

**COUNCIL MEETING MINUTES
DECEMBER 9, 2013**

0:00 **DATE COUNCIL CHAMBERS, CITY HALL, CITY OF WOODBURN, COUNTY OF MARION, STATE OF OREGON, DECEMBER 9, 2013.**

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

ROLL CALL

Mayor Figley	Present
Councilor Cox	Present - 7:05
Councilor Lonergan	Present
Councilor McCallum	Present
Councilor Morris	Present
Councilor Ellsworth	Present
Councilor Alonso Leon	Present

Staff Present: City Administrator Derickson, City Attorney Shields, Interim Public Works Director Scott, Economic and Development Director Hendryx, Captain Garrett, Human Resource Director Hereford, Urban Renewal Manager Stowers, Communications Coordinator Horton, City Recorder Pierson

0:00 **ANNOUNCEMENTS**

The City Council meeting scheduled for December 23 is cancelled. The next City Council meeting will take place on January 13, 2014 at 7:00 p.m.

APPOINTMENTS

Mayor Figley proposed the following appointments and reappointments:

Library Board

Position I	J.D. Mitchoff (<i>reappointment</i>)
Position II	Kristen Berkey (<i>reappointment</i>)
Position III	Nancy Kirksey (<i>reappointment</i>)
Position V	Ian Niktab (<i>new appointment</i>)

Park Board

Position I	Ricardo Vasquez Rodriguez (<i>new appointment</i>)
Position III	Joseph Nicoletti (<i>reappointment</i>)
Position IV	Rosetta Wangerin (<i>reappointment</i>)
Position V	Chris Lassen (<i>new appointment</i>)
Student Position II	Sofie Velasquez (<i>reappointment</i>)

Planning Commission

Position 6	Frank W. Comer (<i>new appointment</i>)
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Budget Committee

Position I	Eric Swenson (<i>reappointment</i>)
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Lonergan/Ellsworth...approve the appointments and reappointments. The motion passed unanimously.

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0:02 **COMMUNITY/GOVERNMENT ORGANIZATIONS**

Chamber of Commerce – Don Judson, Executive Director, provided information to the Council on upcoming Chamber functions and thanked the City Council for their support during his time as the Chambers Executive Director.

Woodburn School District – Chuck Ransom provided information to the City Council on the upcoming bond for the school district.

Habitat for Humanity - Aaron Huddart, President of North Willamette Valley Habitat for Humanity, provided information of what Habitat for Humanity has been up to in the community and announced that they are looking to move the Restore store from Mt. Angel to Woodburn.

0:47 **BUSINESS FROM THE PUBLIC**

Councilor Ellsworth stated that she has been fielding questions about the block wall that is going up with the I-5 corridor and she would like to know what a decorative wall is and what type of landscaping is going to be put in and who is going to maintain it. She also would like to know what type of landscaping will be going where the Sequoia trees are standing right now. City Administrator Derickson answered that ODOT owns this project and they are responsible for the design and construction of the project. He added that in this particular location ODOT will be planting native species and that the City is responsible for the right-of-way maintenance after it is put in. City Administrator Derickson stated that we can ask ODOT for a better description of the plants that will be put in. Interim Public Works Director Scott answered that the decorative block wall is basically colored blocks with different patterns. Councilor Ellsworth asked who would be responsible for removing graffiti from the wall and Interim Public Works Director Scott answered that it would be the City’s responsibility.

1:05 **CONSENT AGENDA**

- A. Woodburn City Council minutes of November 25, 2013
 - B. Liquor License Change of Ownership/Name-Full On-Premise Sales for El Tule Taqueria
 - C. Crime Statistics through October 2013
 - D. Appointment as Vice-Chair of Legal Advocacy Committee
- McCallum/Lonergan** adopt the Consent Agenda. The motion passed unanimously.

1:06 **COUNCIL BILL NO. 2941 - A RESOLUTION ENTERING INTO AN AGREEMENT WITH WOODBURN SCHOOL DISTRICT 103 FOR THE PURPOSE OF COLLECTING A CONSTRUCTION EXCISE TAX AS PROVIDED BY STATE LAW AND AUTHORIZING THE CITY ADMINISTRATOR TO SIGN SAID AGREEMENT**

McCallum introduced Council Bill 2941. Recorder Pierson 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. 2941 duly passed.

