the goals and policies embodied in these land use plans.
- F-1.8 Ensure that existing commercial sites are used efficiently. Consider the potential for redevelopment of existing commercial sites and modifications to zoning regulations that intensify development to attract new investment.

[...]

Response: This application promotes the ongoing development of an existing commercial area by incorporating a small island of UGB land into the City limits. The Highway 211/214/99E “four corners” intersection area is identified in the Woodburn Comprehensive Plan as a key commercial zone prioritized for redevelopment. While specific uses for the site have not been determined, the location and orientation of the property can accommodate the effective use of the site for commercial purposes. This annexation will serve to promote the continued improvement of this area and to efficiently meet the existing and future commercial development needs of the City.

[...]

G. GROWTH MANAGEMENT AND ANNEXATION

GROWTH MANAGEMENT GOALS AND POLICIES

Goal

- G-1. The City’s goal is to manage growth in a balanced, orderly, and efficient manner, consistent with the City’s coordinated population projection.

Policies

- G-1.1 Woodburn will assure that all expansion areas of the City are served by public facilities and services with adequate capacity. Consideration of proposals that vary from City capacity standards and facility master plans shall include mitigating measures determined to be appropriate the Public Works Department. Other public service providers such as the School District and Fire District shall also address capacity considerations.
- G-1.2 Woodburn will encourage the optimum use of the residential land inventory providing opportunities for infill lots, intensifying development along transit corridors, and application of minimum densities.
- G-1.3 The City shall provide an interconnected street system to improve the efficiency of movement by providing direct linkages between origins and destinations.
- G-1.4 The City shall assure the provision of major streets as shown in the Transportation Systems Plan. The City shall hold development accountable for streets within and abutting the development. In addition, the policy of the City is to emphasize development outward in successive steps and phases that avoid unnecessary gaps in the development and improvement of the streets.
- G-1.5 The City’s policy is to consider the Capital Improvement Program (CIP) when investing public funds or leveraging private investment.

-
- G-1.6 The City shall encourage high standards of design and flexibility that are enabled by the PUD zone.
 - G-1.7 The City's policy is to accommodate industrial and commercial growth consistent with the 2001 Woodburn Economic Opportunities Analysis (EOA).
 - G-1.8 Woodburn's policy is to diversify the local economy. Woodburn seeks to diversify the local economy so that the community will prosper and can weather swings in the business cycle, seasonal fluctuations, and other economic variables. The intent is to provide a broad spectrum of commercial and industrial enterprises. The variety of enterprises will not only provide insulation from negative business factors, but a choice in employment opportunities that in turn allows for the diversification in income types.
 - G-1.9 To ensure that growth is orderly and efficient, the City shall phase the needed public services in accordance with the expected growth. Extensions of the existing public services should be in accordance with the facility master plans and Public Facility Plan in this Comprehensive Plan.
 - G-1.10 Woodburn will ensure that land is efficiently used within the Urban Growth Boundary (UGB) by requiring master development plans for land within Nodal Development Overlay and Southwest Industrial Reserve overlay designations. Master plans shall address street connectivity and access, efficient provision of public facilities, and retention of large parcels for their intended purpose(s).
 - G-1.11 The City shall pay for public facilities with system development charges from anticipated growth.
 - G-1.12 The County shall retain responsibility for regulating land use on lands within the urban growth area (unincorporated land inside the UGB) until such lands are annexed by the City. The urban growth area has been identified by the City as urbanizable and is considered to be available, over time, for urban development.
 - G-1.13 The City and County shall maintain a process providing for an exchange of information and recommendations relating to land use proposals in the urban growth area. Land use activities being considered within the urban growth area by the County shall be forwarded by the County to the City for comments and recommendations. The City shall respond within twenty days, unless the City requests and the County grants an extension.
 - G-1.14 All land use actions within the urban growth area and outside the City limits shall be consistent with the City's Comprehensive Plan and the County's land use regulations.
 - G-1.15 In order to promote consistency and coordination between the City and County, both the City and County shall review and approve amendments to the City's Comprehensive Plan which apply to the portion of the urban growth area outside the City limits. Such changes shall be considered first by the City and referred to the County prior to final adoption. If the County approves a proposed amendment to the City's plan, the change shall be adopted by ordinance, and made a part of the County's plan.
 - G-1.16 The area outside the urban growth boundary, including the area within the Urban Reserve Area (URA), shall be maintained in rural and resource uses consistent with the Statewide Land Use Planning Goals.
 - G-1.17 The City and County shall strive to enhance the livability and promote logical and orderly development of the urban growth area in a cost-effective manner. The County shall not allow urban uses within the Urban Growth Boundary prior to annexation to the City unless agreed to in writing by the City. City

sewer and water facilities shall not be extended beyond the City limits, except as may be agreed to in writing by the City and the property owner and the owner consents to annex. The City shall be responsible for preparing the public facilities plan.

G-1.18 Conversion of land within the boundary to urban uses shall be based on a consideration of:

- (a) Orderly, economic provision for public facilities and services;
- (b) Availability of sufficient land for the various uses to ensure choices in the market place;
- (c) LCDC Goals;
- (d) Further development of vacant and underutilized residential land within the City's buildable land inventory before annexing additional territory for conversion to residential use at urban densities; and
- (e) Applicable provisions of the Marion County and City Comprehensive Plans.

[...]

G-1.23 As specified in the Marion County Framework Plan, the County's preliminary employment land use needs for Woodburn are replaced by the more detailed employment forecasts and site suitability analysis found in the 2001 Woodburn EOA.

G-1.24 Woodburn will consider residential and commercial redevelopment and infill potential for purposes of calculating UGB capacity, prior to expanding the UGB. Woodburn will also constrain the supply of commercial land to encourage redevelopment along Highway 214 west of Interstate 5, and along Highway 99W.

[...]

Response:

The subject site is within the UGB and surrounded by land within Woodburn City limits. City water, sewer, and stormwater facilities are available to the site with adequate capacity to accommodate future development. Service provider letters have been provided from the Woodburn Public Works Department, Woodburn Fire District, and Woodburn School District and are included with this package as Exhibit D. As addressed elsewhere in this narrative, the annexation of the subject site will allow for the logical continuation of commercial development in the vicinity and accommodate commercial growth consistent with the 2001 Woodburn Economic Opportunities Analysis (EOA). This Goal is met.

[...]

ANNEXATION GOALS AND POLICIES

Goal

G-2. The goal is to guide the shape and geographic area of the City within the urban growth boundary so the City limits:

- (a) Define a compact service area for the City;
- (b) Reflect a cohesive land area that is all contained within the City; and
- (c) Provide the opportunity for growth in keeping with the city's goals and capacity to serve urban development.

Policies

G-2.1 For each proposed expansion of the City, Woodburn shall assess the proposal's conformance with the City's plans, and facility capacity and assess its impact on the community.

G-2.2 Woodburn will achieve more efficient utilization of land within the City by:

- (a) Incorporating all of the territory within the City limits that will be of benefit to the City.
- (b) Providing an opportunity for the urban in-fill of vacant and underutilized property.
- (c) Fostering an efficient pattern of urban development in the City, maximizing the use of existing City facilities and services, and balancing the costs of City services among all benefited residents and development.
- (d) Requiring master development plans for land within Nodal Development Overlay or Southwest Industrial Reserve overlay designations prior to annexation. Master plans shall address street connectivity and access, efficient provision of public facilities, and retention of large parcels for their intended purpose(s).

G-2.3 Woodburn will use annexation as a tool to guide:

- (a) The direction, shape, and pattern of urban development;
- (b) Smooth transitions in the physical identity and the development pattern of the community; and
- (c) The efficient use and extension of City facilities and services.

Response: This application serves the City's annexation goals by eliminating an existing island of non-annexed land and allowing for more efficient utilization of the subject site and surrounding commercial properties. Incorporating the site into City limits fulfills the City's plan to accommodate additional commercial land needs in this part of the City. This Goal is met.

H. TRANSPORTATION

Goals

H-1. Multimodal Mobility- Provide a multimodal transportation system that avoids or reduces a reliance on one form of transportation and minimizes energy consumption and air quality impacts.

Policies

H-1.1 Develop an expanded intracity bus transit system that provides added service and route coverage to improve the mobility and accessibility of the transportation disadvantaged and to attract traditional auto users to use the system.

H-1.2 Encourage alternative travel options between Woodburn, Portland and Salem

H-1.3 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.

-
- H-1.4 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.
 - H-1.5 Maintain adequate intersection and roadway capacity on the key east-west and north-south arterials. Periodically review arterials' capacity to meet current and future demands.
 - H-2. Connectivity- Provide an interconnected street system that is adequately sized to accommodate existing and projected traffic demands in the Woodburn area.
 - Policies
 - H-2.1 Develop and implement updated street design standards for arterials, collectors, and local streets. Ensure new standards and development are consistent with the functional classification plan in the TSP.
 - H-2.2 Maintain and enhance new east-west and north-south collector/minor arterial streets within the City to relieve traffic demands on Oregon 219/214, 211, and 99E and coordinate with Marion County to construct the street connections needed outside of the urban growth boundary (UGB). Where development of new collector/minor arterial streets is not possible within the near future, such as when an alignment runs outside of the UGB, work with property owners during subdivision to provide local street connections to improve connectivity in the interim.
 - H-2.3 Encourage multi-modal transportation options, including park-and-ride facilities, carpooling, and use of transit services.
 - H-2.4 Develop and implement a capital improvement program (CIP) that fulfills the transportation goals established by the community and pursues new funding sources for the CIP projects.
 - H-2.5 Provide inter-parcel circulation through crossover easements, frontage or backage roads, or shared parking lots where feasible.
 - H-3. Safety- Provide a transportation system that enhances the safety and security of all transportation modes in the Woodburn area.
 - H-3.1 Continue coordination with ODOT to improve safety on state facilities within the City and citywide access management strategies.
 - H-3.2 Implement strategies to address pedestrian and bicycle safety issues, specifically for travel to and from local schools, commercial areas, and major activity centers.
 - H-3.3 Identify street and railroad crossings in need of improvement, as well as those that should be closed or relocated. Remove private grade crossings by providing alternative access to parcels as development and redevelopment occurs.
 - H-3.4 Develop a plan for designated truck routes through the City. Prioritize movement of goods on designated freight and truck routes.
 - H-4. Strategic Investment- Provide a financially sustainable transportation system through responsible stewardship of assets and financial resources.
 - H-4.1 Evaluate the feasibility of various funding mechanisms, including new and innovative sources.
 - H-4.2 Preserve and maintain the existing transportation system assets to extend their useful life.
 - H-5. Land Use and Transportation Integration- Periodically review and update land use standards and ordinances to create a balanced built environment where existing and planned land uses are supported by an efficient multi-modal transportation system.

-
- H-5.1 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 models and reducing automobile reliance at times of peak traffic volumes.
 - H-6. Coordinate with State, Regional, and Local Partners- Develop and maintain a transportation system that is consistent with the City’s adopted comprehensive plan and adopted plans of state, regional, and other local jurisdictions.
 - H-6.1 Ensure plans coordinate with state, regional and local planning rules and regulations. Consider land use, financial, and environment planning when prioritizing strategic transportation investments.
 - H-6.2 Support Marion County efforts to provide transit connections within and between cities. The Woodburn TSP shall include transportation plans for the Woodburn Transit System that is consistent with the population and employment projections in the Woodburn Comprehensive Plan and coordinated with the “preferred alternative” found in the County’s Rural Transportation System Plan (RTSP).
 - H-6.3 Promote multi-modal transportation options by providing for mixed-use districts and overlays.
 - H-6.4 Coordinate with Marion County in planning for freight movement by both rail and truck.
 - H-6.5 Comprehensive Plan amendments from Industrial to Commercial shall be prohibited, regardless of transportation impacts or proposed mitigation, within the SWIR Overlay.

