



# Oregon

Theodore R. Kulongoski, Governor

## Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2524

Phone: (503) 373-0050

First Floor/Costal Fax: (503) 378-6033

Second Floor/Director's Office: (503) 378-5518

Web Address: <http://www.oregon.gov/LCD>

### NOTICE OF ADOPTED AMENDMENT

September 22, 2006

TO: Subscribers to Notice of Adopted Plan  
or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Woodburn Plan Amendment  
DLCD File Number 002-06



The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures\*

### **DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: October 10, 2006**

This amendment was submitted to DLCD for review 45 days prior to adoption. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

**\*NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist  
Stacy Hopkins, DLCD Regional Representative  
Naomi Zwerdling, City of Woodburn

<paa> ya/email



**FORM 2**

**DLCD NOTICE OF ADOPTION**

This form **must be mailed** to DLCD **within 5 working days after the final decision** per ORS 197.610, OAR Chapter 660 - Division 18

(See reverse side for submittal requirements)

DEPT OF  
SEP 20 2006  
LAND CONSERVATION  
AND DEVELOPMENT

Jurisdiction: City of Woodburn Local File No.: CPA 04-02, ZC 04-03, CU 04-10, DR 05-03 & SDR 06-06  
(If no number, use none)

Date of Adoption: September 15, 2006 Date Mailed: September 19, 2006  
(Must be filled in) (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: February 3, 2006

- Comprehensive Plan Text Amendment
- Land Use Regulation Amendment
- New Land Use Regulation
- Comprehensive Plan Map Amendment
- Zoning Map Amendment
- Other: \_\_\_\_\_  
(Please Specify Type of Action)

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached."

Comprehensive Plan Map Amendment from "Industrial" to "Commercial" and Zone Change from "Light Industrial" to "Commercial General" to allow for the expansion of an auto dealership.

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write  Same.  If you did not give notice for the proposed amendment, write "N/A."

Same

Plan Map Changed from : Industrial to Commercial

Zone Map Changed from: Light Industrial to Commercial General

Location: T5S, R2W, Section 11, Tax Lots #106 and #107 Acres Involved: 3.33 acres

Specify Density: Previous: N/A New: N/A

Applicable Statewide Planning Goals: 1,2,5,6,7,8,10,11,12,13 and 14

Was an Exception Adopted? Yes:  No:

DLCD File No.: 002-06  
(14993)

Did the Department of Land Conservation and Development receive a notice of Proposed Amendment **FORTY FIVE (45) days prior to the first evidentiary hearing**. Yes:  No:

If no, do the Statewide Planning Goals apply. Yes:  No:

If no, did The Emergency Circumstances Require immediate adoption. Yes:  No:

Affected State or Federal Agencies, Local Governments or Special Districts: \_\_\_\_\_  
The City of Woodburn, DLCD, ODOT & The Woodburn Fire District

Local Contact: Naomi Zwerdling Area Code + Phone Number: (503) 982-5246

Address: 270 Montgomery Street City: Woodburn

Zip Code+4: 97071 Email Address: naomi.zwerdling@ci.woodburn.or.us

=====

### ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**  
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and TWO (2) Copies of the Adopted Amendment to:  

**ATTENTION: PLAN AMENDMENT SPECIALIST**  
**DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT**  
**635 CAPITOL STREET NE, SUITE 150**  
**SALEM, OREGON 97301-2540**
2. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the "Notice of Adoption" is sent to DLCD.
6. In addition to sending the "Notice of Adoption" to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can copy this form on to 8-1/2x11 green paper only ; or call the DLCD Office at (503) 373-0050; or Fax your request to:(503) 378-5518; or Email your request to Larry.French@state.or.us - ATTENTION: PLAN AMENDMENT SPECIALIST.

**COUNCIL BILL NO. 2637**

**ORDINANCE NO. 2409**

**AN ORDINANCE GRANTING A COMPREHENSIVE PLAN MAP AMENDMENT FROM INDUSTRIAL TO COMMERCIAL, A ZONE CHANGE FROM IL (LIGHT INDUSTRIAL) ZONE TO CG (COMMERCIAL GENERAL) ZONE, APPROVAL OF CONDITIONAL USE CASE FILE NO. 04-10, APPROVAL OF DESIGN REVIEW CASE FILE NO. 05-03 AND APPROVAL OF SIGN DESIGN REVIEW CASE FILE NO. 06-06 ON PROPERTIES LOCATED SOUTH OF NEWBERG HIGHWAY, EAST OF SOUTH WOODLAND AVENUE AND WEST OF INTERSTATE 5; ATTACHING CERTAIN CONDITIONS THERETO; AND DECLARING AN EMERGENCY.**

**WHEREAS**, the applicant, Wallace W. Lien, submitted the following applications: Comprehensive Plan Map Amendment 04-02, Zone Change 04-03, Conditional Use 04-10, Design Review 05-03 and Sign Design Review 06-06; and

**WHEREAS**, the Woodburn Comprehensive Plan and Zoning Map have established certain land uses within the City of Woodburn's Urban Growth Boundary; and

**WHEREAS**, the Woodburn Planning Commission and the Woodburn City Council have reviewed the record pertaining to said applications and heard all public testimony presented on said applications; **NOW, THEREFORE**,

**THE CITY OF WOODBURN ORDAINS AS FOLLOWS:**

**Section 1.** That the subject properties are owned by Leo and Reyne Hillyer, and are legally described in Exhibit "A" which is affixed hereto and by this reference incorporated herein.

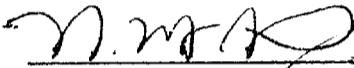
**Section 2.** That Comprehensive Plan Map Amendment 04-02 is granted and the Woodburn Comprehensive Plan Map is hereby amended as to the property described in Exhibit "A" to this Ordinance from Industrial to Commercial based upon the Findings in Support which are affixed hereto as Exhibit "B."

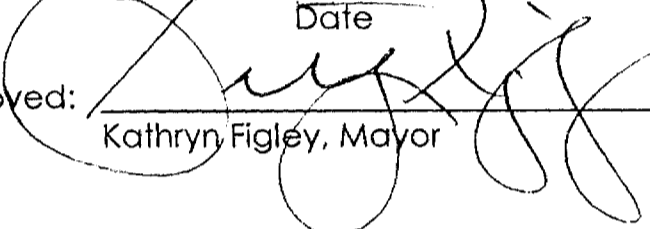
**Section 3.** That Zone Change Application No. 04-03 is granted and the Woodburn Zoning Map is hereby amended as to the property described in Exhibit "A" to this Ordinance from IL (Light Industrial) Zone to CG (Commercial General) Zone based upon the Findings in Support which are affixed hereto as Exhibit "B."

**Section 4.** Development permit applications Conditional Use 04-10, Design Review 05-03 and Sign Design Review 06-06 are hereby approved; based upon the Findings in Support that are affixed hereto as Exhibit "B."

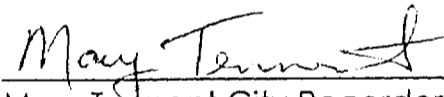
**Section 5.** That Conditional Use 04-10, Design Review 05-03 and Sign Design Review 06-06 approvals are subject to the conditions contained in Exhibit "C", which is affixed hereto and incorporated herein, which the Council finds reasonable.

**Section 6.** This ordinance being necessary for the immediate preservation of the public peace, health, and safety, because this is a site specific land use decision that is not subject to a referendum petition, an emergency is declared to exist and this ordinance shall take effect immediately upon passage by the Council an approval by the Mayor.

Approved as to form:  9-7-2006  
City Attorney Date

Approved:   
Kathryn Figley, Mayor

Passed by the Council	<u>September 11, 2006</u>
Submitted to the Mayor	<u>September 15, 2006</u>
Approved by the Mayor	<u>September 15, 2006</u>
Filed in the Office of the Recorder	<u>September 15, 2006</u>

ATTEST:   
Mary Tennant City Recorder  
City of Woodburn, Oregon

**EXHIBIT A**

**LEGAL DESCRIPTION:**

**PARCEL A:**

Parcel 1, PARTITION PLAT NO. 2004-105, in the City of Woodburn, County of Marion and State of Oregon.

**PARCEL B:**

Parcel 1, PARTITION PLAT NO. 2003-033, in the City of Woodburn, County of Marion and State of Oregon.

**EXHIBIT "B"  
FINDINGS IN SUPPORT**

**COMPREHENSIVE PLAN MAP AMENDMENT 04-02  
ZONE CHANGE 04-03  
CONDITIONAL USE 04-10  
DESIGN REVIEW 05-03  
SIGN DESIGN REVIEW 06-06**

**I. APPLICATION INFORMATION:**

**Applicant:** Wallace W. Lien  
1775 32<sup>nd</sup> Place NE, Ste A  
Salem, OR 97303

**Property Owner:** Winco Food, Inc.  
3336 E. 32<sup>nd</sup> Street, Ste 217  
Tulsa, OK 74135

**Application Deemed Complete:** February 3, 2006  
**120 Day Rule Deadline:** N/A

**II. NATURE OF THE APPLICATION:**

The applicant requests a Comprehensive Plan Map Amendment from "Industrial" to "Commercial", Zone Change from "Light Industrial" to "Commercial General," Conditional Use and Design Review to allow an auto dealership (auto display and parking) for the properties located south of Newberg Highway, east of South Woodland Avenue and west of Interstate 5 (T5S, R2W, Section 11, Tax Lots #106 and #107). The applicant also requests Sign Design Review approval to allow for two pole signs to be located on the subject properties.

