



# Staff Report

**To:** Planning Commission

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

**From:** Heidi Hinshaw, Associate Planner

**Meeting Date:** June 13, 2024 (Prepared June 6, 2024)

**Item:** DR 24-05, "Covers for Play Structure & Outdoor Event Area" at Nuevo Amanecer Apartments, 1274 N. 5th St

**Tax Lot:** 051W07DB00300

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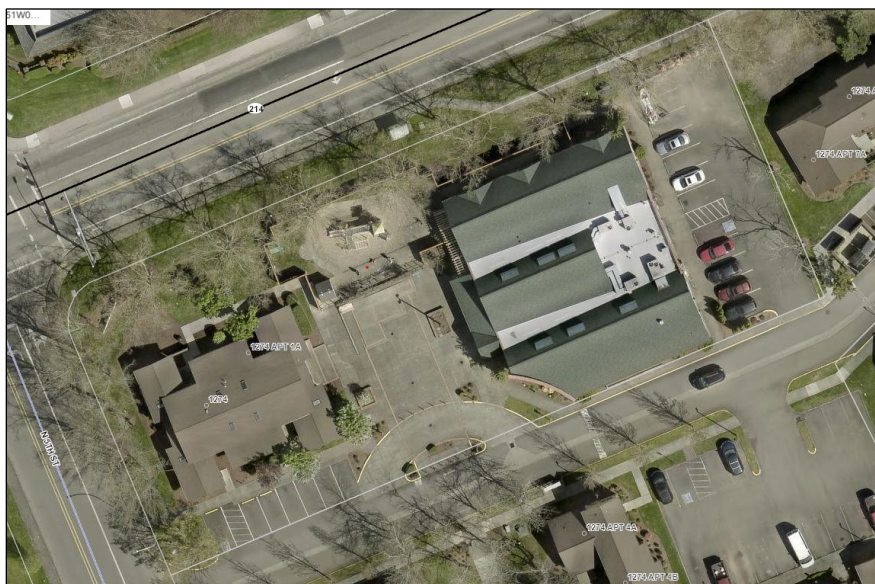
## Issue before the Planning Commission

Design Review DR 24-05 (Type III) for proposed covers for play structure & outdoor event area totaling 2,400 square feet: Commission decision.

## Executive Summary

### *Location*

The subject property is 1274 SW 5th Street, a 1.0-acre property in the Medium Density Residential (RM) zoning district. It is already developed with multi-family housing and common gathering areas. The proposal is to cover the playground and a courtyard/event area with side-less shelters.



*Aerial view of the subject property*



*Details from Site Plan*

The proposal before the Planning Commission is a Design Review application to construct two shelters: 1 measuring 1,120 square feet (sq ft) that will cover the existing play structure, and 1 measuring 1,280 sq ft, totaling 2,400 sq ft that will cover a courtyard/event space. The existing building square footage is 11,977. The lot is 43,560 sq ft. Current lot coverage is 27%. The proposed lot coverage is 33%. There is no maximum lot coverage in the Medium Density Residential zone for accessory structures.

### **Recommendation**

Approval with conditions: Staff recommends that the Planning Commission consider the staff report and its attachments and approve the application with the conditions recommended by staff.

See the next page for the start of conditions.

## **Conditions of Approval**

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

### *Design Review 24-05*

Section references throughout the conditions are to the Woodburn Development Ordinance (WDO).

- D1. 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 in service of substantial conformance.
  
- D2. Streetside PUE: To meet 3.01.04 and 3.02.01B, grant a 5-foot streetside public utility easement (PUE) along the frontage of 5<sup>th</sup> Street. This easement must be recorded prior to building permit final inspection. Work with Public Works to finalize this process.

## **Actions**

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

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

Staff will prepare a final decision document based on the action taken by the Planning Commission.

## **Attachment List**

101. Tax Map 051W07DB
102. Analyses & Findings
- 102A. Public Works Conditions
103. Site Plans



SEE MAP 051W07BD



MARION COUNTY, OREGON  
NW1/4 SE1/4 SEC7 T5S R1W W.M.  
SCALE 1" = 100'

LEGEND

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

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

**NUMBERS**

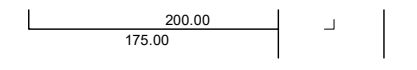
Tax Code Number  
**00 00 0**

Acreege  
**0.25 AC**

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

**NOTES**

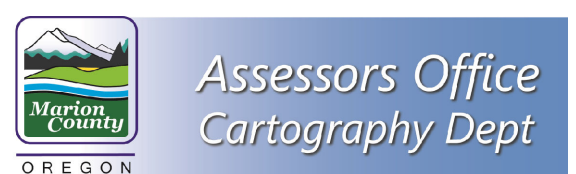
Tick Marks: A tick mark in the road indicates that the labeled dimension extends into the public ROW