1:11 **DRAFT ECONOMIC IMPROVEMENT DISTRICT ENABLING ORDINANCE**

Urban Renewal Manager Stowers provided a staff report and presentation. Mayor Figley

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announced that she does own property in the affected area. Councilor Cox stated that he has no objections to the ordinance and asked what type of response they have received from the downtown businesses. Urban Renewal Manager Stowers answered that the response they have received has been very positive and supportive of an EID. Councilor Ellsworth asked if they have done outreach to other areas of the City and Urban Renewal Manager Stowers answered that they have not. Councilor Alonso Leon commented that she would like to see outreach to other areas of the community.

1:24 **CITY ADMINISTRATOR’S REPORT**

The City Administrator had nothing to report.

1:25 **MAYOR AND COUNCIL REPORTS**

Councilor Alonso Leon wished all a happy holiday and encouraged people to volunteer and donate when they can.

Councilor McCallum stated that it has been fantastic a start to the holidays with all the community events going on and encouraged people to participate.

Mayor Figley wished everyone a Merry Christmas and Happy New Year.

1:27 **EXECUTIVE SESSION**

Mayor Figley entertained a motion to adjourn into executive session under the authority of ORS 192.660 (2)(h) and ORS 192.660 (2)(f). **Lonergan/McCallum** ...to move into executive session. The Council adjourned to executive session at 8:27 pm and reconvened at 9:33 pm. Mayor Figley stated that no action was taken by the Council while in executive session.

2:33 **ADJOURNMENT**

McCallum/Lonergan meeting be adjourned. The motion passed unanimously. The meeting adjourned at 9:33 p.m.

APPROVED _____
KATHRYN FIGLEY, MAYOR

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

**EXECUTIVE SESSION
COUNCIL MEETING MINUTES
DECEMBER 9, 2013**

DATE **CONFERENCE ROOM, CITY HALL, CITY OF WOODBURN, COUNTY OF MARION, STATE OF OREGON, DECEMBER 9, 2013.**

CONVENED The Council met in executive session at 8:28 p.m. with Mayor Figley presiding.

ROLL CALL

Mayor	Figley	Present
Councilor	Cox	Present
Councilor	Lonergan	Present
Councilor	McCallum	Present
Councilor	Morris	Present
Councilor	Alonso Leon	Present
Councilor	Ellsworth	Present

Staff Present: City Recorder Pierson, City Administrator Derickson, City Attorney Shields, Captain Garrett

Others Present: Kirk Mylander, CIS General Counsel

Media Present: None

Mayor Figley reminded those in attendance that information discussed in executive session is not to be discussed with the public.

The executive session was called:

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

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

ADJOURNMENT.

The executive session adjourned at 9:32 p.m.

APPROVED _____
KATHRYN FIGLEY, MAYOR

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

**WOODBURN PLANNING COMMISSION PUBLIC
HEARING/MEETING MINUTES
November 14, 2013**

CONVENED: The Planning Commission met in a public meeting session at 7 p.m. in the City Hall Council Chambers, with Chair Claudio Lima presiding.

ROLL CALL:

Chair	Lima	Present
Vice-Chair	Piper	Present
Commissioner	Grigorieff	Present
Commissioner	Valladares	Absent
Commissioner	Bandelow	Present
Commissioner	Corning	Present
Commissioner	Carney	Present

Staff Present: Jim Hendryx, Economic and Development Services Director
 Don Dolenc, Associate Planner
 Jon Stuart, Assistant City Attorney
 Vicki Spitznogle, Recording Secretary

Chair Lima opened the workshop/meeting at 7 pm, and led the Commissioners in the flag salute.

Minutes

The August 22, 2013 minutes were unanimously approved.

Business from the Audience

There was none.

Communication

None

Workshop

Since the last Planning Commission meeting in August, staff has revised Section 3.09 Planned Unit Developments (PUD) and is proposing changes to make it simpler, easier and more user-friendly. Taking Council's direction, staff looked at other jurisdictions to view how they dealt with PUDs, and taking the best of what they saw, they made changes to incorporate those ideas, coming up with a proposed wholesale replacement of Section 3.09.

PUDs are meant to allow more flexible development standards, unique street cross-sections and more variety in permitted uses. In exchange for the ability to modify

development and use standards, PUDs must provide common open space and enhanced public amenities.

The current provisions only allow limited incentives and there are various barriers, including requiring a variance to reduce setbacks or lot size, and a lengthy review process.

The proposed changes include:

- Reducing or eliminating the minimum PUD size;
- Providing maximum flexibility in development standards;
- A greater variety of housing types and uses;
- Justification for relaxing standards.