**III. RELEVANT FACTS:**

The subject properties consist of tax lots #106 and #107. Tax lot #106 is located south of Newberg Highway, east of South Woodland Avenue, and north of Hillyer Lane. Tax lot #106 is 1.39 acres in size and is currently vacant. Tax lot #107 is located south of Hillyer Lane, is 1.94 acres in size and is currently vacant. The subject properties are zoned Light Industrial (IL) and designated Industrial on the Woodburn Comprehensive Plan Map. The property located to the north of tax lot #106 (across Newberg Highway) is zoned Commercial General (CG), designated Commercial on the Woodburn Comprehensive Plan Map and is the location of an automobile dealership (Miles Chevrolet). The properties located to the west of tax lot #106 (across South Woodland Avenue and Hillyer Lane) are zoned IL,

designated Industrial on the Woodburn Comprehensive Plan Map and are the location of a warehouse and distribution center (Do It Best, Corporation) and vacant land. The property located to the east of tax lot #106 is zoned CG, designated Commercial on the Woodburn Comprehensive Plan Map, and is the location of a car dealership. The property located to the north of tax lot #107 (across Hillyer Lane) is zoned IL, designated Industrial on the Woodburn Comprehensive Plan Map and is vacant. The property located to the west and south of tax lot #107 is zoned IL, designated Industrial on the Woodburn Comprehensive Plan Map and is the location of a food distribution facility (WinCo Foods). The property located to the east of tax lot #107 is zoned CG, designated Commercial on the Woodburn Comprehensive Plan Map, and is the location of a car dealership. No wetlands are shown on the subject properties and they are located outside of the 500-year floodplain.

Tax lot #106 was created as a result of the Community Development Director's approval of Partition Case File No. 02-02 on March 11, 2003. Tax lot #107 was created as a result of the Community Development Director's approval of Partition Case File No. 04-03 on June 30, 2004. The applicant is proposing a Comprehensive Plan Map Amendment from "Industrial" to "Commercial", Zone Change from "Light Industrial" to "Commercial General," Conditional Use and Design Review to allow an auto dealership (auto display and parking) for the subject properties. The applicant also requests Sign Design Review approval to allow for two pole signs to be located on the subject properties.

#### **IV. RELEVANT APPROVAL CRITERIA:**

##### **COMPREHENSIVE PLAN MAP AMENDMENT 04-02:**

##### **WOODBURN DEVELOPMENT ORDINANCE**

**Section 5.104.02 Comprehensive Plan Map Change, Owner Initiated**

##### **ZONE CHANGE 04-03:**

##### **WOODBURN DEVELOPMENT ORDINANCE**

**Section 5.104.04 Zoning Map Change; Owner Initiated**

##### **CONDITIONAL USE 04-10:**

##### **WOODBURN DEVELOPMENT ORDINANCE**

**Section 5.103.01 Conditional Use**

##### **DESIGN REVIEW 05-03 & SIGN DESIGN REVIEW 06-06:**

##### **WOODBURN DEVELOPMENT ORDINANCE**

**Section 2.106 Commercial General (CG)**



**Section 3.101 Street Standards**  
**Section 3.102 Utilities and Easements**  
**Section 3.104 Access**  
**Section 3.105 Off Street Parking and Loading**  
**Section 3.106 Landscaping Standards**  
**Section 3.107 Architectural Design Guidelines and Standards**  
**Section 3.110 Signs**  
**Section 5.102.02 Design Review for All Structures Less Than 1000 sq. ft.**

**V. FINDINGS:**

**Comprehensive Plan Map Amendment 04-02:**

**WOODBURN DEVELOPMENT ORDINANCE**

**Section 5.104.02 Comprehensive Plan Map Change, Owner Initiated**

**A. Purpose:** The purpose is to provide a procedure for the consideration of a change in use designation on the Woodburn Comprehensive Plan Map, initiated by the property owner.

**C. Criteria.**

**1. Proof that the current Comprehensive Plan Map is in error, if applicable;**

**FINDING:** The Industrial designation on Tax Lots 106 and 100 have been in place historically, and were originally designed to provide a large enough tract of land to attract a significant industrial user. It was long known that due to the pan-handle shape of Tax Lot 100 there was a high probability that the end industrial user would not occupy the entire site, particularly the northerly pan-handle. This became more and more a factor as ODOT began its process of improvements to the I-5 interchange and constructed Hillyer Lane in order to close off Hillyer's direct access onto Highway 219. As it turned out Winco did not need and could not use the entire site in conjunction with the industrial use. In addition, the highest and best use for the pan-handle remnant tract of Winco property is for commercial use because of the street frontage and adjacent uses. Therefore, it has historically been anticipated that some or all of the pan-handle of Tax Lot 100 (which originally included Tax Lot 106) would be used for commercial and not industrial uses, a situation which in fact came into existence. In this sense perhaps the mapping was in error at least philosophically, if not practically.

**2. Substantial evidence showing how changes in the community**

**warrant the proposed change in the pattern and allocation of land use designations; and**

**FINDING:** The Winco tract (Tax Lot 100 in its original configuration) has been designated Industrial in the WCP since the first approval and acknowledgment of that document back in the early 1980's. At that time West Woodburn had basically no development whatsoever. The church (which is actually outside the city limits) was there, and the housing subdivisions were just being developed. Highway 219 was a lazy country road to the west; and Arney Road served rural uses and the gravel operation to the north. Almost all development was occurring on the east side of the freeway.

Since this tract was originally designated Industrial, West Woodburn has exploded with commercial development. In addition to HWI, Winco and Hillyer's Mid-City Ford in the southwest quadrant of the interchange, there has been developed a hotel, restaurant, fast food establishment, a gas station and mini-mart, two car dealerships and the massive factory outlet mall. The interchange has been improved and reconfigured. Highway 219 has been widened and improved, with signalization at Woodland and restricted access to improve circulation has been constructed. Arney Road has been completely reconstructed and relocated. In essence West Woodburn has become a commercial hub for the community, extending even regionally in scope.

In addition, Woodburn itself has become a bustling self sufficient city, shedding its bedroom community label. Population has boomed in the new century bringing with it new golf courses, housing developments and new industrial and commercial uses. Citizens now work and live here and do most of their shopping here as well.

These changes in the community are well documented and known by all. The result is obviously some necessary realignment and re-allocation of land within the WCP and WDO to accommodate this growth and progress. Here we are looking at what is the highest and best use of this 3.249 acres of land on Highway 219. This tract is too small and too irregular in shape to be used for industrial purposes. Note that the east portion of Tax Lot 106 is only 31' wide, which extends in that narrow width for a good one third of the length of the entire site. The sweeping nature of the curve on Hillyer lane make conventional building almost impossible. The presence of Hillyer Lane running through the middle of the vacant land further renders this site useless for industrial purposes, but enhances its use for commercial purposes. Given the high traffic volume on Highway 219, and the presence of the access street from a signal, and the location immediately adjacent to a new car dealership and across the street from another demonstrates the

highest and best use of this area is for commercial purposes and not for industrial purposes.

Hillyer's Mid-City Ford is a relatively small dealership. The site upon which it sits is an elongated shape, not conducive to the best layout for car sales. Its advantage is its tremendous location on the freeway and on a busy street. However the Hillyer site is further hampered by the fact that nearly 25% of its area is not useable because of a detention basin needed to handle overflow drainage water from the I-5 ditching system. Combine the odd shape with the lack of useable ground, and the Hillyer site is desperately in need of additional land for storage and display of cars in order to compete with the other dealers and keep up with market demands. The subject property provides that unique set of circumstances that allow Hillyer to acquire Tax Lot 106 and lot line adjust the unused portion of Tax Lot 100 to provide just over 3 acres of good, solid land to add to its existing operation.

The need for additional space has been an issue for Hillyer almost since the day the dealership opened. The loss of such a large area of their site to the drainage basin was unexpected and immediately created a shortage of storage and display area. At that time Winco was not completely developed, so it was uncertain what would happen to the subject property, so that was not then an option.

The changes in West Woodburn, and in Woodburn generally are such that making a minor adjustment to the WCP map to provide for the highest and best use of this 3.249 acres is warranted. This application complies with WDO §5.104.02(C)(2).

The Comprehensive Plan Map designation on tax lot #106 (1.389 acres in size) is proposed to be changed from Industrial to Commercial as part of the periodic review component of Legislative Amendment 05-01. The Legislative Amendment 05-01 package was approved by the Woodburn City Council on October 31, 2005 and is currently in the review process at Marion County. It was stated in the *Woodburn 2005 Comprehensive Plan Update-Explanation of Proposed Plan and Zoning Map Changes* revised in October 2005 that the Comprehensive Plan designation be changed from Industrial to Commercial and the zoning be changed from Light Industrial (IL) to Commercial General (CG) on tax lot #106 to reflect the property's recent separation by a new street (Hillyer Lane) from IL zoned property to the south. It was stated that the property is now too small for industrial use since the properties across the highway and to the east are zoned commercial.

Tax lot #107 (1.94 acres in size) was originally part of tax lot #100 which is the current location of the Winco Foods Distribution Facility. Winco Foods partitioned tax lot #107 from tax lot #100 because the northern tip of the Winco Foods property (tax lot #100) was not usable to their industrial

operation. According to the applicant, the Winco Foods site is currently built out. The east property line of tax lot #107 abuts the developed portion of the Hillyer Ford dealership site. Thus tax lot #107 is ideally suited for the expansion of the Hillyer Ford dealership.

**3. Substantial evidence showing how the proposed change in the land use designation complies with:**

**a. Statewide Planning Goals and Oregon Administrative Rules;**

**FINDING:** The following is a discussion of specific goals that are applicable to this application:

Goal 1 – Citizen Involvement - Woodburn's procedures conform to the requirements for citizen involvement in the land use planning process. This application will be reviewed at public hearings, and notice of these hearings will be provided as specified by City procedures and will include all information required by state statute. Through notification and public hearings, all interested parties will be afforded an opportunity to participate in the decision-making process, therefore this goal is met.

Goal 2 – Land Use Planning - The WCP and WDO are acknowledged to be in compliance with statewide planning goals and guidelines. The subject property is located inside the city limits. No exceptions to any goals are required. Goal 2 is fully complied with.

Goal 5 – Open Spaces, Scenic and Historic areas, and Natural Resources - The subject property is not designated as an open space, scenic, or historic area and has no natural resources to protect, therefore this goal is satisfied.

Goal 6 – Air, Water and Land Resources Quality - The end use of this property will be for storage and display of new and use automobiles held for re-sale. No buildings are planned, as the site will utilize the building complex that already exists. This development will not create any emissions, and storm water will be taken care of on-site and through the existing storm drainage system. There are no significant water demands, and no potential for pollution. This application will not affect in any way the air, water or land resources, therefore this goal is met.

Goal 7 – Areas Subject to Natural Disasters and Hazards - There are no identified landslide areas on the subject property. There are no identified wetlands or floodplains on the subject property. The property is basically flat and ready for development to occur. Goal 7 is complied with by this application.