**CANCELLED NUMBERS**

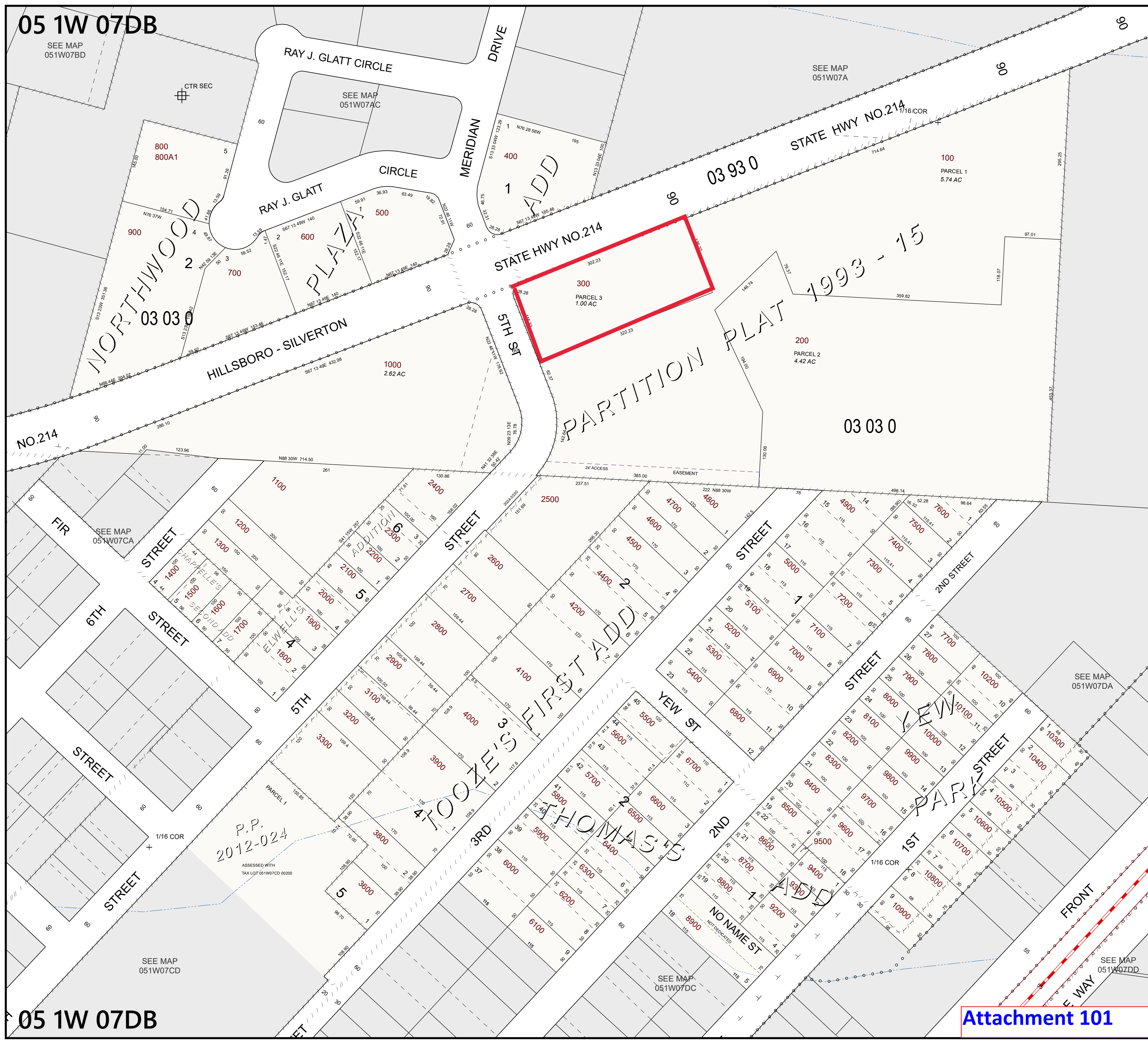
3000		
3400		
3500		
4300		
9000		
9100		

DISCLAIMER: THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY



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

PLOT DATE: 4/2/2024



# Analyses & Findings

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

<i>Symbol</i>	<i>Category</i>	<i>Indication</i>
✓	Requirement (or guideline) met	No action needed
✗	Requirement (or guideline) not met	Correction needed
⊖	Requirement (or guideline) not applicable	No action needed
▲	<ul style="list-style-type: none"> <li>• Requirement (or guideline) met with condition of approval</li> <li>• Other special circumstance benefitting from attention</li> </ul>	Modification or condition of approval required
■	Deviation from code: Street Adjustment or Variance	Request to modify, adjust, or vary from a requirement

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

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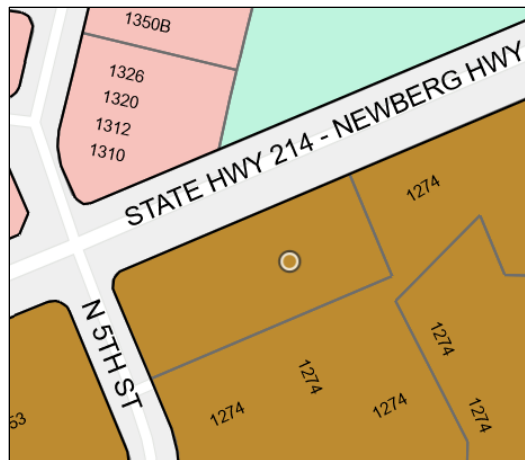
## Location

<i>Address</i>	1274 N. 5 <sup>th</sup> St
<i>Tax Lot</i>	051W07DB00300
<i>Nearest intersection</i>	Hwy 214 / N. 5 <sup>th</sup> St

## Land Use & Zoning

<i>Comprehensive Plan Land Use Designation</i>	Medium Density Residential
<i>Zoning District</i>	Medium Density Residential (RM)
<i>Overlay Districts</i>	n/a
<i>Existing Use</i>	Multi-family housing

For context, the subject property and adjacent zoning are illustrated and tabulated on the following page.



Zoning map excerpt

<i>Cardinal Direction</i>	<i>Adjacent Zoning</i>
North	Commercial Office (CO)/Public & Semi-Public (P/SP)
East	Medium Density Residential (RM)
South	Medium Density Residential (RM)
West	Medium Density Residential (RM)

The subject property is Parcel 3 of Partition Plat 1993-15.

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

## **Statutory Dates**

The application was submitted on March 26, 2024, with revised and additional materials submitted May 21, 2024, and it was deemed complete May 24, 2024, making the 120-day decision deadline September 21, 2024.



