



# Agenda Item

September 13, 2010

TO: City Council

FROM: Kathy Figley, Mayor

SUBJECT: **Planning Commission Appointment**

The following appointment is made, subject to the approval of the Council. Please forward any adverse comments to me prior to the Council meeting on Monday, September 13, 2010. No reply is required if you approve of my decision.

## **PLANNING COMMISSION**

### New appointment

- o Sharon Corning for a term to expire December 2011

**CITY OF WOODBURN**  
**APPLICATION FOR COMMISSION/COMMITTEE/BOARD MEMBER**



Name: Sharon C. Corning		Date: Aug. 27, 2009	
Present Address: 485 Garfield Street			
City/State/Zip: Woodburn, OR 97071			
Phones:	Work: None	Home: 503-982-4758	Message: Same
Years Lived In Woodburn: 6 Months			
Occupation: Retired Paralegal			
Education: 2 years college			
Address for Past 5 Years: 902 NE 123rd Ave.			
City/State/Zip: Vancouver, WA 98684			
Commission/Committee/Board Applying For (excluding City Council and Mayor position):			
<input checked="" type="checkbox"/>	Woodburn Budget Committee	<input checked="" type="checkbox"/>	Woodburn Planning Commission
<input type="checkbox"/>	Woodburn Library Board	<input type="checkbox"/>	Woodburn Recreation and Parks Board
<input checked="" type="checkbox"/>	Woodburn Livability Task Force	<input type="checkbox"/>	Other (Specify) _____
<input type="checkbox"/>	Woodburn Museum Committee		
Why you want to apply: I want to contribute to my community.			
What experience/expertise/interest do you have for this group? I worked for law firms for over 25 years as a legal researcher and technical writer. I spent years reading and analyzing complicated documents. I am accustomed to working on teams to identify and accomplish common goals. I am experienced in leading teams to reach a consensus and conclusion. I am retired now, and want to use my skills to make a contribution to my community. I am very interested in helping mold the future of Woodburn.			

**When you apply, it is understood that you will be volunteering to attend all meetings and to actively participate. Commissions/Committees/Boards generally meet once monthly during the evening hours. Some groups may meet more often, if necessary. THIS FORM IS NOT AN APPLICATION FOR A CITY COUNCIL OR MAYOR POSITION.**

*For City Use Only*

Dated Received: _____
Mayor's Decision: _____

**COUNCIL MEETING MINUTES**  
**August 9, 2010**

HR:MN

0:00 **DATE COUNCIL CHAMBERS, CITY HALL, CITY OF WOODBURN, COUNTY OF MARION, STATE OF OREGON, AUGUST 9, 2010.**

**CONVENED** The meeting convened at 7:00 p.m. with Mayor Figley presiding.

**ROLL CALL**

Mayor	Figley	Present
Councilor	Cox	Present
Councilor	Lonergan	Present
Councilor	McCallum	Present
Councilor	Morris	Present
Councilor	Pugh	Present
Councilor	Schmidt	Present

**Staff Present:** City Administrator Derickson, Assistant City Administrator Stevens, City Attorney Shields, Police Chief Russell, Public Works Director Brown, Economic & Community Development Director Hendryx, Finance Director Palacios, City Recorder Shearer.

0:01 **PROCLAMATIONS**

A. Fill-the-Boot

0:04 **REPORTS**

A. Chamber of Commerce – Don Judson, Executive Director of the Woodburn Area Chamber of Commerce provided an overview of upcoming Chamber events. He also provided a recap of the Fiesta Mexicana and provided thanks to the many City, Chamber, and Volunteer workers who made the Fiesta a success.

0:11 **CONSENT AGENDA**

A. approve the Woodburn City Council minutes of July 26, 2010; and  
B. accept the Crime Statistics Report through July 2010;

**McCallum/Pugh...** adopt the Consent Agenda. The motion passed unanimously.

0:12 **COUNCIL BILL NO. 2836 – AN ORDINANCE GRANTING A TELECOMMUNICATIONS FRANCHISE TO LIGHTSPEED NETWORKS, INC. TO OCCUPY CERTAIN RIGHTS-OF-WAY WITHIN THE CITY OF WOODBURN**

**McCallum** introduced Council Bill No. 2836. Recorder Shearer read the bill by title only since there were no objections from the Council. Councilor McCallum asked for about which rights-of-way would be affected. Economic and Community Development Director Hendryx and Public Works Director Brown clarified. City Administrator Derickson conveyed that the applicant has expressed a sense of urgency and is dissatisfied with the length of time necessary to approve the application.

**COUNCIL MEETING MINUTES**  
**August 9, 2010**

HR:MN

**Cox/McCallum**... amend the ordinance by adding an emergency clause making the ordinance effective on signing. There was discussion by Councilor Schmidt regarding franchise fees in general. The motion passed unanimously. On roll call vote for final passage, the bill passed unanimously. Mayor Figley declared Council Bill No. 2836 duly passed.

0:33 **COUNCIL BILL NO. 2837 – A RESOLUTION ADOPTING THE WASTEWATER FACILITIES PLAN AND RATE STUDY AS REQUIRED BY THE OREGON DEPARTMENT OF ENVIRONMENTAL QUALITY AND DIRECTING STAFF TO IMPLEMENT SAID PLAN**

**McCallum** introduced Council Bill No. 2836. Recorder Shearer read the bill by title only since there were no objections from the Council. Councilor Cox pointed out that the Council was committed to take this action based upon Federal and State requirements. Councilor Lonergan clarified that this is a separate issue from the water quality discussion of last Council meeting. Public Works Director Brown pointed out that this action is the result of the Council selecting the most cost effective method of financing the required improvements. On roll call vote for final passage, the bill passed unanimously. Mayor Figley declared Council Bill No. 2837 duly passed.

0:37 **COUNCIL BILL NO. 2838 – A RESOLUTION ADJUSTING WASTEWATER RATES IN ORDER TO IMPLEMENT THE WASTEWATER FACILITIES PLAN AND RATE STUDY AND SETTING EFFECTIVE DATES**

**McCallum** introduced Council Bill No. 2838. Recorder Shearer read the bill by title only since there were no objections from the Council. On roll call vote for final passage, the bill passed unanimously. Mayor Figley declared Council Bill No. 2838 duly passed.

0:38 **TRANSIENT OCCUPANCY GRANT DISTRIBUTION AND PROPOSED THREE YEAR AGREEMENT**

City Administrator Derickson provided a staff report regarding the proposed agreement. Ken Hector, Woodburn Chamber President spoke in favor of the proposed agreement. **Pugh/Lonergan**...authorize the proposed three year agreement with the Woodburn Area Chamber of Commerce providing \$48,000 per year and requiring program deliverables. The motion passed unanimously.

0:45 **AWARD OF CONSTRUCTION CONTRACT FOR WILLOW AVENUE STORM DRAIN IMPROVEMENTS**

**Lonergan/McCallum**...Council, acting as the Local Contract Review Board, award a construction contract for the Willow Avenue Storm Drain Improvements to GT Excavating, LLC in the amount of \$56,473.87. The motion passed unanimously.

0:48 **CANCELLATION OF AUGUST 23, 2010 COUNCIL MEETING**

**Cox/Pugh**...meeting of August 23, 2010 be cancelled. The motion passed unanimously.

**COUNCIL MEETING MINUTES**  
**August 9, 2010**

HR:MN

0:48 **DIRECTOR'S APPROVAL OF ZONING ADJUSTMENT 2010-01, AT 703 N. EVERGREEN ROAD (SILVER CREEK ASSISTED LIVING CENTER)**

Council declined to call this item up for review.

0:49 **CITY ADMINISTRATOR'S REPORT**

- A. Administrator Derickson thanked Don and Rhonda Judson for their efforts at the Fiesta. He also reported that the Fiesta exceeded its revenue target and was attended by over 11,000 people.
- B. Tall grass issues persist. He provided an update on the complaint statistics and the steps necessary to address the problem.

0:55 **MAYOR AND COUNCIL REPORTS**

- Councilor Pugh talked about the partnership between the Woodburn Area Chamber and the City.
- Councilor Lonergan talked about the repaving projects downtown but is disappointed by the damage to the stained concrete on Front Street. Public Works Director Brown talked about options to clean the affected areas.
- Councilor McCallum commented on the Fiesta Parade. He also had a question regarding the house on Front Street that was subjected to Graffiti abatement. Administrator Derickson reported that there has been no response from the bank that owns the property.
- Mayor Figley thanked the Chamber, Volunteers, & City Staff for their efforts on the Fiesta.
- Councilor Schmidt commented on marking for downtown parking spaces. He also noted that there are garbage receptacles missing from the greenway path.
- Councilor Cox recommended that in light of the favorable bidding occurring on public works projects, that the City accelerate projects as much as is feasible.
- Councilor Morris thanked the Fire Chief for the ride on the fire truck. He also commented on how, as a neighbor to the Fiesta, much improved it was.

1:08 **ADJOURNMENT**

**McCallum/Pugh...**meeting be adjourned. The motion passed unanimously. The meeting adjourned at 8:10 p.m.

APPROVED \_\_\_\_\_  
KATHRYN FIGLEY, MAYOR

ATTEST \_\_\_\_\_  
Christina M. Shearer, Recorder  
City of Woodburn, Oregon

**WOODBURN PLANNING COMMISSION MEETING MINUTES**  
**June 24, 2010**

**CONVENED:** The Planning Commission met in a regular session, followed by a workshop, at 7:00 p.m. in the City Hall Council Chambers with Chairperson Bandelow presiding.

**ROLL CALL:**

<b>Chairperson</b>	<b>Bandelow</b>	<b>Present</b>
<b>Commissioner</b>	<b>Gregorieff</b>	<b>Absent (Pre-arranged)</b>
<b>Commissioner</b>	<b>Hutchison</b>	<b>Absent (Pre-arranged)</b>
<b>Vice-Chairperson</b>	<b>Jennings</b>	<b>Present</b>
<b>Commissioner</b>	<b>Kenagy</b>	<b>Present</b>
<b>Commissioner</b>	<b>Piper</b>	<b>Present</b>

Staff Present                      Jim Hendryx, Director of Economic and Development Services  
    Vicki Musser, Recording Secretary

**Minutes**

- A. Woodburn Planning Commission Meeting Minutes of June 10, 2010
- B. Final Order PCUN 2010-03; EXCP 2010-03; PLA 2010-01

Commissioner Jennings moved to accept the minutes as written, and Commissioner Kenagy seconded the motion, which was carried unanimously.

**Business From The Audience**

There was none.

**Communication**

There was none.

**Public Hearing**

- A. Commissioner Jennings moved to have Final Order Land Use Decision: DR 2010-03; EXCP 2010-03; PLA 2010-01 discussed and approved as the first agenda item. Commissioner Piper seconded the motion, and the Final Order was approved by the Commission.

*Sign Workshop*

The latest revision of the Woodburn Sign Ordinance recommendations (6-24-10, revised 6-24-10) was distributed to the Commissioners. The Commissioners discussed various sections of the proposed changes, and made some further suggestions.

- Monument signs: The recommendation states that “A monument sign less than 4 feet high need not have a solid base”. This height was discussed, and changed to 5 feet.
- Feather flags were discussed extensively.
- The definition of temporary signs needs to be clarified.
- Guide wire regulations are mentioned in several places that appear to contradict themselves.
- Charts and tables in the Sign Ordinance need a title above them, to avoid confusion.
- Various formatting issues need to be corrected.
- The numbers indicating different sections of the Sign Ordinance are confusing, and a table of contents would help.

Jim Hendryx, Director of Economic and Development Services, stated that the whole goal of the revision is to clarify and simplify the Sign Ordinance. He said that he would present a packet at the next meeting that would include a definition of temporary signs, information on whether feather flags can be allowed as temporary signs, and further simplification of formatting issues.

Commissioner Piper noted that overall, the ordinance revision is compatible with business practices.

**ADJOURNMENT**

Vice-Chairperson Jennings moved to adjourn the meeting/workshop. Commissioner Kenagy seconded the motion, which carried unanimously. The meeting was adjourned at 7:59 pm.

APPROVED   
Ellen Bandelow, CHAIRPERSON   
Date

ATTEST   
James N.P. Hendryx   
Economic & Development Services Director  
City of Woodburn, Oregon Date

**WOODBURN PLANNING COMMISSION MEETING MINUTES**  
**July 22, 2010**

**CONVENED:** The Planning Commission met in a regular session, followed by a workshop, at 7:00 p.m. in the City Hall Council Chambers with Chairperson Bandelow presiding.

**ROLL CALL:**

<b>Chairperson</b>	<b>Bandelow</b>	<b>Present</b>
<b>Commissioner</b>	<b>Gregorieff</b>	<b>Present</b>
<b>Commissioner</b>	<b>Hutchison</b>	<b>Present – Arrived 7:10pm</b>
<b>Vice-Chairperson</b>	<b>Jennings</b>	<b>Present</b>
<b>Commissioner</b>	<b>Kenagy</b>	<b>Present</b>
<b>Commissioner</b>	<b>Piper</b>	<b>Present</b>

Staff Present            Jim Hendryx, Director of Economic and Development Services  
                                  Don Dolenc, Associate Planner  
                                  Jon Stuart, Assistant City Attorney

**Minutes**

- A. Woodburn Planning Commission Meeting Minutes of June 24, 2010

Commissioner Jennings moved to accept the minutes as written, and Commissioner Kenagy seconded the motion, the motion carried unanimously.

**Business From The Audience**

There was none.

**Communication**

There was none.

**Public Hearing**

- A. Zone Change ZC 2010-01, expanding the Neighborhood Conservation Overlay District (NCOD). Chairperson Bandelow outlined the hearing procedure for consideration of a Type IV Legislative Amendment.

Associate Planner Don Dolenc provided a staff report outlining the request to expand the Neighborhood Conservation District west and south of the current boundary. Commissioners asked clarifying questions on the underlying intent of the NCOD, the housing age within the expansion area, and the design standards for the NCOD. There was general discussion among the Commission about the NCOD and its goals.

Chairperson Bandelow asked for public comments.

Durrell Crays, 167 N Settlemier, Woodburn, Oregon, who represents the Historic Woodburn Neighborhoods Association, presented testimony in support of the proposed expansion to the NCOD, describing the Association's efforts to gather petitions from all property owners impacted by the proposal. Crays answered the Commissioners' questions about the age of homes within the expansion area and also explained the benefits of protecting the architectural integrity of the neighborhood and expansion area.

Merri Berlin, 167 N Settlemier, Woodburn, Oregon, a member of the Historic Woodburn Neighborhoods Association, spoke to the Commission about the effort that went into gathering petitions of support for the expansion of the NCOD. Berlin answered the Commissioners' questions about specific properties and whether the petitioners understood the requirements of the NCOD. Berlin assured the Commission that petitioners were provided with the opportunity to review NCOD standards.

Chairperson Bandelow closed the public hearing. Commissioners discussed the merits of the request to expand the NCOD. They also talked about including newer homes (constructed in the 60's & 70's) within the district. Commissioner Jennings moved to recommend that the City Council approve ZC 2010-01, and Commissioner Kenagy seconded the motion. The motion passed 5 to 1 with Commissioner Hutchison voting in opposition to the motion.

#### Oregon Department of Transportation – Transportation Enhancement Grant

Economic and Development Services Director Jim Hendryx provided information about an Oregon Department of Transportation grant application the City is making for an esplanade between Cleveland and Lincoln streets, on the east side of the rail road tracks. Hendryx asked for Planning Commission support of the grant application. The Commissioners discussed the merits of the application and asked to have the fencing/wall design return for their input. Commissioners Piper and Jennings moved to support the ODOT grant application, and the motion passed with Commissioner Kenagy voting in opposition. The Chair was authorized to sign a letter in support of the grant application.

Chairperson Bandelow announced that the Commission would go into a workshop to discuss the proposed sign standard revisions and invited people in the audience to stay through the workshop.

Hendryx presented a brief overview of the sign review process leading up to the Commission's present workshop, outlining all the changes recommended by the Commission. There was considerable discussion about freeway-oriented signs, as well as signage for the Woodburn Company Stores. The Commission recommended that the proposed standards be amended to allow sites with street frontages in excess of 1200 feet to have pole signs up to 850 square feet in size. The Commission also asked staff to evaluate temporary signage requirements, recognizing that commercial real estate signs typically exceed the size and time limits proposed in the draft text. Staff will return with revised text. Commissioner Jennings stated that the Commission should proceed to public hearings on the proposed amendments, and that the written sign text represents their recommendations throughout the workshop meetings held to date. There was consensus to proceed to public hearings.

#### Adjournment

Chairperson Bandelow asked for a motion to adjourn the meeting. Commissioner Jennings moved to adjourn and Kenagy seconded the motion, and the meeting was adjourned at 8:40pm.

APPROVED

  
Ellen Bandelow, CHAIRPERSON

08/10/10  
Date

ATTEST

  
James N.P. Hendryx  
Economic & Development Services Director  
City of Woodburn, Oregon

08/06/10  
Date

# Woodburn Police Department

## MONTHLY CRIMINAL OFFENSES JANUARY THRU AUGUST 2010

CHARGE DESCRIPTION	Total	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug
AGGRAVATED ASSAULT	11	1	2	2	0	1	2	0	3
ANIMAL CRUELTY	1	0	1	0	0	0	0	0	0
ANIMAL ORDINANCES	14	0	3	2	0	3	3	2	1
ARSON	12	0	2	2	1	6	1	0	0
ASSAULT SIMPLE	79	9	12	10	5	15	13	5	10
BOMB THREAT	1	0	0	0	0	0	0	0	1
BURGLARY - BUSINESS	27	3	5	8	4	1	6	0	0
BURGLARY - OTHER STRUCTURE	20	5	2	3	5	1	2	1	1
BURGLARY - RESIDENCE	50	12	7	9	3	5	5	3	6
CHILD NEGLECT	5	0	0	2	1	1	0	0	1
CITY ORDINANCE	1	0	0	0	0	0	1	0	0
CRIME DAMAGE-NO VANDALISM OR ARSON	126	33	20	26	12	12	12	5	6
CRIMINAL MISTREATMENT	3	0	0	0	2	0	1	0	0
CURFEW	3	1	0	0	1	1	0	0	0
CUSTODY - DETOX	6	0	1	0	0	0	2	3	0
CUSTODY - MENTAL	26	7	3	4	2	1	3	4	2
DISORDERLY CONDUCT	36	5	5	2	3	7	6	3	5
DRIVING UNDER INFLUENCE	50	2	2	7	5	10	6	9	9
DRUG LAW VIOLATIONS	61	4	7	6	14	8	9	6	7
DWS/REVOKED - FELONY	1	1	0	0	0	0	0	0	0
DWS/REVOKED-MISDEMEANOR	20	2	2	4	1	5	3	2	1
ELUDE	9	0	1	2	1	3	0	0	2
EMBEZZLEMENT	2	1	0	0	0	1	0	0	0
ESCAPE FROM YOUR CUSTODY	1	0	1	0	0	0	0	0	0
EXTORTION/BLACKMAIL	1	0	0	0	0	0	0	0	1
FAIL TO DISPLAY OPERATORS LICENSE	9	0	0	0	2	1	2	4	0
FAILURE TO REGISTER AS SEX OFFENDER	1	0	0	0	0	1	0	0	0
FAMILY-OTHER	1	1	0	0	0	0	0	0	0
FORCIBLE RAPE	2	0	1	0	0	1	0	0	0
FORGERY/COUNTERFEITING	36	5	2	8	5	5	1	4	6
FRAUD - BY DECEPTION/FALSE PRETENSES	5	1	0	0	0	1	0	1	2
FRAUD - CREDIT CARD/AUTOMATIC TELLER MACHINE	24	7	1	2	3	3	2	2	4
FRAUD - IMPERSONATION	9	0	1	1	1	3	1	0	2
FRAUD - NO ACCOUNT - CHECK	1	0	0	0	0	0	0	0	1
FRAUD - OF SERVICES/FALSE PRETENSES	1	0	0	0	0	1	0	0	0
FUGITIVE ARREST FOR ANOTHER AGENCY	119	16	19	13	9	15	13	14	20
FURNISHING	6	3	0	0	1	0	1	1	0
GARBAGE LITTERING	6	0	0	2	2	0	0	2	0
HIT AND RUN FELONY	3	0	0	0	2	0	0	0	1
HIT AND RUN-MISDEMEANOR	92	11	9	13	9	11	9	15	15
IDENTITY THEFT	15	1	0	3	2	3	2	1	3
INTIMIDATION /OTHER CRIMINAL THREAT	38	7	6	3	3	7	2	5	5
KIDNAP - FOR ADDITIONAL CRIMINAL PURPOSE	5	0	1	0	1	0	1	2	0
LICENSING ORDINANCES	2	0	0	1	0	1	0	0	0
MINOR IN POSSESSION	23	3	2	0	6	2	4	2	4
MINOR IN POSSESSION - TOBACCO	1	0	0	0	0	0	0	1	0
MISCELLANEOUS	56	10	4	6	7	13	7	6	3
MOTOR VEHICLE THEFT	50	12	7	5	3	6	11	1	5
OTHER	37	5	5	6	6	2	2	6	5
PROPERTY - FOUND LOST MISLAID	38	9	2	6	2	3	12	2	2
PROPERTY RECOVER FOR OTHER AGENCY	1	0	0	0	0	0	0	1	0
PUBLIC HEALTH AND SAFETY ORDINANCES	1	0	0	0	0	0	0	1	0
RECKLESS DRIVING	10	0	0	2	3	3	0	1	1
RESTRAINING ORDER VIOLATION	4	0	0	1	1	0	0	1	1
ROBBERY - BUSINESS	3	0	1	1	1	0	0	0	0
ROBBERY - HIGHWAY	1	0	0	0	1	0	0	0	0
ROBBERY - OTHER	39	1	0	0	0	1	0	0	1

