



Land Use Final Decision

Planning Commission

File number(s): DR 24-05

Project name: Covers for Play Structure & Outdoor Event Area

Date of decision: June 13, 2024

Applicant: Ron Berkey, Principal Development Lead, Ron Berkey Construction
PO Box 1129, McMinnville, OR 97128

Landowner: Farmworker Housing Development Corp., Nuevo Amanecer Next
Generation LP 1274 5th St Suite 1A Woodburn OR 97071
(Carmen Fernandez, registered agent)

Site location: Nuevo Amanecer Apartments, 1274 N. 5th St; Tax Lot 051W07DB00300

Summary: The Planning Commission held a public hearing on June 13, 2024, and unanimously approved the Design Review application (Type III) with the conditions recommended by staff through the staff report published June 6, 2024.

Through a Design Review application, the applicant proposed development through two buildings totaling 2,400 square feet (sq ft).

The subject property is in the Medium Density Residential (RM) zoning district and is approximately 1.0 acre.

No one testified (besides members of the applicant's team). See the table below in the "Testifiers" section. Section references are to the [Woodburn Development Ordinance \(WDO\)](#).

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 5th Street. This easement must be recorded prior to building permit final inspection. Work with Public Works to finalize this process.

Note A: Absent platting or re-platting, granting of public easements necessitates a process through Public Works (PW) and City Council acceptance separate from land use approval, which could take several weeks. Upon tentative land use approval by the Planning Commission, contact PW to begin and finish dedication and granting sooner. The City Council usually meets second and fourth Mondays, and agenda packet materials are due to the City Recorder by the prior Tuesday at noon.

Notes to the Applicant:

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. Technical standards:
 - a. Context: A reader shall not construe a land use condition of approval that reiterates a City technical standard, such as a PW standard, to exclude remaining standards or to assert that conditions of approval should have reiterated every standard the City has in order for those standards to be met.
6. 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.
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, Public Works storm water practices and the Storm Drainage Master Plan.
8. ROW/PUE:
 - a. Dedication: The Public Works Department Engineering Division has document templates for ROW and easement dedications that applicants are to use.

Public utility easement (PUE) – dedications are due prior to final building inspection
9. SDCs: The developer pays System Development Charges prior to building permit issuance. Staff will determine the water, sewer, storm and parks SDCs after the developer provides a complete Public Works Commercial/Industrial Development information sheet.

Appeals: Per WDO 4.01.11E., the decision is final unless appealed pursuant to Oregon Revised Statutes (ORS), state administrative rules, and WDO [4.02.01](#). The appeal to City Council due date is twelve (12) days from the mailing date of this notice per 4.02.01B.1. A valid appeal must meet the requirements of 4.02.01.

A copy of the decision is available for inspection at no cost, and the City would provide a copy at reasonable cost at the Community Development Department, City Hall, 270 Montgomery Street, Woodburn, OR 97071. For questions or additional information, contact Cassandra Martinez, Administrative Specialist, at (503) 982-5246 or cassandra.martinez@ci.woodburn.or.us.

Expiration: Per Woodburn Development Ordinance (WDO) 4.02.04B., a final decision expires within three years of the date of the final decision unless:

1. A building permit to exercise the right granted by the decision has been issued;
2. The activity approved in the decision has commenced; or
3. A time extension, Section 4.02.05, has been approved.

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

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

Testifiers:

<i>Name</i>	<i>Address</i>	<i>Planning Commission</i>	
		<i>Written</i>	<i>Verbal</i>
n/a*			

*Other than members of the applicant's team, no one testified.

Attachments:

- Planning Commission June 13, 2024, Staff Report Attachment 101. Marked Tax Map
- 102A. Public Works comments (April 19, 2024)
- 103. Site plans (submitted May 21, 2024)