Goal 8 – Recreational Needs - The subject property is not needed or even desirable as a recreational area. The site is located in the middle of a significant commercial and industrial area, with 2 major streets and a local street impacting it. The City has sufficient recreational lands already located in the planning area, including parks, aquatic center and community center. This goal is satisfied.

Goal 9 – Economics Development - This is a key goal that is involved in this application. This proposal seeks to turn a vacant remnant into a productive commercial development. This means retention of jobs, addition of tax dollars and more regional car sales whose dollars will circulate several times in the Woodburn economy. This goal has been met.

Goal 10 – Housing - The current WCP and WDO Industrial designation does not allow traditional housing. Essentially this site has been committed to uses other than housing for over 20 years. The site is not suitable for housing in any event because of the incompatibility with adjacent uses, and the lack of sufficient building envelopes (given the odd shape) on the site. Conversion of this site from the IL zone to a CG zone will have no detrimental effect on the City's housing inventory, therefore this goal is complied with.

Goal 11 – Public Facilities and Services - All necessary public facilities and infrastructure were constructed when the Winco project was developed, and when the Hillyer dealership was built, as well as when ODOT constructed Hillyer Lane to tie all the systems together. There is sewer, water, storm, electricity and all other utilities currently developed at the site and in sufficient capacity to serve the use proposed. The street and sidewalk system is fully developed, with access onto Hillyer Lane to Woodland, to a signalized intersection with Highway 219. This goal is met.

Goal 12 – Transportation - There will be only a minor increase in traffic from this expansion, as most traffic is already there. The purpose of the expansion is to provide more storage and display for the existing customer base, not necessarily to attract new customers. The transportation system in this area is basically brand new. Hillyer Lane was constructed less than 2 years ago. Woodland Drive was completely rebuilt less than 10 years ago when

Winco was built, and the improvements and signalization of Highway 219 corresponded with the completion of the Woodburn Company Store project 2-3 years ago. All these streets have adequate capacity to handle much more growth than is proposed here. The slight increase in traffic that might be generated from this expansion will have no affect whatsoever on these streets, and compared to the increase in traffic that would arise if the site could be developed with a new and independent industrial use, the increase in traffic here is negligible. By approving an expansion of an existing adjoining use, the smallest possible traffic generation from this site is guaranteed. With little increase in traffic and a brand new street system with excess capacity, there will be no impact on any transportation facility. With a fully developed sidewalk system, including the Hillyer Lane loop, there is significant connectivity between Highway 219, Woodland Drive and Hillyer Lane. On this basis, both Goal 12 and the Transportation Planning Rule (OAR 660-012-000 *et seq*) are fully complied with by this application.

Goal 13 – Energy Conservation - Since there is no building needed on this site, the consumption of energy will be limited to lighting and irrigation. With the ability to expand on-site, Hillyer no longer needs a lot off-site, which saves the cost of gas to move cars and employees back and forth to another location. Not to mention that for an off-site lot to work, it would need a building, which also would consume energy. This proposal provides the best possible savings of energy for the property owner as well as for the community. This goal is satisfied.

**b. Comprehensive Plan goals and policies; and**

**FINDING:** The WCP in many ways mirrors the goals and policies of the Statewide Goals and Guidelines, and for all of the same reasons, this application complies.

Looking primarily at WCP Chapter IX (Goals and Policies) together with the BLI dated February 7, 2000 the most relevant language applies to the Commercial and Industrial sections. Policies on Residential lands and housing don't apply as the subject property is not suitable for residential use in either a commercial or industrial designation and the land itself is simply not practical to use for housing. The Annexation policies do not apply as this land is already in the city limits. Citizen involvement is always applicable to quasi-judicial applications such as this. As previously discussed under Goal 2, this application has been reviewed by staff, the Woodburn Planning Commission and the City Council. At least two

public hearings have been conducted with notice and opportunity to be heard presented as required by the WDO. The property will be posted with notice as well as mailed notice to surrounding property owners and affected governmental agencies. At the public hearings anyone wishing to present relevant testimony or documentary evidence has been allowed to do so. Adequate citizen involvement has been guaranteed in this case.

The presence of adequate public facilities and infrastructure has previously been discussed in detail. Suffice it to say this project is low impact in its need for public services. There are no buildings planned, so the need for water is limited to seasonal irrigation for landscaping, and there is no effluent discharge into the sewer system because there are no new bathrooms. Storm drains are present, as well as 2 large detention basins in the immediate vicinity. The street system is effectively brand new, and the increase in traffic from this minor expansion will be negligible. Obviously there is no impact on the school system as no housing is proposed, and street lighting, on-site lighting and private security mean few calls necessary to the police and fire departments.

There are no natural resources located on the subject property. No wetlands. No floodplains. No landslide hazard areas. There are no historic resources located or identified on the site, and no cultural areas either. There is no identified mineral or aggregate resources on the site. The site is not located downtown or in a neighborhood conservation district. The site is not suitable for recreation purposes because of its location, and this project promotes energy conservation by allowing expansion of the new car dealership on-site rather than off-site where cars and employees would have to drive between locations and use up gasoline. In addition, avoiding expansion in another part of the City also will eliminate additional traffic trips through the interchange, over Highway 214 and through the City, thus reducing unnecessary vehicle trips in the City.

The WCP sections on industrial and commercial land uses indicate a desire to focus this type of growth in the areas where these uses currently exist. The WCP identifies several such areas, and obviously this southwest quadrant of the freeway interchange is named, both for its commercial and industrial uses. WCP §X. It is further recognized that this area is a growing regional retail center, which is important to the City to maintain and grow to provide and retain local jobs. WCP §IV(A). The need to move away from the historic "bedroom" community label is important and is stated throughout the WCP. See WCP §IX, Policy L-11. One of the first Commercial policies states the City should at all times have

sufficient land to accommodate the retail needs of the City and the surrounding market area. WCP §IX, Policy B-1. Even the BLI from 2000 recognizes the need to add and retain local jobs in Woodburn. It is also the goal and policy of the City to encourage commercial development at higher densities by expansion in current areas already committed to commercial uses. WCP §X(B). By allowing the expansion of Hillyer's Mid-City Ford at its current location, good family wage jobs would be preserved.

In reviewing WCP Chapter VIII together with the new BLI study, it is clear there is a need for some additional Commercial land in the City. The BLI has several different approaches to the identification of this need, but each ends up showing a deficit in available Commercial lands. Table 4 to that report has the deficit listed as 8.8 acres; Table 6 lowers the deficit to 7.1 acres, and Table 9 and the consultant's recommendation has the deficit at 10.6 acres. All these deficits recognize the increase in population expected in Woodburn up to 26,290 by the year 2020, a figure many experts believe to be very conservative and put population at close to 30,000 or more. In any event, it appears that all documentary studies and evidence point to a current shortage of Commercial lands in the City. Whether that deficit is 7.1 acres or up to 10.6 acres, the minor adjustment of this 3 acres will help satisfy that deficit in a way that retains jobs, serves the regional retail market the WCP desires to foster, and has almost no impact on the City infrastructure. A true "win-win" for the community and the two property owners involved.

The City also is experiencing a deficit in Industrial lands. There are similar provisions for Industrial land needs and growth as that discussed above for Commercial lands. The critical element here, which makes the Commercial goals and policies applicable, is the lack of ability to practically use the subject property for industrial uses. The fact that this area has sat idle for over 20 years when it was properly zoned and designated indicates clearly it is not useable for industrial purposes. Even when the site was finally sold and approved for the Winco development, the small size and shape of the pan-handle area by Highway 219 render it unuseable even in conjunction with an industrial use. Add to this the ODOT decision to restrict direct access onto Highway 219 and replace it with Hillyer Lane, which effectively bisected even the small pan-handle, punctuates the small size and odd shape and affirming once and for all that this area is simply not suitable for industrial use.

Therefore removing 3.249 acres of land from the Industrial lands inventory really has no adverse impact on that existing deficit because the land could not be used for industrial purposes anyway.



In this view, this land is not unlike any other land eliminated from the inventory as being unbuildable. Practically speaking it doesn't matter if a site is not buildable because of some natural resource (wetlands, floodplain, landslide, etc) or if the size and shape of the site do the same thing. The proverbial bottom line is the land does not have the potential for future industrial use, and therefore does nothing for the inventory. A good case could be made for the fact that leaving this site in the Industrial inventory, knowing it can not be used to fulfill the actual need for industrial uses, would be wrong and would understate the deficit.

The City is not looking to such small and odd shape parcels to fulfill its need for industrial lands. The BLI identifies several areas in the community for UGB expansion to provide needed industrial lands. One of these sites, the Mahan property (Amendment "A") lies immediately adjacent to the west of Tax Lot 100 and would add 107 acres of industrial land. The Mahan site has been under consideration for addition to the UGB for 6 or 7 years, and was identified even during the approval process for the Winco project. Winco was required to construct Woodland Avenue to industrial street standards all the way to actually stub into the Mahan property. The Mahan site therefore already has a fully developed industrial capacity street, with all properly sized utilities for industrial use right at its door step. Clearly the City would look to this site and others identified in the BLI and not rely on small in-fill sites like this that can not be used for industrial purposes in the first place.

Moving this small amount of land, whose highest and best use is for commercial uses, meets and complies with the Commercial lands goals and policies of the WCP, and has no adverse affect on the Industrial lands goals and policies.

This application satisfies the goals and policies stated in the WCP, and as supplemented by the 2000 BLI.

**c. Sustains the balance of needed land uses within the Woodburn Urban Growth Boundary.**

**FINDING:** As discussed above, this application meets the goals and policies of the Commercial lands inventory without adversely impacting the deficit of Industrials lands. Without repeating that discussion, the applicant believes this minor amendment to move just over 3 acres from Industrial lands to Commercial lands actually improves the balance by adding Commercial lands to lower the existing deficit, and by eliminating Industrial land that

can't be used for that purpose thereby understanding the deficit.

This very small adjustment meets the needs of the property owners and the community and does not upset the land use inventory balance in the City.

In summary, this application satisfies each and every approval criteria for a minor amendment to the WCP of 3.249 acres from Industrial to Commercial, and should be approved.