Response: This application does not include the extension or expansion of the Woodburn transportation network, but it will allow for the logical development of commercial uses along a significant transportation facility. Highway 211, which fronts the property, is classified as a Major Arterial. As such, the right-of-way is planned to be 100 feet in width and incorporate the standard improvements required for Major Arterial streets. Plans for the improvement of Molalla Road along the frontage of the subject site have been approved for development and are currently under construction by the developer of the property immediately east of the subject site. The approved plans include a sidewalk, curb, landscaping strip, vehicle lanes, and bike lanes in addition to the existing center left turn lane and half-street improvements that have already been completed.

A Transportation Planning Rule (TPR) Analysis satisfying the requirements of OAR 660-012 is included with this annexation application as Exhibit F. This TPR Analysis concludes that the zoning map amendment does not significantly affect an existing or planned transportation facility and no additional transportation analysis is needed. A traffic memo will be required at the time of site development permitting, and if the planned use is anticipated to generate more than 50 peak hour trips, the City and ODOT will require a full Traffic Impact Analysis. The outcome of this analysis will determine the scope of necessary transportation improvements for the development of the subject site.

I. PUBLIC FACILITIES

Goals

- I-1. Public facilities and services shall be provided at levels necessary and suitable for existing uses. The provision for future public facilities and services in these areas shall be based upon approved master plans that consider: (1) the time required to provide the service, (2) reliability of service, (3) financial cost, and (4) levels of service needed and desired.

Policies

- I-1.1 Public Facilities and services shall be appropriate to support sufficient amounts of land to maintain an adequate housing market in areas undergoing development or redevelopment.
- I-1.2 The level of key facilities that can be provided should be considered as a principal factor in planning for various densities and types of urban land uses.
- I-2. Develop a system that will comply with regulatory treatment requirements of the Clean Water Act for anticipated wastewater flows and reduce the amount of pollutants that are released to the environment.

Policies

- I-2.1 Develop a plan to treat the City’s wastewater flows that ensures desired efficient quality is maintained under all flow conditions.
- I-2.2 Develop a plan for a collection system that has the capacity to convey the wastewater flows generated.
- I-2.3 Develop a maintenance plan that ensures the wastewater treatment system maintains a high degree of reliability throughout its design lifetime.
- I-2.4 Develop an active Inflow/Infiltration (I/I) program that will reduce the levels of I/I flows to the treatment facility.
- I-2.5 Develop a system to monitor and regulate the flows from industrial customers whose wastewater is treated by the City
- I-3. Develop a plan that will economically provide for the treatment of wastewater generated by the City’s sewer customers accounting for projected growth through the year 2020.

Policies

- I-3.1 Project the wastewater treatment needs of the City through 2020 and provide the land, financial resources and infrastructure to meet those projected demands.
- I-3.2 Develop a facility master plan to meet the requirements of the Clean Water Act and any other regulatory requirements for the projected system demands.
- I-3.3 Regularly update the plan to guide the City efficiently through anticipated growth to comply with any changed regulatory requirements and evaluate if existing plans are satisfactory.
- I-3.4 Evaluate the feasibility of the full range of funding options for wastewater system improvements to fairly distribute costs and regularly evaluate the adequacy of established fees and charges.
- I-3.5 Evaluate the potential impacts of water conservation programs that mitigate some of the increased demands associated with projected future growth.
- I-3.6 The City shall acquire additional land for a poplar tree plantation for tertiary treatment of waste sludge, as needed to accommodate future growth.
- I-4. Develop a system that will provide the water system’s customers with safe drinking water that meets quality expectations in sufficient quantity to meet the demand.

Policies

- I-4.1 Develop a plan to treat the City’s water supply to reduce elevated levels of iron and manganese, which provide undesirable aesthetic effects.
- I-4.2 Develop a plan to monitor and react to changing regulatory requirements to ensure that the City is able to supply water that complies with all provisions of the Safe Drinking Water Act.

-
- I-4.3 Develop a supply and distribution system that provides for reliable fire protection.
 - I-4.4 Develop a Wellhead Protection Program for the City that will serve to provide the greatest practical protection for the groundwater resources that provide the City's drinking water supply.
 - I-5. To economically provide safe, plentiful drinking water to the City's water system customers accounting for projected growth through the year 2020 in accordance with the City of Woodburn Water Master Plan.
 - I-5.1 Project the water needs of the system through 2020 and provide the resources and infrastructure to meet these projected demands. Monitor the status of water rights granted the City.
 - I-5.2 Develop a facility master plan to meet the water quality goals and requirements, water system distribution needs, desired water storage capacities and future water supply projections.
 - I-5.3 Regularly update the plan to guide the City efficiently through anticipated growth to comply with regulatory requirements, identify additional sources, determine treatment options and evaluate service quality.
 - I-5.4 Evaluate the feasibility of the full range of funding options for water system improvements to fairly distribute costs and regularly evaluate the adequacy of established fees and charges.
 - I-5.5 Evaluate and monitor alternative sources that may be utilized if contamination or other situations make the existing source unusable and explore opportunities for regional cooperation in water supply.
 - I-5.6 Evaluate potential impacts of water conservation programs to mitigate some of the increased demands associated with projected future growth.

Response: Because this application is for an island annexation, it is surrounded by lots that are within City limits and served by City services. Service provider letters are provided (see Exhibit D) verifying that there are no known capacity issues in the vicinity of the subject site. Necessary public utilities and other facilities are available to the subject site in accordance with these goals and policies. The subject site was included in the City's 2010 Wastewater Facilities Master plan. Specific utility locations, sizes, and designs will be reviewed during final engineering plan review based on the future use(s) of the subject site. These goals can be met.

J. NATURAL AND CULTURAL RESOURCES

Response: The subject site does not contain any known wetlands, riparian corridors, floodplains, or cultural resources. Further, application does not seek approval for any ground disturbing activity. At such time as development occurs and if any natural, scenic, historic, or cultural resources are found to exist on the site, a future applicant will consult with the appropriate agencies to determine the necessary mitigation, notice, and permitting processes that may be required on the property prior to development. This Goal is met.

K. DOWNTOWN DESIGN

Response: This application does not include development within or adjacent to the Woodburn Downtown Development Conservation District (DDCD). This Goal is not applicable.

L. PARKS AND RECREATION

Response: This application does not include areas designated on the Woodburn Parks and Recreation Comprehensive Plan for future park improvements. This Goal is not applicable.

M. ENERGY CONSERVATION

Goal

M-1. The goal of the City is to encourage conservation of energy in all forms, and to conserve energy itself in the City's operations, buildings, and vehicular use.

Policies

M-1.1 The City shall review its subdivision and construction codes periodically to ensure that the construction types which most conserve energy are encouraged in this City, but not at the expense of health and safety. The City shall encourage new construction types, within the limits of what can be permitted due to health and safety requirements, to permit further use of the solar energy that is available in the Woodburn area.

M-1.2 The City shall increase its commitment to energy conservation, including alternative energy vehicles, increased recycling, and reduction in out-of-direction travel. The City shall encourage its citizens and visitors to conserve energy. Where feasible, the City should retrofit City buildings and structures so that they may be more energy efficient.

M-1.3 In all new construction for the City energy systems that rely less on fossil fuels shall be investigated, and if cost effective at a long term, shall be utilized.

M-1.4 Encourage a minimum energy conservation standard for existing residential buildings.

M-1.5 Revise land development standards to provide solar access.

M-1.6 Encourage investments in solar energy by protecting solar access.

M-1.7 Offer developers a density bonus for development utilizing energy conservation and solar energy measures.

Response: This application does not include specific construction or land development proposals and is not subject to energy conservation policies or standards. It is worth noting, however, that the planned annexation increases energy efficiency by maximizing commercial land uses adjacent to high-capacity transportation corridors and allowing for the development of land that is surrounded by commercially zoned territory, rather than relying on the expansion of the city limits to accommodate the City's commercial needs. This Goal is not applicable.

OREGON STATEWIDE LAND USE PLANNING GOALS

Goal 1—Citizen Involvement

To develop a citizen involvement program that ensures the opportunity for citizens to be involved in all phases of the planning process.

Response: Citizen involvement is incorporated into the annexation process through the City's requirement that public hearings be held by both the Planning Commission and the City Council and by the requirement that public notice be sent to property owners within 250 feet of the subject property, as well as any affected neighborhood association(s). Notice must also be posted on the site and published in the newspaper in accordance with the requirements of WDO Section 4. These requirements satisfy the Citizen Involvement provisions described in Goal 1. The Goal is met.

Goal 2—Land Use Planning

To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land to assure an adequate factual base for such decisions and actions.

Response: It is the responsibility of the City to comply with the requirements of Goal 2 for establishing and maintaining a land use planning process. The Oregon Department of Land Conservation and Development has acknowledged that the Woodburn Comprehensive Plan is compliant with the Statewide Planning Goals. This Goal is met.

Goals 3 and 4—Agricultural and Forest Lands

Response: Because this proposed annexation does not include areas outside of the acknowledged Urban Growth Boundary and the applicable properties are not zoned for agricultural or forest uses, these goals do not apply to the subject site.

Goal 5—Natural Resources, Scenic and Historic Areas, and Open Spaces

To protect natural resources and conserve scenic and historic areas and open spaces.

Response: The subject site does not contain any known wetlands, riparian corridors, floodplains, or cultural resources. Further, application does not seek approval for any ground disturbing activity. At such time as development occurs and if any natural, scenic, historic, or cultural resources are found to exist on the site, a future applicant will consult with the appropriate agencies to determine the necessary mitigation, notice, and permitting processes that may be required on the property prior to development. This Goal is met.

Goal 9—Economic Development

To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

Response: The City's Comprehensive Plan and supporting documents contain analyses and policies related to planning for industrial and commercial development within the City and UGB. The annexation will incorporate ±0.92 acres of vacant commercial land into Woodburn City limits and apply the Commercial General (CG) zoning designation, in accordance with the provisions of the WDO. This proposal will support the employment needs of the community by allowing urban levels of commercial development to be established on the site, in accordance with the site development requirements and allowed uses provided in the WDO. The City's 2001 Economic Opportunities Analysis (EOA) included the subject site in the inventory of buildable commercial lands. This annexation is necessary to satisfy the City's 20-year supply of buildable commercial land. The Goal is met.

Goal 10—Housing

To provide for the housing needs of citizens of the state.

Response: This application does not include the annexation, rezoning, or development of land designated for residential uses. While limited residential uses are permitted in the CG zoning designation with Conditional Use Permit approval, the Applicant does not intend to anticipate future residential development on the site. Therefore, this Goal is not applicable.

Goal 11—Public Facilities and Services

To plan and develop a timely, orderly, and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

Response: The subject property can be served through the extension of public facilities and services, as addressed in this narrative in response to the City’s utility and facility comprehensive planning goals. Service provider letters verifying utility availability have been provided from the Woodburn Public Works Department, Woodburn Fire District, and Woodburn School District and are included with this package as Exhibit D. The site is included in the city’s infrastructure master planning documents and does not require additional studies to verify the capacity of available services. The Goal is met.

Goal 12—Transportation

To provide and encourage a safe, convenient, and economic transportation system

Response: Goal 12 requires cities to create and implement a Transportation System Plan and, in accordance with OAR 660-012-0060 (the Transportation Planning Rule), to analyze the impacts of comprehensive plan amendments on the City’s transportation facilities and to mitigate or address significant effects that may result from such amendments. Included with this application as Exhibit F is a Trip Generation and TPR Analysis demonstrating that the planned annexation will not allow land uses that create significant adverse impacts to existing transportation facilities. As demonstrated by the report, any potential development on the site will be sufficiently served by existing transportation facilities. The Goal is met.