Sincerely,



Heidi Hinshaw

Associate Planner

Affirmed,



Lisa Ellsworth, Planning Commission Chair

June 20, 2024

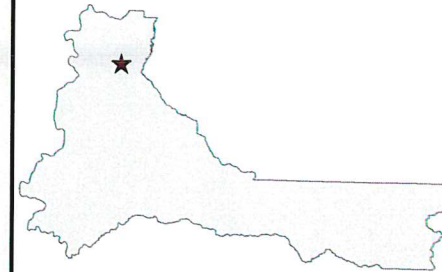
Date

cc: Chris Kerr, Community Development Director [e-mail]
Curtis Stultz, Public Works Director [e-mail]
Dago Garcia, P.E., City Engineer [e-mail]
Melissa Gitt, Building Official [e-mail]
Jason Space, GIS Technician [e-mail]
Ron Berkey, Principal Development Lead, Ron Berkey Construction, PO Box 1129, McMinnville, OR 97128
[applicant] [applicant's representative] [mail & [e-mail](#)]
Stephen Brown, Engineer, Berkey Engineering, 190 Oakland St. Richland, WA 993325 [applicant's
representative] [mail & e-mail]
Carmen Fernandez, Housing Development Manager, Farmworker Housing Development Corp., Nuevo
Amanecer Next Generation LP 1274 5th St Suite 1A Woodburn OR 97071 [landowner] [mail & [e-mail](#)]
Testifiers: Per the table above. [mail]
Casey Knecht, P.E., Development Review Coordinator, Oregon Dept. of Transportation (ODOT) Region 2 [e-
mail]
Marion County Assessor's Office <assessor@co.marion.or.us>
Marion County Geographic Information System (GIS) <gis@co.marion.or.us>
Marion County Land Development Engineering & Permits <mcldep@co.marion.or.us>
Marion County Planning Division <planning@co.marion.or.us>
Marion County Public Works Dept. <mcdpw@co.marion.or.us>

05 1W 07DB

SEE MAP 051W07BD

05 1W 07DB
WOODBURN



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.
- ⊙ DLC Corner
- ⊕ 1/4 Section Cor.
- 16 15
21 22 Section Corner

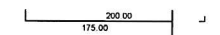
NUMBERS

Tax Code Number
00 00 0

Acreage 0.25 AC All acres listed are Net Acres, excluding any portions of the taxlot within public ROWs

NOTES

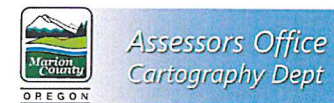
Tick Marks: A tick mark in the road indicates that the labeled dimension extends into the public ROW



CANCELLED NUMBERS

3000
3400
3500
4300
9000
9100

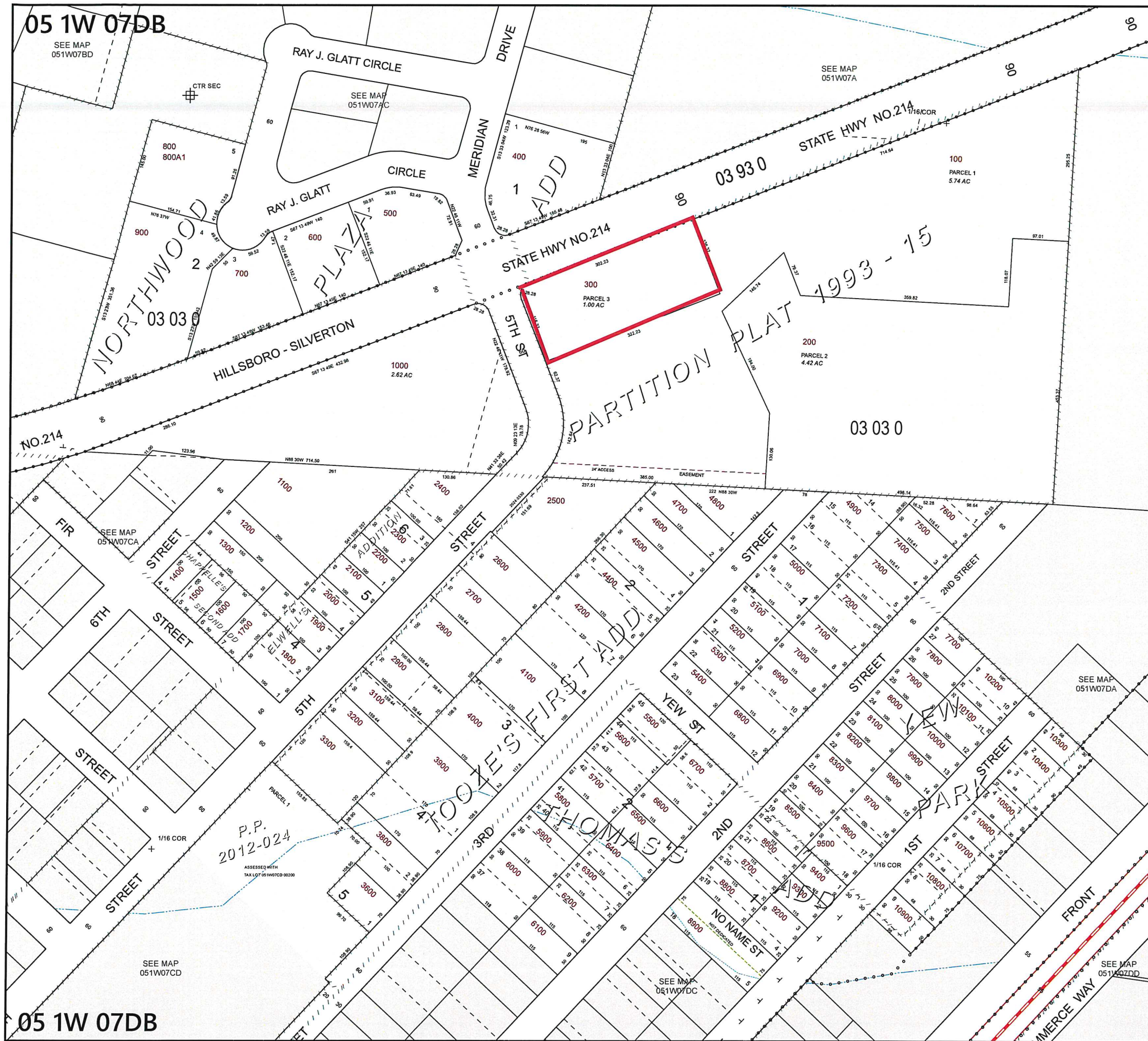
DISCLAIMER: THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY