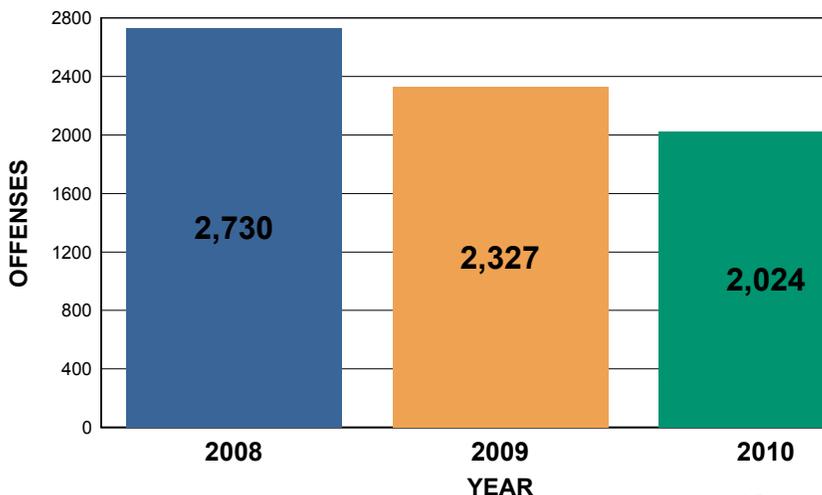
# Woodburn Police Department

## MONTHLY CRIMINAL OFFENSES JANUARY THRU AUGUST 2010

	Total	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug
RUNAWAY	20	1	2	5	3	2	4	2	1
SEX CRIME - CONTRIBUTE TO SEX DELINQUENCY	5	0	0	1	2	0	0	1	1
SEX CRIME - EXPOSER	1	0	0	1	0	0	0	0	0
SEX CRIME - FORCIBLE SODOMY	2	0	0	0	0	1	0	1	0
SEX CRIME - MOLEST (PHYSICAL)	16	5	6	1	1	2	0	0	1
SEX CRIME - NON FORCE SODOMY	1	0	0	0	1	0	0	0	0
SEX CRIME - NON-FORCE RAPE	2	0	0	1	0	0	0	1	0
SEX CRIME - OTHER	1	0	0	0	0	0	0	0	1
SEX CRIME - PORNOGRAPHY/OBSCENE MATERIAL	1	0	1	0	0	0	0	0	0
STALKER	1	0	0	0	0	0	1	0	0
STOLEN PROPERTY - RECEIVING,BUYING,POSSESSING	2	0	0	0	0	1	1	0	0
SUICIDE	3	1	2	0	0	0	0	0	0
THEFT - BICYCLE	14	1	1	0	1	2	3	2	4
THEFT - BUILDING	19	1	4	6	2	1	1	3	1
THEFT - COIN OP MACHINE	6	0	0	0	0	0	2	2	2
THEFT - FROM MOTOR VEHICLE	138	46	20	28	15	12	7	4	6
THEFT - MOTOR VEHICLE PARTS/ACCESSORIES	22	11	6	1	1	0	1	1	1
THEFT - OTHER	80	11	8	12	5	10	8	17	9
THEFT - PICKPOCKET	2	1	0	0	0	0	1	0	0
THEFT - PURSE SNATCH	3	1	0	0	0	0	1	1	0
THEFT - SHOPLIFT	62	7	4	14	8	8	9	6	6
TRAFFIC VIOLATIONS	115	11	8	18	11	18	12	18	19
TRESPASS	38	5	6	6	5	6	5	4	1
UNAUTHORIZED ENTRY INTO MOTOR VEHICLE	45	6	7	16	5	2	5	2	2
VANDALISM	201	31	17	26	23	47	33	11	13
VEHICLE RECOVERD FOR OTHER AGENCY	11	3	0	0	2	1	3	0	2
WARRANT ARREST FOR OUR AGENCY	31	0	0	0	7	6	11	3	4
WEAPON - CARRY CONCEALED	9	0	2	1	1	2	1	1	1
WEAPON - EX FELON IN POSSESSION	1	0	1	0	0	0	0	0	0
WEAPON - POSSESS ILLEGAL	3	2	0	0	0	0	0	1	0

	Total	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug
<b>2010 Total</b>	<b>2,024</b>	<b>322</b>	<b>232</b>	<b>299</b>	<b>223</b>	<b>285</b>	<b>254</b>	<b>197</b>	<b>212</b>
<b>2009 Total</b>	<b>2,327</b>	<b>276</b>	<b>297</b>	<b>289</b>	<b>309</b>	<b>283</b>	<b>261</b>	<b>313</b>	<b>299</b>
<b>2008 Total</b>	<b>2,730</b>	<b>323</b>	<b>362</b>	<b>299</b>	<b>293</b>	<b>362</b>	<b>349</b>	<b>342</b>	<b>400</b>

**Offenses / Year**



# Woodburn Police Department

## MONTHLY ARRESTS BY OFFENSES JANUARY THRU AUGUST 2010

CHARGE DESCRIPTION	Total	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug
AGGRAVATED ASSAULT	9	0	1	1	0	2	1	1	3
ANIMAL ORDINANCES	13	0	3	2	0	2	3	3	0
ARSON	1	0	1	0	0	0	0	0	0
ASSAULT SIMPLE	86	8	19	11	7	12	13	6	10
BURGLARY - OTHER STRUCTURE	4	2	0	1	0	0	0	0	1
BURGLARY - RESIDENCE	12	2	2	6	0	0	0	0	2
CHILD NEGLECT	20	12	0	3	0	3	0	0	2
CITY ORDINANCE	1	0	0	0	0	0	0	1	0
CRIME DAMAGE-NO VANDALISM OR ARSON	9	4	3	0	0	1	1	0	0
CRIMINAL MISTREATMENT	2	0	0	0	1	0	1	0	0
CURFEW	7	2	0	0	1	4	0	0	0
CUSTODY - DETOX	6	0	1	0	0	0	2	3	0
CUSTODY - MENTAL	26	7	3	4	2	1	3	4	2
DISORDERLY CONDUCT	46	3	12	4	4	8	9	2	4
DRIVING UNDER INFLUENCE	50	2	2	7	5	10	6	9	9
DRUG LAW VIOLATIONS	77	6	7	8	12	19	10	7	8
DRUG PARAPHERNALIA	1	1	0	0	0	0	0	0	0
DWS/REVOKED - FELONY	1	1	0	0	0	0	0	0	0
DWS/REVOKED-MISDEMEANOR	20	2	2	4	1	5	3	2	1
ELUDE	6	0	1	1	1	2	0	0	1
EMBEZZLEMENT	1	0	0	0	0	0	0	0	1
ESCAPE FROM YOUR CUSTODY	1	0	1	0	0	0	0	0	0
FAIL TO DISPLAY OPERATORS LICENSE	9	0	0	0	2	1	2	4	0
FAILURE TO REGISTER AS SEX OFFENDER	1	0	0	0	0	1	0	0	0
FAMILY-OTHER	10	10	0	0	0	0	0	0	0
FORGERY/COUNTERFEITING	10	1	1	3	0	0	1	2	2
FRAUD - ACCOUNT CLOSED CHECK	1	0	0	0	0	0	0	0	1
FRAUD - BY DECEPTION/FALSE PRETENSES	1	0	0	0	0	0	0	1	0
FRAUD - CREDIT CARD/AUTOMATIC TELLER MACHINE	2	1	0	1	0	0	0	0	0
FRAUD - IMPERSONATION	2	0	1	0	0	1	0	0	0
FRAUD - OF SERVICES/FALSE PRETENSES	1	0	0	0	0	1	0	0	0
FUGITIVE ARREST FOR ANOTHER AGENCY	123	19	18	12	9	16	13	17	19
FURNISHING	5	3	0	0	0	0	1	1	0
GARBAGE LITTERING	7	0	0	2	3	0	0	2	0
HIT AND RUN-MISDEMEANOR	9	1	0	1	2	0	0	3	2
IDENTITY THEFT	2	1	0	1	0	0	0	0	0
INTIMIDATION /OTHER CRIMINAL THREAT	28	4	7	2	3	3	3	2	4
KIDNAP - FOR ADDITIONAL CRIMINAL PURPOSE	4	0	0	0	1	0	1	2	0
LICENSING ORDINANCES	1	0	0	1	0	0	0	0	0
MINOR IN POSSESSION	37	5	2	0	13	2	4	5	6
MINOR IN POSSESSION - TOBACCO	1	0	0	0	0	0	0	1	0
MOTOR VEHICLE THEFT	3	0	0	0	1	1	0	0	1
OTHER	32	5	3	4	7	1	2	7	3
PUBLIC HEALTH AND SAFETY ORDINANCES	1	0	0	1	0	0	0	0	0
RECKLESS DRIVING	10	0	0	2	3	3	0	1	1
RESTRAINING ORDER VIOLATION	5	0	1	1	0	0	1	1	1
ROBBERY - BUSINESS	2	0	1	0	1	0	0	0	0
ROBBERY - HIGHWAY	1	0	0	0	1	0	0	0	0
ROBBERY - OTHER	1	1	0	0	0	0	0	0	0
RUNAWAY	4	0	1	1	1	0	0	1	0
SEX CRIME - CONTRIBUTE TO SEX DELINQUENCY	1	0	0	0	1	0	0	0	0
SEX CRIME - MOLEST (PHYSICAL)	6	3	2	0	1	0	0	0	0
SEX CRIME - NON FORCE SODOMY	1	0	0	0	1	0	0	0	0
SEX CRIME - NON-FORCE RAPE	1	0	0	0	0	0	0	1	0
SEX CRIME - PORNOGRAPHY/OBSCENE MATERIAL	1	0	1	0	0	0	0	0	0

# Woodburn Police Department

## MONTHLY ARRESTS BY OFFENSES JANUARY THRU AUGUST 2010

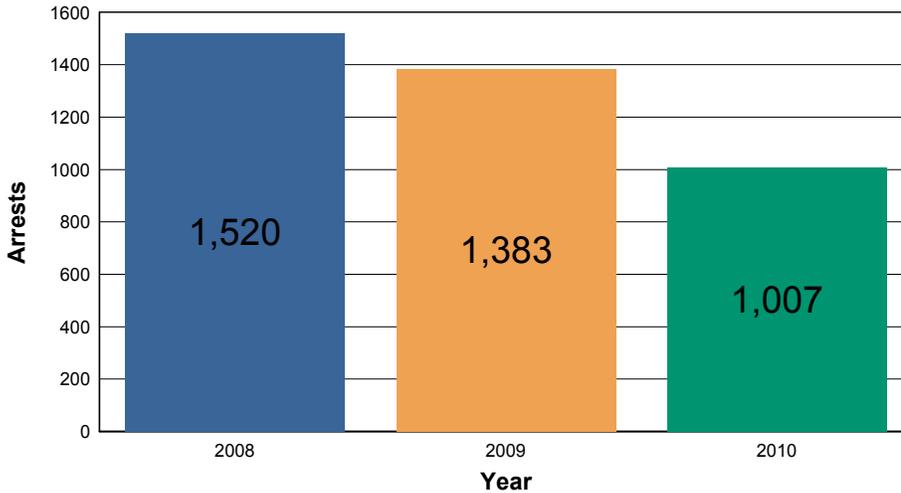
	Total	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug
STALKER	1	0	0	0	0	0	1	0	0
STOLEN PROPERTY - RECEIVING,BUYING,POSSESSING	3	0	0	0	0	1	1	0	1
THEFT - BICYCLE	1	0	0	0	0	0	1	0	0
THEFT - BUILDING	8	2	2	4	0	0	0	0	0
THEFT - FROM MOTOR VEHICLE	7	3	0	0	2	0	2	0	0
THEFT - OTHER	11	2	3	3	1	1	0	1	0
THEFT - PURSE SNATCH	1	1	0	0	0	0	0	0	0
THEFT - SHOPLIFT	51	10	4	8	5	6	11	3	4
TRAFFIC VIOLATIONS	108	10	8	17	11	18	13	14	17
TRESPASS	30	3	5	4	5	5	5	3	0
UNAUTHORIZED ENTRY INTO MOTOR VEHICLE	6	3	0	0	0	0	2	1	0
VANDALISM	12	1	5	0	4	0	2	0	0
WARRANT ARREST FOR OUR AGENCY	33	0	0	1	6	6	12	3	5
WEAPON - CARRY CONCEALED	10	0	2	2	1	2	1	1	1
WEAPON - EX FELON IN POSSESSION	1	0	1	0	0	0	0	0	0
WEAPON - POSSESS ILLEGAL	2	1	0	0	1	0	0	0	0

		Jan	Feb	Mar	Apr	May	Jun	Jul	Aug
<b>2010 Total</b>	<b>1,007</b>	142	126	123	120	138	131	115	112

<b>2009 Total</b>	<b>1,383</b>	136	199	169	170	168	192	173	176
-------------------	--------------	-----	-----	-----	-----	-----	-----	-----	-----

<b>2008 Total</b>	<b>1,520</b>	197	207	164	172	185	150	192	253
-------------------	--------------	-----	-----	-----	-----	-----	-----	-----	-----

**Arrests / Year**





# Agenda Item

September 13, 2010

TO: Honorable Mayor and City Council through City Administrator

FROM: Scott Russell, Chief of Police

SUBJECT: **Liquor License Application – Change of Ownership**

**RECOMMENDATION:**

The Woodburn City Council recommends that the OLCC approve a **Change of Ownership application**, for Woodburn Grocery Outlet.

**BACKGROUND:**

Applicant: LD Barnett Enterprise INC.  
1575 Mt. Hood Avenue  
Woodburn, Oregon 97071  
503-810-6817

Contact Person:  
Lynae Danese Barnett, President  
6855 S.W. 174<sup>th</sup> Pl.  
Aloha, Oregon 97007  
503-981-970

Business: Woodburn Grocery Outlet  
1575 Mt. Hood Avenue, Suite 120  
Woodburn, Oregon 97071  
503-981-9707 (Wk)  
503-981-9762 (Fax)

Contact Person:  
Bill Smith  
1575 Mt. Hood Avenue, Suite 120  
Woodburn, Oregon 97071  
503-981-9707

Owners: Grocery Outlet INC.

---

Agenda Item Review: City Administrator \_\_\_x\_\_\_ City Attorney \_\_\_x\_\_\_ Finance \_\_\_x\_\_\_

2000 5<sup>th</sup> Street  
Berkeley, California 94710

License Type: Off-Premises Sales

On August 24, 2010 the Woodburn Police Department received an application requesting approval for **Off-Premises Sales-Change of Ownership (Drop Partner/Add Partner)** for the Woodburn Grocery Outlet located at 1575 Mt. Hood Avenue, Suite 120, Woodburn, Oregon. The above mentioned applicants are applying for this license through the Oregon Liquor Control Commission.

The business will be open daily, Tuesday through Saturday, from 8:00 a.m. to 7:00 p.m. Sunday, from 9:00 a.m. to 7:00 a.m. and Monday, 8:00 a.m. to 9:00 p.m. This business is a grocery store that will service grocery items to include alcoholic and non-alcoholic beverages and will not have entertainment or live/disc jockey music. The Woodburn Police Department has received no communication from the public or surrounding businesses in support of, or against this location.

**DISCUSSION:**

The Police Department has completed a background investigation, in connection with the OLCC, on the applicant and found nothing of a questionable nature, which would preclude the issuance of this license.

**FINANCIAL IMPACT:**

None

PAID

AUG 24 2010  
\$75-

FINANCE DEPT.  
CITY OF WOODBURN

11-9321



# OREGON LIQUOR CONTROL COMMISSION LIQUOR LICENSE APPLICATION

Application is being made for:

**LICENSE TYPES**

Full On-Premises Sales (\$402.60/yr)

Commercial Establishment

Caterer

Passenger Carrier

Other Public Location

Private Club

Limited On-Premises Sales (\$202.60/yr)

Off-Premises Sales (\$100/yr)

with Fuel Pumps

Brewery Public House (\$252.60)

Winery (\$250/yr)

Other: \_\_\_\_\_

**ACTIONS**

Change Ownership

New Outlet

Greater Privilege

Additional Privilege

Other Drop partner / Add partner

**90-DAY AUTHORITY**

Check here if you are applying for a change of ownership at a business that has a current liquor license, or if you are applying for an Off-Premises Sales license and are requesting a 90-Day Temporary Authority

**APPLYING AS:**

Limited Partnership

Corporation

Limited Liability Company

Individual's

**CITY AND COUNTY USE ONLY**

Date application received: \_\_\_\_\_

The City Council or County Commission: \_\_\_\_\_

(name of city or county)

recommends that this license be:

Granted  Denied

By: \_\_\_\_\_ (signature) \_\_\_\_\_ (date)

Name: \_\_\_\_\_

Title: \_\_\_\_\_

---

**OLCC USE ONLY**

Application Rec'd by: LVB

Date: 8/24/10

90-day authority:  Yes  No

- Entity or Individuals applying for the license: [See SECTION 1 of the Guide]
  - Ld Barnett Enterprise INC. ③
  - Grocery Outlet Inc ④
- Trade Name (dba): Woodburn Grocery Outlet
- Business Location: 1575 MT. Hood Ave, Suite 120 Woodburn, Marion, OR. 97071  
(number, street, rural route) (city) (county) (state) (ZIP code)
- Business Mailing Address: 1575 MT. Hood Ave, Suite 120 Woodburn, OR. 97071  
(PO box, number, street, rural route) (city) (state) (ZIP code)
- Business Numbers: 503-981-9707 (phone) 503-981-9762 (fax)
- Is the business at this location currently licensed by OLCC?  Yes  No
- If yes to whom: Bill Smith Type of License: OFF-Premises Sales
- Former Business Name: The Woodburn Grocery Outlet
- Will you have a manager?  Yes  No Name: \_\_\_\_\_  
(manager must fill out an Individual History form)
- What is the local governing body where your business is located? Woodburn  
(name of city or county)
- Contact person for this application: Lynae Barnett 503-810-6817  
(name) (phone numbers(s))  
6855 S.W. 174th PL. Aloha, OR. 97007 503-626-1042 ldbarnett@gmail.com  
(address) (fax number) (e-mail address)

I understand that if my answers are not true and complete, the OLCC may deny my license application.

Applicant(s) Signature(s) and Date:

① Lynae Barnett Date 8-18-10 ③

② Michael Wood Date 8-18-10 ④

RECEIVED  
OREGON LIQUOR CONTROL COMMISSION

AUG 18 2010

SALEM REGIONAL OFFICE



# Agenda Item

September 13, 2010

TO: Honorable Mayor and City Council  
FROM: N. Robert Shields, City Attorney  
SUBJECT: City Attorney Evaluation

**RECOMMENDATION:**

Schedule the annual evaluation of the City Attorney for September 27, 2010.

**BACKGROUND & DISCUSSION:**

The City Council conducts my annual evaluation each fall. My job description and an evaluation form will be provided to the Mayor and City Council prior to that date.

**FINANCIAL IMPACT:**

None.



# Agenda Item

September 13, 2010

To: Honorable Mayor and City Council through City Administrator  
From: Jim Hendryx, Economic and Development Services Director  
Subject: **Zone Change 2010-01: Neighborhood Conservation Overlay District (NCOD)**

**RECOMMENDATION:**

Conduct a legislative hearing on the requested zoning map change, expanding the Neighborhood Conservation Overlay District. Uphold the Planning Commission's decision to approve Zone Change ZC2010-01.

**BACKGROUND:**

The City, acting at the request of the Woodburn Historic Neighborhoods Association, proposes to expand the boundaries of the Neighborhood Conservation Overlay District (NCOD) to include certain properties along Settlemier Avenue. The Planning Commission conducted a public hearing on July 22, 2010, and recommended that the City Council approve the request, which includes properties on Settlemier between Garfield Street and Parr Road.

The NCOD establishes specific design standards for residential development within the district.

**DISCUSSION:**

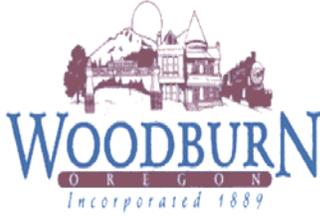
None.

**FINANCIAL IMPACT:**

No financial impact.