## Design Review Provisions

### 1.04 Nonconforming Uses and Development

#### 1.04.03 Nonconforming Development

##### C. Redevelopment:

#### 2. Multiple-family dwellings: Regarding development nonconformities on the remainder of a site:

##### a. Partial Redevelopment

#### Staff Finding:

The subject property is already developed with multi-family housing, a playground and an outdoor event space. The proposed development does not increase any non-conforming use or development, it will simply shelter what already exists. While there is some site non-conformance (street improvements for example), an analysis of proportionality determined that bringing these non-conforming items up to current code requirements would not have been appropriate given the scale of the proposed project.

- ⊖ These requirements are not applicable.

### 2.02 Residential Zones

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

4. The Medium Density Residential (RM) zone provides for multi-family dwellings and care facilities at up to 16 dwelling units per net acre

#### B. Approval Types (Table 2.02A)

5. Accessory Uses (A) are allowed outright, subject to the general standards of this Ordinance.

#### C. Development Standards (Tables 2.02E, B&G- condensed below)

Medium Density Residential (RM) – Site Development Standards Table 2.02E		
Side Setback, Minimum (feet)	Accessory structure	5
Rear Setback, Minimum (feet)	Accessory structure <sup>10</sup>	5
Lot Coverage, Maximum (percent)	Any other use	Not specified
Building Height, Maximum (feet)	Features not used for habitation	70
Front porch or roofed patio, or, porch or roofed patio abutting a street	Minimum	5

*Staff Finding:*

The proposal is for an accessory structure to permitted existing uses.

No changes to lot area, lot width, lot depth, nor street frontage are proposed. Plans demonstrate that the proposed addition will greatly exceed the front, side, and rear setback requirements. There is no maximum lot coverage allowance. The height of the proposed shelters is 11 feet, therefore the building height standard is met.

✓ The requirements are met.

## 2.05 Overlay Districts

⊖ None apply.

### 2.06.03 Accessory Structures

**B. The minimum separation between detached accessory structures and the primary building shall be six feet.**

*Staff Finding:*

The site plan shows conformance with this requirement.

✓ The requirements are met.

## 2.07 Special Uses

⊖ None apply.

## 2.08 Specific Conditional Uses

⊖ None apply.

## 3.01 Streets, Greenways & Other Off-Street Bicycle/Pedestrian Corridors, and Bus Transit

### 3.01.01 Applicability

**A. Right-of-way standards apply to all public streets and public alleys.**

**B. Improvement standards apply to all public and private streets, public alleys, sidewalks, landscape strips, and on and off-street public bicycle pedestrian corridors. Standards do not exclude conformance with the public works construction code that the Public Works Department administers.**

**C. The Woodburn Transportation System Plan (TSP) designates the functional class of major thoroughfares and local streets.**

### 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.**

**C. Boundary Streets**

**1. The minimum improvements for a Boundary Street may be termed “half-street” improvements and shall be as follows, except per subsection 2:**

- a. One paved 11-foot travel lane in each direction, even though this results in required improvements being slightly more than half-street by exceeding what the applicable cross section figure would require for a half-street;**
- b. On-street parking on the side of the street abutting the development, if the required cross section includes on-street parking;**
- c. Curb on the side of the street abutting the development;**
- d. Drainage facilities on the side of the street abutting the development;**
- e. Landscape strip with street trees and lawn grass on the side of the street abutting the development; and**
- f. Sidewalk on the side of the street abutting the development.**

**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.**

*Staff Finding:*

The subject property has frontage along Hwy 214/Mt Hood Ave. which TSP Figure 2 illustrates is a major arterial street. The default cross-section for major arterial streets is Figure 3.01B. Existing conditions of Mt Hood Avenue along the property include:

- Approximately 77 feet of right-of-way, while the cross-section calls for 100’.
- Public Utility Easement (PUE): 15’
- Curb and drainage facilities;
- Bike lane; and
- A curbtight sidewalk with landscape strip behind it.

Hwy 214:

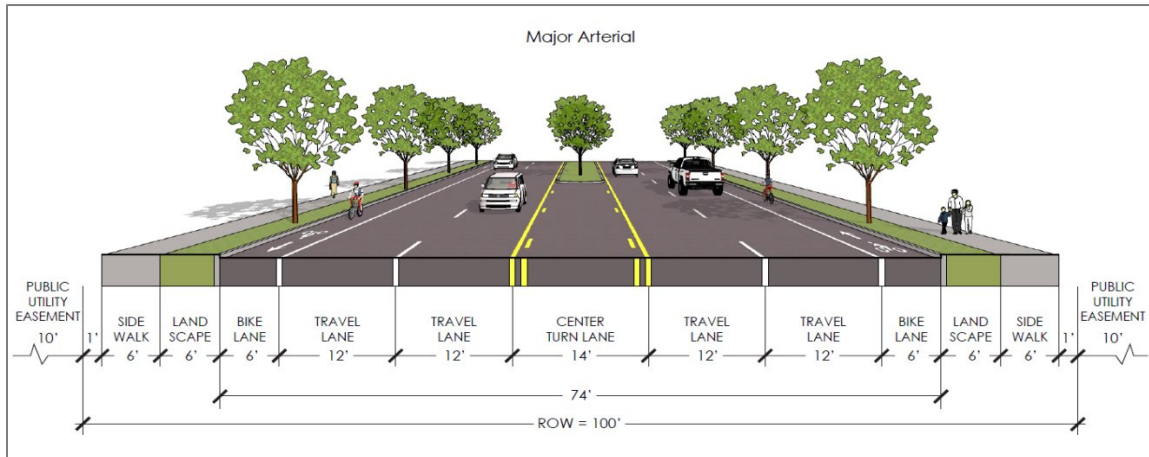


Figure 3.01B – Major Arterial

The subject property also has frontage along N 5<sup>th</sup> St. which TSP Figure 2 illustrates is an Access/Commercial Street. The default cross-section for an Access Street / Commercial Street is Figure 3.01E. Existing conditions of N 5<sup>th</sup> St. along the property include:

- Approximately 60 feet of right-of-way, while the cross-section calls for 66’.
- PUE: none recorded
- Curb and drainage facilities; and
- A curbtight sidewalk with a landscape strip behind it.