FOR ADDITIONAL MAPS VISIT OUR WEBSITE AT www.co.marion.or.us

PLOT DATE: 4/2/2024

WOODBURN
05 1W 07DB



05 1W 07DB

SEE MAP 051W07CD

SEE MAP 051W07DC

SEE MAP 051W07DD

SEE MAP 051W07DA

SEE MAP 051W07A

SEE MAP 051W07AC

SEE MAP 051W07CA

P.P. 2012-024

ASSESSED WITH TAX LOT 051W07CD 02200

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

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

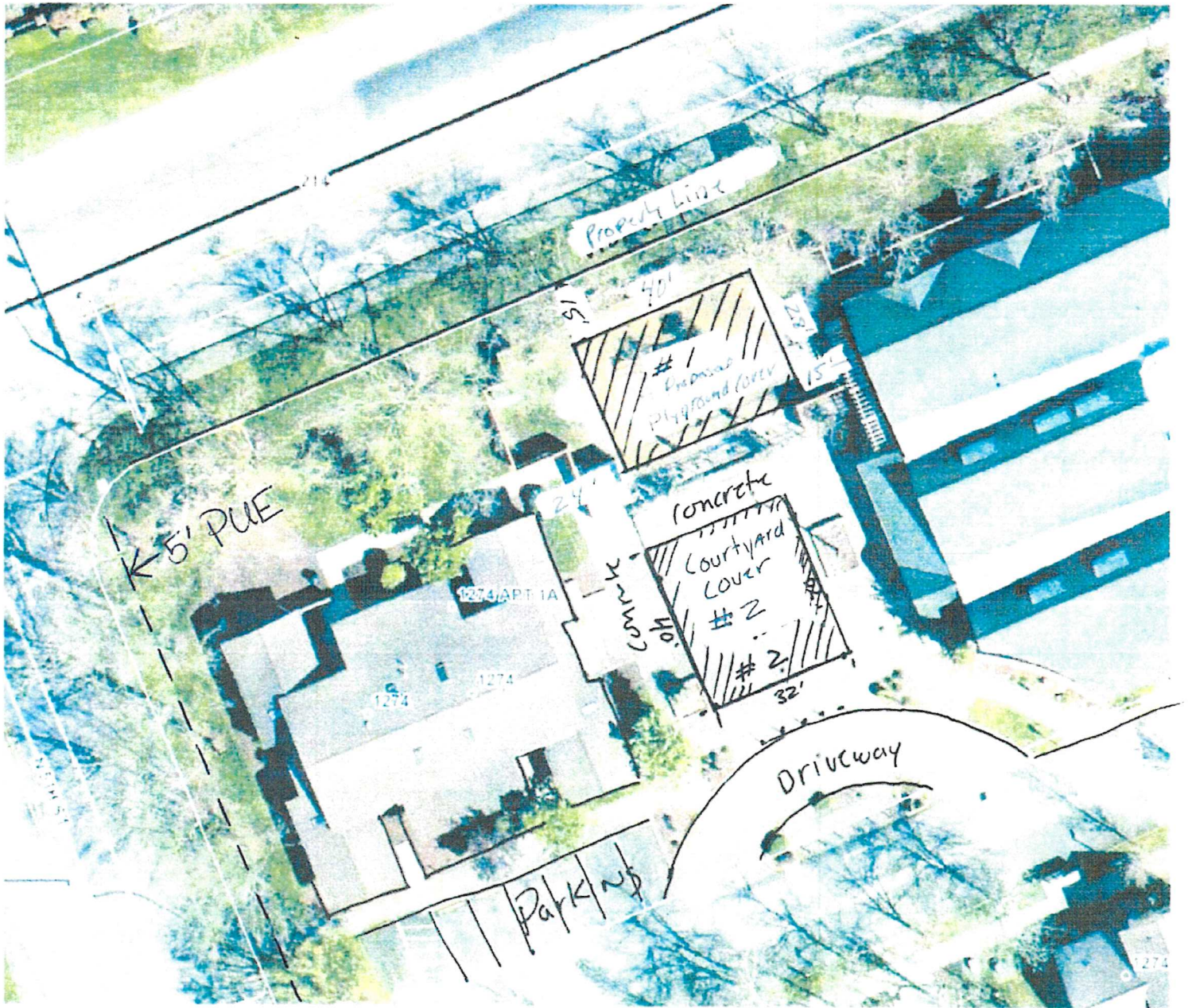
Dago Garcia, P.E. | direct (503)982-5248 | Fax (503)982-5242
dago.garcia@ci.woodburn.or.us