Goal 13—Energy Conservation

To conserve energy.

Response: Goal 13 requires local governments to consider the impact that land development has on energy conservation and attempt to maximize energy efficiency. One of the planning guidelines highlighted by Goal 13 is that land use planning should, to the maximum extent possible, combine increasing density gradients along high-capacity transportation corridors to achieve greater energy efficiency. This planned annexation increases efficiency by maximizing commercial land uses adjacent to high-capacity transportation corridors and allowing for the development of land that is surrounded by commercially zoned territory, rather than relying on the expansion of the City limits to accommodate the City’s commercial needs. The Goal is met.

Goal 14—Urbanization

To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.

Response: The subject property is within the Woodburn UGB and therefore is eligible for urbanization. The territory to be annexed is contiguous to the City limits on all sides. Annexation of the site, and the application of the CG zoning designation provide for the logical progression of urban development in this area. This proposal will result in the efficient use of land for employment uses. The site was included in the 2001 Woodburn EOA as part of the buildable commercial lands inventory and is required to satisfy the 20-

year supply of needed commercial land. As addressed throughout this narrative, the planned annexation and zone change will provide for the logical, efficient, and beneficial use of the site for urban commercial purposes. This Goal is met.

IV. Conclusion

The required findings have been made, and this written narrative and accompanying documentation demonstrate that the application is consistent with the applicable provisions of the Woodburn Development Ordinance and Woodburn Comprehensive Plan. The evidence in the record is substantial and supports approval of the application. Therefore, the Applicant respectfully requests that the City approve this annexation application.



Woodburn School District

1390 Meridian Drive, Woodburn, OR 97071

Phone: 503-981-9555

Fax: 971-983-3611

November 7, 2022

Daisy Goebel
AKS Engineering and Forestry, LLC
3700 River Road N, Suite 1
Keizer, OR 97303

Re: Annexation of 2115 Molalla Rd. (Lots 1000, 1100, and 1200)

Ms. Goebel

In response to your request, Woodburn School District has determined that your planned annexation located at 2115 will affect schools in our district by increasing traffic flow in the designated area. However, if the City of Woodburn's traffic analysis determines that the impact on our schools ability to provide safe and accessible routes to school will not impact the safety of our students, we will support their decision.

Thank you,

Casey Woolley
Director of Safety and Operations
Woodburn School District

From: [James Gibbs](#)
To: [Daisy Goebel](#)
Cc: [Zach Pelz](#); [Lawrence Pankey](#)
Subject: Re: Service Provider Letter
Date: Wednesday, October 26, 2022 5:00:10 AM

EXTERNAL EMAIL: This email originated from outside AKS Engineering & Forestry.

Daisy,

This email response is confirmation that Woodburn Fire District can support and maintain our level of service to the community with the added projects mentioned above. Woodburn Fire District will be able to support the added capacity.

Sent from my T-Mobile 4G LTE Device
Get [Outlook for Android](#)

From: Daisy Goebel <goebeld@aks-eng.com>
Sent: Tuesday, October 25, 2022 3:27:20 PM
To: gibbsj@woodburnfire.com <gibbsj@woodburnfire.com>
Cc: Zach Pelz <pelzz@aks-eng.com>; Lawrence Pankey <PankeyL@aks-eng.com>
Subject: Service Provider Letter

**** This email is from an EXTERNAL sender. Exercise caution when opening attachments or click links from unknown senders or unexpected email. ****

Good afternoon, Jim-

I am reaching out in follow-up to a pre-app we had with the City of Woodburn a couple weeks ago to request a Service Provider Letter (SPL) for the application we are preparing for the annexation of 2115 Molalla Rd. NE. The site is surrounded by properties within city limits but hasn't yet been annexed.

The letter should indicate that the annexation will "a. Link to planned public facilities with adequate capacity to serve existing and future development of the property as indicated by the Woodburn Comprehensive Plan; or b. Guarantee that public facilities have adequate capacity to serve existing and future development of the property."

In the context of the fire district, this would include verification that the fire department has the capacity to maintain adequate service to the site.

Let me know if you have any questions about this request!

Thank you,

Daisy Goebel

Land Use Planner



AKS ENGINEERING & FORESTRY, LLC

3700 River Road N, Suite 1 | Keizer, OR 97303

P: 503.400.6028 Ext. 420 | www.aks-eng.com | Goebeld@aks-eng.com

Offices in: Bend, OR | Keizer, OR | Tualatin, OR | Vancouver, WA

NOTICE: This communication may contain privileged or other confidential information. If you have received it in error, please advise the sender by reply e-mail and immediately delete the message and any attachments without copying or disclosing the contents. AKS Engineering and Forestry shall not be liable for any changes made to the electronic data transferred. Distribution of electronic data to others is prohibited without the express written consent of AKS Engineering and Forestry.



PUBLIC WORKS DEPARTMENT
190 GARFIELD STREET
WOODBURN, OR 97071

November 18, 2022

Daisy Goebel
AKS Engineering & Forestry, LLC
3700 River Road N, Suite 1
Keizer OR 97303

Re: Annexation Certification
Subject Property: 2115 Mollala Road NE, Woodburn OR 97071
Marion County Tax Map: 051W09B001200

This letter is to certify that the City of Woodburn has no capacity issue with the public wastewater treatment facility or public water treatment facility. However, the subject property is not adjacent to an existing collection system for water, wastewater or a public storm sewer collection system. The requirements for these collection facilities would still need to be determined. The capacity analysis, design and installation would be the responsibility of the applicant/property owner.

If you have any questions, please contact me at 503.982.5248.

Sincerely,

Dago Garcia

Dago Garcia, P.E.
City Engineer
City of Woodburn



AKS ENGINEERING & FORESTRY, LLC
12965 SW Herman Road, Suite 100, Tualatin, OR 97062
P: (503) 563-6151 | www.aks-eng.com

AKS Job #9438

OFFICES IN: BEND, OR - KEIZER, OR - TUALATIN, OR - VANCOUVER, WA

EXHIBIT A

Legal Description

A portion of Lot 4 of the plat “Woodburn Fruit Farms”, recorded as Volume 2, Page 20, Book of Town Plats, located in the Northeast One-Quarter of Section 9, Township 5 South, Range 1 West, Willamette Meridian, Marion County, Oregon, and being more particularly described as follows:

Commencing at the northwest corner of said Lot 4, also being on the City of Woodburn city limits line; thence along the west line of said Lot 4 and said city limits line, South 01°35’17” West 695.84 feet to the Point of Beginning; thence continuing on said west line and said city limits lines South 01°35’17” West 272.32 feet to the northerly right-of-way line of Woodburn-Estacada Highway (State Highway 211)(50.00 feet from centerline); thence along said right-of-way line and said city limits line South 87°36’21” East 149.45 feet; thence leaving said right-of-way line and said city limits line, North 01°47’24” East 274.36 feet; thence North 88°23’15” West 150.40 feet to the Point of Beginning.

The above described tract of land contains 0.94 acres, more or less.

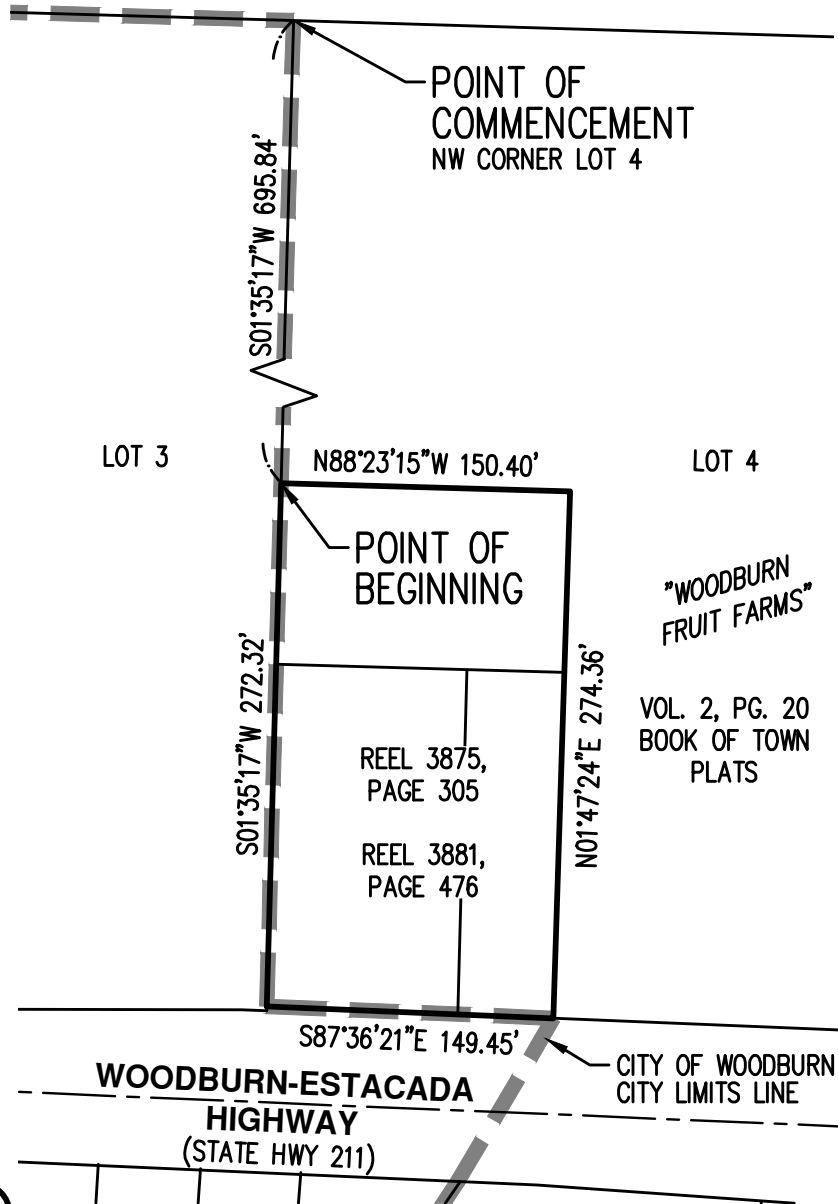
11/18/2022



RENEWS: 12/31/22

EXHIBIT A

A PORTION OF LOT 4 OF THE PLAT OF "WOODBURN FRUIT FARMS",
LOCATED IN THE NORTHEAST 1/4 OF SECTION 9,
TOWNSHIP 5 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN,
MARION COUNTY, OREGON



"WOODBURN FRUIT FARMS"
VOL. 2, PG. 20
BOOK OF TOWN PLATS

11/18/2022

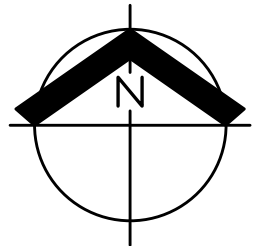
REGISTERED PROFESSIONAL LAND SURVEYOR

OREGON
JANUARY 11, 2005
ROBERT D. RETTIG
60124LS

RENEWS: 12/31/24

PREPARED FOR

MATVEEV DEVELOPMENT, LLC
31696 S ONA WAY
MOLALLA, OR 97038



SCALE: 1" = 100 FEET



AKS ENGINEERING & FORESTRY, LLC
12965 SW HERMAN RD, STE 100
TUALATIN, OR 97062
503.563.6151 WWW.AKS-ENG.COM



ANNEXATION MAP

DATE: 11/18/2022	
DRWN: MEB	CHKD: RDR
AKS JOB: 9438	EXHIBIT A



April 10, 2023

To: Honorable Mayor and City Council through City Administrator
From: Renata Wakeley, Special Projects Director
Subject: **Nomination of a City Council representative to serve on the UGB Technical Advisory Group (TAG)**

RECOMMENDATION:

Nominate a City Council member, or seek a Council volunteer, to serve on the Buildable Land Inventory (BLI) and Economic Opportunities Analysis (EOA) work related to the potential Urban Growth Boundary (UGB) for needed employment land.