---

Agenda Item Review: City Administrator \_\_\_x\_\_\_ City Attorney \_\_\_x\_\_\_ Finance \_\_\_x\_\_\_



**Department of Economic and  
Development Services  
Planning Division**

270 Montgomery Street, Woodburn, Oregon 97071 ▪ (503) 982-5246

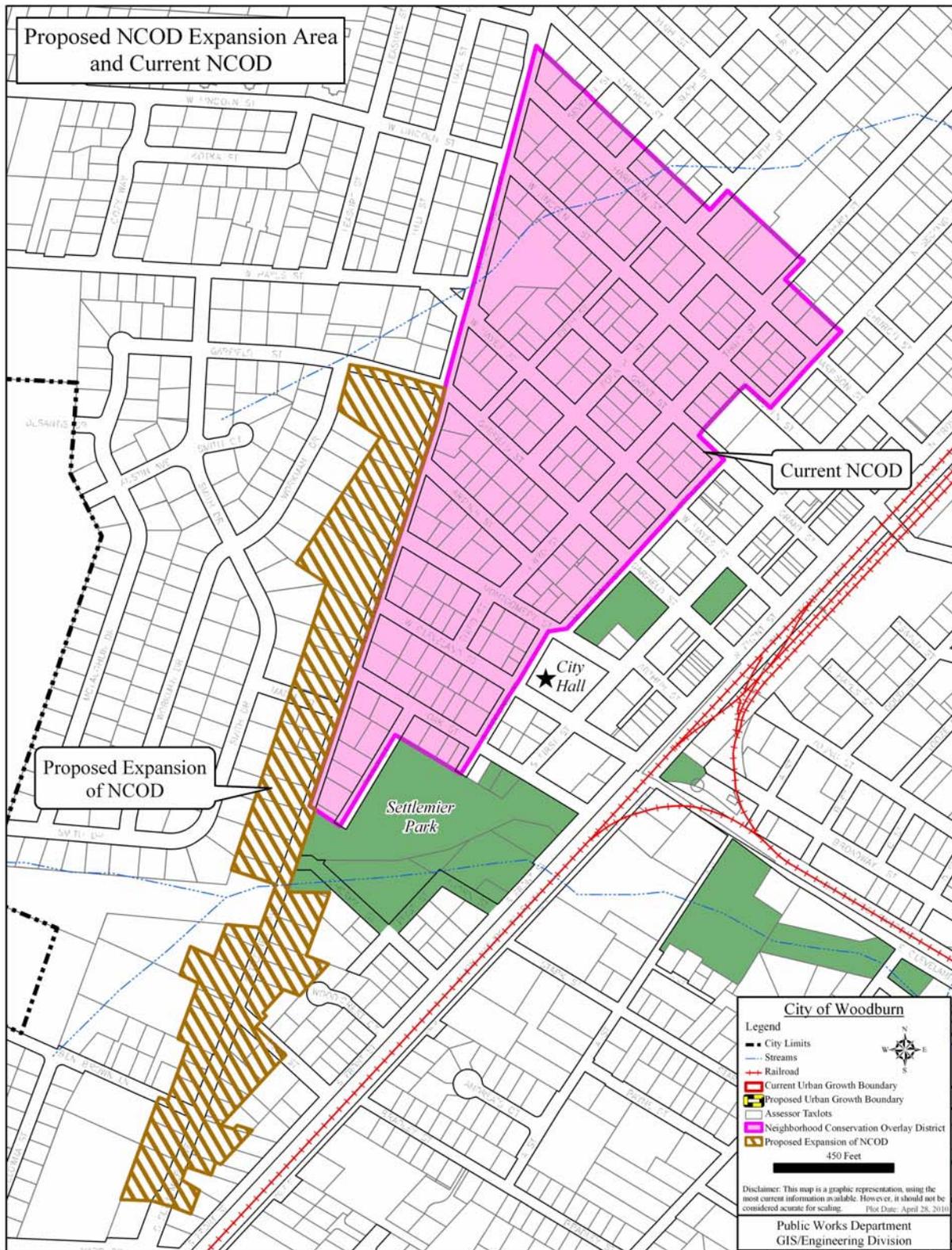
**CITY COUNCIL STAFF REPORT  
PUBLIC HEARING**

<b>Application Type</b>	Type IV Zoning Map Change
<b>Application Numbers</b>	ZC 2010-01
<b>Project Description</b>	The City, acting at the request of the Woodburn Historic Neighborhoods Association, proposes to change the boundaries of the Neighborhood Conservation Overlay District (NCOD) to include certain properties along Settlemier Avenue.
<b>Project Location</b>	Settlemier Avenue between Garfield Street and Parr Road.
<b>Zoning</b>	Residential Single-Family (RS)
<b>Planner Assigned</b>	Don Dolenc, Associate Planner
<b>120-Day Deadline</b>	Not applicable to legislative decisions
<b>Date of Staff Report</b>	August 27, 2010
<b>Date of Public Hearing</b>	September 13, 2010

**BACKGROUND & PROPOSAL**

This proposal expands the boundaries of the Neighborhood Conservation Overlay District (NCOD) to include properties of historic interest along Settlemier Avenue. The property proposed to be included in the NCOD is designated Low Density Residential on the Comprehensive Plan map, and is currently zoned Residential Single Family (RS).

The Planning Commission conducted a public hearing on the matter on July 22, and referred the matter to the City Council with a recommendation of approval.



## **ANALYSIS AND FINDINGS OF FACT**

### ***Woodburn Comprehensive Plan***

Findings: The Comprehensive Plan is a policy document that establishes the overall land use policy of the City. The policies and goals of the Comprehensive Plan are made specific and are implemented through subsidiary plans and ordinances, such as the Woodburn Development Ordinance. The specific provisions of the Development Ordinance must flow from and be consistent with the Comprehensive Plan – which itself must be consistent with statewide planning goals.

Findings: The Woodburn Comprehensive Plan was originally Adopted in 1978. It has been amended 8 times since then, and has been acknowledged by the State of Oregon to be consistent with statewide planning goals.

Findings: The Comprehensive Plan states that the goal of the NCOD is to “preserve, to the greatest extent practical, the architectural integrity of Woodburn’s “older” (1890-1940) neighborhoods.” It also establishes three policies relative to the NCOD:

- Identify residential neighborhoods that contain dwellings built between 1890-1940, which represents that period of time the DDCD was developing.
- Encourage those areas that are determined to be the City’s older neighborhoods (1890-1940) to implement the neighborhood conservation overlay district.
- Seek funding sources to assist homeowners in rehabilitation efforts that implement overlay conservation districts standards.

Findings: Property tax records indicate that 18 of the 43 properties in the proposed expansion area (42%) were developed before 1940. Thirty-one of the properties (72%) were developed at least 50 years ago.

Conclusions: The proposed zone change is consistent with the Comprehensive Plan. The proposed expansion implements the policies articulated for the NCOD.

### ***Woodburn Development Ordinance***

Findings: Zoning map changes initiated by the property owners are Type IV quasi-judicial decisions. Zoning map changes initiated by the City are Type V legislative decisions. The current case was initiated by City Council Resolution No. 1968 – “a resolution initiating a legislative amendment to expand the Neighborhood Conservation Overlay District (NCOD).”

Conclusions: The proposed map change is a Type V legislative decision. The decision-maker is the City Council.

**WDO 2.102 Residential Single Family (RS) District Standards**

Findings: The property proposed to be included in the NCOD is currently zoned Residential Single Family (RS), and is governed by Section 2.102 of the WDO. Section 2.102.07.C.2 provides that single family and duplex dwellings located within the NCOD are subject to the architectural standards or guidelines of Section 3.107.04.

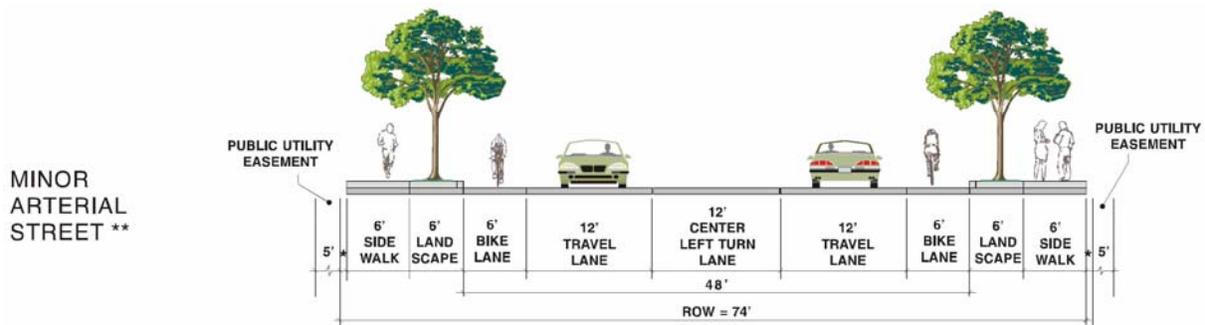
**2.112 Neighborhood Conservation Overlay District (NCOD)**

Findings: Section 2.112 references the architectural standards or guidelines of Section 3.107.04, but imposes no other regulation.

Conclusions: The proposed overlay affects only the architectural standards and guidelines applicable to single family and duplex dwellings. In all other respects, the regulations of the underlying RS zone remain unchanged.

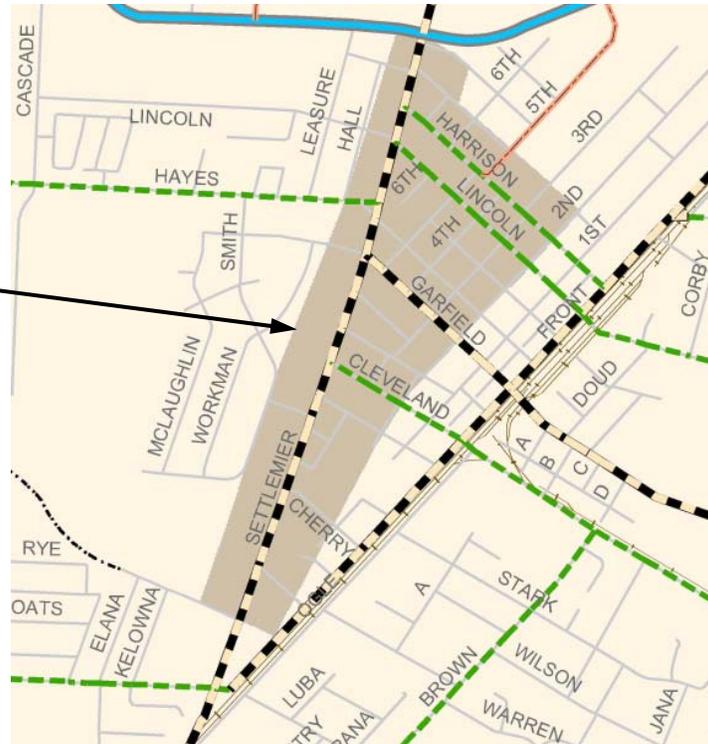
**WDO 3.101 Street Standards**

Findings: Settlemier Avenue is designated a Minor Arterial in the Transportation System Plan. A footnote in Figure 7-2 states that streets designated as Historic Corridors do not require bicycle lanes or center turn lane. Figure 7-1 show the boundaries of the Historic Settlemier Transportation Corridor.



Detail from Figure 7-2 of the Transportation System Plan

Historic  
Settlemier  
Transportation  
Corridor



Detail from Figure 7-1 of the Transportation System Plan

Conclusions: The proposed rezoning extends the NCOD (approximately 200) beyond the southern limits of the Historic Settlemier Transportation Corridor. The proposed rezone does not affect the Transportation System Plan requirements. Future amendments to the Transportation System Plan should be considered extending the Historic Settlemier Transportation Corridor to coincide with the proposed boundaries of the NCOD.

### **3.107.04                      *Design Guidelines and Standards for Single Family and Duplex Dwellings in the Neighborhood Conservation Overlay (NCOD)***

Findings: Section 3.107.04 contains the architectural standards or guidelines for the NCOD. The provisions apply to new single family and duplex dwellings, and single family and duplex dwellings undergoing an exterior remodel. (The text of Section 3.107.04 is attached as Exhibit A.)

Conclusions: The proposed zone change applies the architectural standards or guidelines of the NCOD to all properties included in the rezoning. In all other respects, the regulations of the underlying RS zone remain unchanged.

Note: The Mayor and City Council have appointed a citizens group to recommend changes to the Development Ordinance. The group's recommendations are not final, and must still be presented to the Planning Commission and City Council in public hearings. The City Council is the final decision-maker for revisions to the Development Ordinance. The citizens group's preliminary recommendations include applying the architectural standards to all facades of all primary and accessory buildings in the NCOD.

**WDO 5.104.04      *Zoning Map Change, Owner Initiated***

**Finding:** The current case was initiated by City Council Resolution No. 1968 – “a resolution initiating a legislative amendment to expand the Neighborhood Conservation Overlay District.”

**Conclusions:** The Historic Woodburn Neighborhoods Association formally requested that the City Council initiate a legislative amendment expanding the boundaries of the NCOD. Legislative amendments must be found to be consistent with the Woodburn Comprehensive Plan, which in turn is consistent with the Statewide Planning Goals and Guidelines. The provisions of the WDO (Section 5.104.04) for Owner Initiated Zoning Map are not applicable to this request since it was formally initiated by the City Council.

**OVERALL CONCLUSION**

The proposed rezone is consistent with the Woodburn Comprehensive Plan and the Woodburn Development Ordinance.

**RECOMMENDATION**

If the Council approves the rezone, direct staff to prepare an ordinance amending the zoning map.

**LIST OF ATTACHMENTS**

- A. Resolution 1968
- B. Petition in Support of Extending NCOD Boundaries
- C. Additional Petition in Support of Extending NCOD Boundaries
- D. Proposed NCOD Expansion Petitioners Within the Proposed Expansion Area
- E. WDO 3.107.04 Design Guidelines and Standards for Single Family and Duplex Dwellings in the Neighborhood Conservation Overlay (NCOD)
- F. Minutes of the Planning Commission meeting of July 22, 2010

**COUNCIL BILL NO. 2828**

**RESOLUTION NO. 1968**

**A RESOLUTION INITIATING A LEGISLATIVE AMENDMENT TO EXPAND THE NEIGHBORHOOD CONSERVATION OVERLAY DISTRICT (NCOD) TO INCLUDE ADDITIONAL PROPERTIES FRONTING SETTLEMIER STREET**

**WHEREAS**, the Historic Woodburn Neighborhoods Association has submitted a petition to expand the Neighborhood Conservation Overlay District (NCOD) to include properties on the east side of Settlemier, south of Settlemier Park to approximately Parr Road/Front Street, and north on the west side of Settlemier Street to Garfield Street, including the historic Settlemier House; and

**WHEREAS**, Section 4.101.17 of the Woodburn Development Ordinance provides that the City Council may initiate legislative proposals; and

**WHEREAS**, the Neighborhood Conservation Overlay District (NCOD) was originally established as part of the 1998 Downtown Development Plan, resulting in amendments to the Woodburn Comprehensive Plan and Woodburn Zoning Ordinance; and

**WHEREAS**, the primary intent of the NCOD is to preserve the "architectural integrity of Woodburn's older (1890 – 1940) neighborhoods"; and

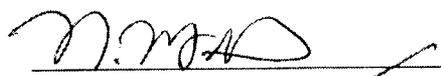
**WHEREAS**, generally, the area west of the Downtown Conservation District (DDC) makes up the City's oldest neighborhood and is included in the NCOD; and

**WHEREAS**, development within the NCOD is required to respect the history and traditions of the Community by meeting specific design standards that are consistent with those typically found in older central neighborhoods; **NOW, THEREFORE**,

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

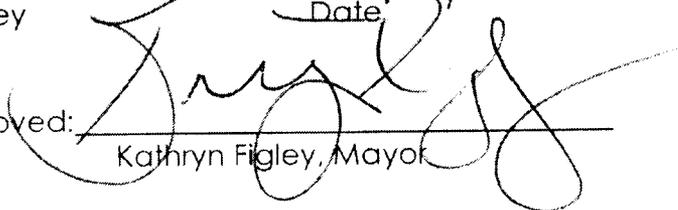
That a legislative amendment to expand the Neighborhood Conservation Overlay District (NCOD) is hereby initiated by the City Council pursuant to Section 4.101.17 of the Woodburn Development Ordinance.

Approved as to form:

  
\_\_\_\_\_  
City Attorney

5/6/2010  
\_\_\_\_\_  
Date

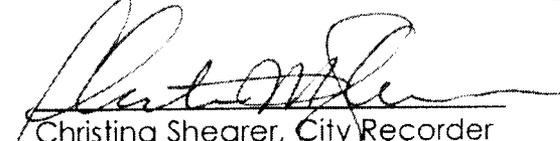
Approved:

  
\_\_\_\_\_  
Kathryn Figley, Mayor

Passed by the Council  
Submitted to the Mayor  
Approved by the Mayor  
Filed in the Office of the Recorder

5/10/10  
5/11/10  
5/12/10  
5/14/10

ATTEST:

  
Christina Shearer, City Recorder  
City of Woodburn, Oregon

**Petition in Support  
of Extending the Boundaries  
of the Woodburn Neighborhood Conservation Overlay District**

To:

**Mayor Kathy Figley  
Councilman Dick Pugh, Ward 1  
Councilman Mel Schmidt, Ward 2  
Councilman Pete McCallum, Ward 3  
Councilman Jim Cox, Ward 4  
Councilman Frank Lonergan, Ward 5  
Councilwoman Kristen Berkey, Ward 7**

**Sponsored by the Historic Woodburn Neighborhoods Association.**

**Background (Preamble):**

**The Woodburn Neighborhood Conservation Overlay District** was established with the adoption of the amended Woodburn Comprehensive Plan in October 2005. The stated goal of the district is to conserve the visual character and heritage of Woodburn's oldest and most central neighborhood and the city has applied certain standards and additional regulations (architectural guidelines) to these properties.

**The Historic Woodburn Neighborhoods Association** was formed in April 2008. The Association's goals are to preserve and protect the integrity and livability of Woodburn's historic neighborhoods, including preservation of architectural integrity of historical houses, preservation of trees and other natural features, and protecting against increasing noise pollution and non-residential traffic.

**The Settlemier House and other historic homes on the west side of Settlemier Avenue** were not included in the Woodburn Neighborhood Conservation Overlay District.

**Settlemier House played a central role** in the provenance of much of Woodburn's Victorian Era homebuilding, is the most easily-identifiable historic building in Woodburn and should be included in the district. Many other homes along Settlemier Avenue were built in the Victorian Era and provide a focus for study and enjoyment of the history of Woodburn. These homes should be included in the Conservation Overlay District.

**Many non-residents of these homes**, and residents of the Conservation Overlay District as it currently exists, are concerned about the preservation of the character of the historic neighborhood, the historic homes and other structures located in Woodburn along Settlemier Avenue.

**Petition:**

The **Historic Woodburn Neighborhoods Association** proposes that the properties that front on the west side of Settlemier Avenue be included in the Woodburn Neighborhood Conservation Overlay District by an expansion of its current boundaries.

The homeowners listed below agree that expansion of the Woodburn Neighborhood Conservation Overlay District to include properties fronting on Settlemier Avenue would be beneficial to both the City of Woodburn and the residents of Woodburn and we urge the Woodburn City Council to take such action as is necessary to expand the historic district, accordingly.

Thank you for your time and especially for your attention to safeguarding Woodburn's historic resources.

Owner Name and Address:	Signature:	Date:
<u>ANTHONY + BERNADETTE KREWSON</u> <u>782 N 3RD ST</u> <u>WOODBURN</u>	<u>[Signature]</u>	<u>7/14/2009</u>
<u>AS ABOVE</u>	<u>[Signature]</u>	<u>7-14-09</u>
<u>FRANK &amp; CHERYL LONERGAN</u> <u>245 N 2ND</u> <u>WOODBURN OR</u>	<u>[Signature]</u> <u>[Signature]</u>	<u>7-14-09</u> <u>7-14-09</u>
<u>Dagmar Kinne</u> <u>586 Grant St</u> <u>Woodburn, OR</u>	<u>[Signature]</u>	<u>07-14-2009</u>

**AFFIDAVIT**

State of Oregon )  
 ) ss.  
County of Marion )

**Subscribed** to and sworn before me, on this 1<sup>st</sup> day of Nov. 2009, by [Signature], personally known to me or proved to me on the basis of satisfactory evidence to be the person who appeared before me:

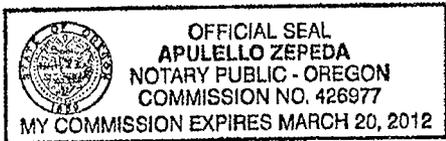
I, [Signature], a resident of the Marion County, State of Oregon, hereby do certify, swear and affirm that I collected the foregoing petition signatures at the addresses set forth herein on this date. The foregoing signatures are true to the best of my knowledge.

**DATED** this 1<sup>st</sup> day of Nov. 2009.

[Signature]  
Signature of Affiant  
Nov - 5cc

**SWORN to** and subscribed to before on this, the 1<sup>st</sup> day of July 2009.

[Signature]  
Notary Public for Oregon  
My Commission Expires: 3-20-2012



Owner Name and Address:

Signature:

Date:

RICHARD LOWRY  
CHERYL ECKERD  
479-5<sup>th</sup> ST  
WOODBURN  
AS ABOVE

*Richard Lowry*

7/14/09

*Cheryl Eckerd*

7/14/09

George Gubbins  
488 West Lincoln  
Woodburn

*G. Gubbins*

7/14/09

Misty Schulz  
682 W Lincoln St.  
Woodburn

*Misty Schulz*

7/14/09

EVERETT HEMSHORN  
112 N. SETTLEMYER AVE,  
WOODBURN 97071

*Everett Hemshorn*

7-14-09

~~Merrille Berlin  
479-5<sup>th</sup> St  
Woodburn, OR 97071~~

~~*Merrille Berlin*~~

~~7-14-09~~

above

SHARON C. CORNWIG  
485 GARFIELD ST.  
WOODBURN, OR 97071

*Sharon C. Cornwig*

8-11-09

AFFIDAVIT

State of Oregon )  
County of Marion ) ss.

Subscribed to and sworn before me, on this 16<sup>th</sup> day of ~~July~~ <sup>Nov</sup> 2009, by ~~Merrille Berlin~~ <sup>Merrille Berlin</sup>, personally known to me or proved to me on the basis of satisfactory evidence to be the person who appeared before me:

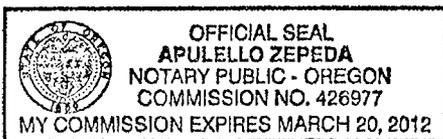
I, MERRILLE BERLIN, a resident of the Marion County, State of Oregon, hereby do certify, swear and affirm that I collected the foregoing petition signatures at the addresses set forth herein on this date. The foregoing signatures are true to the best of my knowledge.