N 5<sup>th</sup> St:

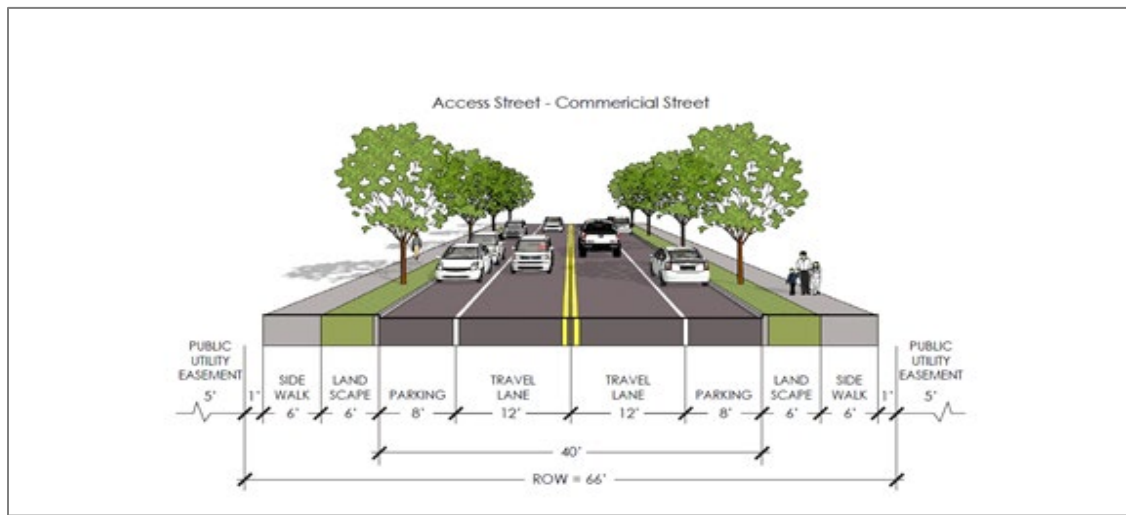


Figure 3.01E – Access Street / Commercial Street

The proposal is a development and therefore the standards within 3.01 would typically apply, however, after an analysis of the nexus of proportionality, the Director determined that most of



the street improvements were not a proportional exaction compared to the scale of the proposed project.

Dedicating a 5' Public Utility Easement (PUE) is the only street improvement the applicant is required to make.

▲ The provision is met with *Condition D2*.

### 3.02 Utilities and Easements

#### 3.02.01 Public Utility Easements & Public Access 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. Streetside: A streetside public utility easement (PUE) shall be dedicated along each lot line abutting a public street at minimum width 5 feet.**

#### *Staff Finding:*

There is an existing public stormwater line running along the northern portion of the subject property that is already covered by a public utility easement.

City records do not indicate an existing streetside public utility easement along N 5<sup>th</sup> St. Figure 3.01E requires a 5-foot streetside public utility easement along Access Streets, therefore staff adds *Condition of Approval 1* to grant this easement.

▲ The provision is met with *Condition D2*.

#### 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. A developer shall provide documentation to the attention of the Public Works Director indicating that any needed illumination complies with the standards. A developer is to refer to Illuminating Engineering Society (IES) of North America Recommended Practice 8, Roadway Lighting (RP-8) or other source as the public works construction code specifies.**

#### *Staff Finding:*

The subject property has frontage along Mt. Hood Ave and N. 5th Street therefore this requirement applies. Lighting exists along both frontages.

✓ The requirements are met.

#### 3.02.04 Underground Utilities

**A. Purpose: To improve streetscape aesthetics, reduce the number of poles errant drivers going off the road can hit, improve reliability of electricity during and after storms, and require larger**

developments to bury or underground existing electric utilities, developers of larger developments being more likely able to fund such.

**B. Street:** All permanent utility service within ROW resulting from development shall be underground, except where overhead high-voltage (35,000 volts or more) electric facilities exist as the electric utility documents and the developer submits such documentation.

**1. Developments along Boundary Streets** shall remove existing electric power poles and lines and bury or underground lines where the following apply:

- a. A frontage with electric power poles and lines is or totals minimum 250 feet; and
- b. Burial or undergrounding would either decrease or not increase the number of electric power poles. The developer shall submit documentation from the electric utility.

Where the above are not applicable, a developer shall pay a fee in-lieu, excepting residential development that has 4 or fewer dwellings and involves no land division.

**2. Fees in-lieu:** Per Section 4.02.12.

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

*Staff Finding:*

No overhead power lines are running along either the Mt Hood Avenue or the N 5<sup>th</sup> St. frontage of the subject property, and utility service to and within the site is already underground, therefore the burial requirements do not apply

✓ The requirements are met.

### **3.03 Setbacks and Open Space**

*Staff Finding:*

As analyzed for 2.02, the development complies with setback requirements. There is no applicable Street Widening Setback. The proposal does not encroach into vision clearance areas.

✓ The requirements are met.

### **3.04 Vehicular & Bicycle/Pedestrian Access**

#### **3.04.01 Applicability and Permit**

##### **A. Street Access**

**Every lot and tract shall have minimum access per subsection 1. or 2.:**

- 1. Direct access to an abutting public street, alley, or shared rear lane; or**

*Staff Finding:*

The subject property has direct access via a driveway aligned to N 5<sup>th</sup> St., a public street maintained by City of Woodburn.