BACKGROUND:

The existing employment land Buildable Land Inventory (BLI) and Economic Opportunities Analysis (EOA) were last updated in June 2001. Since that time, many of the assumptions and employment lands identified within our Urban Growth Boundary to meet our projected 20-year need have been developed or are under land use review at this time. The purpose of updating a BLI and EOA is to evaluate current land inventory to meet projected needs and assess how much, if any, additional land is needed to continue to meet our forecasted growth. The BLI and EOA will be updated based upon population projections from Portland State University, as mandated by the Oregon Legislature under ORS 195.033.

In January, the City Council authorized execution of a contract for Johnson Economics to support the needed BLI and EOA work, following a Request for Qualifications process. The project will culminate in findings and data to support any recommendations related to a UGB expansion, if warranted. In order to be successful, it is imperative that the City's UGB amendment be well supported by a land use consultant's assessment of the city's available employment land and future employment land need. This also includes the need for a Technical Advisory Group (TAG), comprised of city staff, elected officials, and business/property owners, to advise and provide feedback to Johnson Economics.

Agenda Item Review: City Administrator ___x___ City Attorney ___x___

City staff are seeking nominations for one (1) representative from the Planning Commission and City Council to serve on the Technical Advisory Group (TAG). The consultant contract calls for up to three (3) TAG meetings between April and July 2023.



Agenda Item

April 10, 2023

TO: Honorable Mayor and City Council through City Administrator

FROM: Jim Row, Assistant City Administrator
Jamie Johnk, Economic Development Director

SUBJECT: **Special Public Works Fund Loan Application**

RECOMMENDATION:

Authorize the City Administrator to sign and submit the enclosed application for a Special Public Works Fund (SPWF) loan application to the Oregon Business Development Department (Business Oregon) to continue design work on the community center project.

BACKGROUND:

During the 2021 Regular Session, the Oregon Legislature awarded the City a \$15 million Lottery Bond Grant for the Community Center project. This funding was allocated by the Legislature in support of the City's efforts to complete the community center's architectural design and to fund a significant portion of its construction.

However, in November 2022, the Oregon Department of Administrative Services (DAS) informed staff that it would not issue the grant to the City, because they did not believe the City had secured enough of the remaining funds to ensure the project's viability. The City strongly disagreed with DAS's determination and filed a Petition for Judicial review in Marion County Circuit Court.

After extensive negotiations between the City's third-party legal counsel and Oregon Department of Justice (DOJ) attorneys, a settlement was reached in early March 2023. Under the terms of the settlement agreement, the State agreed to provide the City with the \$15 million grant awarded by the Legislature. However, the City is not permitted to utilize any of those grant funds to complete the community center's architectural design work and may only spend grant funds once the City has secured at least 85% of the funding required to construct the facility. The City intends to raise the remaining funds through additional grants, contributions, and a general obligation bond measure on the November 2024 ballot.

Agenda Item Review: City Administrator ___x___ City Attorney ___x___ Finance ___x___

DISCUSSION:

To prepare the project for inclusion in the 2024 bond measure election, it will be necessary to complete the architectural design work that was suspended in late 2020. Per the terms of the settlement agreement, the State agreed to provide the City with an SPWF loan of up to \$2 million to complete the architectural design work and prepare the project for the bond measure election.

Once Business Oregon processes and approves the application, they will present the City with a loan agreement that will come before the City Council for approval. Key terms of the loan are anticipated to include:

- An interest rate of 2.33%
- Interest will not begin accruing until 6-months after the first disbursement
- 39-month amortization period, which extends to 7 years if the City's general obligation bond measure does not pass
- Annual payments

The settlement agreement also includes the provision that, if the City's bond measure passes, State grant dollars can be used to repay the principal balance on the SPWF loan. Otherwise, the loan will be repaid with City resources that might include Parks System Development Charges (SDCs), General Fund dollars, or Urban Renewal funds.

While the City does not plan to resume work on the architectural design until the summer of 2023, the loan application should be submitted now, since it will likely take 2-3 months for Business Oregon to process it.

In the coming months, staff will engage the City Council in a discussion about the community center project's next steps. Key items for consideration will include an evaluation of updated community center cost projections, the reappointment of advisory committee members, plans for fund development work, the need for an independent political action committee and the timeline for submitting general obligation bond measure information for inclusion on the November 2024 ballot. Decisions around these items will be key for the project to proceed methodically.

FINANCIAL IMPACT:

The SPWF loan of up to \$2 million will be amortized over 39 months. The loan will carry an interest rate of 2.33%, however interest will not begin accruing until 6-

months after the first loan disbursement. If the City passes a bond measure for the community center, the City will be permitted to use proceeds from the \$15 million lottery bond grant to repay the loan principal. If the bond measure does not pass, the loan will be restructured to carry an amortization period of 7 years and will likely be repaid with either Parks SDCs, general fund dollars or Urban Renewal funds. Debt service payments are made annually in December of each year.



General Application

775 Summer St NE, Suite 200
Salem, OR 97301-1280

Applicant

CITY OF WOODBURN
Name

93-6002282
Federal Tax ID Number

270 MONTGOMERY STREET | WOODBURN
Street Address

Mailing Address

Organization Type:

City County Special District under ORS _____ Port District under ORS _____ Tribe

JIM ROW
Contact Name

ASST. CITY ADMINISTRATOR
Title

(Person we should contact with project questions)

503-982-5265
Phone Number

Fax Number

jim.row@ci.woodburn.or.us
Email Address

Representation (Information may be found at www.leg.state.or.us/findlegsltr)

11
Senate District Number

SENATOR KIM THATCHER
Senator's Name

22
House District Number

TRACY CRAMER
Representative's Name

Project Information

WOODBURN COMMUNITY CENTER PROJECT - PHASE ONE
Project Name: (e.g., Stayton Water System Improvements)

Opportunity/Problem

Briefly describe the opportunity or problem facing the applicant:

Woodburn has been planning its Community Center expansion since 2008 when the first conceptual design was developed. Understanding the significance of this project to the community, the Center was listed as a priority in the 2009 Park Master Plan. With the residential and commercial growth Woodburn has experienced these past years as well as the demand for additional recreational facilities and services, the City engaged an architectural design firm and appointed a 22-person citizen advisory committee to review design concepts, host public meetings, and develop updated conceptual designs for the Woodburn Community Center.

Funding the project is a high priority for the City's elected officials. As such, staff and local leadership reached out to Legislative representatives requesting funds to help with the cost of the Community Center. In the 2021 Legislative session, Woodburn was awarded \$15M for the Community Center project. In November 2022, the Oregon Department of Administrative Services informed the City they would not issue the Legislative award to Woodburn, which resulted in the City filing a petition for judicial review. In March 2023, a settlement was reached and the \$15M Legislative award was reinstated with the stipulation that the funds would be used for construction only and that the remaining design and development plans be completed and funded with a Special Public Works Fund (SPWF) loan. (See attached Settlement document for details.)

The Woodburn Community Center Project primarily consists of two phases. Phase one, for which this application regards, entails the drafting and completion of engineering and architectural designs and plans is necessary in order to (1) properly submit the project to the public for procurement of funds secured through a local bond voted on by the Woodburn voters and (2) begin the process of securing contracting agreements and beginning the physical construction phase. The second phase consists of working in combination with the selected contractor and the architectural and engineering design companies in order to set out appropriate construction timelines, procure necessary equipment and personnel for the construction of the community center, and procure necessary permits in order to adhere to construction deadlines.

Response to Opportunity/Problem

Briefly describe the major alternatives considered to address this opportunity or problem:

The scope of the this project includes contracting with an architectural design firm to complete the detailed design documents along with a construction cost estimate. These documents will provide the City information necessary to move forward with a local general obligation bond for the construction of the Woodburn Community Center.

Detailed Project Description

Clearly describe the proposed project work to be accomplished:

This proposed project represents phase one of a two-phase project consisting of the drafting and completion of architectural design plans for the Woodburn Community Center. Once these plans are complete, the City will move forward with a local general obligation bond and place it on the November 2024 ballot.

Project Work Plan

List project activity milestones with estimated start and completion dates. Identify estimated date of first cash draw:

Activity	Estimated Date	
	Start	Completion
Design Plans / Construction Cost Estimates	Jul 1, 2023	Nov 1, 2023
Public Outreach	Dec 1, 2023	Aug 1, 2024
Bond Measure on Ballot	Jul 1, 2024	Nov 1, 2024
Election / Bond Measure Passes	Nov 1, 2024	Nov 1, 2024

Estimated First Draw Date: Aug 1, 2023

Project Budget

List individual project budget line items with requested budgeted amounts by IFA and non-IFA funding sources. Change budget column labels to identify the specific requested IFA funding sources. Non-IFA sources are those funds other than those requested from IFA.

Please be aware that the award loan amount will be subject to a less than 1% issuance fee if the loan is included in the Oregon Bond Bank. Please contact Business Oregon for additional information.

Budget Line Item (Adjust budget items to suit the project) <i>Below are general items most used</i>	IFA Funding		Non-IFA	Total
	Source 1	Source 2	Funds	
Engineering/Architecture	\$2,000,000	\$0	\$0	\$2,000,000
Construction				0
Construction Contingency				0
Land Acquisition				0
Legal				0
Construction Management				0
Other (Specify)				0
Other (Specify)				0
Other (Specify)				0
Other (Specify)				0
Totals	2,000,000	0	0	2,000,000

Details of Non-IFA Funds

Source of Non-IFA Funds	Amount	Status: C-Committed, A-Application S-Submitted, AI-Application Invited, PS-Potential Source	Dates Required Funds will be Committed and Available
NA	\$0		
Totals	0		

If "Non-IFA funds" include USDA Rural Development funding that will require interim financing, please indicate the source of the interim financing.

General Certification

I certify to the best of my knowledge all information, contained in this document and any attached supplements, is valid and accurate. I further certify that, to the best of my knowledge:

- 1. The application has been approved by the governing body or is otherwise being submitted using the governing body's lawful process, and
- 2. Signature authority is verified.

Check one:

- Yes, I am the highest elected official. (e.g., Mayor, Chair or President)
- No, I am not the highest elected official so I have attached documentation that verifies my authority to sign on behalf of the applicant. (Document such as charter, resolution, ordinance or governing body meeting minutes must be attached.)

The department will only accept applications with proper signature authority documentation.

Signature	Date
Scott Derickson	City Administrator
Printed Name	Printed Title

FOR BUSINESS OREGON USE ONLY

Concept Number	Intake Approval Date
----------------	----------------------

Project Type:

- Planning Construction Other:
- Design Design & Construction



Agenda Item

April 10, 2023

TO: Honorable Mayor and City Council through City Administrator
THROUGH: Martin Pilcher, Chief of Police
FROM: Andy Shadrin, Lieutenant
SUBJECT: **Leasing Specialists, LLC. Contract Award**

RECOMMENDATION:

Award a police vehicle lease contract in the amount of \$260,450 (Total contract price over the next four years) to Leasing Specialists, LLC., with an additional contingency of \$50,000 authorized to account for increases in the final outfitting costs and financing of the vehicles, and authorize the City Administrator to sign the lease agreement.