DATED this 16<sup>th</sup> day of ~~July~~ <sup>Nov</sup> 2009.

*Merrille Berlin*  
Signature of Affiant

SWORN to and subscribed to before on this, the 16<sup>th</sup> day of ~~July~~ <sup>Nov</sup> 2009.

*Apulelo Zepeda*  
Notary Public for Oregon  
My Commission Expires: 3-20-2012





# **Petition in Support of Extending the Boundaries of the Woodburn Neighborhood Conservation Overlay District**

To:

**Mayor Kathy Figley**  
**Councilman Dick Pugh, Ward 1**  
**Councilman Mel Schmidt, Ward 2**  
**Councilman Pete McCallum, Ward 3**  
**Councilman Jim Cox, Ward 4**  
**Councilman Frank Lonergan, Ward 5**  
**Councilwoman Kristen Berkey, Ward 7**

**Sponsored by the Historic Woodburn Neighborhoods Association**

## **Background (Preamble):**

**The Woodburn Neighborhood Conservation Overlay District** was established with the adoption of the amended Woodburn Comprehensive Plan in October 2005. The stated goal of the district is to conserve the visual character and heritage of Woodburn's oldest and most central neighborhood and the city has applied certain standards and additional regulations (architectural guidelines) to these properties.

**The Historic Woodburn Neighborhoods Association** was formed in April 2008. The Association's goals are to preserve and protect the integrity and livability of Woodburn's historic neighborhoods, including preservation of architectural integrity of historical houses, preservation of trees and other natural features, and protecting against increasing noise pollution and non-residential traffic.

**The Settlemier House and other historic homes on the west side of Settlemier Avenue** were not included in the Woodburn Neighborhood Conservation Overlay District.

**Settlemier House played a central role** in the provenance of much of Woodburn's Victorian Era homebuilding, is the most easily-identifiable historic building in Woodburn and should be included in the district. Many other homes along Settlemier Avenue were built in the Victorian Era and provide a focus for study and enjoyment of the history of Woodburn. These homes should be included in the Conservation Overlay District.

**Many non-residents of these homes**, and residents of the Conservation Overlay District as it currently exists, are concerned about the preservation of the character of the historic neighborhood, the historic homes and other structures located in Woodburn along N. Settlemier Avenue and S. Settlemier Avenue between Church Street and Cherry Street.

**Petition:**

The **Historic Woodburn Neighborhoods Association** proposes that the properties that front on the west side of Settlemier Avenue be included in the Woodburn Neighborhood Conservation Overlay District by an expansion of its current boundaries.

The homeowners listed below agree that expansion of the Woodburn Neighborhood Conservation Overlay District to include properties fronting on Settlemier Avenue between Church Street and Cherry Street would be beneficial to both the City of Woodburn and the residents of Woodburn and we urge the Woodburn City Council to take such action as is necessary to expand the historic district, accordingly.

Each homeowner acknowledges that he or she received a copy of Woodburn City Ordinances 2.112, 3.107.04, 5.101, 5.102.02, and 5.103.02 (See attached Ex. A).

As homeowners, we also understand that inclusion in this conservation overlay district will impose certain additional regulations (architectural guidelines) that may require any future additions, remodels or new construction to conform to the original architecture of the property or the neighborhood in order to protect the architectural integrity of the historical neighborhood as a whole.

Thank you for your time and especially for your attention to safe-guarding Woodburn's historic resources.

Owner Name and Address:	Signature:	Date:
French Prairie Historical Society Settlemier House 355 N. Settlemier Ave. Woodburn, OR 97071	By: <u>DANIEL J. DINGES</u>	_____
Daniel Multop - Colleen Multop 333 N. Settlemier Ave. Woodburn, OR 97071	<u>Colleen Multop</u>	<u>6/27/09</u> <u>6-27-09</u>
Rufino and Aurora Ocampo 267 N. Settlemier Ave. Woodburn, OR 97071	<u>Rufino Ocampo</u>	<u>7-23-09</u>
Daniel and Peggy Dinges 209 N. Settlemier Ave. and 199 N. Settlemier Ave. Woodburn, OR 97071	199 - <u>Peggy M Dinges</u> 209 - <u>Peggy M Dinges</u> <u>DANIEL J. DINGES</u>	<u>6-27-09</u> <u>6-27-09</u>

**AFFIDAVIT**

State of Oregon            )  
  ) ss.  
County of Marion        )

**Subscribed** to and sworn before me, on this 7<sup>th</sup> day of June, 2009, by Sue C. Corney, personally known to me or proved to me on the basis of satisfactory evidence to be the person who appeared before me:

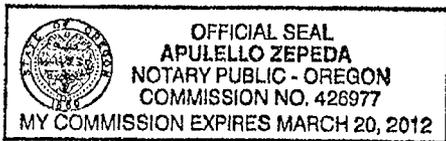
I, Sue C. Corney, a resident of the Marion County, State of Oregon, hereby do certify, swear and affirm that I collected the foregoing petition signatures at the addresses set forth herein on this date. The foregoing signatures are true to the best of my knowledge.

**DATED** this 7<sup>th</sup> day of June, 2009.

Sue C. Corney  
Signature of Affiant

**SWORN to** and subscribed to before on this, the 7<sup>th</sup> day of June, 2009.

Apulello Zepeda  
Notary Public for Oregon  
My Commission Expires: 3-20-2012



Owner Name and Address:

Signature:

Date:

Durrell Crays and Merrilie Berlin  
167 N. Settlemier Ave.  
Woodburn, OR 97071

*Merrilie Berlin*

6-27-09

Nancy Bowman  
111 N. Settlemier Ave.  
Woodburn, OR 97071

*Nancy Bowman*

7/11/09

William and Lorna Galinnis  
139 S. Settlemier Ave.  
Woodburn, OR 97071

*Lorna Galinnis*

6-27-09

Arraam and Dunya Postnikov  
185 S. Settlemier Ave.  
Woodburn, OR 97071

*Dunya Postnikov*

6-27-09

Ken and Cynthia Christensen  
205 S. Settlemier Ave.  
Woodburn, OR 97071

*Cynthia Christensen*

6/27/09

Melinda Holly + NEVIN  
235 S. Settlemier Ave.  
Woodburn, OR 97071

*Melinda Holly*

6-27-09

Sergei and Nida Frenkel  
297 S. Settlemier Ave.  
Woodburn, OR 97071

*Nida Frenkel*

6/27/09

TERENCE + PARICIA LEIDER  
337 S. Settlemier Ave.  
Woodburn, OR 97071

*Paricia Leider*

6-27-09

Martin Warren and Barbara Johnson  
365 S. Settlemier Ave.  
Woodburn, OR 97071

*Martin Warren*

6-27-09

AFFIDAVIT

State of Oregon )  
County of Marion ) ss.

Subscribed to and sworn before me, on this 7<sup>th</sup> day of June, 2009, by Sue C. Corning, personally known to me or proved to me on the basis of satisfactory evidence to be the person who appeared before me:

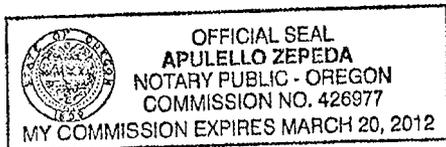
I, Sue C. Corning, a resident of the Marion County, State of Oregon, hereby do certify, swear and affirm that I collected the foregoing petition signatures at the addresses set forth herein on this date. The foregoing signatures are true to the best of my knowledge.

DATED this 7<sup>th</sup> day of June, 2009.

Sue C. Corning  
Signature of Affiant

SWORN to and subscribed to before on this, the 7<sup>th</sup> day of June, 2009.

Apulelo Zepeda  
Notary Public for Oregon



My Commission Expires: 3-20-2012



Owner Name and Address:

Signature:

Date:

Gary and Linda Ruggles  
595 S. Settlemier Ave.  
Woodburn, OR 97071

*[Handwritten signature of Gary and Linda Ruggles]*

7-10-09

Gerald and Carthia Henderson  
597 S. Settlemier Ave.  
Woodburn, OR 97071

\_\_\_\_\_

\_\_\_\_\_

Fedelina Carrillo  
599 S. Settlemier Ave.  
Woodburn, OR 97071

*[Handwritten signature of Fedelina Carrillo]*

7-10-9

Dallas and Kathryn Figley  
601 S. Settlemier Ave.  
Woodburn, OR 97071

*[Handwritten signature of Dallas and Kathryn Figley]*

7-8-09

7-8-09

Mary Shubin  
657 S. Settlemier Ave.  
Woodburn, OR 97071

*[Handwritten signature of Mary Shubin]*

6-27-09

Filomeno Brito and Rufino Ocampo  
665 S. Settlemier Ave.  
Woodburn, OR 97071

*[Handwritten signature of Filomeno Brito and Rufino Ocampo]*

7/23/09

Dolli Brown  
683 S. Settlemier Ave.  
Woodburn, OR 97071

\_\_\_\_\_

\_\_\_\_\_

**AFFIDAVIT**

State of Oregon        )  
                                  ) ss.  
County of Marion     )

**Subscribed** to and sworn before me, on this 7<sup>th</sup> day of Nov, 2009, by S. C. Corning, personally known to me or proved to me on the basis of satisfactory evidence to be the person who appeared before me:

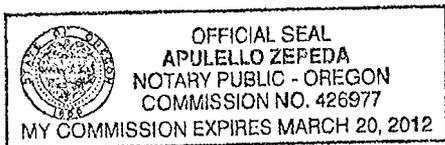
I, S. C. Corning, a resident of the Marion County, State of Oregon, hereby do certify, swear and affirm that I collected the foregoing petition signatures at the addresses set forth herein on this date. The foregoing signatures are true to the best of my knowledge.

**DATED** this 7<sup>th</sup> day of Nov, 2009.

S. C. Corning  
Signature of Affiant

**SWORN** to and subscribed to before on this, the 7<sup>th</sup> day of Nov, 2009.

Apulello Zepeda  
Notary Public for Oregon  
My Commission Expires: 3-20-2012



Owner Name and Address:

SHELLY RIVENES  
MICHAEL RIVENES

705 S. Settlemer Ave.  
Woodburn, OR 97071

Chris Chapman

705 S. Settlemer Ave.  
Woodburn, OR 97071

791 S. Settlemer Ave.  
Woodburn, OR 97071

Signature:

Michelle Rivenes

Chris Chapman

[Signature]

Date:

6/27/09

06/27/2009

07-11/09

AFFIDAVIT

State of Oregon )  
County of Marion ) ss.

Subscribed to and sworn before me, on this 7<sup>th</sup> day of June, 2009, by Sue C. Conroy, personally known to me or proved to me on the basis of satisfactory evidence to be the person who appeared before me:

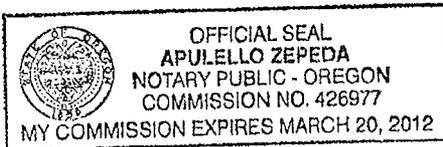
I, Sue C. Conroy, a resident of the Marion County, State of Oregon, hereby do certify, swear and affirm that I collected the foregoing petition signatures at the addresses set forth herein on this date. The foregoing signatures are true to the best of my knowledge.

DATED this 7<sup>th</sup> day of June, 2009.

Sue C. Conroy  
Signature of Affiant

SWORN to and subscribed to before on this, the 7<sup>th</sup> day of June, 2009.

Apulelio Zepeda  
Notary Public for Oregon  
My Commission Expires: 3-20-2012



# **Petition in Support of Extending the Boundaries of the Woodburn Neighborhood Conservation Overlay District**

To:

**Mayor Kathy Figley**  
**Councilman Dick Pugh, Ward 1**  
**Councilman Mel Schmidt, Ward 2**  
**Councilman Pete McCallum, Ward 3**  
**Councilman Jim Cox, Ward 4**  
**Councilman Frank Lonergan, Ward 5**  
**Councilwoman Kristen Berkey, Ward 7**

**Sponsored by the Historic Woodburn Neighborhoods Association**

## **Background (Preamble):**

**The Woodburn Neighborhood Conservation Overlay District** was established with the adoption of the amended Woodburn Comprehensive Plan in October 2005. The stated goal of the district is to conserve the visual character and heritage of Woodburn's oldest and most central neighborhood and the city has applied certain standards and additional regulations (architectural guidelines) to these properties.

**The Historic Woodburn Neighborhoods Association** was formed in April 2008. The Association's goals are to preserve and protect the integrity and livability of Woodburn's historic neighborhoods, including preservation of architectural integrity of historical houses, preservation of trees and other natural features, and protecting against increasing noise pollution and non-residential traffic.

**The Settlemier House and other historic homes on the west side of Settlemier Avenue** were not included in the Woodburn Neighborhood Conservation Overlay District.

**Settlemier House played a central role** in the provenance of much of Woodburn's Victorian Era homebuilding, is the most easily-identifiable historic building in Woodburn and should be included in the district. Many other homes along Settlemier Avenue were built in the Victorian Era and provide a focus for study and enjoyment of the history of Woodburn. These homes should be included in the Conservation Overlay District.

**Many non-residents of these homes**, and residents of the Conservation Overlay District as it currently exists, are concerned about the preservation of the character of the historic neighborhood, the historic homes and other structures located in Woodburn along Settlemier Avenue.

**Petition:**

The **Historic Woodburn Neighborhoods Association** proposes that the properties that front on the west side of Settlemier Avenue be included in the Woodburn Neighborhood Conservation Overlay District by an expansion of its current boundaries.

The homeowners listed below agree that expansion of the Woodburn Neighborhood Conservation Overlay District to include properties fronting on Settlemier Avenue would be beneficial to both the City of Woodburn and the residents of Woodburn and we urge the Woodburn City Council to take such action as is necessary to expand the historic district, accordingly.

Thank you for your time and especially for your attention to safeguarding Woodburn's historic resources.

Owner Name and Address:	Signature:	Date:
<u>C J ARLMAN</u> <u>512 S Settlemier Ave</u> <u>WOODBURN 97071</u>	<u><i>Constance J. Arlman</i></u>	<u>9/12/09</u>
<u>650 S. Settlemier Ave</u> <u>WOODBURN OR. 97071</u> <u>HENRY + Kathy Von Gerichten</u>	<u><i>Kathy Von Gerichten</i></u>	<u>9/12/09</u>
<u>550 S. Settlemier</u> <u>WOODBURN OR. 97071</u> <u>HENRY VON GERICHTEN</u>	<u><i>Henry Von Gerichten</i></u>	<u>9/12/09</u>
<u>502 S. SETTLEMIER AVE</u> <u>WOODBURN OR 97071</u>	<u><i>Joan Upborn</i></u>	<u>9/12/09</u>

**AFFIDAVIT**

State of Oregon            )  
  ) ss.  
County of Marion        )

**Subscribed** to and sworn before me, on this 1<sup>st</sup> day of Nov 2009, by Shawn Comins personally known to me or proved to me based on satisfactory evidence to be the person who appeared before me:

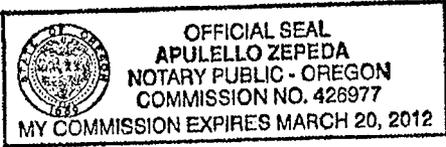
I, Shawn Comins, a resident of the Marion County, State of Oregon, hereby do certify, swear and affirm that I collected the foregoing petition signatures at the addresses set forth herein on this date. The foregoing signatures are true to the best of my knowledge.

DATED this 1<sup>st</sup> day of Nov 2009.

*Shawn Comins*  
Signature of Affiant

**SWORN to** and subscribed to before on this, the 7<sup>th</sup> day of Nov 2009.

*Apulello Zepeda*  
Notary Public for Oregon  
My Commission Expires: 3-20-2012



Owner Name and Address:

Signature:

Date:

702 S. Settlement  
Woodburn OR  
97071 Jana Kemmich 9-12-09

702 S Settlement Daniel M Kennard 9-12-09

790 S Settlement Claudia Valle 9-12-09

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**AFFIDAVIT**

State of Oregon )  
                          ) ss.  
County of Marion )

**Subscribed** to and sworn before me, on this 7<sup>th</sup> day of Nov, 2009, by Shane C. Coring, personally known to me or proved to me based on satisfactory evidence to be the person who appeared before me:

I, Shane C. Coring, a resident of the Marion County, State of Oregon, hereby do certify, swear and affirm that I collected the foregoing petition signatures at the addresses set forth herein on this date. The foregoing signatures are true to the best of my knowledge.

**DATED** this 7<sup>th</sup> day of Nov, 2009.

Shane C. Coring  
Signature of Affiant

**SWORN to** and subscribed to before on this, the 7<sup>th</sup> day of Nov, 2009.

Apulella  
Notary Public for Oregon  
My Commission Expires: 3-20-2012





*Historic Woodburn Neighborhoods Association*

March 24, 2010

Jim Hendryx  
Director, Economic and Development Services  
City of Woodburn  
270 Montgomery Street  
Woodburn, Oregon 97071

Re: Additional Petition in Support of Extending the Boundaries of the Woodburn Neighborhood Conservation Overlay District

Dear Jim:

Following our discussion in January, about the area intended to be included in the Petition in Support of Extending the Boundaries of the Woodburn Neighborhood Conservation Overlay District, we drew up a map describing the area the HWNA proposes be included in the NCOD. We also circulated the petition again and were able to contact several homeowners who agree with expanding the NCOD.

We enclose the following:

- (1) Three copies of the Official Zoning Map of the City of Woodburn, adopted Oct. 31, 2005, showing the current area of the NCOD and the proposed expansion of the district.
- (2) The third original Petition and notarized Affidavits signed by five Woodburn homeowners who support expansion of the current boundaries of the Woodburn Neighborhood Conservation Overlay District to include all properties fronting on Settlemier between Church Street and Cherry Street.
- (3) A copy of the general Notice of Public Hearing that we used to explain the process to the homeowners we talked to, and
- (4) A copy of the Woodburn ordinances governing the NCOD given to each person who signed the Petition.

Please present this Petition along with the others to the City for its consideration. If we can be of further help, or there are questions, please do not hesitate to contact me.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Durrell Crave', is written over the typed name. The signature is somewhat stylized and overlaps the text.

Durrell Crave, Chairman

Historic Woodburn Neighborhoods Association

503-981-0011

[riter@wbcable.net](mailto:riter@wbcable.net)

cc: Frank Lonergan  
City Councilman, Ward 5  
Woodburn City Hall

**Petition in Support  
of Extending the Boundaries  
of the Woodburn Neighborhood Conservation Overlay District**

To:

Mayor Kathy Figley  
Councilman Dick Pugh, Ward 1  
Councilman Mel Schmidt, Ward 2  
Councilman Pete McCallum, Ward 3  
Councilman Jim Cox, Ward 4  
Councilman Frank Lonergan, Ward 5  
Councilman Eric Morris, Ward 7

Sponsored by the Historic Woodburn Neighborhoods Association

**Background (Preamble):**

**The Woodburn Neighborhood Conservation Overlay District** was established with the adoption of the amended Woodburn Comprehensive Plan in October 2005. The stated goal of the district is to conserve the visual character and heritage of Woodburn's oldest and most central neighborhood and the city has applied certain standards and additional regulations (architectural guidelines) to these properties.

**The Historic Woodburn Neighborhoods Association** was formed in April 2008. The Association's goals are to preserve and protect the integrity and livability of Woodburn's historic neighborhoods, including preservation of architectural integrity of historical houses, preservation of trees and other natural features, and protecting against increasing noise pollution and non-residential traffic.

**The Settlemier House and other historic homes on Settlemier Avenue** were not included in the Woodburn Neighborhood Conservation Overlay District.

**Settlemier House played a central role** in the provenance of much of Woodburn's Victorian era homebuilding, is the most easily identifiable historic building in Woodburn and should be included in the district. Many other homes along Settlemier Avenue were built in the Victorian era and provide a focus for study and enjoyment of the history of Woodburn. These homes should be included in the Conservation Overlay District.

**Many residents** are concerned about the preservation of the character of the historic neighborhood, the historic homes and other structures located in Woodburn along Settlemier Avenue.

**Petition:**

The Historic Woodburn Neighborhoods Association proposes that properties fronting on Settlemier Avenue from Garfield Street to Parr Road be included in the Woodburn Neighborhood Conservation Overlay District by an expansion of its current boundaries.

The homeowners signed below agree that expansion of the Woodburn Neighborhood Conservation Overlay District to include all properties fronting on Settlemier Avenue from Garfield Street to Parr Road would be beneficial to both the City of Woodburn and the residents of Woodburn. We ask the Woodburn City Council to take such action as is necessary to expand the overlay district, accordingly.

Each homeowner acknowledges that he or she received a copy of Woodburn City Ordinances 2.112, 3.107.04, 5.101, 5.102.02, and 5.103.02 (See attached Ex. A).

As homeowners, we also understand that inclusion in this conservation overlay district will impose certain additional regulations (architectural guidelines) that may require any future additions, remodels or new construction to conform to the original architecture of the property or the neighborhood in order to protect the architectural integrity of the historical neighborhood as a whole.

Thank you for your time and especially for your attention to safeguarding Woodburn's historic resources.

Owner Name and Address:	Signature:	Date:
Nancy L. Bowman Trust 111 N. Settlemier Ave. Woodburn, OR 97071 C/o Nancy L. Bowman, Trustee 26898 SW McLeod St. Wilsonville, OR 97070	_____	_____
Adolfo Garcia-Ortega & Hortencia Cornejo-Garcia 397 S. Settlemier Ave. Woodburn, OR 97071	<u>Hortencia CT</u> <u>[Signature]</u>	<u>01/23/10</u>
Matthew & Kathleen Raines 415 S. Settlemier Ave. Woodburn, OR 97071	_____	_____

AFFIDAVIT

State of Oregon )  
 ) ss.  
County of Marion )

Subscribed to and sworn before me, on this 24th day of March, 2010, by SHARON C. CORNEJO, personally known to me or proved to me based on satisfactory evidence to be the person who appeared before me:

I, Sharon C. Cornejo, a resident of the Marion County, State of Oregon, hereby do certify, swear and affirm that I collected the foregoing petition signatures at the addresses set forth herein on this date. The foregoing signatures are true to the best of my knowledge.