Commissioner Piper felt that the proposed changes might be relaxing standards too much. He acknowledged that they would present a very attractive development option for developers, and brought up the issue of covenants, conditions and restrictions (CC&Rs), wondering who would be making and enforcing common rules for homeowners in PUDs.

Associate Planner Dolenc noted that CC&Rs are generally not enforced by the City.

Commissioner Carney requested that staff keep a laundry list of Commission objections. He also wanted to know if CC&Rs, as well as Homeowner's Associations (HOAs), could be incorporated as part of PUD regulations.

Assistant Attorney Jon Stuart stated that the City wants to encourage PUDs. An HOA could be required. Developers also might be required to justify the style of PUD they submit.

Commissioner Bandelow said that developers often want to be out of the development process once about 70% of the homes have been sold, and traditionally do not want to be further involved.

Economic and Development Services Director Jim Hendryx said that there is a process and time limit to enforce CC&Rs, after which restrictions would no longer apply.

Three different types of PUDs are being proposed:

- A. Transfer of Density PUDs, which are often called cluster housing. This type is used to transfer residential density from undevelopable areas of a site to the developable areas, but not to increase the overall number of dwelling units allowed on the site.

Differences from today's Transfer of Density PUD:

- No minimum size for PUD
- Flexible standards (no variances needed)
- Simplified process (no concept plan)
- Mix of housing types

Commissioner Carney asked if the undevelopable area could be made into a common area owned by the City, so that surrounding neighbors could use it as well.

Assistant City Attorney Stuart said that it would be possible for the City to own the land if the City had clear requirements for the exaction of the land and could justify the taking of the land through the Supreme Court's rough proportionality test. Any such exaction would need to be reviewed on a case-by-case basis. In the case of PUDs, the owner is voluntarily putting together an integrated plan that includes setting aside property in exchange for certain development concessions. The land set aside is usually owned by the HOA, rather than by the City.

Associate Planner Dolenc remarked that the unusable portion might be made into an access easement, but in general, that portion of the lot is owned by the HOA.

- B. Residential PUDs, which are properties zoned RS, RSN, R1S or P/SP. They are not allowed in the Neighborhood Conservation Overlay District (NCOD).

Differences from today's Residential PUD:

- Reduced minimum size for PUD
- Flexible standards (no variances)
- Mix of housing types

- C. Mixed-Use PUDs, which is any use allowed in any zone. A Mixed-Use PUD is not allowed in the NCOD. They are limited to a maximum of one third of the gross floor area of non-district uses (for example, a three story building in a multi-family residential zone might have office space on the first floor and then have apartments, a multi-family residential use, on the top two floors). Residential uses must be separated by industrial uses by at least 30 feet. Commercial uses may go into the residential use by a certain amount, and the residential can go into the commercial a certain amount (30%). The underlying zone is still dominant and stays two-thirds consistent to a use appropriate to that zoning.

Differences from today's Section 3.09 Mixed-Use PUD

- Reduced minimum size for PUD
- Flexible standards
- Mix of housing types

The process to get residential and mixed-use PUD approval under the proposed plan is to submit a conceptual development plan, with a general layout and a narrative that addresses why this property would be suitable for a PUD. Secondly, the developer would submit a detailed development plan, which would refine the conceptual plan, specifying building location, architecture, landscaping, and phasing. The conceptual plan may be heard concurrently with the detailed development plan. It is a Type III decision, and therefore comes before the Planning Commission. It gives the developer a chance to go before the community and get feedback before allocating design resources.

The third step is a Type I decision, completed when the staff makes sure that the developer's final plan shows that all the conditions have been met. Once that has been approved, the property owner can apply for building permits.

Planning Commission Discussion

Chair Lima noted that the Commission has two opportunities to approve or disapprove a PUD application. If they have concerns with what they see, they can ask the developer to further refine his submittal.

Commissioner Carney said that a PUD is a neighborhood. It was pointed out during the meeting that the PUD development must, at the least, meet the standards of the WDO. The developer can also go farther if he wishes, and it is up to the Commission to approve or disapprove these elevated standards. Commissioner Carney feels that the Commission should consider these applications on a case-by-case basis and incorporate stricter standards when it's called for. Further study is needed, but the proposed PUDs encourage creativity, and he likes the direction that staff is going with the revision.

Commissioner Bandelow wondered if a large day care facility would be allowed in a Residential PUD. Associate Planner Dolenc said that the residential zone is allowed a mix of housing types, but not uses. So a large child care facility would not be allowed. However, a Mixed-Use PUD would allow more than one use.