BACKGROUND:

The Police Department currently has one unmarked administrative police vehicle and five unmarked police vehicles assigned for use under the investigative unit that are now over five years old and due for replacement because of the mileage and additional service needs. The Police Department is wanting to lease one 2023 Dodge Durango, three 2023 Dodge Chargers and two 2023 Ford Ranger pick-ups to replace the six vehicles due for replacement.

DISCUSSION:

Pursuant to ORS 279A.215, the City may utilize a price agreement established through a permissive cooperative procurement to award a contract for goods and services. This process is in lieu of the City pursuing its own formal competitive selection process.

Employing the Oregon Cooperative Purchasing Program, which provided established competitive price quotes for Ford vehicle leases, the City identified Leasing Specialists, LLC., as a suitable vendor for leasing police vehicles. Leasing Specialists, LLC., was able to offer the vehicle lease to the City at the Oregon State contracted price with a competitive interest rate and stipulate to permitting the City to take delivery and make the first payment for the vehicle leases during the 2023/2024 fiscal year. The Police Department will be leasing six vehicles (1 Dodge Durango, 3 Dodge Chargers and 2 Ford

Agenda Item Review: City Administrator ___x___ City Attorney ___x___ Finance ___x___

Rangers) through this program. The price quote also includes all of the necessary equipment for all of the vehicles mentioned.

It is to be noted that this request is being made prior to the budget approval process due to a variety of factors. Since the COVID-19 pandemic, the vehicle market has yet to recover to pre-pandemic levels. The vehicle marketplace been plagued with supply chain issues that has caused substantial delays and cancellations of vehicle orders impacting a variety of manufacturers. Typical purchasing and procurement processes have been moved up and the government vehicle ordering windows have unexpectedly opened and closed with little notice.

For example, last year, Ford Manufacturing had opened up the government order window for police Ford Explores in August of 2022, a full six months earlier than in previous years, for vehicle orders for the 23/24 fiscal year. This order window would have been opened only one month after the beginning of our fiscal year and well before any city budget discussions and/or approvals for the 23/24 fiscal year and is not the "norm".

For the 23/24 fiscal year only three vehicle manufacturers participated in the state bid process, which included Dodge, GMC and Ford. All other vehicle manufacturers did not submit state bid pricing. In speaking with a state-bid Dodge dealership, the City learned that Dodge Manufacturing may close the government/state bid order window at any time and with little notice. In order to secure an order for the Dodge vehicles described above, Dodge Manufacturing would need a purchase agreement that provides specific assurances that the City's order will be financed upon delivery and within thirty days of a vehicle order.

At this time, Dodge Manufacturing cannot provide a specific delivery date for the order, however, delays in manufacturing ensure that any vehicle delivery would occur well into the 23/24 fiscal year. Similarly, the previous vehicle purchases for the Police Department in 22/23 fiscal year took nearly nine months to be delivered to the Police Department from date of order.

Ford Manufacturing will be opening an order window in mid-April for Ford Rangers with an estimated delivery date also well into the 23/24 fiscal year. In order to secure the lease/purchase of the two Ford Rangers for the 23/24 fiscal year a vehicle order would need to be placed at that time prior to final city budget approval.

The overall lease agreement for the six vehicles is based on financing vehicle outfitting costs and leasing terms that are only valid for thirty days. Due to the delay in manufacturing and delivery of any ordered vehicles, vehicle outfitting cost estimates will have to be resubmitted upon delivery of the vehicle orders and will undoubtedly be higher in cost. Financing terms are also subject to market conditions and will also need to be resubmitted within thirty days of delivery of the vehicle orders and therefore the lease contract amount above is subject to and expected to change.

This staff report is to authorize the Police Department to enter into a lease agreement for the 23/24 fiscal year and to also provide the necessary purchase agreements to Dodge Manufacturing and/or Ford Manufacturing to secure the order of the above described police vehicles.

FINANCIAL IMPACT:

The City will pay a total vehicle lease rate estimate of at least \$65,112.48 per year for the next four years (\$260,450, total contract price [subject to change upon final outfitting costs and lease agreements finalization]). The Police Department is requesting a proposed correlating budget that will cover the expenses.



Agenda Item

April 10, 2023

TO: Honorable Mayor and City Council (acting in its capacity as the Local Contract Review Board) through City Administrator

FROM: Curtis Stultz, Public Works Director

SUBJECT: **Award of Construction Contract for 2022-23 Spring Paving, Part 2 Project (Maintenance Project, Bid # 2023-01)**

RECOMMENDATION:

Award the construction contract for the 2022-23 Spring Paving, Part 2 Project to the lowest responsible and responsive bidder, Knife River Corporation, in the amount of \$392,109.75. Staff is requesting approval of an additional \$25,000 for this project as a contingency for potential changer orders that may arise during the construction process.

BACKGROUND:

The subject Maintenance Project is identified in the approved budget for fiscal year 2022-2023. This project involves maintenance of existing pavement at various locations throughout City. This maintenance project includes the replacement of deteriorated pavement and the construction of asphaltic concrete overlays.

Bids for the 2022-23 Spring Paving, Part 2 Project were publicly opened March 30, 2023. Eight (8) responsible and responsive bids were received, and the results are as follows:

Knife River Corporation	\$392,109.75
K & L Industries	\$406,029.00
Eagle-Elsner, Inc.	\$412,304.00
Roy Houck Construction LLC	\$433,905.00
Pacific Excavation Inc.	\$467,429.00
North Santiam Paving Co.	\$473,302.50
S-2 Contractors, Inc.	\$494,900.00
Brix Paving Northwest Inc.	\$517,517.00
The Engineer's Estimate for the project was:	\$549,666.00

Agenda Item Review: City Administrator ___x___ City Attorney ___x___ Finance ___x___

The recommended award is approximately 29% lower than the Engineer's Estimate.

DISCUSSION:

The scope of work for the 2022-23 Spring Paving, Part 2 Project includes performing a "mill and fill" operation on 5th Street, from Garfield Street to Lincoln Street; performing a "mill and fill" operation on North Cascade Drive, from West Hayes Street to Lincoln Street; performing a "mill and fill" operation on West Hayes Street, from North Cascade Drive to Evergreen Road; and constructing seven (7) ADA-compliant curb ramps adjacent to the "mill and fill" area along West Hayes Street.

A "mill and fill" is a structural pavement treatment that involves removing the existing surface layer with a milling machine, and then placing a new asphalt layer over the milled surface. This treatment is typically selected for pavements in poor condition, with good underlying structure, and where existing lines and grades must be maintained. "Mill and fill" operations commonly provide an additional 12-15 years of life expectancy to a roadway.

The contract award is in conformance with public contracting laws of the State of Oregon as outlined in ORS Chapter 279C, and the laws and regulations of the City of Woodburn; therefore, staff is recommending the contract be awarded.

FINANCIAL IMPACT:

The subject project is identified in the adopted fiscal year 2022/23 Budget and funded by the Street Other Repair & Maintenance Fund (Fund 140).



Agenda Item

April 10, 2023

TO: The Honorable City Council

FROM: Frank Lonergan

SUBJECT: **Annual Review Process**

RECOMMENDATION:

Authorize the Mayor to sign amendments to the City Attorney and the City Administrator's Employment Contracts to include one of the three options provided for the Council's consideration.

BACKGROUND:

In addition to conversations last year, during the City Council's March 24 and 25 Governance Training and Goal Setting Retreat, there were conversations regarding the City Administrator and City Attorney's Annual Review Process. The conversation stemmed from last year's City Council discussion about updating the process and centered around the use of the City Council's adopted evaluation form. I was in attendance at some of these Council meetings.

The annual review process was negotiated as part of existing Employment Agreements and contractually specified as to both the City Administrator and City Attorney. Consequently, any change to the existing process would require agreement between the City and the City Administrator and City Attorney.

After discussing the issues with the City Administrator and City Attorney, we find the following options and language as acceptable amendments to their Employment Agreements:

DISCUSSION:

Option 1. Annual Review "No Review Form."

The City Council will meet, as a body, annually with the City Administrator and City Attorney, during a mutually agreed time and location, to discuss their annual

Agenda Item Review: City Administrator City Attorney Finance

review and performance. The City Council shall conduct its evaluation of Employee in executive session unless Employee invokes his statutory right to have the evaluation occur in open session.

During the annual meeting, the City Council and Employee shall discuss goals and performance objectives as they may determine necessary for the proper operation of the City. These goals and objectives shall be legal, reasonably obtainable, and within performance objectives, which shall be consistent with operating and capital budgets and appropriations provided.

In the event that the City Council determines that the performance of the City Administrator and/or City Attorney is unsatisfactory in any respect or needs significant improvement in any area, the City Council shall describe these concerns in an objective manner.

In the event that the City Council determines that the performance of the City Administrator and/or City Attorney is satisfactory, an annual merit increase shall be negotiated.

Option 2. Annual Review "Form Optional."

The City Council will meet, as a body, annually with the City Administrator and City Attorney, during a mutually agreed time and location, to discuss their annual review and performance. The City Council shall conduct its evaluation of Employee in executive session unless Employee invokes his statutory right to have the evaluation occur in open session.

During the annual meeting, the City Council and Employee shall discuss goals and performance objectives as they may determine necessary for the proper operation of the City. Individual Councilors may elect to utilize the Council adopted Executive Employee Performance Evaluation form at the Councilor's discretion. Any Employee Performance Evaluation forms used in the evaluation process will be provided to the Employee and considered public record. These goals and objectives shall be legal, reasonably obtainable, and within performance objectives, which shall be consistent with operating and capital budgets and appropriations provided.

In the event that the City Council determines that the performance of Employee is unsatisfactory in any respect or needs significant improvement in any area, the City shall describe these concerns in an objective way.

In the event that the City Council determines that the performance of the City Administrator and/or City Attorney is satisfactory an annual merit increase shall be negotiated.

Option 3. Annual Review "Use of Form Required."

The City Council will meet, as a body, annually with the City Administrator and City Attorney, during a mutually agreed time and location, to discuss their annual review and performance. The City Council shall conduct its evaluation of Employee in executive session unless Employee invokes his statutory right to have the evaluation occur in open session.

During the annual meeting, the City Council and Employee shall discuss goals and performance objectives as they may determine necessary for the proper operation of the City. Individual Councilors shall be required to complete the Council adopted Executive Employee Performance Evaluation form.

These goals and objectives shall be legal, reasonably obtainable, and within performance objectives, which shall be consistent with operating and capital budgets and appropriations provided.

In the event that the City Council determines that the performance of Employee is unsatisfactory in any respect or needs significant improvement in any area, the City shall describe these concerns in an objective way.

In the event that the City Council determines that the performance of the City Administrator and/or City Attorney is satisfactory, an annual merit increase shall be negotiated.

FINANCIAL IMPACT:

There is no financial impact.



Agenda Item

April 10, 2023

To: Honorable Mayor and City Council through City Administrator

From: Chris Kerr, Community Development Director *ck*,
Colin Cortes, AICP, CNU-A, Senior Planner

Subject: **Call-Up Briefing: Planning Commission approval of a Conditional Use Permit & Design Review application package for the Hardcastle Apartments at 1755 Hardcastle Ave (CU 22-04 & DR 22-15)**

Recommendation:

Staff briefs the Council on this item pursuant to [Woodburn Development Ordinance \(WDO\)](#) Section 4.02.02. (The Council may call up this item for review if desired and, by majority vote, initiate a review of this Commission decision.)