DATED this 24th day of March, 2010.

[Signature]  
Signature of Affiant

SWORN to and subscribed to before on this, the 24th day of March, 2010.

[Signature]  
Notary Public for Oregon  
My Commission Expires: 10-12-2013



Owner Name and Address:

Signature:

Date:

Brent & Jennifer Goodrick  
503 S. Settlemier Ave.  
Woodburn, OR 97071

\_\_\_\_\_

\_\_\_\_\_

Aaron D. Cranford  
572 S. Settlemier Ave.  
Woodburn, OR 97071

\_\_\_\_\_

\_\_\_\_\_

Stephen & Sheree Doman  
598 S. Settlemier Ave.  
Woodburn, OR 97071  
C/o 5684 Schneider Road  
Woodburn, OR 97071

\_\_\_\_\_

\_\_\_\_\_

Nickolay & Lyudmila Glavnik  
620 S. Settlemier Ave.  
Woodburn, OR 97071  
c/o 656 Ironwood Terrace  
Woodburn, OR 97071

\_\_\_\_\_

\_\_\_\_\_

Pablo Bautista  
640 S. Settlemier Ave.  
Woodburn, OR 97071



01/23/2010

Thomas & Katherine Wadsworth  
668 S. Settlemier Ave.  
Woodburn, OR 97071

\_\_\_\_\_

\_\_\_\_\_

Thomas & Katherine Wadsworth  
682 S. Settlemier Ave.  
Woodburn, OR 97071

\_\_\_\_\_

\_\_\_\_\_

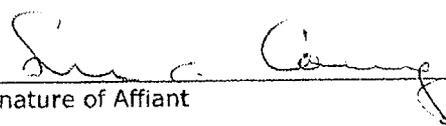
AFFIDAVIT

State of Oregon        )  
                                  ) ss.  
County of Marion     )

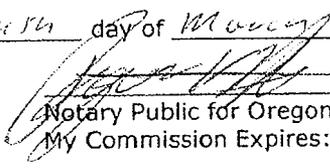
Subscribed to and sworn before me, on this 24th day of March, 2010, by Sharon C. Corning personally known to me or proved to me based on satisfactory evidence to be the person who appeared before me:

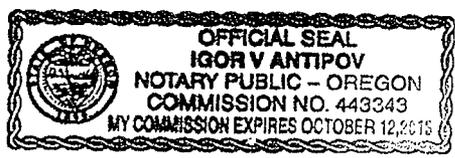
I, Sharon C. Corning, a resident of the Marion County, State of Oregon, hereby do certify, swear and affirm that I collected the foregoing petition signatures at the addresses set forth herein on this date. The foregoing signatures are true to the best of my knowledge.

DATED this 24th day of March, 2010.

  
\_\_\_\_\_  
Signature of Affiant

SWORN to and subscribed to before on this, the 24th day of March, 2010.

  
\_\_\_\_\_  
Notary Public for Oregon  
My Commission Expires: 10-12-2013



Owner Name and Address:

Signature:

Date:

Dolli Brown  
683 S. Settlemier Ave.  
Woodburn, OR 97071

\_\_\_\_\_

\_\_\_\_\_

~~Mary~~ & Linda Kemmerich  
702 S. Settlemier Ave.  
Woodburn, OR 97071

*Linda Kemmerich*

1-24-10

Silvero & Claudia Valle  
790 S. Settlemier Ave.  
Woodburn, OR 97071

\_\_\_\_\_

\_\_\_\_\_

Sergio Figueroa  
791 S. Settlemier Ave.  
Woodburn, OR 97071

*Sergio Figueroa*

1-23-10

Nasaria Grijalva  
820 S. Settlemier Ave.  
Woodburn, OR 97071

*Nasaria Grijalva*

1-23-10

\_\_\_\_\_  
Woodburn, OR 97071

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
Woodburn, OR 97071

\_\_\_\_\_

\_\_\_\_\_

AFFIDAVIT

State of Oregon )  
                          ) ss.  
County of Marion )

Subscribed to and sworn before me, on this 24th day of March, 2010, by SHAWN C. COLEMAN personally known to me or proved to me based on satisfactory evidence to be the person who appeared before me:

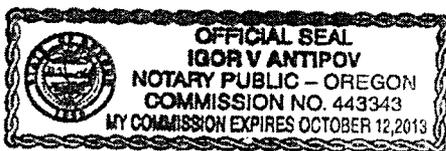
I, Shawn C. Coleman a resident of the Marion County, State of Oregon, hereby do certify, swear and affirm that I collected the foregoing petition signatures at the addresses set forth herein on this date. The foregoing signatures are true to the best of my knowledge.

DATED this 24th day of March, 2010.

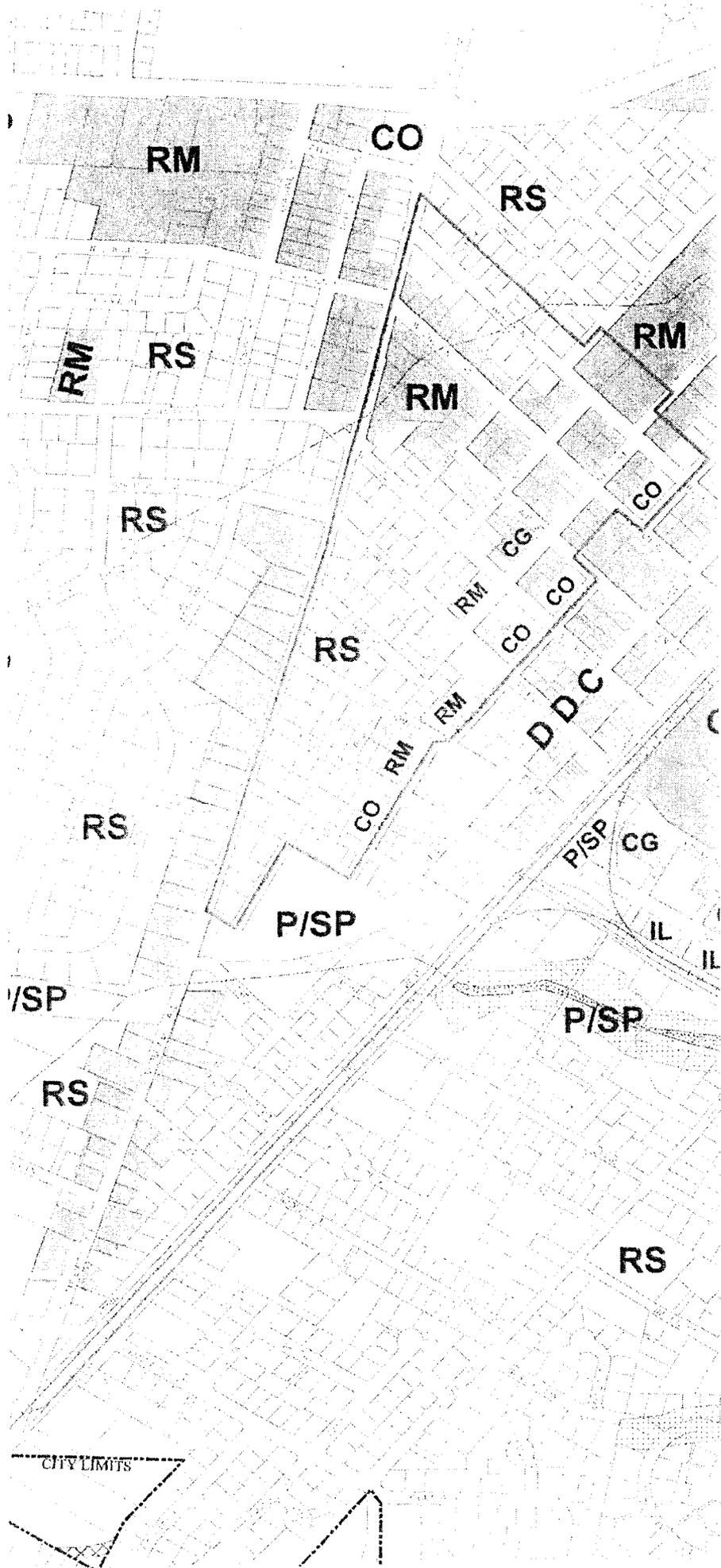
*Shawn C. Coleman*  
\_\_\_\_\_  
Signature of Affiant

SWORN to and subscribed to before on this, the 24th day of March, 2010.

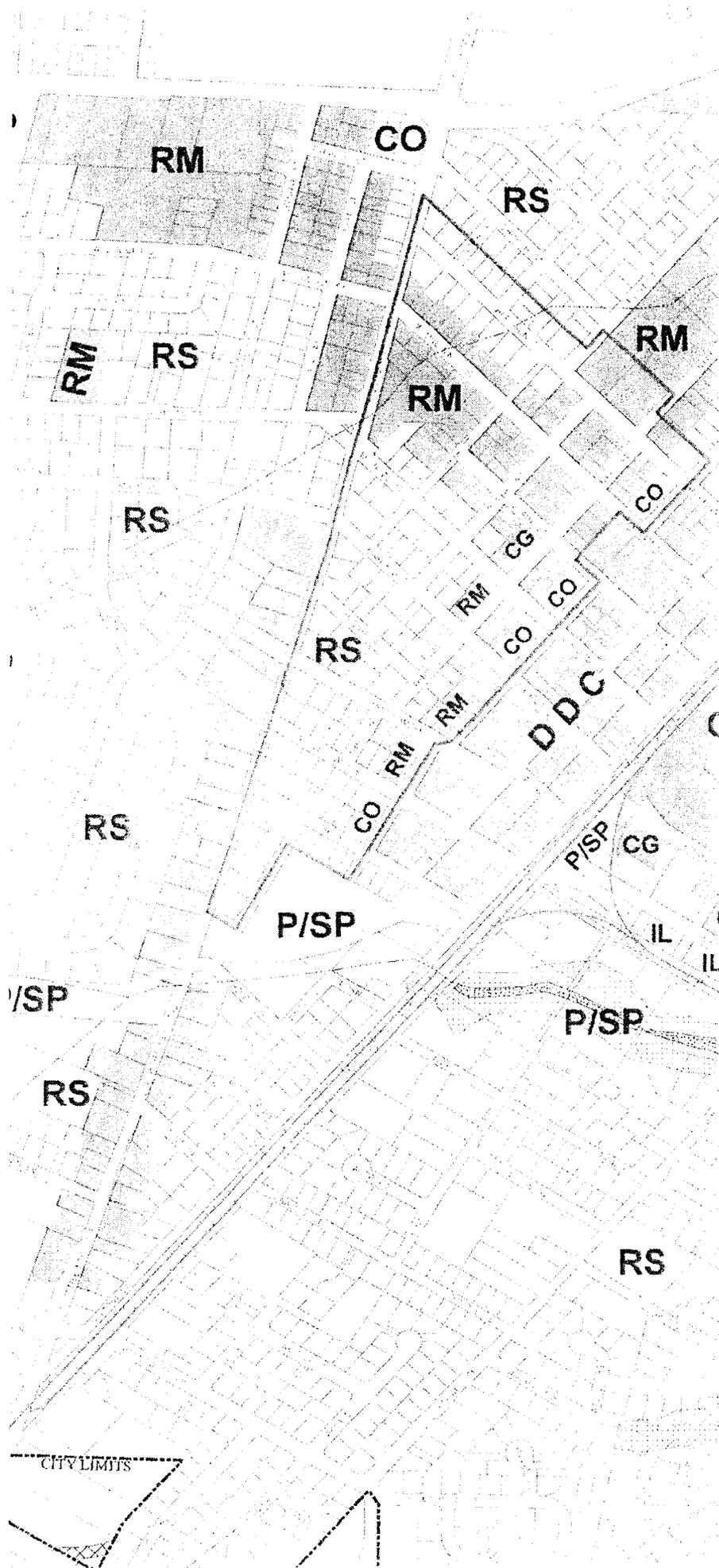
*Igor V. Antipov*  
\_\_\_\_\_  
Notary Public for Oregon  
My Commission Expires: 10-12-2013



PROPOSED EXPANSION  
OF NCD



PROPOSED EXPANSION  
OF UED



# NOTICE OF PUBLIC HEARINGS

Para recibir información en española, póngase en contacto con la División de Planificación al 503-982-5246. Si necesita un traductor, comuníquese con la División de Planificación por lo menos 3 días antes de la audiencia.

**THIS IS TO NOTIFY YOU THAT THE CITY OF WOODBURN PROPOSES PLANS AND LAND USE REGULATIONS THAT MAY AFFECT THE PERMISSIBLE USE OF YOUR PROPERTY AND OTHER PROPERTIES, AND MAY CHANGE THE VALUE OF YOUR PROPERTY.**

On \_\_\_\_\_, at \_\_\_\_\_, the Woodburn Planning Commission will hold a public hearing regarding a proposed expansion of the Neighborhood Conservation Overlay District (NCOD).

On \_\_\_\_\_, at \_\_\_\_\_, the Woodburn City Council will hold a public hearing regarding a proposed expansion of the Neighborhood Conservation Overlay District (NCOD).

The City of Woodburn has determined that adoption of this ordinance may affect the [Type a quote from the document or the summary of an interesting point. You can position the text box anywhere in the document. Use the Text Box Tools tab to change the formatting of the pull quote text box.]

permissible uses of your property, and other properties in the affected zone, and may change the value of your property.

The hearings will be held in the council chambers at City Hall, 270 Montgomery Street, Woodburn, Oregon.

The purpose of these hearings will be to consider public testimony on Legislative Amendment number (\_\_\_\_\_), consisting of proposed amendments to the Woodburn Zoning Map.

Legislative Amendment number (\_\_\_\_\_) is available for inspection at the Woodburn city Hall located at 270 Montgomery Street, and is available for purchase at the cost of copying. The City Council is the final local decision-maker. Applicable review criteria for this case are generally set forth in the Woodburn Comprehensive Plan, the Woodburn Development Ordinance, the Oregon Statewide Planning Goals, and the Oregon Revised Statutes.

Any person wishing to speak either for or against this proposal may do so in person or by an attorney at either or both of the public hearings.

Written comments either for or against this proposal may be filed with the Director of Economic and Development Services prior to the public hearing or submitted into the record at the time of either or both of the public hearings.

ADA access may be accommodated, upon receipt of a timely request. Please contact the Economic and Development Services Department at least 48 hours prior to the relevant public hearing.

For additional information concerning Legislative Amendment number (\_\_\_\_\_), you may call the Woodburn Economic and Development Services Department at (513) 982-5246.

This notice is provided to comply with Ballot Measure 56, approved by Oregon voters in November 1998.



**3.107.04**      **Design Guidelines and Standards for Single Family and Duplex Dwellings in the Neighborhood Conservation Overlay (NCOD)**

A.      Applicability.

1.      New Dwellings. For any new single family and duplex dwelling within the Neighborhood Conservation Overlay (NCOD), that the portion of the exterior surface facing a public street shall be subject to architectural review.
  - a.      At the time of application, the applicant shall choose whether the review shall be conducted as a Type I review following the procedures of *Section 5.101.01* or as a Type II or III review following the procedures of *Section 5.102.02* or *5.103.02*, depending on floor area.
  - b.      For a Type I review, the criteria of *Section 3.107.04.B* shall be read as “*shall*” and shall be applied as standards.
  - c.      For a Type II or III review, the criteria *Section 3.107.04.B* shall be read as “*should*” and shall be applied as guidelines.
2.      Exterior Remodel of an Existing Single Family or Duplex Dwelling. The exterior remodel of the facade or roof of an existing single family or duplex that faces a street within the NCOD shall be subject to a Type II architectural review following the procedures of *Section 5.102.02*.

The criteria of *Section 3.107.04.B* shall be read as “*should*” and shall be applied as guidelines.

B.      Design Guidelines and Standards.

1.      The proposed construction *should/shall* provide architectural details, such as dormers, bays, bracketing, cornices and trim, to add aesthetic visual interest and detail.
2.      The design *should/shall* minimize the negative visual impact of on-site automobile parking within the district by orienting garage openings so that they do not front directly onto a public street. An attached garage opening should either be located a minimum of ten (10) feet back of the building facade or the garage should be detached.
3.      New structures and additions to existing ones *should/shall* be no higher than 35 feet.

---

**Note:**

Read as “**should**”, the criteria reflect “guidelines” applicable to an application submitted for review by a Type II or III procedure.  
Read as “**shall**”, the criteria reflect “standards” applicable to an application submitted for review by a Type I procedure.

---

4. Long, flat facades on buildings *should/shall* be avoided. Buildings *should/shall* not be more than 50 feet wide.
5. The character of single family and duplex roofs shall be maintained. The roof pitch *should/shall* range between 6/12 and 12/12.
6. The main entrance of a dwelling *should/shall* face the street and be covered with a roof.
7. Windows in the building *should/shall* be wood sash with trim that is at least 5-1/2 inches wide. No pane of glass *should/shall* be any larger than 30 inches wide by 84 inches high. Glass *should/shall* be clear or stained.
8. Horizontal wood siding, brick or stucco *should/shall* be used for exterior finishes. For building additions the exterior finish *should/shall* be of the same style and character as the existing building.
9. Buffer Wall. A solid brick or architectural wall with anti-graffiti surface, no less than 6 feet or greater than 7 feet in height, *should/shall* be constructed on the perimeter property line of the development where the abutting use is commercial or industrial and no comparable buffer exists.

---

**Note:**

Read as "should", the criteria reflect "guidelines" applicable to an application submitted for review by a Type II or III procedure.  
Read as "shall", the criteria reflect "standards" applicable to an application submitted for review by a Type I procedure.

---

**WOODBURN PLANNING COMMISSION MEETING MINUTES**  
**July 22, 2010**

**CONVENED:** The Planning Commission met in a regular session, followed by a workshop, at 7:00 p.m. in the City Hall Council Chambers with Chairperson Bandelow presiding.

**ROLL CALL:**

<b>Chairperson</b>	<b>Bandelow</b>	<b>Present</b>
<b>Commissioner</b>	<b>Gregorieff</b>	<b>Present</b>
<b>Commissioner</b>	<b>Hutchison</b>	<b>Present – Arrived 7:10pm</b>
<b>Vice-Chairperson</b>	<b>Jennings</b>	<b>Present</b>
<b>Commissioner</b>	<b>Kenagy</b>	<b>Present</b>
<b>Commissioner</b>	<b>Piper</b>	<b>Present</b>

Staff Present            Jim Hendryx, Director of Economic and Development Services  
                                  Don Dolenc, Associate Planner  
                                  Jon Stewart, Assistant City Attorney

**Minutes**

- A. Woodburn Planning Commission Meeting Minutes of June 24, 2010

Commissioner Jennings moved to accept the minutes as written, and Commissioner Kenagy seconded the motion, the motion carried unanimously.

**Business From The Audience**

There was none.

**Communication**

There was none.

**Public Hearing**

- A. Zone Change ZC 2010-01, expanding the Neighborhood Conservation Overlay District (NCOD). Chairperson Bandelow outlined the hearing procedure for consideration of a Type IV Legislative Amendment.

Associate Planner Don Dolenc provided a staff report outlining the request to expand the Neighborhood Conservation District west and south of the current boundary. Commissioners asked clarifying questions on the underlying intent of the NCOD, the housing age within the expansion area, and the design standards for the NCOD. There was general discussion among the Commission about the NCOD and its goals.

Chairperson Bandelow asked for public comments.

Durrell Crays, 167 N Settlemier, Woodburn, Oregon, who represents the Historic Woodburn Neighborhoods Association, presented testimony in support of the proposed expansion to the NCOD, describing the Association's efforts to gather petitions from all property owners impacted by the proposal. Crays answered the Commissioners' questions about the age of homes within the expansion area and also explained the benefits of protecting the architectural integrity of the neighborhood and expansion area.

Mary Berlin, 167 N Settlemier, Woodburn, Oregon, a member of the Historic Woodburn Neighborhoods Association, spoke to the Commission about the effort that went into gathering petitions of support for the expansion of the NCOD. Berlin answered the Commissioners' questions about specific properties and whether the petitioners understood the requirements of the NCOD. Berlin assured the Commission that petitioners were provided with the opportunity to review NCOD standards.

Chairperson Bandelow closed the public hearing. Commissioners discussed the merits of the request to expand the NCOD. They also talked about including newer homes (constructed in the 60's & 70's) within the district. Commissioner Jennings moved to recommend that the City Council approve ZC 2010-01, and Commissioner Kenagy seconded the motion. The motion passed 5 to 1 with Commissioner Hutchison voting in opposition to the motion.

#### Oregon Department of Transportation – Transportation Enhancement Grant

Economic and Development Services Director Jim Hendryx provided information about an Oregon Department of Transportation grant application the City is making for an esplanade between Cleveland and Lincoln streets, on the east side of the rail road tracks. Hendryx asked for Planning Commission support of the grant application. The Commissioners discussed the merits of the application and asked to have the fencing/wall design return for their input. Commissioners Piper and Jennings moved to support the ODOT grant application, and the motion passed with Commissioner Kenagy voting in opposition. The Chair was authorized to sign a letter in support of the grant application.

Chairperson Bandelow announced that the Commission would go into a workshop to discuss the proposed sign standard revisions and invited people in the audience to stay through the workshop.