Commissioner Bandelow likes PUDs and would like to see them encouraged, although she does not approve of a reduced minimum lot size for a PUD. She wondered if the Commission can turn down PUDs that do not appeal to them.

Assistant Attorney Stuart said that the Commission could disapprove a PUD and the developer could appeal the decision to the City Council following the process of other Type III decisions. The developer could also decide to not pursue a PUD, but rather apply for variances from the WDO standards.

Director Hendryx suggested that everyone involved in the PUD decision-making process ask themselves how the public would benefit from the changes made and whether everyone would be able to enjoy the benefit, not just a favored few.

Commissioner Grigorieff asked what other jurisdictions require in the way of acreage for a PUD and was told that it varies widely.

As the discussion as progressed, Commissioner Piper became more comfortable with the revised PUD as he realized that there are two opportunities to hold staff and the developer to a certain standard. He would like a public benefit incorporated into the rules, to remind present and future Commissions that the public benefit is paramount. He would also like to see some type of language on the CC&R with a minimum standard and enforcement of that standard.

Commissioner Bandelow said that the proposed PUD encourages development of problematical land in Woodburn.

There was some discussion about ways to enforce CC&Rs, with Commissioner Carney stating that the Commission would want to see a secure method of enforcement.

Assistant City Attorney Stuart noted that there are limits as to what can be required of a private property. CC&R's are private agreements and the City government would typically not get involved. The Council – the City's highest government body – could decide to make a City-wide blanket policy of restrictions and then Code Enforcement would be responsible to enforce it.

Director Hendryx stated that staff will go back, revise Section 3.09 to incorporate the Commission's suggestions, and present the revised version in another workshop. The next meeting will be tentatively scheduled on Thursday, December 12th.

Items for Action:

None.

Business from the Commission:

Planning Commission expressed concern about the removal of significant trees in Woodburn. Just because you're tired of raking leaves is not a good enough reason.

Commissioners Carney, Valladares and Lima attended a state-wide Planning Commission meeting on Sept 26th. They attended the meeting, and recommended future meetings of this type to the Commissioners.

Adjournment

Commissioner Piper made a motion that the meeting be adjourned, and Commissioner Grigorieff seconded it. The meeting was adjourned at 8:48pm.

APPROVED 
Claudio Lima, Chair

12/12/13
Date

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

12/13/13
Date

City of Woodburn
Recreation and Park Board Minutes

November 12, 2013 • 5:30 p.m.



1. **CALL TO ORDER**

The meeting was called to order at 5:30 p.m.

2. **ROLL CALL**

Position I	Vacant, Member (12/14)	
Position II	Sofie Velasquez, Student Member (12/16)	Absent
Position III	Joseph Nicoletti, Board Secretary (12/13)	Present
Position IV	Rosetta Wangerin, Board Chair (12/13)	Present
Position V	Bruce Thomas, Member (12/13)	Present
Position VI	Ardis Knauf, Member (12/16)	Present
Position VII	Gevin Gregory, Member (12/16)	Present (6:05 PM)

3. **APPROVAL OF MINUTES**

The minutes from the October 8, 2013 meeting were unanimously approved (Knauf/ Nicoletti)

4. **BUSINESS FROM THE AUDIENCE**

None

5. **NEW BUSINESS**

Member Reappointments

There was a brief discussion about the fact that Position #1 is still vacant and three existing member's positions expire in December 2013. Jim asked those members to let him know by November 25 if they would like to be reappointed. Jim expressed his hope that a full Board would be in place by the annual workshop in January.

6. **OLD BUSINESS**

Legion Park Rehabilitation Project Update

Jim informed the Board that the pavilion/ restroom facility is currently in the design phase. The plan is to utilize many of the trees that will be removed from the park to mill lumber for the structure. The project is expected to be out to bid in the spring. The deteriorated fencing around the parking lot and soccer field has already been removed and plans are being developed to replace the deteriorated light pole and improve the soccer field's lighting system. Work has also begun to complete the plan for future improvements to the soccer field/ stadium area and the northern portion of the park behind the

stadium. The plan will include a recommendation for an artificial turf soccer field and a new sports lighting system. A draft of the plan should be ready for review by the Board in January.

Cowan Park Update

Jim and Gevin provided a brief update on the status of the Cowan Park Adopt-A-Park project.