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

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

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

N



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

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

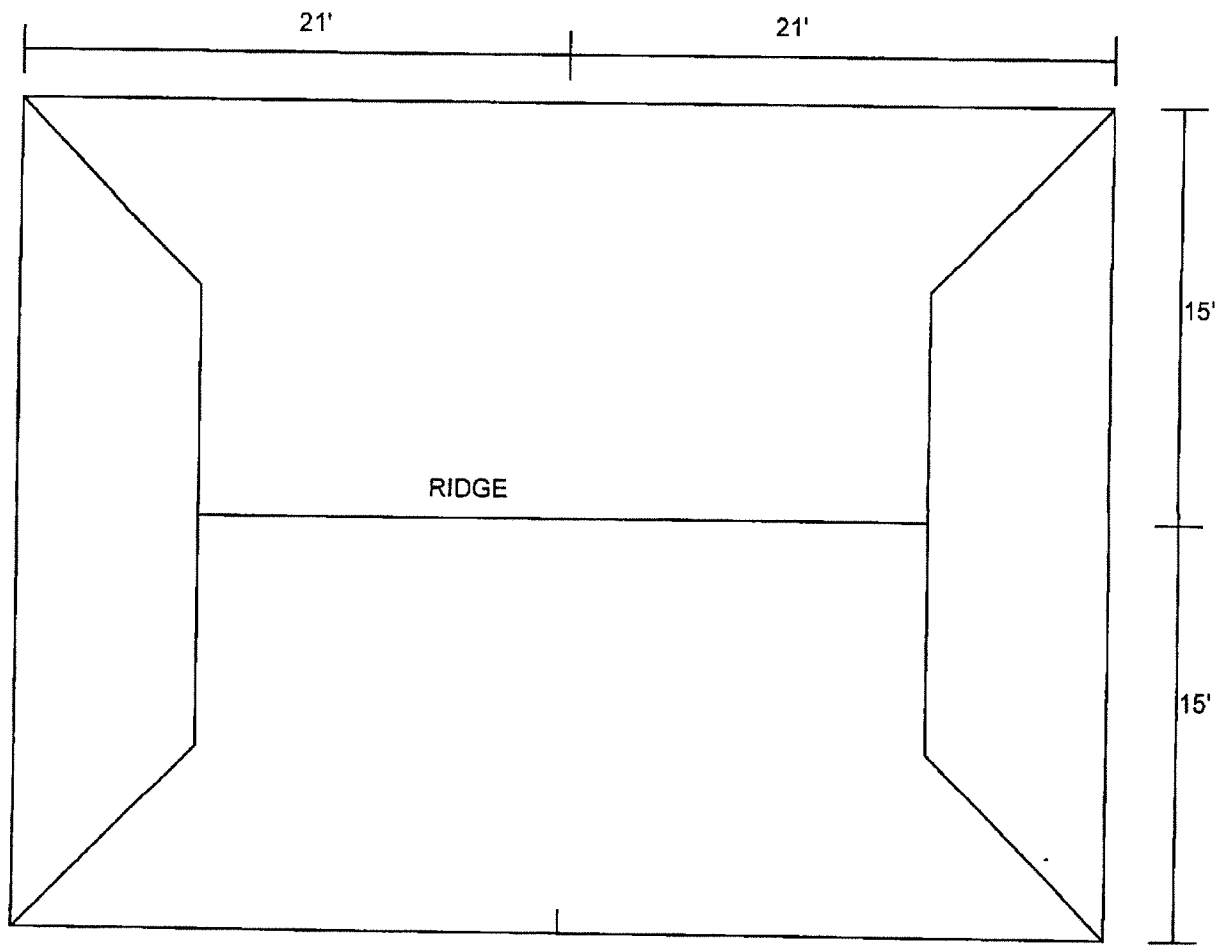
No lighting planned at this time.