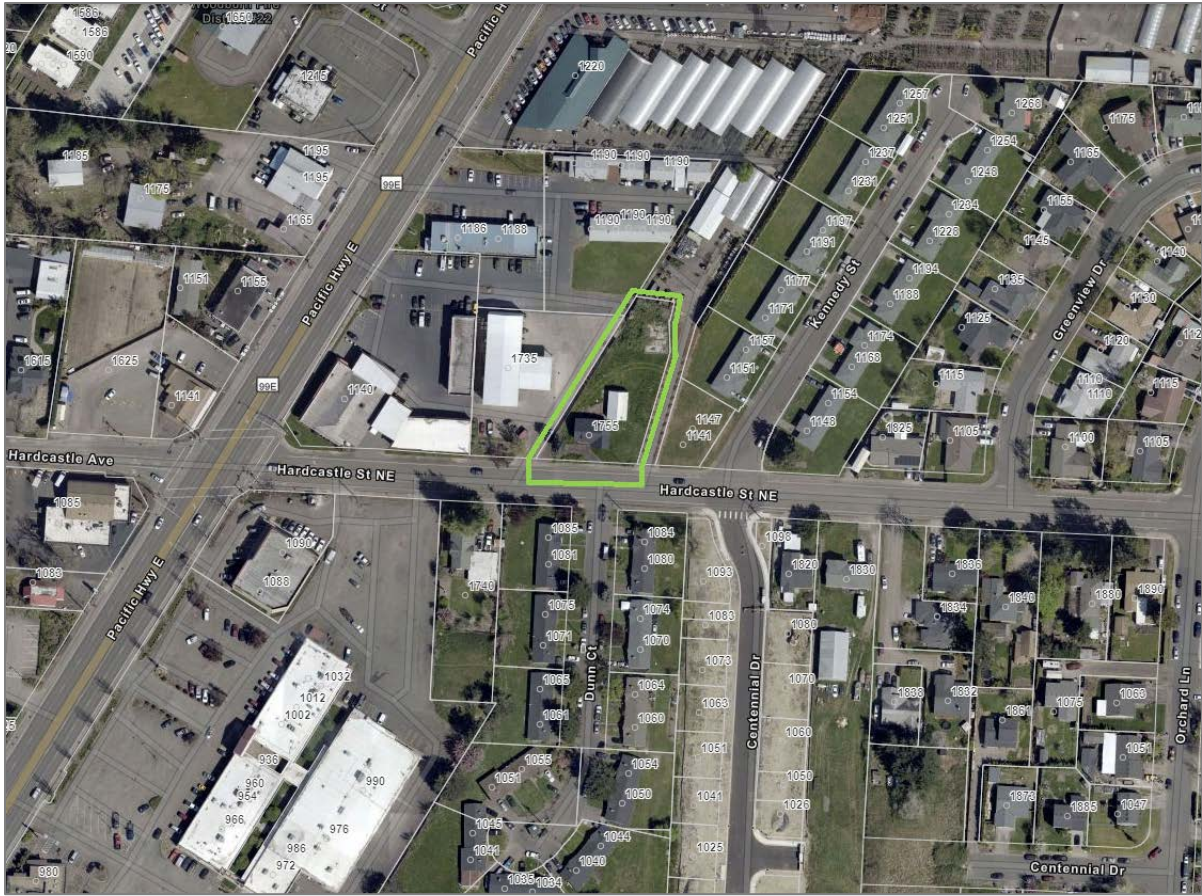
Background:

The Planning Commission held a public hearing on March 9, 2023 and unanimously approved the consolidated applications package (Type III) with the conditions recommended by staff through the staff report published March 2, except modifying the electric power pole(s) and line fee in-lieu in Attachment 204, to which Condition CU1e(2) refers, to be per a cost estimate instead of \$22,000.

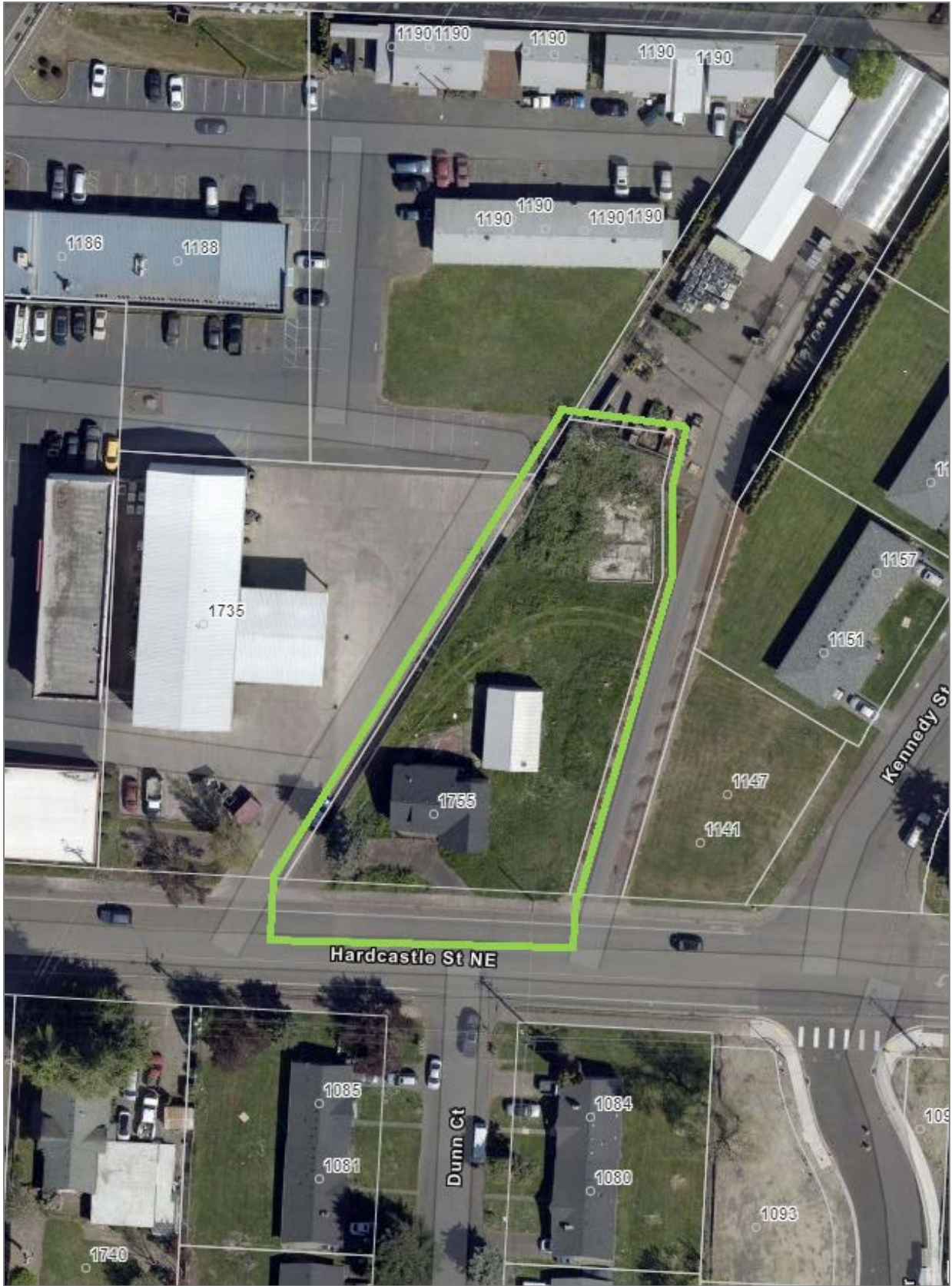
Images

See the next few pages for an aerial photo, site plans, and building facades.

Agenda Item Review: City Administrator ___x___ City Attorney ___x___



County aerial with subject property outlined in green



County aerial with subject property outlined in green



Site plan (Note: Staff colored the applicant's plan)



Façade view from Hardcastle Ave

Project Description

The project redevelops a demolished homesite of approximately 0.44 acres into 9 apartments in one three-story walk-up building. No variances are necessary for the development.

Street Improvements

The subject property is along the north side of Hardcastle Avenue. The developer will demolish existing curb-tight sidewalk, install a 6-foot wide landscape strip with street trees and grass, and construct 8-foot wide sidewalk.

Staff and the developer have worked to produce a good site development by focusing on several things:

1. Frontage/street improvements including wide sidewalk and street trees;
2. Electric power pole removal or fee in-lieu;
3. Site layout, including common area improvements for outdoor recreation including an open-air shelter and lush landscaping in the front yard;
4. Electric vehicle (EV) parking stall and charging;
5. Preservation of the one Significant Tree, a 24-inch pine tree at the site southwest corner;
6. Vehicle damage protection along the parking stalls next to the recycling and trash enclosure;

7. A parking area with areas having decorative paving, shrinking asphalt as seen from the street;
8. Large patios and balconies;
9. A bus transit / transit service fee to improve walking, cycling, and local and regional bus ridership; and
10. Sufficient window area on the south façade, which faces the street, lessening visual monotony and large structural space of fiber cement siding.

Zoning

The subject property is in the Commercial General (CG) zoning district. In the CG district, multiple-family dwellings (i.e. apartments) are a conditional use (CU) in CG except prohibited altogether near I-5 within the Interchange Management Area (IMA) Overlay District.

Testimony

One party testified and in opposition:

- Ernesto Montalvo, 1820 Hardcastle Ave

In short, testimony was concern about traffic and a claim that there are plenty of apartments in the area already, such as Pacific Valley Apartments (1310 N. Pacific Hwy).

Appeal

The appeal period ended March 28, 2023, and no one appealed.



Agenda Item

April 10, 2023

To: Honorable Mayor and City Council through City Administrator

From: Chris Kerr, Community Development Director *CK*,
Colin Cortes, AICP, CNU-A, Senior Planner

Subject: **Call-Up Briefing: Planning Commission approval of a Modification of Conditions to PUD 22-01 Mill Creek Meadows at 1490, 1550, & 1636 Brown St (MOC 23-01)**

RECOMMENDATION:

Staff briefs the Council on this item pursuant to [Woodburn Development Ordinance \(WDO\)](#) Section 4.02.02. (The Council may call up this item for review if desired and, by majority vote, initiate a review of this Commission decision.)