Hendryx presented a brief overview of the sign review process leading up to the Commission's present workshop, outlining all the changes recommended by the Commission. There was considerable discussion about freeway-oriented signs, as well as signage for the Woodburn Company Stores. The Commission recommended that the proposed standards be amended to allow sites with street frontages in excess of 1200 feet to have pole signs up to 850 square feet in size. The Commission also asked staff to evaluate temporary signage requirements, recognizing that commercial real estate signs typically exceed the size and time limits proposed in the draft text. Staff will return with revised text. Commissioner Jennings stated that the Commission should proceed to public hearings on the proposed amendments, and that the written sign text represents their recommendations throughout the workshop meetings held to date. There was consensus to proceed to public hearings.

Adjournment

Chairperson Bandelow asked for a motion to adjourn the meeting. Commissioner Jennings moved to adjourn and Kenagy seconded the motion, and the meeting was adjourned at 8:40pm.

APPROVED

  
Ellen Bandelow, CHAIRPERSON

08/10/10  
Date

ATTEST

  
James N.P. Hendryx  
Economic & Development Services Director  
City of Woodburn, Oregon

08/06/10  
Date



# Agenda Item

September 13, 2010

To: The Honorable Mayor and Members of the Woodburn City Council  
From: Scott Derickson, City Administrator  
Subject: **Consideration of the Woodburn Chamber of Commerce's Three Year Proposal to Assume Primary Sponsorship of the Fiesta Mexicana**

## **RECOMMENDATION:**

1. Approve the proposed three year agreement (See attached **EXHIBIT A**) with the Woodburn Area Chamber of Commerce authorizing the Chamber to assume the role of Fiesta Mexicana Lead Sponsor.
2. Other action as deemed appropriate by the City Council.

## **BACKGROUND:**

Some will recall that the Woodburn Chamber of Commerce, in cooperation with community members, originated the Fiesta Mexicana in 1964 as a means of expressing gratitude to migrant farm workers. As the City worked to organize and sponsor the 2010 Fiesta Mexicana event, the Chamber's Board of Directors began discussing the possibility of the Chamber again assuming the role as "lead sponsor" for the event. On September 8, 2010 the Chamber's Board voted to submit a proposal and agreement to the City Council transferring the City's primary sponsorship of the Fiesta Mexicana to the Chamber of Commerce.

Over the past two years, the Chamber has been working on a strategic plan intended to diversify its operations, enhance accountability, improve overall economic sustainability, and increase community programming. As part of this effort (which coincides with the City/Chamber economic development partnership), the Chamber and the City have been grappling with the idea of undertaking a unique community-building event comparable to Mt. Angel's Oktoberfest. The Fiesta Mexicana's transition is viewed as an opportunity to fulfill that goal. For these reasons, the Chamber's Board of Directors believes that the timing to act as the Fiesta Mexicana's primary sponsor is excellent.

---

Agenda Item Review: City Administrator \_\_\_x\_\_\_ City Attorney \_\_\_x\_\_\_ Finance \_\_\_x\_\_\_

After discussing the Chamber's proposal at length with Chamber leadership, City staff finds that transferring the primary sponsorship of the Fiesta Mexicana would be consistent with both the Chamber's vision of the future, their mission as a community/economic development/tourism organization and the City's goal of partnering for better economic development opportunities. I also believe this opportunity will strengthen the partnership between our two organizations.

In preparation, and to better understand the feasibility of the Chamber's taking on the role of fiesta sponsorship, Kristin Graybeal, Chamber Tourism Coordinator, worked closely with Jim Row putting in more than 200 hours of planning, coordination and operational assistance alone. Chamber board members booked over 150 hours of volunteer time during the 2010 event as well.

The Chamber was a critically important partner in ensuring that the Fiesta tradition continued in 2010. Because of the Board of Director's volunteerism and use of paid Chamber staff, the City was better able to control costs and keep staff commitment contained. The Chamber's Fiesta experience is reflected in their proposal.

As provided to the City Council, staff worked with the Chamber of Commerce in developing their proposal. It was our goal to ensure that any Chamber proposal contain community accountability, maintain a high level of community and stakeholder participation and maintain a support role for the City and limit the City's operational liability.

Councilors should also note that, at the time of this Agenda Report, no other existing or proposed community group (it is difficult to imagine that an individual could establish a corporate structure and still organize the event within one year) has expressed an interest in operating or acting as the primary Fiesta Mexicana sponsor.

**DISCUSSION:**

Because the City is a public organization (local government), staff is acutely aware of the limitations the City has, versus a private organization, in controlling music content, graphic images, merchandise, controlling weapons and restricting admission. A private organization is in a much stronger position to control these issues than the City of Woodburn is. Although the event went very well, we believe a privately sponsored Fiesta Mexicana will help ensure this event stays on the right track in future years.

Subject to the conditions of the proposed agreement, the City agrees to provide \$5,000 to the Chamber as 2010/11 Fiesta Mexicana Program start-up capital, which is \$1,500 more than the approximately \$3,500 grossed by this year's event. The additional \$1,500 will be charged to the Leisure Services' Events Budget. In addition, the agreement contains the following highlights:

- As a community partner, the City agrees to waive the Special Event Park Use permit fee. Although the fee is waived, the Chamber must still abide by Woodburn's Park Regulations Ordinance and Special Event Policies.
- As part of the permitting process, the Chamber agrees that the City will determine the Fiesta Mexicana event opening and closing times and the time period when music is allowed.
- The City agrees to provide logistical support during the Fiesta Mexicana's planning phase, event set-up, event operations and site clean-up.
- In terms of public safety, the City agrees to provide a base level of police support through the duration of the Fiesta Mexicana event as deemed appropriate by the Woodburn Police Chief. The base level of police support will be provided at the expense of the City. However, if the City Administrator, or the Chief of Police, determines that the Fiesta Mexicana's potential need for police services exceeds available City resources, then the City shall provide a notice to the Chamber. Should the City provide this notice, the Chamber agrees to reimburse City for actual police costs as outlined in the notice.
- The Chamber agrees to develop an annual Direct Costs Line Item Budget and a Fiesta Mexicana Work Plan (see proposed agreement).
- Requires the Chamber to submit the Annual Chamber Fiesta Mexicana Program to the City Administrator and the Community Services Director within 120 days of the Fiesta Mexicana event. The Chamber also agrees to provide a written re-cap of the event within 60 days following the Fiesta Mexicana. Once the written re-cap is received by the City, the City Administrator will contact the Chamber Executive Director to schedule a City Council presentation of the re-cap.
- Chamber agrees that all Fiesta Mexicana Program Revenues received from the City and the Fiesta Mexicana event, pursuant to this Agreement,

be held in a separate bank account and not commingled with any other Chamber funds.

- Chamber agrees to adequately document all expenses and activities billed to the Chamber Fiesta Mexicana Fund.
- Chamber agrees that no less than 40% of all Fiesta Mexicana net proceeds be reserved and dedicated to sustaining future Fiesta Mexicana events. No less than 20% of net proceeds will be distributed by the Chamber in support of community oriented programs, causes, organizations, etc. Scholarships dedicated to Fiesta Court participants are considered to be a direct Fiesta Mexicana Program expense and are not subject to the conditions of this section. It is agreed that all remaining net proceeds may be used in support of Chamber operations.
- Chamber agrees that the City shall have full access and the right to examine and copy all of the records of the Chamber with respect to matters covered in the Agreement.
- From a community involvement standpoint, it is important to note that the Chamber agrees to develop a Fiesta Mexicana Planning Committee with a membership selection process that does not require Chamber Membership. The role of the Fiesta Mexicana Planning Committee is to allow community members to participate in the annual development of the Fiesta Program. Woodburn's City Administrator (or the City Administrator's designee), and the City's Community Services Director will be members of the Fiesta Mexicana Planning Committee.
- The Chamber agrees to develop a Public Safety Plan that utilizes private security. The Public Safety Plan will be coordinated with the Woodburn Police Department and be submitted to the Chief of Police and the Community Services Director for review. Under the agreement, the Public Safety Plan will be approved by the Chief of Police prior to the start of the Fiesta Mexicana event.
- Chamber agrees to implement all public safety recommendations provided by the Woodburn Police Department prior to, or during, the Fiesta Mexicana.

**FINANCIAL IMPACT:**

Under the proposed agreement, the City is waiving any park use fee requirements while maintaining a base level of City involvement, including the presence of law enforcement, as conditioned in the proposed agreement. The City will not be required to allocate Fiesta Mexicana resources as a direct budgetary expense. Rather, and consistent with the City's involvement in other community activities, staff time and other "base levels" of Fiesta support will be treated as indirect costs associated with the services provided for the benefit of the community.



**Proposed Agreement for Services  
between  
City of Woodburn  
and  
Woodburn Area Chamber of Commerce**

This Agreement is made and entered into by and between the City of Woodburn, an Oregon municipal corporation (hereinafter the “City”), and the Woodburn Area Chamber of Commerce, an Oregon non-profit corporation, 124 West Lincoln Street, Woodburn, Oregon, (hereinafter the “Chamber”).

**WITNESSETH:**

**WHEREAS**, the City acknowledges and supports the historical contributions that the Mexican immigrants have made to the Woodburn community and wishes to honor and preserve the Fiesta Mexicana tradition; and

**WHEREAS**, the City and the Chamber recognize the Fiesta Mexicana’s contribution to the Woodburn community and the region; and

**WHEREAS**, the Chamber originated the Fiesta Mexicana in 1964 as a means of expressing gratitude to migrant farm workers; and

**WHEREAS**, the Chamber has decided to again assume the role of lead organizer for the Fiesta Mexicana for the benefit of the Woodburn community; and

**WHEREAS**, the City recognizes the importance of the Chamber continuing the Fiesta Mexicana and desires to provide its support through the terms and conditions of this agreement; and

**WHEREAS**, private/public cooperation between the City and the Chamber is necessary to sustain the Fiesta Mexicana;

**NOW, THEREFORE**, in consideration of the terms, conditions, compensation and performances contained herein, the parties hereto do mutually agree as follows:

**Section 1. Term.** This Agreement shall commence upon execution by the parties and shall terminate on August 31, 2013.

**Section 2. Termination.** This Agreement may be terminated at any time by mutual, written consent of the parties or for convenience by either party upon written notice to the other party of 180 calendar days

**President**  
Ken Hector  
Silverton Hospital Network

**Past President**  
Rick Hensel  
Gervais School District

**President Elect.**  
Ferren Taylor  
West Coast Bank

**Vice-President of  
Tourism**  
Darcy Ruef  
Al’s Garden Center

**Treasurer**  
Mike Wilson  
Woodburn Armory

**Secretary**  
Jason Horton  
Woodburn Independent

**Directors**  
Scott Derickson  
City of Woodburn  
John Hoffmann  
Gervais Telephone/Data/Vision  
Richard Jennings  
Woodburn Community Access  
Television

Cindy Ledesma  
MaPS Credit Union

Greg Lundeen  
Wolfer’s Heating and Air  
Conditioning

Jenipher Miller  
OSU Federal Credit Union

Javier Navarro  
El Gallo Magazine

Bob Rhoades  
Legacy Financial Management

Angelo Seminary  
DePaul Staffing

Mike Sumner  
Case Automotive

Teri Sunderland  
Woodburn Company Stores

Ruby Wolfer  
West Coast Bank

**Executive Director**  
Don Judson  
don@woodburnchamber.  
org

**Executive Assistant**  
Rhonda Judson  
welcome@woodburncha  
mber.org

**Tourism Coordinator**  
Kristin Graybeal  
tourism@woodburncham  
ber.org

**Leadership Woodburn  
Program Coordinator**  
Rosemarie Tevlen  
leadershipwoodburn@wo  
odburnchamber.org

**Section 3. Effect of Termination.** If termination of this Agreement occurs for any reason, including expiration of the Agreement, the Chamber shall return to the City the unspent balance remaining of the Chamber Fiesta Mexicana Fund within 5 days of termination. This section shall survive termination of this Agreement.

**Section 4. City Responsibility.** The City agrees to the following:

- A. To provide \$5,000 to the Chamber as 2010/11 Fiesta Mexicana Program start-up capital.
- B. To provide the Chamber with any Fiesta Mexicana banners, signs, decorative material and/or supplies that remain from the 2010 Fiesta Mexicana event.
- C. To provide a suitable park location for the annual Fiesta Mexicana.
- D. To waive any Special Event Park Use permit fees.
- E. To determine Fiesta Mexicana event opening and closing times and the time period when music is allowed.
- F. To provide logistical support during the Fiesta Mexicana's planning phase, event set-up, event operations and site clean-up. This service will be provided at City's expense.
- G. To provide picnic tables, staging, canopies and tents, trash cans, electrical, water, sewer and natural gas services, based on availability
- H. To provide on-call maintenance support for City owned property and equipment for the duration of the Mexican Fiesta event. Refuse collection services shall be at the expense of the Chamber.
- I. To assist in the promotion the Fiesta Mexicana, depending on the availability of resources,
- J. To provide a base level of police support through the duration of the Fiesta Mexicana event as deemed appropriate by the Woodburn Police Chief. The base level of police support will be provided at the expense of the City. If the City Administrator, or the Chief of Police, determines that the Fiesta Mexicana's potential need for police services exceeds available City resources, then the City shall provide a notice to the Chamber not less than 60 days prior to the event containing a cost estimate for additional police services. Should the

City provide this notice, the Chamber agrees to reimburse City for actual police costs as outlined in the notice.

**Section 5. Responsibilities of Chamber.** The Chamber agrees to the following:

- A. To sponsor and conduct a low cost family-oriented Fiesta Mexicana event consistent with the values and expectations of the community.
- B. To abide by Woodburn's Park Regulations Ordinance and Special Event Policies unless waived by the City.
- C. To develop an annual Direct Costs Line Item Budget and a Fiesta Mexicana Work Plan specifically identifying, but not limited to, activities needed to plan for and execute the Fiesta Mexicana. The Direct Costs Line Item Fiesta Mexicana Budget and Fiesta Mexicana Work Plan shall be referred to as the Chamber's "Fiesta Mexicana Program."
- D. To submit the Annual Chamber Fiesta Mexicana Program to the City Administrator and the Community Services Director within 120 days of the Fiesta Mexicana event.
- E. To provide a written re-cap of the event within 60 days following the Fiesta Mexicana. Once the written re-cap is received by the City, the City Administrator will contact the Chamber Executive Director to schedule a City Council presentation of the re-cap.
- F. To develop a Fiesta Mexicana Planning Committee with a membership selection process that does not require Chamber Membership. The role of the Fiesta Mexicana Planning Committee is to allow community members to participate in the annual development of the Fiesta Program. Woodburn's City Administrator (or the City Administrator's designee), and the City's Community Services Director shall be members of the Fiesta Mexicana Planning Committee.
- G. To select vendors for the Fiesta Mexicana. Vendor participation in the Fiesta Mexicana shall not require a Chamber membership.
- H. To identify and track Fiesta Mexicana related data as a means of measuring the success of the Fiesta Mexicana. This data will be included in the Chamber's annual written re-cap and City Council presentation.

- I. To develop and provide a Public Safety Plan that utilizes private security. The Public Safety Plan will be coordinated with the Woodburn Police Department and be submitted to the Chief of Police and the Community Services Director not less than 90 days before the Fiesta Mexicana event. The Public Safety Plan will be approved by the Chief of Police prior to the start of the Fiesta Mexicana event.
  
- J. To implement all public safety recommendations provided by the Woodburn Police Department prior to, or during, the Fiesta Mexicana.

**Section 6. Documents and Reports.** The Chamber shall maintain books, records, documents and other materials that sufficiently and properly reflect all expenditures made pursuant to this Agreement. Specifically, the Chamber:

- A. Agrees that all Fiesta Mexicana Program Revenues received from the City and the Fiesta Mexicana event, pursuant to this Agreement, be held in a separate bank account and not commingled with any other Chamber funds. This account shall be under the Chamber tax identification number DBA Chamber Fiesta Mexicana Fund.
  
- B. Agrees to adequately document all expenses and activities billed to the Chamber Fiesta Mexicana Fund.
  
- C. Agrees that no less than 40% of all Fiestas Mexicana net proceeds be reserved and dedicated to sustaining future Fiestas Mexicana events. No less than 20% of net proceeds will be distributed by the Chamber in support of community oriented program, causes, organizations, etc. Scholarships dedicated to Fiesta Court participants are considered to be a direct Fiesta Mexicana Program expense and are not subject to the conditions of this section. It is agreed that all remaining net proceeds may be used in support of Chamber operations.
  
- D. Agrees that the City shall have full access and the right to examine and copy, during normal Chamber business hours, all of the records of the Chamber with respect to matters covered in this Agreement. Such rights shall last for ten (10) years from the date a disbursement is made hereunder.

**Section 7. Auditing of Records.** Upon thirty (30) days prior written notice, the City or its agent shall have the right to conduct an audit or review of the Chamber's records reasonably related to this Agreement. If an audit or review of the records determines that funds in the Chamber's Fiesta Mexicana Fund have been inappropriately

expended under this Agreement, or state law, the Chamber shall reimburse the Chamber Fiesta Mexicana Fund for the full amount identified in the audit as inappropriate. If the inappropriately expended funds exceed \$500, then Chamber will pay the City for the cost of the audit or review.

**Section 8. Compliance with Federal, State and Local Laws.** The Chamber agrees to abide by all applicable federal and state statutes and regulations prohibiting employment discrimination, and any other statutes and regulations pertaining to the subject matter of this Agreement.

**Section 9. Authority to Execute Agreement.** The Chamber represents to the City that this Agreement has been duly authorized by all necessary action on the part of the Chamber and no other corporate or other action on the part of the Chamber is necessary to authorize the execution and delivery of this Agreement. That this Agreement has been duly authorized by the Woodburn City Council and the City represents to the Chamber that the City Administrator has the power and authority to bind the City to this Agreement.

**Section 10. Legal Relations.** Neither the Chamber, nor any employee, officer, official or volunteer of the Chamber shall be deemed to be an independent contractor, employee or volunteer of the City. No liability shall attach to the Chamber or the City by reason of entering into this Agreement except as expressly provided herein.

**Section 11. Indemnification.** The Chamber agrees to be responsible for and assumes liability for its own negligent acts or omissions, and those of its officers, agents, officials, employees or volunteers while performing work or expending funds pursuant to this Agreement to the fullest extent provided by law, and agrees to save, indemnify, defend and hold the City harmless from any such liability. This indemnification clause shall apply to any and all causes of action arising out of performance of work or expenditures of funds under this Agreement. The provisions of this section shall survive the expiration or termination of this Agreement with respect to any event occurring prior to expiration or termination

**Section 12. Nondiscrimination.** The Chamber shall comply with all applicable federal, state, and local laws, rules and regulations on nondiscrimination in employment because of race, color, ancestry, national origin, religion, sex, marital status, age, medical condition, or disability.

**Section 13. Governing Law.** This Agreement shall be governed by and construed in accordance with the law of the State of Oregon.

**Section 14. Severability.** If any provision of this Agreement shall be held invalid or unenforceable by any court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provision hereof.

**Section 15. Assignment.** Neither party shall assign the Agreement without written consent of the other.

**Section 16. Attorney Fees.** In any action brought by either party under this Agreement, the losing party shall pay to the prevailing party a reasonable sum for attorney fees in such action, or arbitration or appeal

**Section 17. Entire Agreement.** This Agreement constitutes the entire Agreement between the parties and supersedes all prior agreements, written and oral, between the parties. No modification of this Agreement shall be binding unless in writing and signed by both parties.

**Section 18. Notification.** All correspondence and notices related to this Agreement shall be directed as follows:

If directed to the City:  
City of Woodburn  
270 Montgomery Street  
Woodburn, Oregon 97071  
Attn: Scott Derickson, City Administrator

If directed to the Chamber:  
Woodburn Area Chamber of Commerce  
124 East Lincoln Street  
Woodburn, Oregon 97071  
Attn: Don Judson, Executive Director

IN WITNESS WHEREOF, the Chamber and City have, by approval of their respective governing bodies, caused this Agreement to be executed.

WOODBURN AREA CHAMBER OF COMMERCE

\_\_\_\_\_  
Don Judson, Executive Director

\_\_\_\_\_  
Date

CITY OF WOODBURN

\_\_\_\_\_  
Scott C. Derickson, City Administrator

\_\_\_\_\_  
Date



# Agenda Item

September 13, 2010

TO: Honorable Mayor and City Council, acting as the Local Contract Review Board, through City Administrator

FROM: Dan Brown, Public Works Director

SUBJECT: **AWARD OF CONSTRUCTION CONTRACT FOR ALEXANDRA AVENUE STREET IMPROVEMENTS**

### **RECOMMENDATION:**

That the City Council award a construction contract for the Alexandra Avenue Street Improvements to **Gelco Construction Co.** in the amount of **\$125,376.20**.

### **BACKGROUND:**

The contract is in conjunction with File #2010-017-38, Bid No. 2011-01 for the construction of approximately 420 feet of new roadway between Tierra Lynn Drive and Park Avenue. This street will be constructed in accordance with the Woodburn Transportation System Plan, with driveways, sidewalks, curb & gutter, storm sewer improvements, fire hydrant installations, and landscaping features. The existing road is currently gravel and is located in the middle of a residential area.