✓ The requirements are met.

### 3.04.05 Traffic Impact Analysis

*Staff Finding:*

The development is not projected to increase vehicle trip generation or raise the volume-to-capacity (V/C) ratio of of an intersection, therefore an impact analysis is not required.

- ⊖ None apply.

### 3.05 Off-Street Parking and Loading

*Staff Finding:*

No new parking is required, therefore this standard is not applicable.

- ⊖ None apply.

### 3.06 Landscaping

#### 3.06.02 General Requirements

#### 3.06.03 Landscaping Standards

Per section 1.04 and direction from the Director, the scope of development does not trigger landscaping improvements beyond continued maintenance of the existing conditions which include many established trees abutting both frontages. No trees will be removed for the development.

- ⊖ None apply.

### 3.07 Architectural Design

#### 3.07.06 Standards for Non-Residential Structures in Residential, Commercial and Public/Semi Public Zones

##### 2. Materials and Texture Guidelines

- (4) The color of at least 90 percent of the wall, roof and awning surface visible from a street or public parking area should be an “earth tone” color containing 10 parts, or more of brown or a “tinted” color, containing 10 parts or more white.

*Staff Finding:*

The submitted building elevations and narrative show generally what the provisions require.

- ✓ The provisions are met.

### 3.10 Signs

- ⊖ The proposal does not include any signs.

### 3.11 Lighting

#### 3.11.01 Purpose and Applicability

**B. Applicability:** Applies outside ROW to all permanent exterior lighting for all development and uses, excepting residential that is other than multiple-family dwelling. Application includes the contexts of building exteriors, walkways and wide walkways, parking areas, signage, and off-street bicycle/pedestrian facilities. Where Section 3.11 might conflict with nuisance Ordinance No. 2338 (2003), Section 5A "Light Trespass" as is or as amended, the more stringent provision shall supersede. Strands of small electric lights known as any of holiday lights, mini lights, or twinkle lights are exempt.

#### 3.11.02 Standards

**A. Full cut-off:** All exterior lighting shall be full cut-off or fully shielded. Figure 3.11A illustrates examples of both unacceptable and acceptable fixtures.

**B. Heights:** Mounting height limits as measured to light fixture underside shall be:

1. Wall: 8 feet above finished grade within 5 feet.

**C. Hue / color temperature:** Excepting industrial development, if a fixture uses light emitting diode (LED) technology, it shall emit a warm, yellowish white light instead of cool, bluish white light. A color temperature within the range of 2,700 to 4,000 degrees Kelvin presumptively meets the requirement.

**D. Property line:** Lighting shall not shine or reflect onto (1) ROW, (2) greenways, (3) off-street public bicycle/pedestrian corridors, or (4) adjacent residentially zoned property. Pole-mounted fixtures other than those in parking areas, and wall-mounted fixtures, that abut any of (1)-(3) are exempt if they are sited within 20 feet of any of (1)-(3), and conform to subsection B.1 or 3 above.

#### *Staff Finding:*

The proposed scope of work does not include any new or modified exterior lighting on-site. If any is added in the future, please comply with 3.11.02.

— The proposal does not include any lighting.

### 5.03 Type III (Quasi-Judicial) Decisions

**B. Type III Design Review is required for the following:**

1. Non-residential structures in residential zones greater than 1,000 square feet in the RS, R1S, RM, and P/SP zones.

#### *Staff Finding:*

The submitted Design Review application meets this requirement.

✓ The provisions are met.



## Recommended Conditions of Approval

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



### *Design Review DR 24-05*

Section references throughout the conditions are to the Woodburn Development Ordinance (WDO).

- D1. 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 in service of substantial conformance.
- D2. Streetside PUE: To meet 3.01.04 and 3.02.01B, grant a 5-foot streetside public utility easement (PUE) along the frontage of 5<sup>th</sup> Street. This easement must be recorded prior to building permit final inspection. Work with Public Works to finalize this process.

## Applicant Identity

<i>Applicant</i>	Carmen Fernandez, Housing Development Manager, Farmworker Housing Development Corporation
<i>Applicant's Representative</i>	Ron Berkey, Contractor, NW Buildings, PO Box 1129, McMinnville, OR 97128
<i>Landowner(s)</i>	Farmworker Housing Development Corporation OR (Carmen Fernandez, Housing Development Manager, registered agent)

## Notes to the Applicant

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

1. Records: Staff recommends that the applicant retain a copy of the subject approval.
2. Fences, fencing, & free-standing walls: The approval excludes any fences, fencing, & free-standing walls, which are subject to WDO 2.06 and the permit process of 5.01.03.
3. Signage: The approval excludes any private signage, which is subject to WDO 3.10 and the permit process of 5.01.10.
4. 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.
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.

**From:** [Dago Garcia](#)  
**To:** [Heidi Hinshaw](#)  
**Cc:** [Curtis Stultz](#)  
**Subject:** DR 24-05 FHDC Cover for Play Structures  
**Date:** Friday, April 19, 2024 11:05:38 AM

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Hi Heidi,

Public Works does not have comments for the proposed cover structures, all work is on private property, and there not requirements for updating the existing detention facilities or storm drainage report.