**The applicant shall bear the responsibility for the burden of proof.**

**ZONE CHANGE 04-03:**

**WOODBURN DEVELOPMENT ORDINANCE**

**Section 5.104.04 Zoning Map Change; Owner Initiated**

**A. Purpose: the purpose is to provide a procedure to change the Zone Map use designation, in a manner consistent with the Woodburn Comprehensive Plan.**

**C. Criteria.**

**1. Evidence proving a need for the proposed use and the other permitted uses within the proposed zoning designation.**

**FINDING:** There is a need for more commercial land in the City. As discussed above, that need can vary from 7 to 10 acres according to the BLI. The WCP desires that fulfilling that need happen in the already existing commercial areas, of which this area is one, and involve as much density as is possible. This application adds just over 3 acres to the Commercial land base inventory thereby fulfilling the need for Commercial lands identified in the BLI and the WCP.

The City has recognized the benefits of becoming a regional retail business center for northern Marion County, and the WCP encourages maintaining and enhancing that. The 3 car dealerships together with the Woodburn Company Store mall are the key ingredients in this regional retail draw, and approving this minor expansion will ensure the regional marketplace will continue to be served well.

In addition to Hillyer's proposed use, the other permitted uses of the CG zone are appropriate given the small size and isolated location of the subject

property. As mentioned previously, both of these attributes eliminate any type of industrial uses that could be developed on the subject property. The CG zone also is appropriate given the location of the subject property within the Interstate 5 Interchange commercial area. Much of the surrounding land is already zoned CG, and the proposed zoning map change is in keeping with the comprehensive plan goal of further developing this important center of commerce.

It is critical to remember the subject property will be used in conjunction with the existing dealership and no new buildings will be needed. Therefore aside from paved parking and display areas, some landscaping and lighting, the site will not be developed making it very easy to be converted to another CG type use in the future should something happen to the dealership. While this is a very unlikely event, the provisions of the WDO require some analysis of this situation because the zoning runs with the land and not with the property owner.

The subject property and its use as an expansion of Hillyer's Mid-City Ford new car dealership is needed and appropriate. This criteria is complied with.

Upon zone change approval, design review would be required for a permitted commercial use to ensure that the proposed use complies with all applicable provisions of the Woodburn Development Ordinance. Conditional use approval would be required for any commercial use that is listed as a conditional use in the Woodburn Development Ordinance to ensure that the proposed use is compatible with the surrounding uses and meets all of the requirements listed in the Woodburn Development Ordinance.

2. **Evidence 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 the size, location, configuration, visibility and other significant attributes of the subject property.**

**FINDING:** As an expansion site, it only makes sense that it happen on adjacent and contiguous lands. It has already been demonstrated that it does not make economical or energy conservation sense to require expansion in some other part of town. This area is identified in the WCP as where Commercial uses should be. The regional retail marketplace is drawn to this area because of its visibility and accessibility from the freeway. The subject property is available and vacant and not useable for industrial purposes, making it uniquely qualified for conversion to Commercial use.

The WDO in dealing with zone changes takes into account size, location, configuration, visibility and other attributes of the site. WDO §5.104.04(C)(2).

In this situation, all of those factors come into play justifying this site as the ideal way to fulfill the identified need. Not to belabor the point, but the small size and odd configuration of the unused remnant of the pan-handle makes its highest and best use for commercial purposes and basically unuseable for industrial purposes. The location of the parcel immediately adjacent to a CG zone and a use that needs to expand is ideal. The visibility on Highway 219 is extremely important to a regional retailer which relies on its customer's seeing where the store is and knowing how to get onto the lot.

No other site has all the attributes of this site for conversion to CG, and therefore this site is the best (in fact the only) site that can fulfill the need for more Commercial zoning in this area. This criteria is complied with.

The Comprehensive Plan Map designation on tax lot #106 (1.389 acres in size) is proposed to be changed from Industrial to Commercial as part of the periodic review component of Legislative Amendment 05-01. The Legislative Amendment 05-01 package was approved by the Woodburn City Council on October 31, 2005 and is currently in the review process at Marion County. It was stated in the *Woodburn 2005 Comprehensive Plan Update-Explanation of Proposed Plan and Zoning Map Changes* revised in October 2005 that the Comprehensive Plan designation be changed from Industrial to Commercial and the zoning be changed from Light Industrial (IL) to Commercial General (CG) on tax lot #106 to reflect the property's recent separation by a new street (Hillyer Lane) from IL zoned property to the south. It was stated that the property is now too small for industrial use since the properties across the highway and to the east are zoned commercial.

Tax lot #107 (1.94 acres in size) was originally part of tax lot #100 which is the current location of the Winco Foods Distribution Facility. Winco Foods partitioned tax lot #107 from tax lot #100 because the northern tip of the Winco Foods property (tax lot #100) was not usable to their industrial operation. According to the applicant, the Winco Foods site is currently built out. The east property line of tax lot #107 abuts the developed portion of the Hillyer Ford dealership site. Thus tax lot #107 is ideally suited for the expansion of the Hillyer Ford dealership.

#### **CONDITIONAL USE 04-10:**

#### **WOODBURN DEVELOPMENT ORDINANCE**

#### **Section 5.103.01 Conditional Use**

- A. Purpose. A conditional use is an activity which is permitted in a zone but which, because of some characteristics which are not entirely compatible with other uses allowed in the zone, cannot be**

permitted outright. A public hearing and review of the proposed conditional use and the imposition of conditions, if necessary, is intended to insure that the use proposed will be as compatible as practical with surrounding uses, and is in conformance with the requirements of the district and with other applicable criteria and standards. Conditions that increase the maximum development standard of the *WDO* may be imposed without a concurrent variance. Conditions that decrease the minimum standards of a *WDO* development standard require a concurrent variance.

**B. Criteria.**

1. **The proposed use shall be permitted as a conditional use within the zoning district.**

**FINDING:** The applicant is proposing an automobile sales lot on tax lots #106 and #107. Conditional use approval is required for motor vehicle and parts dealers in the CG zone. A public hearing is being held for the review of this application. This approval criterion is met.

2. **The proposed use shall comply with the development standards of the zoning district.**

**FINDING:** The proposed development meets all of the development standards in the CG zone as discussed later in this report.

3. **The proposed use shall be compatible with the surrounding properties.**

**FINDING:** The proposed use will be compatible with surrounding properties based on the following considerations.

**Considerations. Relevant factors to be considered in determining whether the proposed use is compatible include:**

- a. **The suitability of the size, shape, location and topography of the site for the proposed use;**

**FINDING:** Tax lot #106 is 1.39 acres in size and tax lot #107 is 1.94 acres in size. The size of the subject properties is suitable for the proposed display parking and required off-street parking. Tax lot #106 is surrounded by streets on all sides which is ideal for an auto display lot. Tax lots #106 and 107 are the ideal location for the expansion of the existing auto dealership located to the east of the subject properties. Both sites are flat and have

excellent visibility from the surrounding rights of way. The subject sites' location adjacent to Newberg Highway, classified as a major arterial in the Woodburn Transportation System Plan, will provide for good circulation from the site to other areas in the City.

**b. The capacity of public water, sewerage, drainage, street and pedestrian facilities serving the proposed use;**

**FINDING:** This display lot requires no new public facilities construction or easements. Since no buildings are being proposed, the expansion will require little in the way of infrastructure beyond storm drainage for the new paved display areas. Storm water drainage is already provided by a large detention basin located on Tax Lot 100 to the southwest, and by a detention basin on the Hillyer property. There are storm drain lines both in Hillyer Lane and in Woodland Avenue, which together with the detention basins, provide sufficient capacity to account for needed storm drainage on the subject property. WDO Section 3.102.03(A) requires public streets abutting the development to be illuminated with street lights installed to city and public utility standards. All public streets bordering this application have already been constructed and provide street lights.

The Public Works Department commented that the existing storm sewer system within Hillyer Lane is an ODOT facility. Permits will be required to be obtained from ODOT for connection from them. An on-site detention will be required to be provided in accordance with the Storm Water Management Plan. A hydraulic analysis will be required to be provided to the Public Works Department for review and approval.

The existing sanitary sewer main within South Woodland Avenue can provide wastewater service to the development. Service lines will be required to not be installed in the public right of way as shown on the plan except at the point of connection to the city system. Separate sanitary sewer service shall be provided to each parcel. The private easement crossing the adjacent parcel may be required for the southeast parcel.

The existing water main on the east side of the subject property or the west side of South Woodland Avenue can be utilized to provide for both domestic and fire protection service. If an additional fire hydrant is required by the Woodburn Fire District, the water main and hydrant will be a city maintained system and installed by the applicant and constructed and permitted in

accordance with public works requirements.

A discussion of streets (including sidewalks) is discussed in Section 3.101 of this report.

**c. The impact of the proposed use on the quality of the living environment:**

**1. Noise;**

**FINDING:** The noise on the subject properties will be generated by automobiles. Tax lot #106 (the northern property) is surrounded by streets. The noise generated from the subject site is consistent with the noise generated by traffic on the abutting streets. Hillyer Lane is located to the north of tax lot #107. An auto dealership is located to the east of tax lot #107 and industrial uses are located to the south and west (across South Woodland Avenue) of tax lot #107. The noise generated by automobiles on tax lot #107 is compatible with the commercial and industrial uses on the surrounding properties.

**2. Illumination;**

**FINDING:** The parking lot lighting will be well designed not to adversely impact adjoining property owners (which has never been an issue with the existing dealership). The applicant submitted a photometric plan showing that light will not be cast on the abutting commercial and industrially used properties.

**3. Hours of operation;**

**FINDING:** The hours of operation will follow the open hours of the existing dealership which has not been a problem. The proposed hours of operation is consistent with a commercial use and will not negatively impact the surrounding commercial and industrial uses.

**4. Air quality;**

**FINDING:** There is no issue with air quality as there is nothing more than car emissions being generated. Nothing indicated in the proposed project will affect air quality.