7. **DIVISION REPORTS FROM DEPARTMENT**

a. AQUATICS

Financial Update

- October revenue very similar to last year
- Expenses this FY (July – Oct) are down 4% from last FY
- Revenue this FY (July – Oct) is up 6% from last FY

Program Update

- Outdoor Program (Boys & Girls Club) starts today (3rd year doing lessons)
- Spooky Splash was a success this year as well
- Possibly working with teen volunteers to put together a Teen New Year's Eve Bash
- Lifeguard Class
 - December 7 & 14 8am-8pm
 - Earn While You Learn Program
- Swim instructor workshop in December for current staff

Marketing Update

- Black Friday Sale on Nov. 29 (see flyer for details)
 - Buy 1, get one 50% off specific items (some memberships included)
 - 40% off specific items
- Groupon promotion for swimming lessons was successful
- Winter & Spring Out & About in editing phase, should be in hand in the next month

b. RECREATION

Youth Sports

Youth Soccer concluded Saturday, November 2nd and Pee Wee Basketball has now begun with 41 kids playing, 12 more than last year.

Community Ed Classes

Happy to report that the Kids in the Kitchen Class maxed out for “Monster Munch” in October. The next cooking class will have a holiday theme. We have made arrangements for new winter/spring classes to have two time slots to

accommodate demand. Other new winter/spring classes include puppy kindergarten, tatting, and gardening

After School Club

The City has formalized an agreement with the Woodburn School District with regards to the operation of the After School Club program. The School District took over all operations, but the City is still supporting registration.

B&G Club

As a part of their “Designing for Impact” grant funding, the teen center is currently being renovated for more efficient utilization of interior space, new paint, flooring and multi-purpose kitchen area. Technology and furnishings throughout the facility have been upgraded to support our teens and ongoing quality programming. Community garden beds will be created spring 2014.

Downtown Trick or Treating

This year’s event took place on October 31st from 3:30 – 5pm. There were many games and activities in the Plaza including candy corn bowling, cup cake walk, pumpkin decorating, and piñatas. Many businesses participated as “candy stops” for kids to hit up for candy afterwards.

Mayor’s Tree Lighting

The annually Mayor’s Tree Lighting at the Plaza will be December 1st. Festivities begin at the Settlemier House at 5:30pm with a performance by the Dickens Carolers, then a parade down Garfield Street to the Plaza where there will be light refreshments, a youth dance performance, and an appearance by Santa himself.

c. PARKS & FACILITIES

None.

8. FUTURE BOARD BUSINESS

The Board discussed the annual workshop that is generally conducted in January.

9. BOARD COMMENTS

There was some discussion about the level of lighting in the Aquatic Center’s parking lot.

Gevin asked if dead tree branches at Cowan Park could be removed. Jim will bring this item to the attention of the parks & facilities supervisor.

There was a discussion about the annual workshop, which, if we have a full membership, will be conducted in January. Members discussed some of the topics they would like to discuss.

10. ADJOURNMENT

The meeting was adjourned at 6:15 p.m.



Agenda Item

January 13, 2014

TO: Honorable Mayor and City Council through City Administrator
FROM: Jim Hendryx, Director of Economic & Development Services
SUBJECT: **Expansion of the Woodburn Enterprise Zone**

RECOMMENDATION:

- (1) Conduct a public hearing on expanding the Woodburn Enterprise Zone to include the City of Gervais.
- (2) If acceptable to the City Council, adopt the attached resolution recommending that the Woodburn Enterprise Zone be expanded and renamed the Woodburn-Gervais Enterprise Zone.

BACKGROUND:

Woodburn was designated as an Enterprise Zone (EZ) in July, 2010. In November 2013, Gervais requested that Woodburn consider expanding the EZ boundaries to include their entire city. The reason for the expansion is to accommodate the interests of an existing business that intends to make substantial investment into their existing building and to add additional local jobs for our communities. The expansion additionally provides for future growth on vacant commercial/industrial lands within Gervais, making our area more attractive for future economic growth.

The EZ program provides important tools for communities to utilize in retaining and attracting new employers, while supporting the strategy of creating more local employment opportunities for our residents. EZ's encourage business investment through property tax relief. In exchange for locating or expanding a business in an enterprise zone, eligible (generally non-retail) businesses receive total exemption from the property taxes normally assessed on new plants and/or equipment for a specified amount of time, which varies between the different community programs. Eligible businesses typically include manufacturers, processors, shippers and a variety of operations that serve other organizations, as well as call centers and headquarter-type facilities. Generally, construction, financial and retail activities are ineligible.