Thank You

**Dago Garcia, P.E.** | direct (503)982-5248 | Fax (503)982-5242  
[dago.garcia@ci.woodburn.or.us](mailto:dago.garcia@ci.woodburn.or.us)

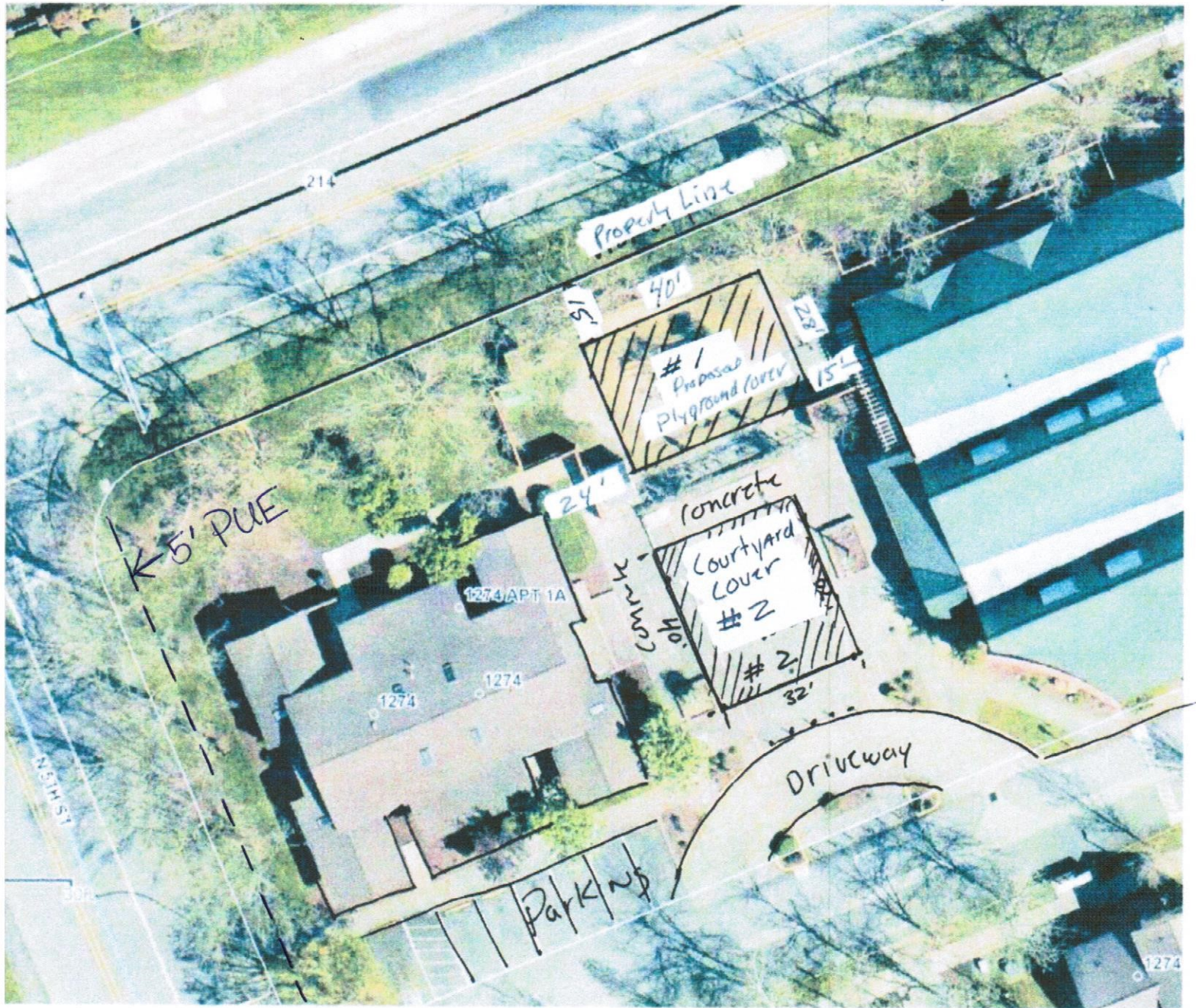
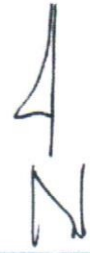
**CITY OF WOODBURN** | **Public Works Department**  
190 Garfield Street, Woodburn OR 97071

[City Website](#) | [Public Works Department](#)

**Attachment 102A**



SCALE  $\frac{1}{2}'' = 16' + \frac{1}{2}$



\* No trees will need to be cut down or trimmed to build \*  
Both covered roofs

**Attachment 103**



## Narrative for projects at 1274 SW 5th St.

Building 1: This building will be a simple 28' x 40' covering for the existing play structure. Roof only. No sides. 6 x 6 steel posts. 1' overhang on all edges with gutters and downspouts to ground. Height will not exceed the buildings near it and peak will be 14'. Building setbacks are over 15' from property line on north side, 15' from building on East side and 24' from building on West side. Meets requirements in 2.02E and 2.06.03

Will be more than the required 5' from the public utility easement (3.02.01B) on the side against Hwy 214.