**5. Aesthetics; and**

**FINDING:** The site will be nicely designed and landscaped and will be aesthetically pleasing and similar to the look of the neighboring properties and uses. There are no dwellings in the immediate vicinity or on adjacent properties, so there will be no affect whatsoever on residential uses. No buildings are proposed on the subject properties. The applicant is proposing to plant the required number of large trees (Red Maple October Glory) adjacent to Newberg Highway, Hillyer Lane and South Woodland Avenue. Each of the trees will be surrounding by a combination of Heavenly bamboo and Lily of the Valley. The area between the trees and shrubs will be planted with lawn. The applicant submitted an irrigation plan showing that all landscaped areas will be permanently irrigated.

A 6 foot tall chain link fence with white slats is proposed on the west and south property lines of tax lot #107 to buffer the subject site from the abutting industrially used property. A buffer fence is not necessary between tax lot #107 and the property located to the east because the proposed auto display use of the subject property is the same as the auto display use on the property located to the east.

#### **6. Vehicular traffic.**

**FINDING:** The street system surrounding the subject site is fully developed with Highway 219, Woodland Avenue and Hillyer Lane being recently reconstructed. There is a signalized intersection at Highway 219 and Woodland Avenue which regulates traffic onto Woodland Avenue for access to Hillyer Lane. The expansion of the new car dealership will allow additional display of new and used cars along Highway 219 and along both sides of Hillyer Lane. The additional display of inventory will not necessarily increase the number of customers visiting the dealership, but will increase the retention and sales to those customers who do visit by the provision of additional vehicle options and immediate delivery of cars that are in stock at the dealership. While there will no doubt be some slight increased traffic to the dealership, it is predicted to be negligible in comparison to the existing traffic on Highway 219 and Woodland Avenue, and that which is currently using these streets for access to the dealership. Highway 219 has newly constructed sidewalks on the frontage of the subject property. Hillyer Lane has sidewalks along its northern boundary all the way to the existing Hillyer ownership and then loops back to connect into the sidewalk on Highway



219.

Newberg Highway (boundary street) abuts the north side of tax lot #106, Woodland Avenue (boundary street) abuts the west side of tax lot #106 and Hillyer Lane (boundary street) abuts the south side of tax lot #106 and the north side of tax lot #107. An access permit from the City of Woodburn is not required for the proposed accesses on Hillyer Drive for the proposed project because Hillyer Lane is under the jurisdiction of the Oregon Department of Transportation (ODOT) and will be subject to the requirements of OAR 734-051. Newberg Highway is also under the jurisdiction of ODOT so it will be subject to the requirements of OAR 734-051.

South Woodland Avenue currently provides a 90-foot right of way and 44 foot curbed improved surface with sidewalks on both sides of the street. Streets improvements to Woodland Avenue were not triggered as part of the partitions that created tax lots #106 and #107. Street improvements will not be triggered at this time due to the subject properties being bound by the requirements of the precedent land use decisions per Section 3.104.01.B.3.b. In addition, the current Woodburn Transportation System Plan (TSP) designates this portion of South Woodland Avenue as a minor arterial. The updated TSP, which is included as a component in the periodic review documents that are currently in the approval process, downgrades South Woodland Avenue to an access street. The current street improved width and right of way exceeds the requirements for an access street.

**d. The conformance of the proposed use with applicable Comprehensive Plan policies; and**

**FINDING:** The WDO implements the goals and policies specified in the Woodburn Comprehensive Plan. The proposed development meets all of the applicable standards specified in the WDO as discussed throughout this report.

**e. The suitability of proposed conditions of approval to insure compatibility of the proposed use with other uses in the vicinity.**

**FINDING:** The recommended conditions of approval regarding landscaping, lighting and paving discussed in this report will insure compatibility of the proposed use with the surrounding uses.

**Design Review 05-03:**

**WOODBURN DEVELOPMENT ORDINANCE**

**Section 2.106 Conditional Uses**

The following uses may be permitted in the CG zone subject to the applicable development standards of the WDO and the conditions of conditional use approval:

**A. Retail Trade**

- 1. Motor vehicle and parts dealers (441) EXCEPT automotive parts without installation.**

**FINDING:** The applicant is proposing to use the subject properties for auto display. This use is a conditional use in the CG zone. The applicant applied for conditional use approval to allow for the auto display use. The compliance of the proposal with the conditional use requirements has been previously discussed in this report. This approval criterion is met.

**Section 2.106.05 Dimensional Standards**

The following dimensional standards shall be the minimum requirements for all development in the CG zone.

**A. Lot Standards.**

Lots in a CG zone shall comply with the applicable standards of *Table 2.1.10*.

<b>TABLE 2.1.10 Lot Standards for Uses in a CG Zone</b>
---

<b>In the CG zone the lot area for a non-residential use shall be adequate to contain all structures within the required setbacks. There shall be no minimum width or depth.</b>
--

**FINDING:** Compliance with setback standards is addressed later in this report.

**B. Building Height.**

The maximum height of buildings shall not exceed 70 feet, EXCEPT chimneys, spires, domes, flag poles and other features not used for human habitation (EXCEPT telecommunication facilities), shall not exceed 100 feet.

**FINDING:** No buildings are proposed on the subject properties. This criterion is met.

**C. Setback and Buffer Improvement Standards.**

**1. Front Yard Setback and Setback Abutting a Street:**

**a. Dimensions:**

- 1) The minimum setback abutting a street shall be 15 feet plus any Special Setback, Section 3.103.05.**

**FINDING:** Tax lot #106 is surrounded by streets (Newberg Highway, South Woodland Avenue and Hillyer Lane). Newberg Highway is classified as a major arterial in the Woodburn Transportation System Plan. A special setback of 50 feet plus the required 15 foot front yard setback are required from the center line of Newberg Highway. The applicant is proposing a 75 foot setback from the centerline of Newberg Highway which meets the 65 foot special setback requirement. South Woodland Avenue is currently classified as a minor arterial in the Woodburn Transportation System Plan which requires a total of 52 feet from the center line of South Woodland Avenue (37 foot special setback plus a 15 foot front yard setback). The applicant is proposing a 60 foot setback from the center line of South Woodland Avenue which complies with the required 52 foot setback from the center line of south Woodland Avenue. No special setback is required on Hillyer Lane. The applicant shows a 15 foot front yard setback on tax lot #106 adjacent to Hillyer Lane.

Tax lot #107 has frontage on Hillyer Lane. The applicant shows a 15 foot front yard setback adjacent to Hillyer Lane which complies with the 15 foot front yard requirement. This criterion is met.

**b. Off Street Parking and Maneuvering:**

- 1) Off street parking and storage shall be prohibited within a required front yard or special setback EXCEPT for parking and storage adjacent to a wall.**

**FINDING:** The site plan shows no proposed parking or storage located in the required setbacks. This approval criterion is met.

- c. Clear Vision Area: Fences, walls, landscaping and signs shall be subject to clear vision area standards, Section 3.103.10.**

**FINDING:** The applicant is not proposing fences, walls or landscaping in the 30 foot (corners) or 10 foot (driveways) vision clearance triangles. One free standing pole sign is proposed in the 30 foot vision clearance triangle at the south east intersection of Newberg Highway and South Woodland Avenue. The sign face is located 10 feet from grade which is located outside of the 7 foot height vision clearance area. This approval criterion is met.

**d. Vehicular Access. Permitted in conformance with Section 3.104.**

**FINDING:** Vehicular Access is discussed in **Section 3.104** of this report.

**2. Interior Side and Rear Yard Setbacks.**

**a. Development in a CG zone shall be subject to the setback and buffer requirements of Table 2.1.11.**

<b>TABLE 2.1.11 Interior Yard and Buffer Standards for CG Zones</b>			
<b>Abutting Property</b>	<b>Landscaping</b>	<b>Wall</b>	<b>Interior Setback</b>
RS, R1S, or RM zone	There is no buffer yard landscaping requirement for an interior yard abutting a buffer wall.	Solid brick or architectural wall with anti-graffiti surface, no less than 6 feet or greater than 7 feet in height.	10 ft.
CO, CG, DDC, P/SP, IP or IL zone	There is no buffer yard landscaping requirement for an interior yard abutting a buffer wall.	Alternative A: Wall requirements shall be determined in conjunction with the applicable	Alternative A: 5 ft.

Abutting Property	Landscaping	Wall	Interior Setback
		Design Review process. ----- Alternative B: No wall required.	----- Alternative B: Zero setback abutting a building wall.

**FINDING:** Tax lot #106 is surrounded by streets. Thus, the front yard setback requirement and not the interior yard setback requirement was applied to it. The property abutting the west and south property lines of tax lot #107 is zoned Light Industrial (IL) and the property located to the east of tax lot #107 is zoned Commercial General (CG) so a 5 foot interior yard setback is required from the west, south and east property lines of tax lot #107. The applicant proposes a 5 foot setback along the west, south and east property lines that complies with the 5 foot interior yard setback requirement. A buffer wall is not required abutting the west, south and east property lines of tax lot #107 because the proposed commercial development and abutting commercial and industrial uses are compatible and will not require a buffer wall to be constructed to mitigate visual or noise impacts. The applicant proposes a chain link fence with white slats 6 feet in height along the west and south property lines of tax lot #107 to screen the south and west property lines of tax lot #107 from the abutting industrial use.

**b. The minimum building setback from a private access easement shall be 5 feet.**

**FINDING:** No buildings are proposed as part of this design review request. The proposal meets this criterion.

**Section 2.106.06 Development Standards**

All development in the CG zone shall comply with the applicable provisions of the WDO. The following standards specifically apply to uses in the CG zone.

**A. Off Street Parking.**  
 Off street parking shall be subject to the standards of *Section 2.106.05 and Section 3.105.*

**FINDING:** Compliance with off street parking requirements is discussed in *Section*

**3.105** of this report.

**E. Landscaping and Sidewalks.**

1. **The street frontage of a subject property shall be improved with either property line sidewalks and street trees or curb line sidewalks. The improvement shall be determined at the time of subdivision, PUD or design review as applicable. Sidewalks and trees shall be installed by the property owner to the standards of Section 3.101 and 3.106.**
2. **The subject property shall be landscaped to the standards of Section 3.106.**

**FINDING:** Compliance with **Section 3.101** and **Section 3.106** is discussed later in this report.

3. **Common refuse collection facilities shall be screened on all sides by an architectural block wall and solid gate, both with an anti-graffiti surface, a minimum of six feet and a maximum of seven feet in height.**

**FINDING:** The applicant is not proposing a common refuse collection facility as part of this design review request. The applicant is also not proposing any buildings as part of this design review request. This criterion is met.