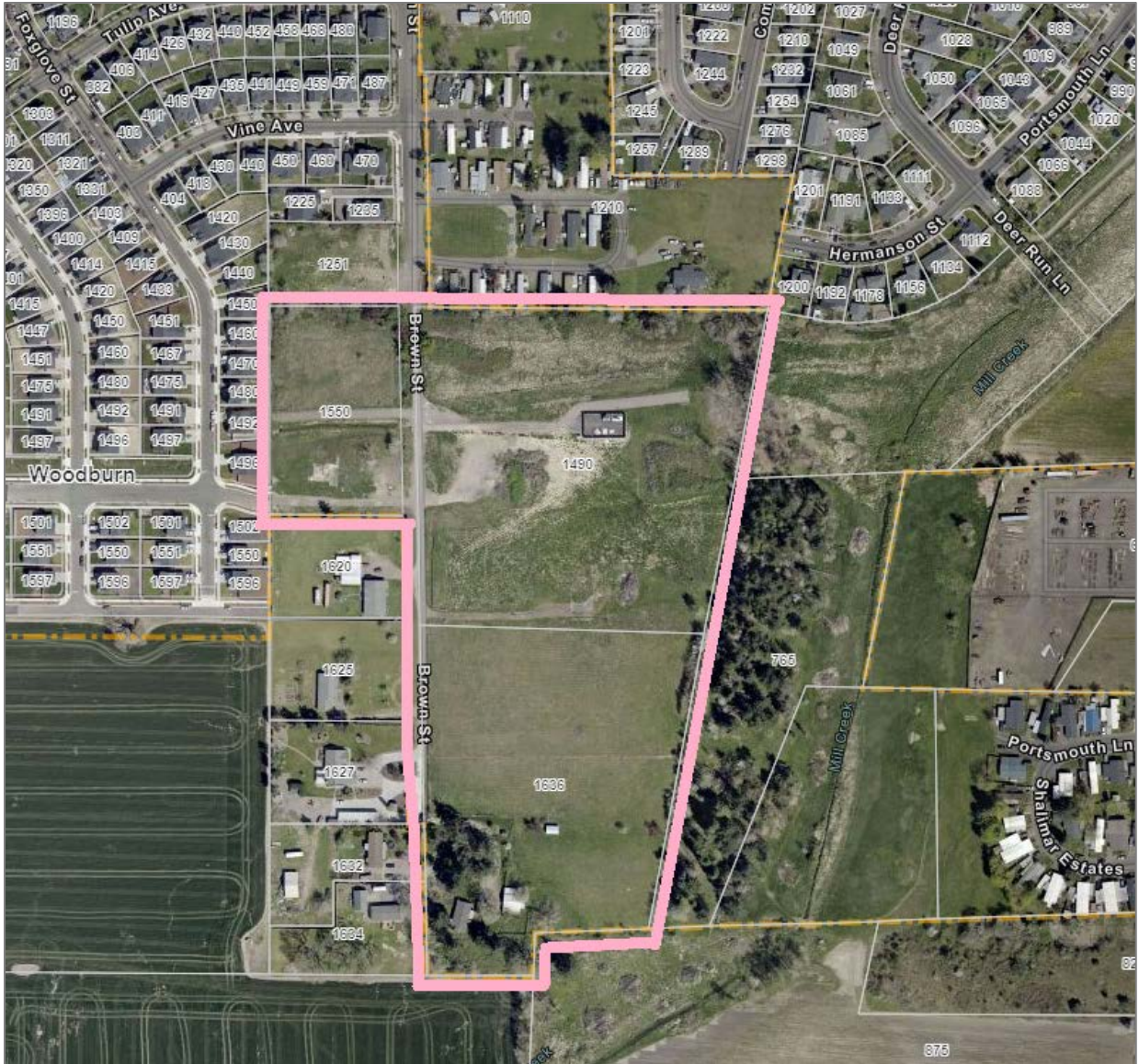
BACKGROUND:

The Planning Commission held a public hearing on March 23, 2023 and unanimously approved the application (Type III) with the condition recommended by staff through the staff report published March 16.

Images

See the next few pages for an aerial photo and site plans.

Agenda Item Review: City Administrator ___x___ City Attorney ___x___



County aerial with subject property outlined in pink



Modification Site Plan

Modification site plan excerpt (additional townhouse lots in reddish-orange)

Project Description

PUD 22-01 & SUB 22-01 had been approved as Mill Creek Meadows: 95 dwellings as 66 houses and 29 townhouses on small lots is on three former rural homesteads totaling 18.04 acres along the southerly dead-end of Brown Street.

Modification

The Modification of Conditions MOC 23-01 application was limited to increasing townhouses and thereby the total number of dwellings and lots, specifically to increase to 116 dwellings (45 houses and 71 townhouses).

The applicant/developer submitted a colored revised site plan for easy reference (p. 3).

The MOC application didn't request to modify any condition of approval. Neither the applicant/developer nor staff proposed additional changes to the past land use approval of the subdivision and development.

The Commission made no other changes to the past approval other than to increase to 116 dwellings as 45 houses and 71 townhouses.

Testimony

None besides the applicant/developer.

Appeal

Any of the parties with standing can appeal the Commission final decision per WDO 4.02.01B no later than April 10, 2023, and the Council would make a determination on an appeal after holding another noticed public hearing.



April 10, 2023

To: Honorable Mayor and City Council through City Administrator
From: Chris Kerr, Community Development Director *CK*
Subject: **Council Briefing of Planning Commission approval of a Variance application for Amazon at 450 S. Butteville Road (VAR 23-01)**

RECOMMENDATION:

Staff recommends no action be taken on this item but provides this summary pursuant to [Woodburn Development Ordinance \(WDO\)](#) Section 4.02.02. The Council may call up this item if desired and, by majority vote, initiate a review of this Commission decision.

BACKGROUND:

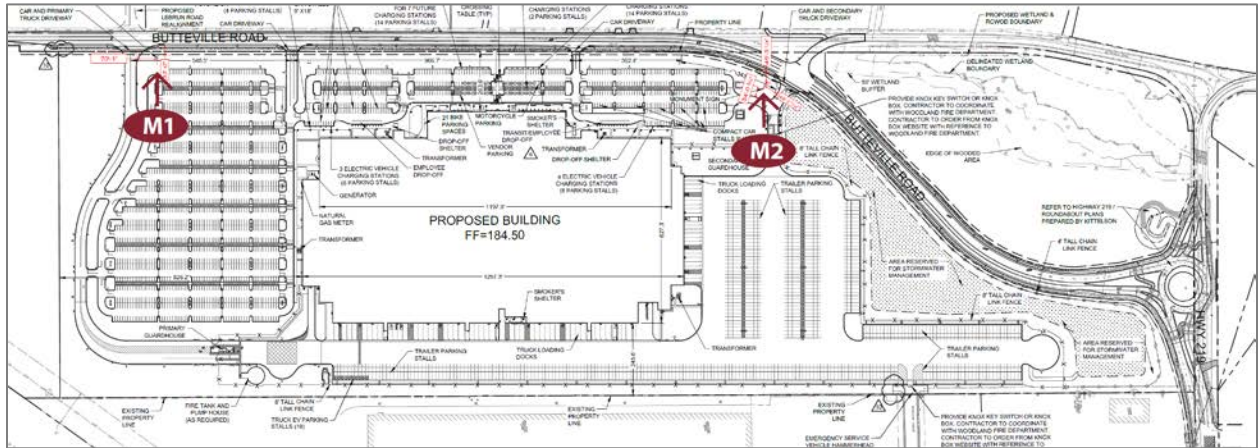
On March 9, 2023, the Planning Commission unanimously approved a Variance request for Amazon to exceed the maximum number of monument signs allowed along Butteville Road. No testimony in opposition was received. The appeal period has since passed and no appeals were received.

The site, 450 S. Butteville Road, totals approximately 105.85 acres across five lots within the Southwest Industrial Reserve (SWIR) zoning district. The approved development plans for the Amazon e-commerce distribution facility result in the site having roughly 4,000 linear feet of frontage along Butteville Road and four driveway access points.

Through this Variance application, the applicant requested to modify the monument sign allowance provisions within Table 3.10.10B of the Woodburn Development Ordinance to allow for a second monument sign along Butteville Road to aid the safe and efficient movement of semi-trucks and vehicles into, out of, and along the site. Without the approved variance, the site would only be allowed one monument sign.

Agenda Item Review: City Administrator ___x___ City Attorney ___x___

The site plan below illustrates the proposed locations of the two monument signs. All other aspects of each sign will meet standard WDO requirements (height, size, setback, etc.).



Site Plan illustrating the proposed monument signs along Butteville Road (north is to the right)



Agenda Item

April 10, 2023

To: Honorable Mayor and City Council through City Administrator
From: Chris Kerr, Community Development Director *ck*
Subject: **Council Briefing of Planning Commission approval of a Modification of Conditions application for 2385 Sprague Lane (MOC 22-03)**

RECOMMENDATION:

Staff recommends no action be taken on this item but provides this summary pursuant to [Woodburn Development Ordinance \(WDO\)](#) Section 4.02.02. The Council may call up this item if desired and, by majority vote, initiate a review of this Commission decision.

BACKGROUND:

On March 23, 2023, the Planning Commission unanimously approved a Modification of Conditions (MOC) request for the “Woodburn Senior Living Apartments” project approved in 2021 for 2385 Sprague Lane (DR 21-05, PUD 21-01, & RCWOD 21-02). One individual provided testimony – Jeremy Rodgers, the security director for the Woodburn Premium Outlets, shared concerns about the driveway but was not opposed to the project.

The subject property, 2385 Sprague Lane, is approximately 8.91 acres west of the Woodburn Premium Outlets and north of the Woodburn RV Park. It is within the Medium Density Residential (RM) zone as well as the Interchange Management Area (IMA) overlay district. A tributary to Senecal Creek runs along the west property line, resulting in a significant portion of the site within the Riparian Corridor & Wetlands Overlay District (RCWOD) as well. It was annexed into the city in 2017 as part of the Woodland Crossing Apartments project and was originally approved for a recreational vehicle (RV) storage lot. In 2021, the property owner at the time decided to abandon the RV Storage Lot use and pursue a residential project instead. On October 14, 2021, the Planning

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Commission approved a land use application package for a 98-unit senior housing development.

The property has since changed ownership, and the new owner requested modifications to the approved PUD to reduce the number of units and change the use of the development to standard multifamily apartments instead of age-restricted senior housing. As part of these modifications, building floor plans were changed, a new clubhouse building was added, and minor adjustments were made to the configuration of the parking lot and common areas.

Through this Modification of Conditions application, several conditions were modified and a number of new conditions were added as a result of the modifications to the site plans. These modified and new conditions serve the following purposes:

- Allow removal of the tree in the middle of the site;
- Remove the age restriction on the dwelling units;
- Require a one-time \$25,000 fee payment to the Woodburn Transit system;
- Bring various site aspects into conformance with June 2022 WDO amendments;
- Pave the private path that loops around the back of the buildings; and
- Remove foliage and relocate utility cabinets near the driveway to increase visibility and safety.



3D Rendering of the Modified Site Plans



April 10, 2023

To: Honorable Mayor and City Council through City Administrator

From: Chris Kerr, Community Development Director *ck*,
Colin Cortes, AICP, CNU-A, Senior Planner

Subject: **Call-Up Briefing: Planning Commission approval of a Conditional Use Permit & Design Review application package for U-Haul truck rental and mini-storage at 0 [Zero] Stacy Allison Way NE (CU 22-03, DR 22-14, & SA 23-01)**

RECOMMENDATION:

Staff briefs the Council on this item pursuant to [Woodburn Development Ordinance \(WDO\)](#) Section 4.02.02. (The Council may call up this item for review if desired and, by majority vote, initiate a review of this Commission decision.)