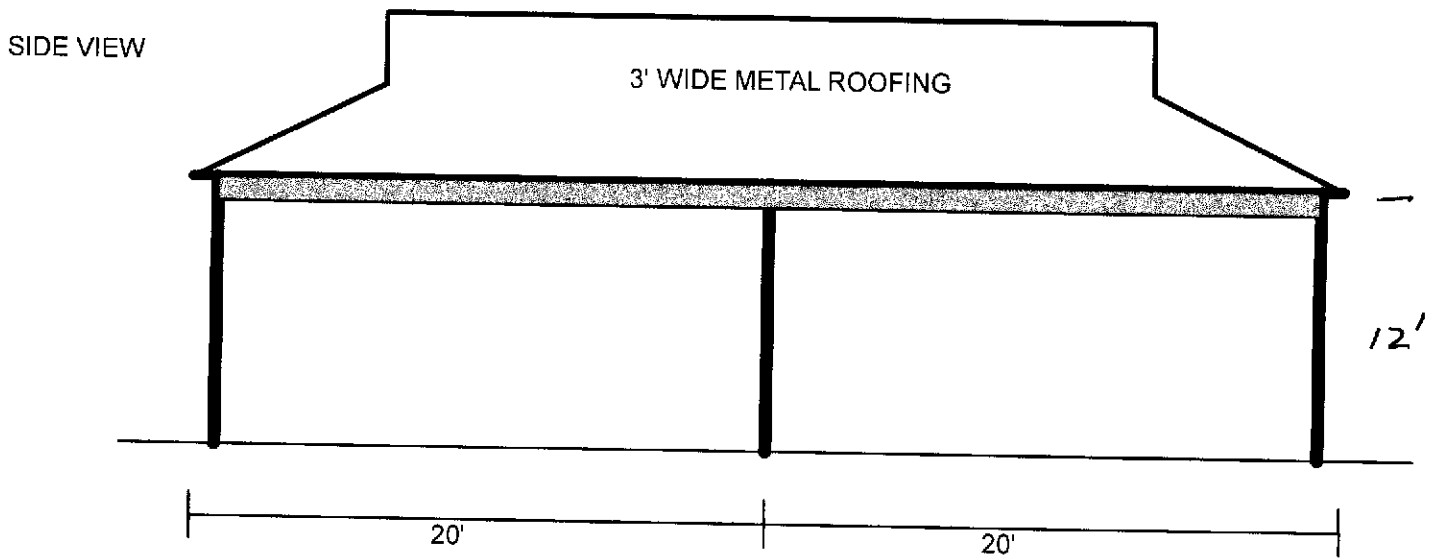
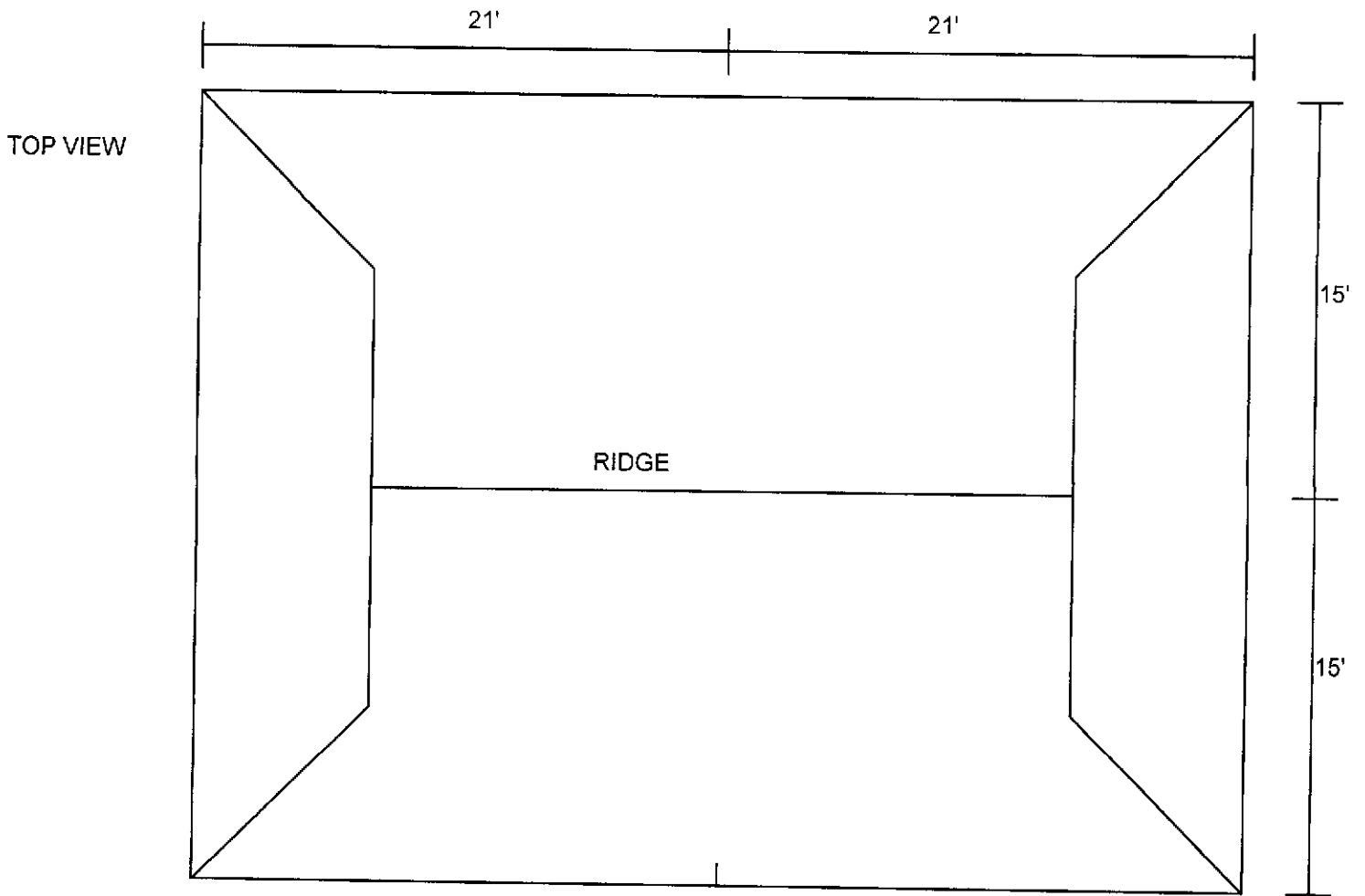
Roof is 4:12 pitch and has 4 corner hip roof framing. Roof color will be earth tone to meet 3.07.06

No lighting planned at this time.

Building 2: This building will be a simple 32' x 40' covered building for a courtyard/concrete area. Roof only, no sides. 6 x 6 steel posts. 1' overhang on all edges with gutters and downspouts to ground. Height will not exceed the buildings near it and peak will be 14'. Building setbacks are over 15' from the property line. Meets requirements in 2.02E and 2.06.03.