**F. Property Disposition.**

**All uses shall be established and conducted on lots of record, as defined by Section 1.102 and developed to the public facility and access standards of Sections 3.101, 3.102 and 3.104.**

**FINDING:** The current development is proposed on tax lot #106 which was created as part of Parcel 1 of Partition Case File No. 02-02, recorded on Marion County Partition Plat No. 2003-33. The current development is also proposed on tax lot #107 that was created as part of Parcel 1 of Partition Case File No. 04-03, recorded on Marion County Partition Plat No. 2004-105. The subject properties (tax lot #106 and #107) can be identified specifically on Marion County Assessor's Map as Township 5 South, Range 1 West, Section 11. This approval criterion is met.

**Section 3.101 Street Standards**

**Section 3.101.02 General Provisions**

- A. **The access or driveway, for each lot shall be connected to the existing**

**public street system in compliance with Section 3.104.**

**FINDING:** The applicant is proposing to provide access to the subject properties via Hillyer Lane. Compliance with **Section 3.104** is discussed later in this report.

- B. No access permit shall be issued unless the internal street(s), boundary street(s) and abutting street(s) are constructed pursuant to Section 3.101.02.C, UNLESS or until the applicant has obtained an exception as provided in this section.**

**FINDING:** Newberg Highway (boundary street) abuts the north side of tax lot #106, Woodland Avenue (boundary street) abuts the west side of tax lot #106 and Hillyer Lane (boundary street) abuts the south side of tax lot #106 and the north side of tax lot #107. An access permit from the City of Woodburn is not required for the proposed accesses on Hillyer Drive for the proposed project because Hillyer Lane is under the jurisdiction of the Oregon Department of Transportation (ODOT) and will be subject to the requirements of OAR 734-051. Newberg Highway is also under the jurisdiction of ODOT so it will be subject to the requirements of OAR 734-051.

South Woodland Avenue currently provides a 90-foot right of way and 44 foot curbed improved surface with sidewalks on both sides of the street. Street improvements to Woodland Avenue were not triggered as part of the partitions that created tax lots #106 and #107. Street improvements will not be triggered at this time due to the subject properties being bound by the requirements of the precedent land use decisions per Section 3.104.01.B.3.b. In addition, the current Woodburn Transportation System Plan (TSP) designates this portion of South Woodland Avenue as a minor arterial. The updated TSP, which is included as a component in the periodic review documents that are currently in the approval process, downgrades South Woodland Avenue to an access street. The current street improved width and right of way exceeds the requirements for an access street.

### **Section 3.102 Utilities and Easements**

#### **Section 3.102.01 Water, Sanitary Sewer and Storm Drainage Facilities**

**Municipal water, sanitary sewer and storm drainage facilities shall be installed to applicable Public Works Department and state standards.**

**FINDING:** The Public Works Department commented that the existing storm sewer system within Hillyer Lane is an ODOT facility. Permits will be required to be obtained from ODOT for connection from them. An on-site detention will be required to be provided in accordance with the Storm Water Management Plan. A hydraulic analysis will be required to be provided to the Public Works Department for review and approval.

The existing sanitary sewer main within South Woodland Avenue can provide wastewater service to the development. Service lines will be required to not be installed in the public right of way as shown on the plan except at the point of connection to the city system. Separate sanitary sewer service shall be provided to each parcel. The private easement crossing the adjacent parcel may be required for the southeast parcel.

The existing water main on the east side of the subject property or the west side of South Woodland Avenue can be utilized to provide for both domestic and fire protection service. If an additional fire hydrant is required by the Woodburn Fire District, the water main and hydrant will be a city maintained system and installed by the applicant and constructed and permitted in accordance with public works requirements.

**A. Public Utility Easements (PUE).**

**Five foot wide public utility easements (i.e., easements for natural gas lines and for electric and telecommunications wire or cable service) shall be dedicated along each lot line abutting a public street. At the time of tentative approval, utilities may request dedication of a public utility easement within a reciprocal access easement or centered along specified rear lot line in those zones where zero setback is not permitted.**

**FINDING:** Any required public municipal water, sanitary sewer and storm drainage utility easement dedications required by future development will be subject to the requirements of the Public Works Department and the *WDO*.

**B. Creeks and Watercourse Maintenance Easements.**

**FINDING:** There are no creeks or watercourses on the subject property for which maintenance easements will be required. This criterion is met.

**Section 3.104. Access**

**Section 3.104.01 Applicability**

**A. Street Access Required.**

- 1. Every lot shall have direct access to an abutting public street or to a public street by an irrevocable access easement.**

**FINDING:** The applicant is proposing to access the auto display lots (tax lots #106 and #107) via 36 foot driveway accesses on Hillyer Lane. This criterion is met.



**B. Access to City Streets, Permit Required.**

2. **A Traffic Impact Analysis (TIA) may be required by the Public Works Director prior to the approval of a City access or street construction 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. A TIA shall evaluate the traffic impacts projected of a development proposal and the estimated effectiveness of potential traffic impact mitigation measures. The methodology for a TIA shall be consistent with Public Works Department guidelines.**

**FINDING:** The Woodburn Transportation Manager has indicated that the proposal would not require a TIA because the proposed development is not anticipated to generate 100 or more additional, peak hour trips, or 1,000 or more additional daily trips, within ten years of the development application. This approval criterion is met.

**Section 3.104.02 Driveway and Drive-Through Measurements and Dimensions**

**A. Driveways Crossing a Setback.**

**The portion of a driveway crossing a setback shall be perpendicular to the setback lines.**

**FINDING:** The proposed site plan shows driveways crossing a setback to be perpendicular to the setback. This approval criterion is met.

**C. Driveway Spacing Guidelines, Type II and III Applications.**

**The minimum separation of a driveway from: a) the special setback of a parallel major street, b) the right of way of a parallel local street, or c) from another driveway should be as follows.**

3. **Service Collector, Access or Local Street: 50 feet;**

**EXCEPT where pre-existing conditions preclude such separation the separation should be maximized.**

**FINDING:** The applicant is proposing one driveway access to tax lot #106 and one driveway access to tax lot #107 from Hillyer Lane. No existing driveways are located 50 feet from the proposed driveway accesses. The proposed driveways on Hillyer Lane will be located directly opposite from one

another to facilitate better cross access and safer turning movements. This criterion is met.

**E. Commercial and Industrial Use.**

**1. Paved Driveway Width**

**b. Paved Two-way Driveway Width.**

1. **With no turn lane: Throat and travel lane width 26 feet minimum, 36 feet maximum. ("No parking" restrictions shall be posted by the owner.)**
  2. **With a turn lane: Throat width 36 feet minimum, 40 feet maximum. ("No parking" restrictions shall be posted by the owner.)**
2. **Radius of Curb Flare: 30 feet minimum.**
  4. **Throat length of a driveway, extending from the closest off street parking or loading space to the outside edge of right of way for a:**
    - a. **Local street connection: 20 feet minimum, with greater improvement as may be required by a TIA.**
    - b. **Major street connection: 50 feet minimum, with greater improvement as may be required by a TIA.**
  5. **Turn arounds shall be required within the off street parking area(s) and/or as specific circulation features, to Department of Public Works requirements based on the review of the Fire District.**

**FINDING:** The applicant is proposing 36 foot wide driveway accesses to the subject properties from Hillyer Lane which complies with the 36 foot maximum driveway access width requirement. The site plan shows off street parking located outside of the 20-foot throat depth within the proposed driveway accesses. The applicant is proposing a circular drive aisle that connects to the proposed driveway accesses. This criterion is met.

**Section 3.105 Off Street Parking and Loading**

**Section 3.105.01 Applicability**

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

**A. New Building or Structure.**

All requirements and standards of *Section 3.105* shall apply to any new building or structure erected after the effective date of the *WDO*.

**FINDING:** The commercial development is required to meet all of the criteria in this *Section* of the *WDO*.

**Section 3.105.02 General Provisions for Off Street Parking and Loading**

**E. Off Street Vehicle Parking Requirements.**

- 1. Off street vehicle parking spaces shall be provided in amounts not less than those set forth in *Table 3.1.2*.**

**FINDING:** The applicant is required to provide 1 parking space for 2,000 square feet of gross floor area of outdoor display area. The applicant is proposing 43,805 square feet of display area on tax lot #106 which requires 22 parking spaces ( $43,805/2,000=21.9$ ). Twenty two (22) parking spaces are proposed on tax lot #106 which meets the 22 parking space requirement. The applicant is proposing 73,695 square feet of display area / 2,000 square feet on tax lot #107 which requires 37 off-street parking spaces. Thirty seven (37) off-street parking spaces are proposed on tax lot #107 which meets the 37 parking space requirement. This approval criterion is met.

- 3. The number of disabled person vehicle parking spaces shall be provided to the standards of the state Building Code and applicable federal standards. The number of disabled person vehicle parking spaces shall be included as part of total required vehicle parking spaces.**

**FINDING:** One disabled person vehicle parking space is required on tax lot #106 per the Uniform Building Code for a parking lot containing 1 to 25 off street parking spaces. The applicant is proposing 1 disabled vehicle parking space on tax lot #106 to meet the 1 disabled vehicle parking requirement on tax lot #106. Two disabled person vehicle parking spaces are required on tax lot #107 per the Uniform Building Code for a parking lot containing 26 to 50 off street parking spaces. The applicant is proposing 2 disabled vehicle parking spaces on tax lot #107 to meet the 2 disabled vehicle parking space requirement on tax lot #107. This criterion is met.

**F. Compact Vehicle Parking.**

**A maximum of 20 percent of the required vehicle parking spaces may be satisfied by compact vehicle parking spaces.**

**FINDING:** No compact parking spaces are proposed. This criterion is met.

**G. Off Street Loading Requirements.**

- 1. Off street loading spaces shall comply with the dimensional standards and amounts not less than those set forth in *Table 3.1.3*.**
- 2. The off street loading facilities shall be on the same lot, or site, as the use or structure they are intended to serve. Required loading spaces and required parking spaces shall be separate and distinct.**

**FINDING:** No buildings are being proposed as part of this design review request so no loading spaces are required. This criterion is met.