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' overhand 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.

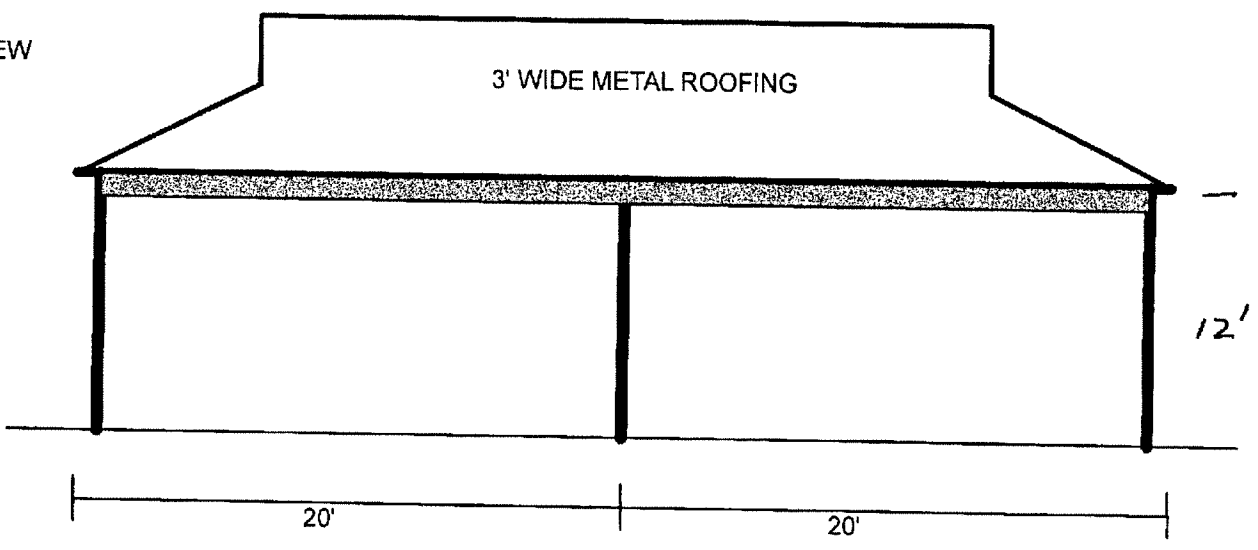
Roof is 4:12 pitch and has 4 corner hip roof framing. Roof color will be earth tone to meet 3.07.06

No lighting planned at this time.