Roof is 4:12 pitch and has 4 corner hip roof framing. Roof color will be earth tone to meet 3.07.06

No lighting planned at this time.



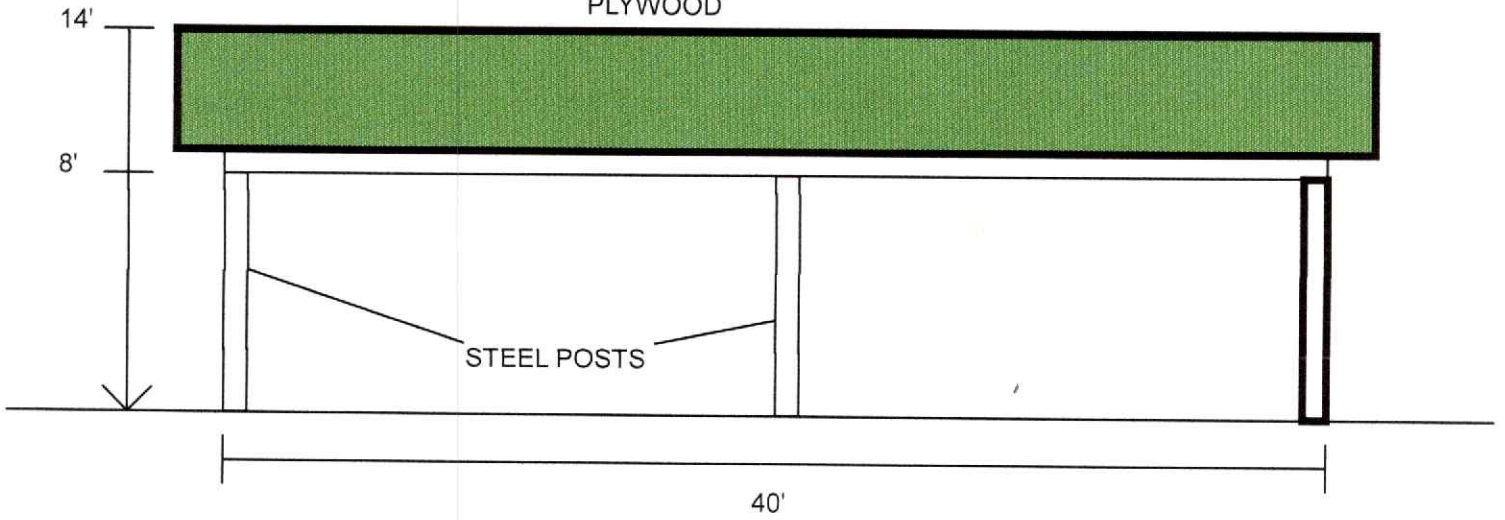
Woodburn Play Cover # / bldg.

**Attachment 103**

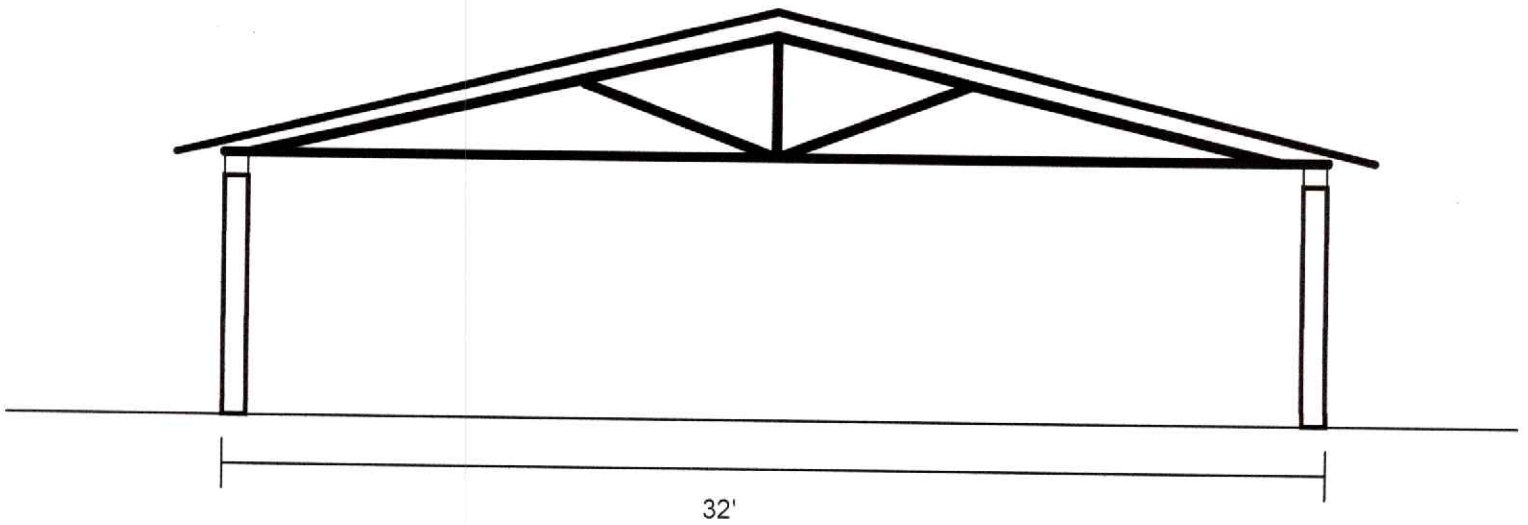
SIDE VIEW

# 2 courtyard bldg

METAL ROOF OVER  
PLYWOOD



END VIEW



**Attachment 103**

PATIO/COURTYARD COVERED STRUCTURE  
32' X 32' DIM.

# 2 Courtyard bldg.

ROOF VIEW