Bids for the improvement were opened on August 26th, 2010. **Ten (10) legal bids** were received from responsible pre-qualified Bidders, three of which were non-responsive bidders. Offers received are as follows:

<u>No:</u>	<u>Name</u>	<u>Amount</u>
1	Gelco Construction CO	\$125,376.20
2	Parker Northwest Paving Co.	\$135,540.50
3	Canby Excavating	\$139,056.85
4	Harry Stanley Construction	\$150,233.37
5	GVS Contracting Inc.	\$162,200.00
6	Portland Excavating Inc.*	\$162,300.50
7	Eagle-Elsner Inc.	\$164,461.25
8	Kerr Contractors Inc.	\$169,276.00
9	Elting Northwest Inc.**	\$175,721.00
10	GT Excavating LLC***	\$185,481.18

Agenda Item Review: City Administrator \_\_\_x\_\_\_ City Attorney \_\_\_x\_\_\_ Finance \_\_\_x\_\_\_

**Engineer's Estimate**

**\$198,423.00**

- \* Declared Non-Responsive for not providing a signed acknowledgement of ORS 279C.840 and Addendum #1.
- \*\* Declared Non-Responsive for not providing a signed First-Tier Subcontractor Disclosure Form.
- \*\*\* Declared Non-Responsive for not providing a signed acknowledgement of Addendum #1.

The recommended award is 36.8% **under** the Engineer's estimate.

**DISCUSSION:**

The project was approved in the 2010-11 Capital Improvement Project budget.

The contract award is in conformance with public contracting laws of the State of Oregon as outlined in ORS Chapter 279C and the laws and regulations of the City of Woodburn, therefore, staff is recommending the contract be awarded.

**FINANCIAL IMPACT:**

The project will be funded from Fund 376, TIF/Property Owner Funds.

FY10-11 Budgeted CIP	\$200,000
----------------------	-----------



# Agenda Item

September 13, 2010

TO: Honorable Mayor and City Council, acting as the Local Contract Review Board, through City Administrator

FROM: Dan Brown, Public Works Director

SUBJECT: **AWARD OF CONSTRUCTION CONTRACT FOR WATER MAIN EXTENSION FROM EVERGREEN ROAD TO PARR ROAD**

**RECOMMENDATION:**

That the City Council award a construction contract for the Water Main Extension from Evergreen Road to Parr Road to **Canby Excavating, Inc.** in the amount of **\$406,160.00.**

**BACKGROUND:**

The contract is in conjunction with File #2008-001-09, Bid No. 2011-02 for the installation of approximately 3,580 LF of 18" ductile iron pipe, approximately 110 LF of 6" ductile iron pipe, nine Fire Hydrants, ten 18" butterfly valves, one 18"x24" hot tap assembly, and one 2" blow-off assembly. This project includes approximately 700 LF of asphalt concrete patching and inlay restoration per Marion County right-of-way access permit requirements. This project will improve water volume and quality in the western section of the municipal service area.

Bids for the improvement were opened on August 26, 2010. **Eleven (11) legal bids** were received from responsible, pre-qualified Bidders. Offers received are as follows:

<u>No:</u>	<u>Name</u>	<u>Amount</u>
1	Canby Excavating, Inc.	\$406,160.00
2	K&E Excavating, Inc.	\$422,966.50
3	GVS Contracting	\$458,475.00
4	Pacific Excavation, Inc.	\$483,750.00
5	Jim Smith Excavating	\$488,866.00
6	Clackamas Construction, Inc.	\$498,500.00
7	Kerr Contractors Inc.	\$505,540.00
8	Paul Lambson Construction	\$506,200.00
9	Gelco Construction, Inc.	\$511,195.00
10	Dow Bros., Inc.	\$528,412.87
11	Dunn Construction, Inc.	\$533,900.00

---

**Engineer's Estimate**

**\$598,786.50**

The recommended award is 32.2% **under** the Engineer's estimate.

**DISCUSSION:**

The project was approved in the 2010-11 Capital Improvement Program budget.

The contract award is in conformance with public contracting laws of the State of Oregon as outlined in ORS Chapter 279C and the laws and regulations of the City of Woodburn, therefore, staff is recommending the contract be awarded.

**FINANCIAL IMPACT:**

The project will be funded from Fund 466, Water Construction/SDC Funds.

FY10-11 CIP Budgeted Amount	\$550,000
-----------------------------	-----------



# Agenda Item

September 13, 2010

TO: Honorable Mayor and City Council through City Administrator

FROM: Dan Brown, Public Works Director

SUBJECT: **ACCEPTANCE OF A PUBLIC UTILITY EASEMENT ON 1490 BROWN STREET (TAX LOT 051W18C00600)**

**RECOMMENDATION:**

That Council accept a twenty (20) foot Public Utility Easement granted by HBUF, LLC, property owners of 1490 Brown Street in Woodburn, Oregon (**Tax Lot 051W18C00600**).

**BACKGROUND:**

A permanent water line easement is needed In order to complete the ARRA funded Water Consolidation Project at Shalimar Estates. This easement will allow the City's water main to extend to Shalimar Estates and to create a loop in the City's water distribution system, which enhances water volume and quality within the distribution system.

**DISCUSSION:**

The Public Utility Easement is a portion of land measuring approximately 20.0 feet wide by 617.15 feet long and is located on the east side of Brown Street along the westerly edge of the existing property line of 1490 Brown Street. It provides a permanent easement and right-of-way to construct, reconstruct, operate, and maintain Water Mains, Service Lines and Appurtenances. This Public Utility Easement also includes a 10.0 foot Temporary Easement that will allow for the construction and installation of the aforementioned public utilities.

**FINANCIAL IMPACT:**

The cost to the City for this Public Utility Easement is \$3,700.00 and will be funded from Fund 466, Water System Construction Fund. Please note that this expenditure is not an eligible ARRA/CWSRF reimbursement.

**ATTACHMENTS**

A copy of the executed public utility easement document is attached.

---

Agenda Item Review: City Administrator  City Attorney  Finance

AFTER RECORDING RETURN TO:

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

**CITY OF WOODBURN, OREGON  
PUBLIC UTILITY EASEMENTS  
(Temporary and Permanent)**

HBUF LLC, an Oregon Limited Liability Company, *GRANTOR*, grants to the CITY OF WOODBURN, OREGON, hereinafter called *CITY*, a permanent easement and right-of-way, including the permanent right to construct, reconstruct, operate, and maintain Water Main(s), Service Lines and Appurtenances, on the following described land:

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

*GRANTOR* also grants to *CITY* a temporary easement and right-of-way upon, across, and under so much of the aforesaid land as described as:

*See attached Exhibit "C" Legal Description of Temporary Easement and Attached Exhibit "D" Sketch for Legal Description of Temporary Easement, which are by this reference incorporated herein*

It being understood that said temporary easement is only for the original excavation, construction and installation of the public utilities referenced above and upon the completion of the construction thereof shall cease to exist, save and except for that portion hereinbefore described as being a permanent easement.

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

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

Public Utility Easements (Temporary and Permanent)  
Page 1 of 87

The true consideration of this conveyance is THREE THOUSAND AND SEVEN HUNDRED dollars and no/100's (\$3,700.00) and other valuable consideration, the receipt of which is acknowledged by GRANTOR.

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

DATED this 20<sup>th</sup> day of August, 2010.

HBUF, LLC  
An Oregon Limited Liability Company

BY: [Signature]  
Michael Hanks  
Managing Member

CORPORATE ACKNOWLEDGEMENT

STATE OF OREGON, County of Clatsop ) ss.

The foregoing instrument was acknowledged before me this 20<sup>th</sup> day of August 2010 by Michael Hanks, as Managing Member of HBUF LLC, an Oregon Limited Liability Company and the foregoing instrument was signed and sealed on behalf of said company; and acknowledged said instrument to be its voluntary act and deed.



[Signature]  
NOTARY PUBLIC FOR OREGON  
My Commission Expires: 5/6/2013

City of Woodburn  
270 Montgomery Street  
Woodburn, OR 97071

---

HBUF, LLC  
c/o Michael Hanks  
14845 SW Murray Scholls Suite 110  
Post Office Box 515  
Beaverton, OR 97007

Accepted on behalf of the City of Woodburn after  
authorization by its City Council on \_\_\_\_\_  
date

City Recorder:

---

Christina Shearer

**EXHIBIT "A"**

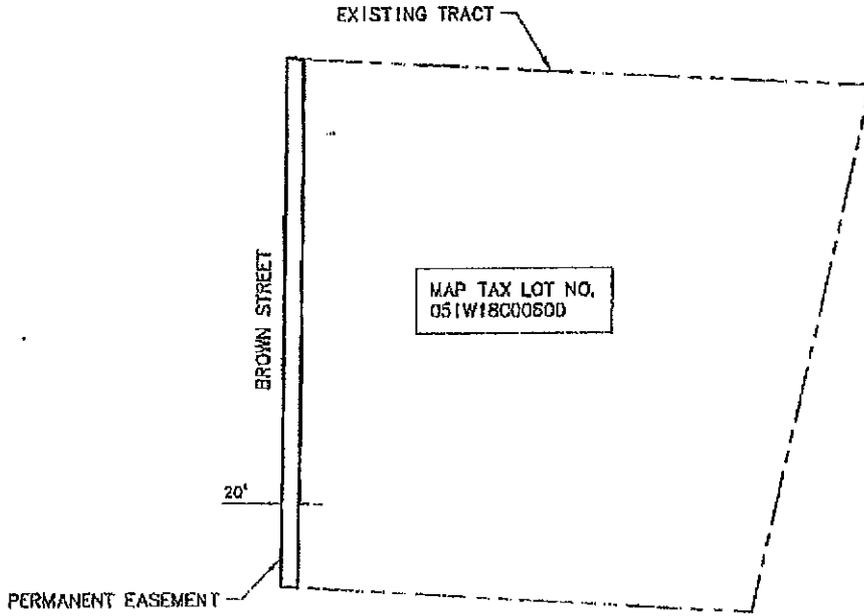
**Legal Description of Permanent Easement**

**Grantor:** HBUF, LLC  
**Site Address:** 1490 Brown Street, Woodburn, OR 97071  
**Property ID No.:** R13466  
**Map Tax Lot No.:** 051W18C00600

An easement on Grantor's Property described in Reel 2632, Page 355, Records of Marion County, Oregon, said tract of land being located in the Southwest Quarter of Section 18, Township 5 South, Range 1 West, Willamette Meridian, Marion County, Oregon; the easement being more particularly described as follows: The Westerly 20 feet of said tract.

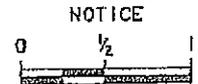
EXHIBIT "B"  
SKETCH FOR LEGAL DESCRIPTION OF PERMANENT EASEMENT

SCALE:  
1"=200'



NOTES:

1 PERMANENT EASEMENT CONTAINS 12,343 SQUARE FEET



NOTICE  
IF THIS BAR DOES  
NOT MEASURE 1"  
THEN DRAWING IS  
NOT TO SCALE

C:\US\1007\105 easement Descriptions - Maps\CAD\09-1262-405-EASEMENT-051W18C0060D.dwg EXHIBIT B BGG 11/25/09 16:32 (ABE)

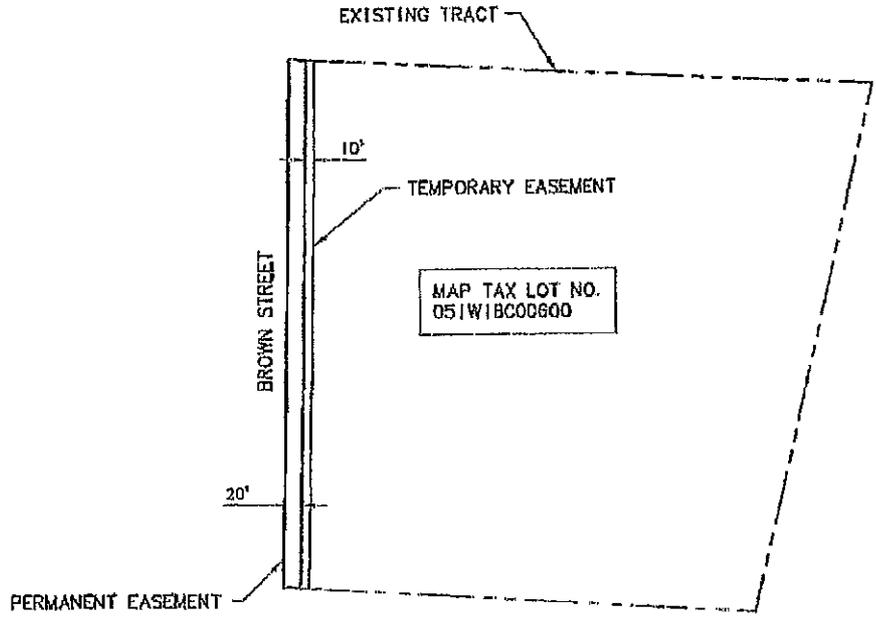
**EXHIBIT "C"**

**Legal Description of Temporary Easement**

A strip of land 10 feet wide adjoining the East line of the permanent easement described in Exhibit "A".

EXHIBIT "D"  
 SKETCH FOR LEGAL DESCRIPTION OF TEMPORARY EASEMENT

SCALE:  
 1"=200'



NOTES:

1. TEMPORARY EASEMENT CONTAINS 6,173 SQUARE FEET.

NOTICE  
 0 1/2 1  
 IF THIS BAR DOES NOT MEASURE 1" THEN DRAWING IS NOT TO SCALE

C:\09\1082\405 Easement Descriptions - Maps\CAD\DB-1082-405-EASEMENT-051W1BC00600-TEMPORARY.dwg EXHIBIT D 600 11/25/09 16:45 (MBE)



# Agenda Item

September 13, 2010

TO: Honorable Mayor and City Council through City Administrator

FROM: Dan Brown, Public Works Director

SUBJECT: **ACCEPTANCE OF A PUBLIC UTILITY EASEMENT ON 1636 BROWN STREET (TAX LOT 051W19B00200)**

**RECOMMENDATION:**

That Council accept a twenty (20) foot Public Utility Easement granted by MSRH, LLC, property owners of 1636 Brown Street in Woodburn, Oregon (Tax Lot 051W19B00200).

**BACKGROUND:**

A permanent water line easement is needed In order to complete the ARRA funded Water Consolidation Project at Shalimar Estates. This easement will allow the City's water main extended to Shalimar Estates to be continued to complete a loop to the City's water system, which is essential to provide adequate water volume and quality.

**DISCUSSION:**

The Public Utility Easement is a portion of land measuring 20.0 feet wide by 748.95 feet long (20' x 256' and 20' x 492.95'), and is: 1) Located through the middle portion of the existing property and 2) Located on the east side of Brown Street along a portion of the westerly edge of the existing property line at 1636 Brown Street. It provides a permanent easement and right-of-way to construct, reconstruct, operate, and maintain Water Mains, Service Lines and Appurtenances. This Public Utility Easement also includes a Temporary Easement that will allow for the construction and installation of the aforementioned public utilities.

**FINANCIAL IMPACT:**

There is no cost to the City for this Public Utility Easement since it was donated by the property owner.

**ATTACHMENTS**

A copy of the executed public utility easement document is attached.

---

Agenda Item Review: City Administrator  City Attorney  Finance

AFTER RECORDING RETURN TO:

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

**CITY OF WOODBURN, OREGON  
PUBLIC UTILITY EASEMENTS  
(Temporary and Permanent)**

MSRH, LLC, an Oregon Limited Liability Company, GRANTOR, grants to the CITY OF WOODBURN, OREGON, hereinafter called CITY, a permanent easement and right-of-way, including the permanent right to construct, reconstruct, operate, and maintain Water Main(s), Service Lines and Appurtenances, on the following described land:

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

GRANTOR also grants to CITY a temporary easement and right-of-way upon, across, and under so much of the aforesaid land as described as:

*See attached Exhibit "C" Legal Description of Temporary Easement, which are by this reference incorporated herein*

It being understood that said temporary easement is only for the original excavation, construction and installation of the public utilities referenced above and upon the completion of the construction thereof shall cease to exist, save and except for that portion hereinbefore described as being a permanent easement.

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

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

The true consideration of this conveyance is No dollars and no/100's (\$00.00) and other valuable consideration, the receipt of which is acknowledged by GRANTOR.

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

DATED this 30 day of July, 2010.

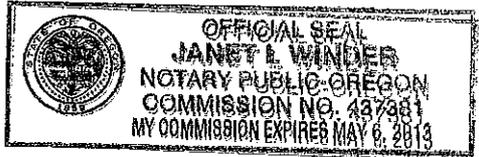
MSRH, LLC  
An Oregon Limited Liability Company

BY: [Signature]  
Michael Hanks  
Managing Member

CORPORATE ACKNOWLEDGEMENT

STATE OF OREGON, County of Umatilla ) ss.

The foregoing instrument was acknowledged before me this 30<sup>th</sup> day of July 2010 by Michael Hanks, as Managing Member of MSRH, LLC, an Oregon Limited Liability Company and the foregoing instrument was signed and sealed on behalf of said company; and acknowledged said instrument to be its voluntary act and deed.



[Signature]  
NOTARY PUBLIC FOR OREGON  
My Commission Expires: 5/6/2010

City of Woodburn  
270 Montgomery Street  
Woodburn, OR 97071

---

MSRH, LLC  
c/o Michael Hanks  
14845 SW Murray Scholls Suite 110  
Post Office Box 515  
Beaverton, OR 97007

Accepted on behalf of the City of Woodburn after  
authorization by its City Council on \_\_\_\_\_  
date

City Recorder:

---

Christina Shearer

**EXHIBIT "A"**

**Legal Description of Permanent Easement**

**Grantor:** MSRH, LLC  
**Site Address:** 1636 Brown Street, Woodburn, OR 97071  
**Property ID No.:** R13970  
**Map Tax Lot No.:** 051W19B 00200

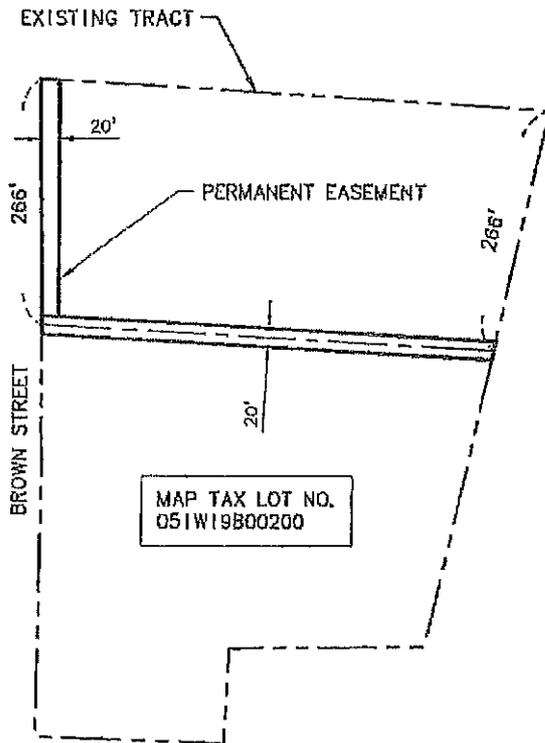
An easement on Grantor's Property described in Reel 2709, Page 359, Records of Marion County, Oregon, said tract of land being located in the Northwest Quarter of Section 19, Township 5 South, Range 1 West, Willamette Meridian, Marion County, Oregon; the easement being more particularly described as follows:

A strip of land 20 feet wide, 10 feet lying on each side of the following described easement center line: Beginning at a point on the East line of said tract, said point being 266.00 feet Southerly of the Northeast corner of said tract, said point being the TRUE POINT OF BEGINNING of said easement center line; thence Westerly on a line to point on the Westerly line of said tract, said point being 266.00 feet Southerly of the Northwest corner of said tract, said point being the TRUE POINT OF ENDING of said easement center line; and the Westerly 20 feet of said tract lying between the Northerly line of the above-described strip of land and the Northerly line of said tract.

# EXHIBIT "B"

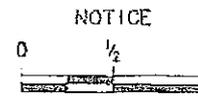
## SKETCH FOR LEGAL DESCRIPTION OF PERMANENT EASEMENT

  
 SCALE:  
 1"=200'



**NOTES:**

1. PERMANENT EASEMENT CONTAINS 14,979 SQUARE FEET.



IF THIS BAR DOES  
 NOT MEASURE 1"  
 THEN DRAWING IS  
 NOT TO SCALE

G:\09\1092\405 Easement Descriptions - Maps\CAD\09-1092-405-EASEMENT-051W19B00200.dwg EXHIBIT B 200 11/25/09 13:53 (MBC)

**EXHIBIT "C"**

**Legal Description of Temporary Easement**

The entire tract of land.



# Agenda Item

September 13, 2010

TO: Honorable Mayor and City Council through City Administrator

FROM: Dan Brown, Public Works Director

SUBJECT: **ACCEPTANCE OF A PUBLIC RIGHT-OF-WAY DEDICATION ALONG THE FRONTAGE OF 2401 N BOONES FERRY ROAD (TAX LOT 051W07BA01100)**

**RECOMMENDATION:**

That Council accept a seven foot Public Right-of-Way Dedication granted by QWEST Corporation, property owners of 2401 N Boones Ferry Road in Woodburn, Oregon.

**BACKGROUND:**

As a condition of City Building Permit B04-315, QWEST Corporation was required to provide a seven foot Right-of-Way Dedication along the frontage of 2401 N Boones Ferry Road (Tax Lot 051W07BA01100).

**DISCUSSION:**

The Right-of-Way Dedication is a portion of land measuring 7.0 feet wide by 173.82 feet long, including a portion of the SW corner of the N Boones Ferry Road/Country Club Road intersection, and is located on the west side of N Boones Ferry Road along the easterly edge of the existing property line at 2401 N Boones Ferry Road. The Right-of-Way dedication will allow the construction of any future improvements to meet the requirements of the current transportation system plan.

**FINANCIAL IMPACT:**

There is no cost to the City for this Right-of-Way dedication since it was a condition of City Building Permit B04-315.