**H. On-site Vehicle Parking and Loading Area Improvement Requirements.**

- 1. Surfacing. All vehicle parking and loading areas shall be paved with asphalt, concrete or other hard surfacing approved by the Public Works Director.**

**FINDING:** The applicant proposes to pave all vehicle parking areas. This approval criterion is met.

- 2. Drainage. All vehicle parking and loading areas shall be graded and provide storm drainage facilities approved by the Public Works Director.**

**FINDING:** Vehicle parking areas will be graded to provide storm drainage facilities as approved by the Public Works Director.

- 3. Bumper Guards and Wheel Barriers. All vehicle parking spaces, EXCEPT those for single family and duplex dwellings, shall be constructed with bumper guards or wheel barriers that prevent vehicles from damaging structures or projecting over walkways, access ways or abutting property or rights of way.**

**FINDING:** Bumper guards are not required for the proposed parking spaces

on tax lot #106 because vehicles will not project over walkways, accessways or abutting property or right of way. No buildings are proposed on tax lot #106. Bumper guards are not required for the proposed parking spaces on tax lot #107 because a 6 inch curb will keep vehicles from projecting onto abutting properties. No buildings are proposed on tax lot #107. This criterion is met.

**4. Size of Vehicular Parking Spaces and Maneuvering Areas within Off Street Parking Areas.**

- a. Off street vehicle parking spaces and maneuvering areas, EXCEPT those for single family and duplex dwellings and those for disabled persons, within off street parking areas shall be designed in compliance with *Table 3.1.4*. Three or more off street parking spaces provided subject to *Table 3.1.4* shall be designed so that no backing or maneuvering within a public street right of way is required.**

**FINDING:** The applicant proposes 59 off street parking spaces on the subject properties. The 3 disabled parking spaces are not subject to *Table 3.1.4*. The 56 proposed standard parking spaces have been designed at a 90-degree angle with a 24-foot 2-way aisle width, minimum stall width of 9 feet and stall depth of 19 feet, which meets the 9-foot stall width, 19-foot stall depth and 24-foot 2-way aisle width for standard 90-degree spaces in accordance with *Table 3.1.4*. This approval criterion is met.

- b. Off street parking for disabled persons shall be designed to the standards of the state Building Code and applicable federal standards.**

**FINDING:** The applicant proposes 3 disabled person parking spaces. Compliance with the State and Federal design standards will be reviewed when the construction plans are submitted. This approval criterion will be met.

**5. Directional Marking. EXCEPT for vehicle parking areas for single family and duplex dwellings, off street parking and maneuvering areas shall have directional markings and signs to control vehicle movement.**

**FINDING:** The submitted site plan shows two-way directional markings within the proposed off street parking and circulation area. This criterion is met.

**6. Space Marking. EXCEPT for vehicle parking areas for single**

**family and duplex dwellings, off street parking spaces shall be delineated by double parallel lines on each side of a space. The total width of the lines shall delineate a separation of 2 feet.**

**FINDING:** Double parallel lines 2 feet in width delineate each space shown on the site plan. This approval criterion has been met.

- 8. Outdoor Lighting. EXCEPT for vehicle parking areas for single family and duplex dwellings, all outdoor lighting shall be designed so as not to shine or reflect into any adjacent residentially zoned or used property, and shall not cast a glare onto moving vehicles on any public street.**

**FINDING:** The parking lot lighting will be well designed not to adversely impact adjoining property owners (which has never been an issue with the existing dealership). The applicant submitted a photometric plan showing that light will not be cast on the abutting commercial and industrially used properties or abutting rights of way. This criterion is met.

- 9. Landscaping. EXCEPT for vehicle parking spaces for single family and duplex dwellings, all parking areas shall be landscaped to the standards of Section 3.106.**

**FINDING:** Compliance with landscaping requirements is discussed in *Section 3.106* of this report.

- 10. On-site Bicycle Parking Requirements. All uses required to provide 10 or more off street parking spaces shall provide a bicycle rack within 50 feet of the main entrance. The number of required rack spaces shall be one plus one per ten vehicle parking spaces, with a maximum of 20 rack spaces.**

**FINDING:** The required off street parking for the proposed development is 59 parking spaces, necessitating a bicycle rack with 6 spaces. The site plan shows a bicycle rack with 6 rack spaces located on the north east corner of tax lot #107. The 50 feet of the main pedestrian entrance requirement does not apply to this proposal because no buildings are being proposed as part of this design review request. This criterion is met.

### **Section 3.106 Landscaping Standards**

#### **Section 3.106.01 Applicability**

**The provisions of this section shall apply:**

- A. To the site area for all new structures and related parking EXCLUDING single-family and duplex dwellings and accessory structures; and**

**FINDING:** The applicant proposes off street parking and circulation facilities on the subject site, which requires compliance with the criteria of **Section 3.106**.

**Section 3.106.02 General Requirements**

- A. Landscaping and Irrigation Plans Required.**

**Building plans for all uses subject to landscaping requirements shall be accompanied by landscaping and irrigation plans to City standards.**

**FINDING:** The applicant has submitted a landscaping and irrigation plan in conjunction with this proposal. This approval criterion is met.

- B. Irrigation.**

**All required landscaped areas shall be permanently irrigated unless a planting plan without irrigation is submitted by a licensed landscape architect or a licensed nursery person demonstrating that the proposed landscaping will thrive without irrigation.**

**FINDING:** The submitted irrigation plan shows that the proposed landscaping will be irrigated by a new automatic irrigation system. This criterion is met.

- E. Maintenance.**

**The property owner shall be responsible for maintaining all landscaping in good condition so as to present a healthy and orderly appearance. Unhealthy and dead plants shall be removed and replaced in conformance with the original landscape plan.**

**FINDING:** This requirement is a condition of approval for all landscaping located on the subject site.

**Section 3.106.03 Landscaping Standards**

- A. Streetscape.**

- 1. Street Trees. Within the public street right of way abutting a development, or within an ally right of way in the DDC zone, street trees shall be planted to City standards prior to occupancy.**

- a. **Acceptable Types of Trees.** See *Section 6.103* for a description of acceptable and unacceptable trees for this purpose, classified by size and species.
- b. **Tree Density.** Trees shall be planted to the following intervals within the right of way, subject to Clear Vision Area standards, *Section 3.103.10* and *Section 6.103*:
  - 1) **Four (4) small trees per 100 feet of street frontage;**
  - 2) **Three (3) medium trees per 100 feet of street frontage; or**
  - 3) **Two (2) large trees per 100 feet of street frontage.**

**FINDING:** The applicant is proposing two large street trees (Red Maples) per 100 feet along Newberg Highway, South Woodland Avenue and Hillyer Lane which complies with the 2 large trees per 100 feet of street frontage requirement. Red Maples are listed as an approved large street tree in Section 6.103. This approval criterion is met.

**2. Front Yard and Yard Abutting a Street.**

**b. Landscaping Design and Density in CO and CG zones.**

- 1) **All yards abutting a street, including off street parking and circulation areas shall be landscaped to a density of one (1) plant unit (PU) per 20 sq. ft.**

**FINDING:** The required front yard landscaping for tax lot #106 is 843 plant units (16,871 square feet/20 square feet). The applicant is proposing a combination of lawn, trees and shrubs in the front yard per the submitted planting plan that totals 865 plant units which meets the 843 plant unit requirement. This criterion is met.

**B. Buffer Yards.**

**All buffer yards shall be landscaped at the rate of one (1) plant unit PU per 20 sq. ft. EXCEPT for interior buffer yards abutting a wall which are paved and which may be used for parking or site access and vehicular circulation.**

**FINDING:** Tax lot #106 is surrounded by streets so a buffer yard is not required for tax lot #106. A buffer yard is not necessary between tax lot #107 (the proposed auto display) and the properties adjacent to the east and south sides of tax lot #107 because the adjacent uses (auto dealership and



food distribution center) are similar and compatible uses with the proposed use. This criterion is met.

**C. Off Street Parking Areas.**

1. **All unpaved land within the off street parking area, and within 20 feet of the paved edge of off street parking and/or circulation improvements, shall be landscaped in the following proportions:**
  - a. **RM, CO and CG zones: Landscaped area(s) equivalent to 20% of the paved surface area for off street parking and circulation.**

**FINDING:** The applicant proposes landscaping to cover an equivalent of 20% of all paved areas (excluding the auto display areas). This approval criterion is met.

2. **Trees, Section 6.103, shall be planted within and abutting off street parking facilities in a pattern that is in roughly proportion to the distribution of the parking spaces, at the following densities:**
  - a. **1 small tree per 5 parking spaces;**
  - b. **1 medium tree per 10 parking spaces; or**
  - c. **1 large tree per 14 parking spaces.**

**FINDING:** The required parking for the development is 59 spaces, necessitating the planting of 5 large trees. The applicant proposes to plant a total of 36 large Red Maple trees along the north, west, east and south property lines of tax lot #106 and the north property line of tax lot #107 which meets the 5 large tree requirement.

**Section 3.106.05 Planting Standards**

**A. Distribution of Plant Materials.**

**The required number of plant units shall be met by a combination of plant materials listed in Table 3.1.5, so that eighty (80) percent of the area to be landscaped is covered within three years. Required plant units need not be allocated uniformly through out specified landscaping areas, but may be grouped for visual effect.**

**FINDING:** A condition of approval is that all shrubs and ground cover shall be of a size upon installation so as to attain 80% of ground coverage within 3 years.

**B. Ground Cover.**

**Landscaped areas that are not covered by plant materials shall be covered by a layer of bark mulch or decorative rock, EXCLUDING ordinary crushed gravel, a minimum of 2 inches in depth.**

**FINDING:** The applicant notes on the submitted planting plan that bark mulch will be placed around the shrubs. This criterion can be met.

**C. Curbs.**

**A six-inch concrete curb shall be provided between a landscaped area and a parking area or access way.**

**FINDING:** The submitted site plan shows a 6-inch concrete curb provided between the parking and circulation areas and landscaped areas. This approval criterion is met.