TOP VIEW



SIDE VIEW

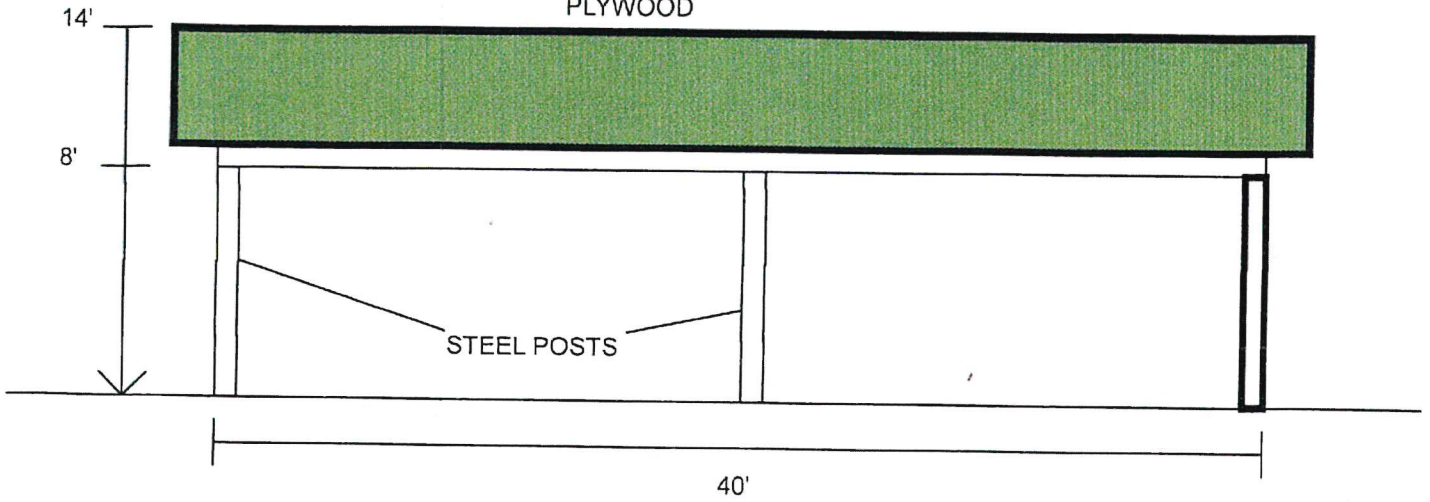


Woodburn Play Cover #, bldg.

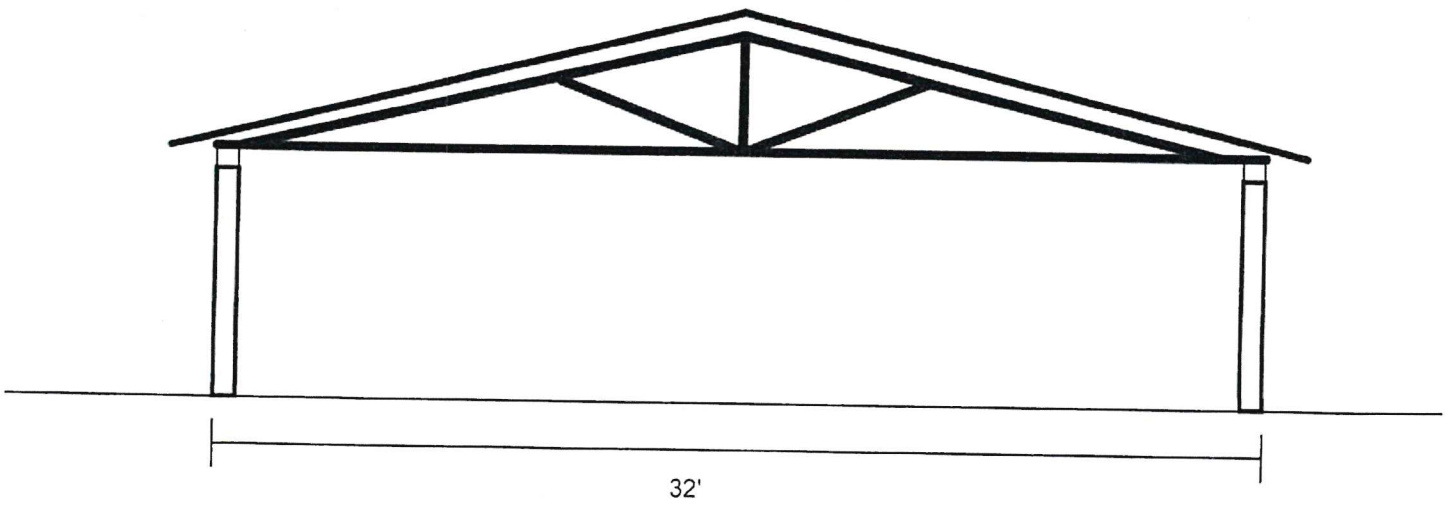
SIDE VIEW

2 courtyard bldg

METAL ROOF OVER
PLYWOOD



END VIEW



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

2 Courtyard bldg.

ROOF VIEW