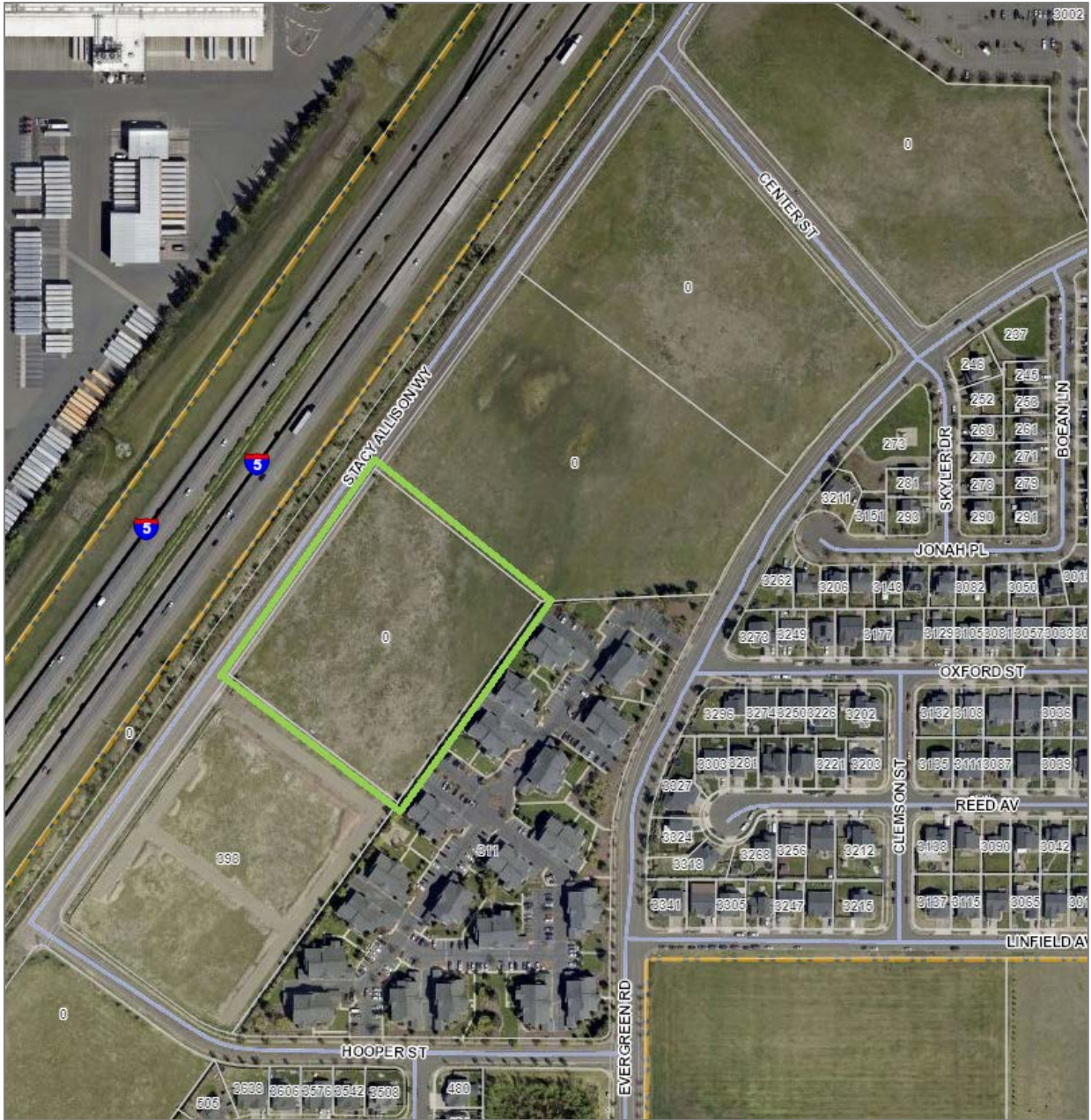
BACKGROUND:

The Planning Commission held a public hearing on March 23, 2023 and unanimously approved the consolidated applications package (Type III) with the conditions recommended by staff through the staff report published March 16.

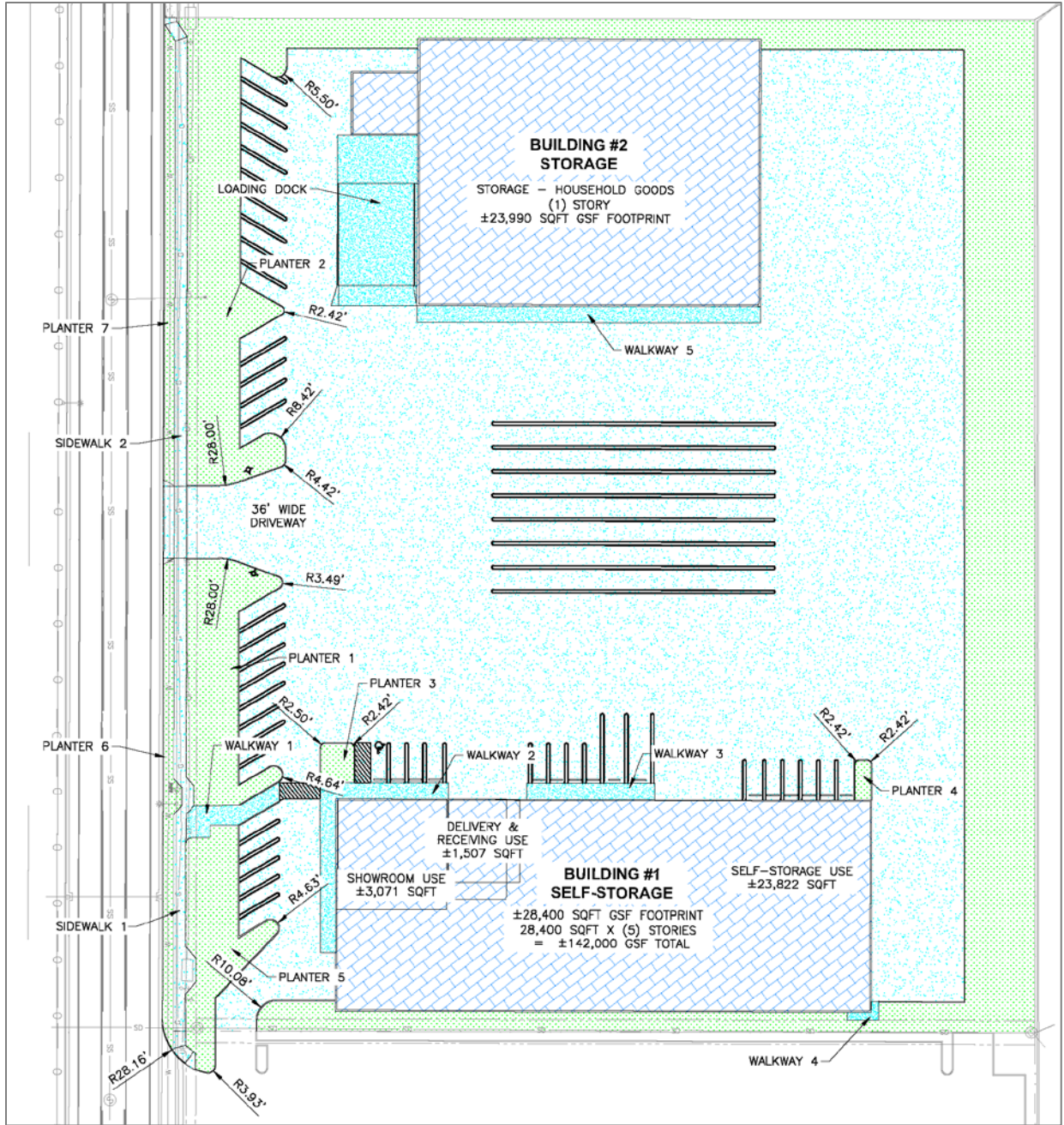
Images

See the next few pages for an aerial photo, site plans, and building facades.

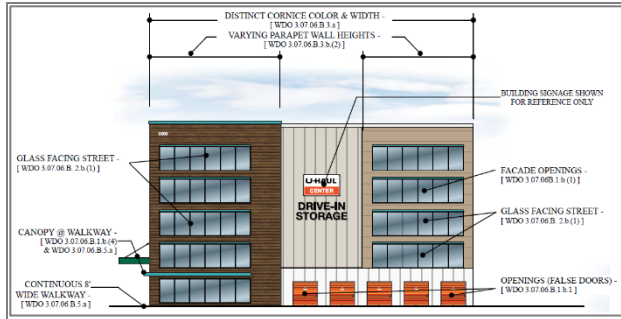
Agenda Item Review: City Administrator ___x___ City Attorney ___x___



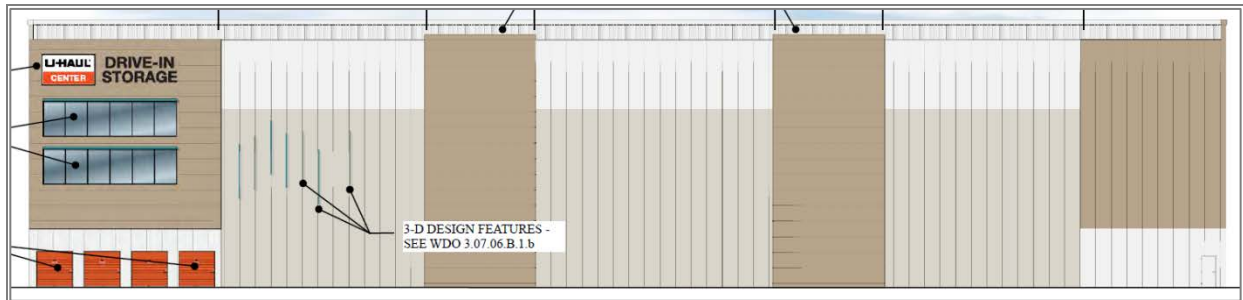
County aerial with subject property outlined in green



Site plan



Façade view from the road: South building west façade



Façade view from Allison Way Apartments Phase 1: South building south façade



Façade view from the road: North building west façade

Project Description

Conditional Use CU 22-03 (Type III) with proposed site development DR 22-14 U-Haul development of two buildings and paved operations yard for mini-storage and truck rental with Street Adjustment request SA 23-01 to customize half-street improvements.

The subject property is composed of one tax lot of 4.99 acres, and addressed as 0 (yes, zero) Stacy Allison Way NE. The property is located along the east side of Stacy Allison Way south of Center Street and north of Hooper Street and across from I-5.

The Commission approved development through two buildings and a paved operations yard. A north building, which is a warehouse, is 23,990 square feet (sq ft) and 53 ft tall, and a south building, which is a mini-storage building, has a footprint of 28,400 sq ft and is 142,000 sq ft and 61 ft tall with five stories. The two buildings total 165,990 sq ft.

U-Haul would provide mini-storage and truck rental as well as accessory services such as rental of portable storage and moving containers, sometimes termed “pods” by the average person.

Street Improvements

The primary nonconformity of the existing street cross section is the curb-tight sidewalk and the resulting lack of landscape strip with street trees.

The applicant/developer applied for Street Adjustment SA 23-01, a request to vary from the minimum Boundary Street improvements per Woodburn Development Ordinance (WDO) 3.01.04B.1 and Figure 3.01D “Service Collector” regarding Stacy Allison Way. The applicant offered a landscape strip 5½ ft including curb width, but this would have been six inches narrower than what Figure 3.01 requires.

Through the conditional use and Street Adjustment, the Commission approved conditions for a landscape strip 6½ ft wide including curb width and a sidewalk 8 ft wide that can serve as a bicycle/pedestrian path.

Staff has attempted to reduce the adverse impacts of this proposed development by requiring the following to condition the proposed use:

1. Stacy Allison Way frontage/street improvements including sidewalk and street trees;
2. The look and feel of street frontage for passers-by walking, cycling, and driving, continuing the landscape plantings approved for Allison Way Apartments;
3. Landscaping and a wall as buffering/screening of front yard oversized stalls that could be seen as fleet parking or outdoor storage of merchandise (U-Haul trucks);
4. Landscaping as buffering/screening of the rear paved operations yard from Cascade Meadows Apartments;
5. Landscaping and cedar wood fencing in the north and south side yards, the south yard abutting Allison Way Apartments Phase 1 (398 Stacy Allison Way);

6. A bench that the applicant/developer proposed available to passers-by in the front yard near sidewalk;
7. Having good architecture in the context of a warehouse and mini-storage building, particularly on the street-facing facades and the south building south façade facing Allison Way Apartments Phase 1;
8. Having a few evergreen trees among newly planted trees; and
9. Limiting location and hours of any mechanical facilities outdoors that makes noise, such as a tire pump or vacuum.

Zoning

The subject property is in the Commercial General (CG) zoning district. In the CG district, "motor freight transportation and warehousing, including local or long-distance trucking or transfer services, storage of farm products, furniture, other household goods, or commercial goods, and mini-storage" are a conditional use (CU) in CG.

Testimony

None besides the applicant/developer.

Appeal

Any of the parties with standing can appeal the Commission final decision per WDO 4.02.01B no later than April 10, 2023, and the Council would make a determination on an appeal after holding another noticed public hearing.