**Section 3.107 Architectural Design Guidelines and Standards**

**Section 3.107.06 Guidelines and Standards for Non-Residential Structures in RS, R1S, RM, CO, CG and P/SP Zones**

**A. Applicability.**

**The following design guidelines shall be applicable to all non-residential structures and buildings in the RS, R1S, RM, CO, CG and P zones.**

**FINDING:** The applicant is proposing to utilize the subject properties for outdoor vehicle display only. No structures or buildings are proposed as part of this design review request so this section of the Woodburn Development Ordinance is not applicable to the current proposal.

**Section 3.110 Signs**

**Section 3.110.04 Sign Permit Required**

**A. A sign permit is required to erect, replace, construct, relocate, or alter a sign, unless such sign or action is exempt under Section 3.110.11...**

**FINDING:** The applicant is proposing two free standing pole signs. These signs will be subject to sign permit approval in accordance with the applicable criteria of **Section 3.110.**

**Section 3.110.05.C.1.b Sign Permit Approval Process**

**Pole signs and the placement of neon tubing on the exterior of a building shall be processed as a Type II land use application, using the application requirements of Section 5.102.02, except additional exhibits required under Section 5.102.02.B are limited to sign information required under Section 3.110.05.B, and using the standards and design guidelines of Section 3.110 as approval criteria. A Type II sign application may be processed concurrently with a separate Type II or III development application.**

**FINDING:** The applicant submitted a Type II Sign Design Review request to allow a 50 square foot pole sign 15 feet in height to be located in the landscaped area on the north west corner of tax lot #106 and a 50 square foot pole sign 15 feet in height to be located in the landscaped area on the north east corner of tax lot #107.

**Section 3.110.08 General Requirements**

- A. Landscaping: Permanent freestanding signs shall be located in a planted landscaped area which is of a size equal to at least twice the sign area. The landscaped area shall be improved and maintained subject to the landscaping standards of Section 3.106.**

**FINDING:** The proposed 50 square foot pole signs are proposed to be located in lawn areas that are more than twice the size of the sign areas. This approval criterion is met. A condition of approval is that the property owner shall be responsible for maintaining all landscaping in good condition so as to present a healthy and orderly appearance. Unhealthy and dead plants shall be removed and replaced in conformance with the original landscape plan. This approval criterion is met.

- B. Location: No portion of a freestanding sign shall be located less than five feet from any boundary property line.**

**FINDING:** The proposed pole signs are proposed to be located more than 5 feet from adjacent property lines. This approval criterion is met.

**Section 3.110.09 Design Guidelines for Type II Sign Applications**

- A. Each sign should be designed to be consistent with the architectural style of the main building or buildings upon the site.**

**FINDING:** No buildings are proposed on the subject properties. This design guideline is not applicable.

- B. Signs located upon the site with only one main building should be designed to incorporate at least one of the predominately visual elements of the building, such as type of construction materials or color. Each sign located upon a site with more than one building, such as a complex or other nonresidential development, should be designed to incorporate at least one predominate visual design element common to all such buildings or a majority of the buildings.**

**FINDING:** No buildings are proposed on the subject properties. This design guideline is not applicable.

- C. Multiple signs located within a single development, or complex should have a common design established through the use to similar sign colors and materials, sign supports, method of illumination, sign cabinet or other configuration of sign area, shape of sign and components, and letter style and size.**

**FINDING:** The applicant is proposing two signs on the subject properties that are identical in appearance. Both pylon signs are 50 square feet in size and 15 feet in height. The cabinets are oval in shape and the colors on the cabinets and pole covers are dark blue for the background, with white copy and silver trim. This design guideline is met.

- D. Sign colors and material should be consistent with the color scheme and materials used in the development. The use of fluorescent colors or similar highly reflective materials should be discouraged.**

**FINDING:** No buildings are proposed on the subject properties. No fluorescent materials will be used. This design guideline is met.

- E. Supporting elements of pole signs should be covered consistent with subsection (D) above. The total width of pole covers should be at least 30 percent of the sign display width.**

**FINDING:** No fluorescent materials will be used on the pole covers. The proposed pole signs have 11 feet, 2 inches in sign display area that requires approximately 3 feet of pole cover width. The applicant is proposing a 3 foot pole cover width which meets the intent of the above sign design guideline.

- F. Freestanding signs should appear to be a single unit and should not have separated or detached cabinets or reader boards that are not architecturally integrated into the primary sign display area.**

**FINDING:** The proposed pole signs have a single cabinet. This design guideline is

met.

**Section 3.110.16 Permitted Signs—Commercial General District (CG)**

**Signs in the CG District shall be subject to the following provisions and all other applicable provisions of Section 3.110 and the WDO.**

**A. Pole Sign.**

**1. Single Tenant Site**

- a. A pole sign is permitted on a street frontage that exceeds 100 lineal feet not to exceed one pole sign on a single tenant site. A pole sign shall be permitted instead of a monument sign.**
- b. A pole sign on a street with 300 lineal feet or more but less than 600 lineal feet of frontage shall not exceed 15 feet in height and 50 square feet in area.**

**FINDING:** The subject properties consist of two sites that are separated from one another by Hillyer Lane. One pole sign is allowed on each separate site. The pole sign proposed on the north side of tax lot #106 is oriented toward Newberg Highway. Tax lot #106 has 474.15 feet of frontage on Newberg Highway which allows for a 50 square foot pole sign not to exceed 15 feet in height. The applicant is proposing a 50 square foot pole sign that is 15 feet in height that complies with the above stated requirement.

The proposed pole sign on the north side of tax lot #107 is oriented toward Hillyer Drive. Tax lot #107 has 325.76 feet of frontage on Hillyer Lane which allows for a 50 square foot pole sign not to exceed 15 feet in height. The applicant is proposing a 50 square foot pole sign that is 15 feet in height that complies with the above stated requirement.

**H. General Standards.**

- 3. Illumination: Externally or internally illuminated signs are permitted and such signs shall not cast a glare.**

**FINDING:** Both of the proposed pole signs are internally illuminated. A condition of approval is that the proposed pole signs shall not cast a glare.

**Section 5.103.02 Design Review for All Structures 1000 Sq. Ft. OR MORE**

**C. Criteria. The criteria are pursuant to the standards and guidelines of Section 3.1. And other applicable sections of the WDO.**

**FINDING:** Compliance of the applicant's proposal with the applicable standards and guidelines of the *WDO* is discussed throughout this report. This approval criterion is met.

**EXHIBIT "C"**  
**CONDITIONS OF APPROVAL**

**COMMUNITY DEVELOPMENT DEPARTMENT:**

**CONDITIONAL USE 04-10, DESIGN REVIEW 05-03 & SIGN DESIGN REVIEW 06-06:**

1. The proposed development shall be in substantial conformance with the attached preliminary plans provided in Exhibit "A" (Overall Site Plan sheet A1.1, Enlarged Site Plan pages A1.2 & A1.3, Enlarged Lighting Plan pages A1.4 & A1.5, Planting Plan page L1.1 & L1.1B, Irrigation Plan pages L1.2 & L1.2B date stamped March 7, 2006 and Sign Design Plan and Elevation date stamped May 31, 2006), except as herein modified by these conditions of approval.
2. All vehicle parking areas shall be graded and paved and storm drainage facilities provided as required by the Public Works Director.
3. A final lighting plan shall be submitted to the Community Development Department for review and approval prior to installation. All outdoor lighting shall be indicated on the lighting plan showing that lighting does not cast a glare onto moving vehicles on any public street.
4. The internally illuminated proposed pole signs shall be constructed so as not to cast a glare.
5. All shrubs and ground cover shall be of a size upon installation so as to attain 80% of ground coverage within 3 years.
6. The property owner shall be responsible for maintaining all landscaping in good condition so as to present a healthy and orderly appearance. Unhealthy and dead plants shall be removed and replaced in conformance with the original landscape plan.
7. The property owner/applicant shall submit to the Community Development Department a signed "Acceptance of Conditions" agreeing to all conditions of approval prior to the issuance of building permits for the project.

**PUBLIC WORKS  
GENERAL CONDITIONS:**

8. Final plans shall conform to the construction plan review procedures and standards.
9. The applicant, not the city, is responsible for obtaining permits from any state and/or federal agencies that may require approval and/or permit.
10. South Woodland Avenue was recently resurfaced. No open street cuts will be allowed unless otherwise permitted through the Public Works Department.
11. System Development fees shall be paid at the time of building permit issuance.

**STREET AND DRAINAGE:**

12. The Oregon Department of Transportation (ODOT) in accordance with OAR 734-051 regulates access and street improvement requirements to Newberg Highway and Hillyer Lane, the Boundary Streets.
13. South Woodland Avenue, the Boundary Street, currently provides a 90-foot right of way and 44 foot curbed improved surface with sidewalks on both sides of the street. The current Woodburn Transportation System Plan (TSP) designates this portion of South Woodland as a minor arterial. The updated TSP, which is included as a component in the periodic review documents that are currently in the approval process, downgrades South Woodland Avenue to an access street. The current street improved width and right of way exceeds the requirements for an access street.
14. The existing storm sewer system within Hillyer Lane is an ODOT facility. Permits shall be obtained from ODOT for connection from them. On-site detention shall be provided in accordance with the Storm Water Management Plan. Hydraulic analysis shall be provided to the Public Works Department for review and approval.
15. The storm water SDC shall be paid prior to construction of the new impervious surface.

**SANITARY SEWER:**

16. The existing sanitary sewer main within South Woodland Avenue can provide wastewater service to the development. Service lines shall not be installed in



the public right of way as shown on the plan except at the point of connection to the city system.

17. Separate sanitary sewer service shall be provided to each parcel. The private easement crossing the adjacent parcel may be required for the Southeast parcel.

**WATER:**

18. The existing water main on the east side of the subject property or the West side of South Woodland Avenue can be utilized to provide for both domestic and fire protection service. If an additional fire hydrant is required by the Woodburn Fire District, then the water main and hydrant will be a city maintained system and installed by the applicant and constructed and permitted in accordance with public works requirements.
19. Domestic and lawn irrigation metered service, if installed, shall require the installation of a proper type of backflow preventer. Contact Larry Arendt, City of Woodburn Cross Connection Inspector, for type and installation requirements at 503-982-5283.
20. Fire protection requirements shall comply with the Woodburn Fire District's standards and requirements.