**ATTACHMENTS**

A copy of the executed Right-of-Way dedication document is attached. Although the usual practice of Public Works is to obtain a Bargain-and-Sale or Warranty Deed, the City Attorney has issued an opinion that the Quitclaim Deed is legally acceptable in this instance. A copy of the City Attorney opinion is also attached.

---

Agenda Item Review: City Administrator  City Attorney  Finance

## **MEMORANDUM OPINION NO. 2010-02**

FROM THE WOODBURN CITY ATTORNEY

**TO:** Dan Brown, Public Works Director

**FROM:** N. Robert Shields, City Attorney

**DATE:** September 3, 2010

**RE:** Use of Quitclaim Deed

---

### **Background**

At its September 13, 2010 meeting, the City Council will be asked to accept a public right-of-way dedication by a Quitclaim Deed. The usual practice of the Public Works Department is to obtain Warranty or Bargain-and-Sale Deed for this purpose. A legal question has arisen as to whether a Quitclaim Deed is the appropriate mechanism to convey the right-of-way dedication.

### **Question**

Is a Quitclaim Deed legally adequate to convey a city right-of-way dedication?

### **Answer**

Yes, but the Public Works Department's usual practice of obtaining a statutory Bargain-and-Sale or Warranty deed is preferable.

### **Discussion**

At common law, a Quitclaim Deed was considered to be a release of interest rather than a conveyance. Consequently, Quitclaim Deeds were not used for conveyances and the deed itself contained no assertion of ownership.

One Oregon statute addressing Quitclaim Deeds (ORS 93.110) however, provides that "a deed of quitclaim and release, of the form in common use, is sufficient to pass all the estate which the grantor could lawfully convey by a deed of bargain and sale." Additionally, ORS 93.120 provides that "any conveyance of real estate passes all the estate of the grantor, unless the intent to pass a lesser estate appears by express terms, or is necessarily implied in the terms of the grant." Finally, ORS 93.865 states that a Quitclaim Deed "shall have the effect of conveying whatever title or interest, legal or equitable, the grantor may have in the described property at the date of the deed but shall not transfer any title or interest which the grantor may thereafter obtain nor shall it operate as an estoppel.

Based upon the above referenced statutes, it is my opinion that a statutory Quitclaim Deed may legally be used to convey a city right-of-way dedication and that the City Council can use this legal mechanism to accept the right-of-way dedication on its September 13 agenda. It is a better policy, however, to continue to use a statutory Bargain-and-Sale or Warranty Deed when right-of-way is dedicated. This is consistent with the Public Works Department's usual practice and places the City in a stronger position if there is a title dispute.

APN:

Statutory Quitclaim Deed  
- continued

File No.: **NCS-299279-OR3 (RB)**  
Date: **03/03/2008**



After recording return to:

Until a change is requested all tax statements shall be sent to the following address:

File No.:  
Date:

THIS SPACE RESERVED FOR RECORDER'S USE

### STATUTORY QUITCLAIM DEED

**QWEST CORPORATION**, a Colorado corporation formerly known as U S West Communications, Inc., the successor by merger to Mountain States Telephone and Telegraph Company, the successor by merger to Pacific Northwest Bell Telephone Company, having an address at 1801 California Street, 46<sup>th</sup> Floor, Denver, CO 80202 ("Grantor"), releases, quitclaims and conveys to the **CITY OF WOODBURN**, a municipal corporation of the State of Oregon, having an address at 270 Montgomery Street, Woodburn, OR 97071 ("Grantee"), all rights and interest in and to the following described real property:

**See Exhibit 'A' attached hereto.**

The true consideration for this conveyance is **\$0.00**. (Here comply with requirements of ORS 93.030)

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR



APN:

Statutory Quitclaim Deed  
- continued

File No.: **NCS-299279-OR3 (RB)**  
Date: **03/03/2008**

GRANTEE:

CITY OF WOODBURN, a municipal corporation of the State  
of Oregon

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

State of Oregon            )  
  )ss.  
County of Marion         )

This instrument was acknowledged before me on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_  
by \_\_\_\_\_, the \_\_\_\_\_ of the City of Woodburn, a municipal  
corporation of the State of Oregon.

\_\_\_\_\_  
Notary Public for Oregon  
My commission expires:

EXHIBIT "A"  
(RW Dedication)

A strip of land varying in width for Road Right-of-way purposes, over, and across a portion of land, described in Volume 640 Page 17, Marion County, Oregon Deed records, and is located in the Northwest Quarter of Section 7, Township 5 South, Range 1 West, Willamette Meridian, City of Woodburn, Marion County, Oregon, and more particularly described as follows:

Commencing at the Northeast corner of Lot 2, "Elmendorf Acres", a subdivision plat recorded in Volume 06, Page 060, Marion County, Oregon Book of Town Plats, said point being on the westerly right-of-way line of Boones Ferry Road (M.R. 69); thence South  $16^{\circ}08'00''$  West, along said right-of-way line, a distance of 10.28 feet, to a point on the southerly right-of-way line of Country Club Road, and the True Point of Beginning; thence South  $16^{\circ}08'00''$  West, along said right-of-way line, a distance of 173.82 feet, to a point on the southerly line of said Lot 2; thence North  $87^{\circ}22'00''$  West, along the south line of said lot, a distance of 7.20 feet to a point; thence North  $16^{\circ}08'00''$  East, parallel to said right-of-way line, a distance of 148.45 feet to a point; thence along a curve to the left, with a Radius of 20.00 feet, (the chord of which bears  $N35^{\circ}37'00''W$ , 31.41 feet), thence along the arc of said curve, a distance of 36.13 feet, to a point on the southerly right-of-way line of Country Club Road; thence South  $87^{\circ}22'00''$  East, along said right-of-way line, a distance of 32.57 feet, to the point of beginning.

The above tract contains 1,363 Square feet of land more or less.



# Agenda Item

September 13, 2010

To: Honorable Mayor and City Council  
From: Scott Derickson, City Administrator  
Subject: **Marion County Zone Change/Comprehensive Plan/Conditional Use Case 09-012/Wurdinger**

---

## **DISCUSSION:**

Authorize the Mayor and City Staff to testify at the September 22, 2010 public hearing before the Marion County Board of Commissioners in opposition to Zone Change/Comprehensive Plan Amendment/Conditional Use Case 09-012/Wurdinger.

## **BACKGROUND:**

The City Attorney and I appeared before the Board of Commissioners on August 25, 2010 at a hearing concerning the Wurdinger land use application. We asked that the hearing be continued in order to provide time for Woodburn's Mayor to be heard on the matter. The applicant was also requesting that the public hearing be continued to complete a traffic analysis, so the Board of Commissioners continued the hearing until September 22, 2010.

The parcel contains a dwelling, well, septic system, and accessory structures. The site consists of a 52.48 acre parcel designated Primary Agriculture in the Marion County Comprehensive Plan and zoned Exclusive Farm use (EFU). The applicant is requesting to change the Comprehensive Plan designation from Primary Agriculture to Industrial and change the zone from EFU Industrial on approximately 34.4 acres of the 52 acre site. The applicant also filed a conditional use application to develop the property as an Automobile Wreckers Facility.

The proposed site is immediately north of Woodburn's Urban Growth Boundary near the intersection of Arney/Crosby Road. More specifically, the property is located on the north side of Crosby Road approximately 850 feet west of Interstate 5 and approximately .5 miles east of Butteville Road.

---

Agenda Item Review: City Administrator \_\_\_x\_\_\_ City Attorney \_\_\_x\_\_\_ Finance \_\_\_x\_\_\_

**DISCUSSION:**

The City first learned of the project when Crosby Road residents expressed concerns over a proposed diesel truck breaking & vehicle storage compound proposed for a site near Woodburn. Concerns range from environmental and water contamination to noise and aesthetics. There has also been discussion regarding the amount of available industrial lands in the Willamette Valley and the need to change 53 acres of Primary Agriculture land to Industrial. Staff has concerns that at some point in the future the site, along with environmental concerns generated as a result of its use, will be brought into the City.

Marion County confirmed that City officials were not notified as part of the County's land use process because City limits are not within the required notification area.

Since the second Council meeting in August was cancelled, I brought this matter to you at this meeting so you could discuss it as a body.

**FINANCIAL IMPACT:**

Unknown at this time.

# **NOTICE**

## **PUBLIC HEARING AFFECTING THIS AREA**

### **ZC/CP/CU09-012**

**PURPOSE OF HEARING:** to receive testimony on an application to change the zone from EFU (Exclusive Farm Use) to I (Industrial), to change the comprehensive plan designation from Primary Agriculture to Industrial with an exception to Statewide Planning Goal 3 (Agricultural Lands) and for a conditional use to operate a scrap and waste materials facility on a 35 acre portion of a 52.48 acre tract located at 9349 Crosby Rd NE, Woodburn. (T5S; R2W; Section 01; tax lot 00100).

**APPLICANTS:** Arlene Wurdinger

**DATE AND TIME OF HEARING:** July 28, 2010; 9:30 a.m.

**LOCATION OF HEARING:** Senator Hearing Room, Courthouse Square Bldg., 555 Court St. NE, Salem, Oregon

**HOW TO PARTICIPATE:** Anyone desiring to speak either for or against the proposal may do so in person or by representative at the public hearing. Written comments may be filed prior to the public hearing with the Marion County Planning Division. The application, documents and applicable criteria are available for inspection at no cost and copies are available. After the close of the hearing the Board of Commissioners may approve or deny the application, may remand to the Hearings Officer or Planning Division, or approve a modified proposal. Interested persons should become involved in the decision-making process. Failure to raise an issue, in person or by letter, or failure to provide sufficient specificity to afford the Board of Commissioners an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals (LUBA) based on that issue. Notice to mortgagee, lienholder, vendor, or seller: ORS CHAPTER 215 requires that if you receive this notice, it must promptly be forwarded to the purchaser.

**LAND USE DECISION CRITERIA:** The criteria upon which the decision on this application will be based include:

Marion County Rural Zoning Ordinance

- Chapter 119
- Chapter 123
- Chapter 136
- Chapter 165

Statewide Planning Goal 3 (Agricultural Lands)

OAR 660 Division 4

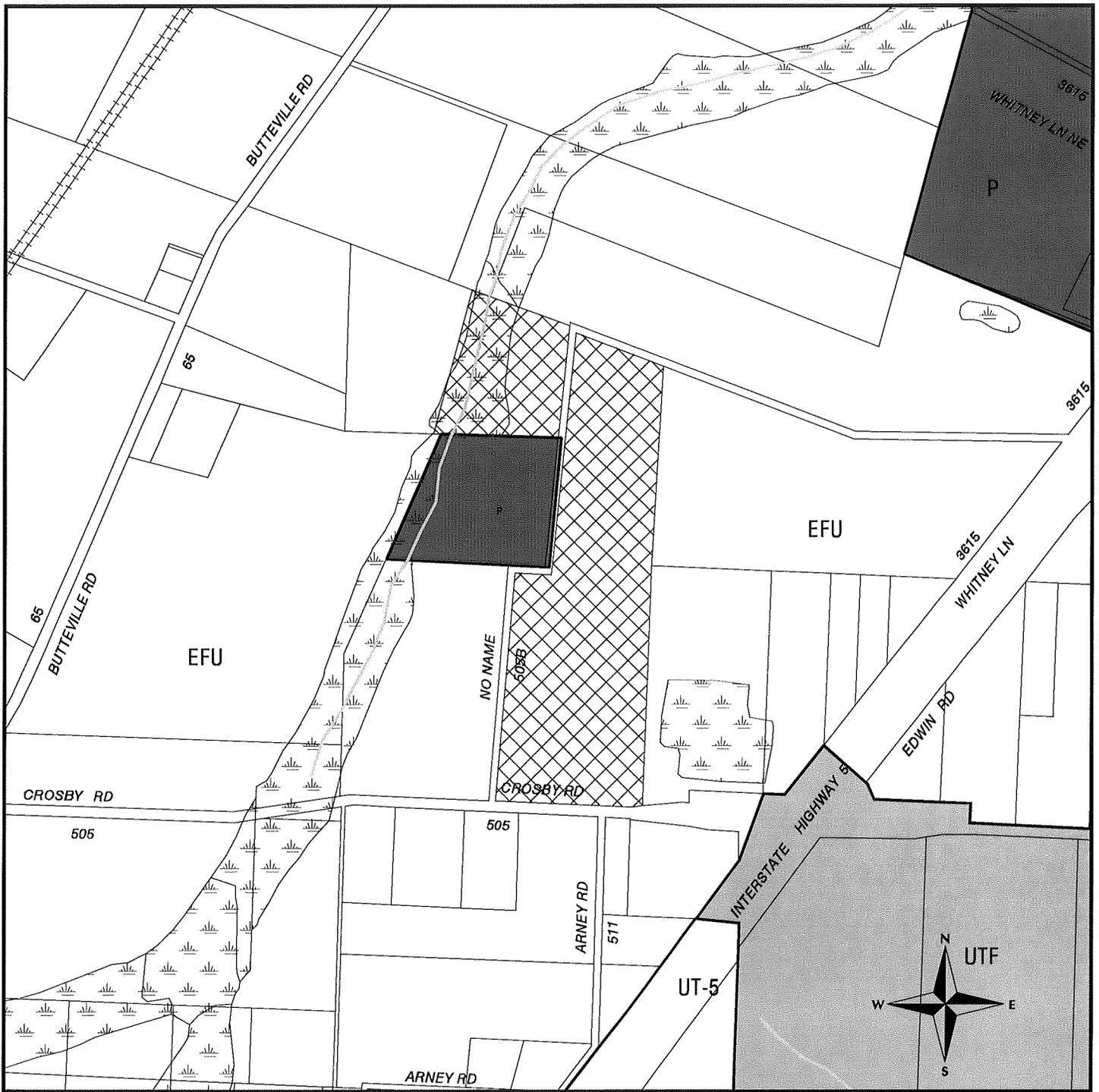
Marion County Comprehensive Plan Agricultural Land Policies and Rural Development Policies

For information regarding this application please contact: Sterling Anderson, Planning Manager; **PHONE: (503) 588-5038** Marion County Planning Division, 555 Court St NE, Salem, Oregon 97301

**NOTE:** The scheduling of a hearing and the mailing of this notice should not be construed in any way as a determination that the application has been deemed complete under the provisions of ORS 215.428.

In order to accommodate persons with physical impairments, please notify the Planning Division of any accommodations you may need as far in advance of the hearing as possible.

**Parking:** Please be advised that the streets around Courthouse Square have free 2-hour limited parking. As we are unable to predict how long a hearing might last, Marion County has a limited number of temporary parking permits available to those attending a public hearing. These permits are valid only for the designated spaces at the Marion County Courthouse parking garage, are on a first-come, first served basis, and valid only for the day of the public hearing. No parking is guaranteed. To request a parking permit, contact the Marion County Planning Division at (503) 588-5038.



Owner Name: TRINGAS,SHIRLEY HELEN  
 Situs Address: 17728 BUTTEVILLE RD NE  
 Map Number: 1 taxlots, see app.  
 Zone: EFU  
 Planning Map Number: 9

Fire District: WOODBURN  
 Zip Code: 97071,WOODBURN

scale 1" = 821'



# Agenda Item

September 13, 2010

TO: Mayor and City Council through City Administrator

FROM: Ignacio Palacios, Finance Director

SUBJECT: **Audit Services**

## **RECOMMENDATION**

Authorize the City Administrator to enter into a contract for audit services (see Exhibit A attached) with Grove, Mueller and Swank, P.C. to conduct the City's financial statement audit for fiscal years 2009-2010 and 2010-2011.

## **BACKGROUND**

Previously, the City had contracted with Boldt, Carlisle and Smith, LLC (BCS) to conduct its financial statement audit services. BCS had conducted the financial statement audits for the past eight fiscal years. In addition, the services provided were no longer meeting the needs of the City. Due to these reasons BCS was notified that they would no longer be retained as the City's financial statement auditors.

Pursuant to Local Contracting Rules the City solicited quotes for financial statement audit services for the fiscal years 2009-2010 and 2010-2011 from five qualified firms. A formal request for proposals was not necessary as the contract amount is under the \$75,000 limit. The City received two quotes in response to the solicitation.

Those two quotes were evaluated against predetermined criteria for technical qualifications and dollar cost (for both fiscal years). The technical quote points assigned were 65 points possible and 35 points possible for the dollar cost quote.

<b>Firm</b>	<b>Technical</b>	<b>Dollar Cost</b>	<b>Total Pts</b>	<b>Total Cost</b>
AKT, LLP	*			
Grove, Mueller & Swank, PC	60	35	95	\$ 73,400
Merina & Co., LLP	*			
Talbot, Korvola, & Warwick, LLP	63	28	91	\$ 120,460
Wilcox, Arredondo & Co.	*			
* No quote received				

Agenda Item Review: City Administrator  City Attorney  Finance

Both firms are technically qualified to conduct the fiscal audits requested by the City and have significant experience in conducting municipal government audits. Which leads to the differentiating factor coming down to cost. The quote from Grove, Mueller & Swank, P.C. is \$47,060 less than Talbot, Korvola and Warwicks, LLP's quote. Based on these criteria, I recommend that the City contract for financial statement audit services for the fiscal years 2009-2010 and 2010-2011 with Grove, Mueller and Swank, P.C.

**FINANCIAL IMPACT**

Financial statement audits are required by the State of Oregon and are budgeted for on an on-going basis. Sufficient appropriations have been made in the affected funds to pay for audit fees for fiscal year 2009-2010.

**Exhibit A**  
**City of Woodburn**  
**Municipal Audit Contract**

THIS CONTRACT, made this 27th day of August, 2010, in accordance with the requirements of Oregon Revised Statutes 297.405 through 297.555 between Grove, Mueller and Swank, P.C. Certified Public Accountant(s) of Salem, Oregon, ("AUDITOR") and the City of Woodburn, Oregon, ("CITY") provides as follows:

1. It hereby is agreed that AUDITOR shall conduct an audit of the accounts and fiscal affairs of CITY for the 2009-2010 and 2010-2011 fiscal years in accordance with the Minimum Standards for Audits of Municipal Corporations as prescribed by law. The audit shall be undertaken in order to express an opinion upon the financial statement of CITY and to determine if the CITY has complied substantially with appropriate legal provisions. The scope of the services under this agreement is attached and incorporated herein.
2. AUDITOR agrees that the services contracted to perform under this contract shall be rendered by or under personal supervision and that the work will be faithfully performed with care and diligence.
3. It is understood and agreed that, should unusual conditions arise or be encountered during the course of the audit whereby the services of AUDITOR are necessary beyond the extent of the work contemplated, written notification of such unusual conditions shall be delivered to the CITY who shall instruct in writing AUDITOR concerning such additional services, and that a signed copy of each such notification and instruction shall be delivered immediately to the Secretary of State by the party issuing the same.
4. The audit shall be started as soon after this contract is executed as is agreeable to the parties hereto and shall be completed and a written report thereon delivered within a reasonable time, but not later than six months, after the close of the audit period covered by this contract unless a mutually agreed to extension is granted. Adequate copies of such report shall be delivered to the CITY and its form and content shall be in accordance with and not less than that required by the Minimum Standards for Audits of Oregon Municipal Corporations.
5. It is understood and agreed that the CITY is responsible for such financial statements as may be necessary to fully disclose and fairly present the results of operations for the period under audit and the financial condition at the end of that period. Should such financial statements not be prepared and presented within a reasonable period of time, it is understood that AUDITOR shall draft them for CITY. The cost of drafting such financial statements is not included in the fee for conducting the audit as set forth in Paragraph 7 below.
6. Without limitation to such rights or remedies as CITY shall otherwise have by law, CITY shall have the right to terminate this Agreement or suspend work on the Project for any reason upon ten (10) days' written notice to AUDITOR. AUDITOR agrees to cease all work under this Agreement upon receipt of said written notice.

7. In consideration of the faithful performance of the conditions, covenants, and undertakings herein set forth the CITY hereby agrees to pay AUDITOR the sum of \$36,700 for each fiscal year under audit as set forth in Paragraph 1 and the CITY, hereby affirms that proper provision for the payment of such fee has been or will be duly made and that funds for the payment thereof are or will be made legally available.
  
8. AUDITOR shall provide and maintain:
  - A. Commercial General Liability Insurance, occurrence form, with a limit of not less than \$1,000,000 for each occurrence.
  - B. Automobile Liability Insurance, occurrence form, with a limit of not less than \$1,000,000.00 for each occurrence. Such insurance shall include coverage for owned, hired, and non-owned automobiles.
  - C. Workers Compensation in at least the minimum statutory limits.
  - D. All insurance shall:
    - i. Include CITY as an additional insured with respect to this Agreement and the performance of services in this Agreement.
    - ii. Be primary with respect to any other insurance or self-insurance programs of CITY.
    - iii. Be evidenced, prior to commencement of services, by properly executed policy endorsements in addition to a certificate of insurance provided to CITY.
    - iv. No changes in insurance may be made without the written approval of CITY.
  
9. AUDITOR agrees to hold harmless and indemnify CITY, its officers and employees from and against any and all claims, loss, liability, damage, and expense arising from the negligent, or claimed negligent, performance of this Agreement by AUDITOR, its officers or employees. AUDITOR agrees to defend CITY, its officers or employees against any such claims. This provision does not apply to claims, loss, liability or damage or expense arising from the sole negligence, or willful misconduct, of CITY.

CITY OF WOODBURN

AUDITOR

By: \_\_\_\_\_

By: \_\_\_\_\_

Scott Derickson

Print: \_\_\_\_\_

Title: City Administrator

Title: \_\_\_\_\_