Agenda Item Review: City Administrator City Attorney Finance

Statewide, there is a total of 64 EZ's, which include both rural (smaller cities, including Woodburn, Silverton, etc.) and urban zones (larger cities, such as Medford, Hillsboro, Beaverton, etc.). Statutorily, the number of EZ's is limited to a total of 64 zones within the state. Locally, the cities of Salem, Silverton, Molalla, Stayton, Donald, Hubbard, and Aurora are within designated EZ's. Mt Angel recently requested inclusion into the Silverton EZ.

State statute establishes standards for designating and/or expanding established EZ's, including size limitations, income and unemployment levels. While the total number of EZ's is limited, expansion of existing zones is only limited by size (12 square miles). Woodburn's EZ, which includes the entire city limits, totals approximately 5.2 square miles. Gervais, which has similar income levels, totals approximately .39 square miles. The proposed EZ expansion meets the size, income and unemployment thresholds established by state statute.

Procedurally, notice to taxing districts must be provided 21 days in advance of City Council's consideration, which has been done. An open house was also held in Gervais on December 31, 2013, providing taxing districts the opportunity to discuss and fully understand the program and its benefits. The Fire District participated at the open house, indicating support for the expansion. The proposed expansion meets the procedural standards of state statutes.

As required by statute, the Gervais City Council adopted a resolution (Attachment A) on December 5, 2013, requesting and supporting expansion of the Woodburn Enterprise Zone to include the entire City.

DISCUSSION:

The City of Gervais requested the Woodburn City Council's consideration in expanding the Woodburn EZ to include their entire city. There is an existing business in Gervais interested in expanding and taking advantage of the EZ program benefits. Additionally, other businesses and properties could benefit from the program expansion. State statute establishes procedures and standards for expanding established EZ's, including size limitations, income, unemployment levels, etc. Expanding Woodburn's EZ boundary appears to meet state requirements.

The City Council is required to hold a public hearing on the proposed expansion. After consideration of public input, they will take action, adopting the attached resolution. Subsequently, the request will be submitted to Business Oregon.

Administering the EZ program involves consultation with potential applicants, explaining benefits, procedures and requirements. Consultation typically only involves a few hours of time and is beneficial in building positive interactions with business owners and their representatives, while demonstrating the community's support for new and/or existing businesses. Expanding the EZ to include Gervais would have a minimal impact on workload, since there are limited opportunities for expansion.

The attached resolution includes specific language which excludes "hotels, motels, and destination resorts" within the City of Gervais. The Woodburn portion of the zone extends the EZ benefits to hotels and motels. (Statutorily, Woodburn and Gervais do not qualify for destination resorts.) There are no hotels or motels in Gervais, thus the exclusion in the resolution.

FINANCIAL IMPACT:

Expanding the Woodburn Enterprise Zone to include Gervais is anticipated to have minimal impact, primarily involving limited staff time.

Attachments:

Attachment A -City of Gervais Resolution No. 13-012
Letter of Support from Marion County Board of Commissioners
Letter of Support from SEDCOR

RESOLUTION NO. 13-012

A RESOLUTION ELECTING TO COSPONSOR A BOUNDARY CHANGE TO THE WOODBURN ENTERPRISE ZONE TO INCLUDE THE CITY OF GERVAIS, OREGON

WHEREAS, in 2010, the City of Woodburn successfully applied for an enterprise zone, which was designated as the Woodburn Enterprise Zone by the Director of Business on (date). The designation of the enterprise zone does not grant or imply permission to develop ;and within the Zone without complying with all prevailing zoning, regulatory and permitting processes and restrictions of any and all local jurisdictions; nor does it indicate any public intent to modify those processes or restrictions, unless otherwise in agreement with applicable comprehensive land use plans; and

WHEREAS, this Enterprise Zone and the three to five year property tax exemption that it offers for new investments in plant and equipment by eligible business firms are critical elements of local efforts to increase employment opportunities, to raise local incomes, to attract investments by new and existing businesses and to secure and diversify the local economic base; and

WHEREAS, the City of Gervais is currently not a sponsoring government of the Woodburn Enterprise Zone, this proposed change in the zone boundary includes the jurisdiction of the City of Gervais and the City of Gervais is requesting to join the Woodburn Enterprise Zone as a cosponsor. Officials of the City of Woodburn are agreed in requesting a change in the boundary of the Woodburn Enterprise Zone that would add Gervais as indicated on the attached map that the amended Enterprise Zone would be configured according to that map and attached description. Special notification will be sent to all affected Gervais taxing districts.

NOW, THEREFORE, BE IT RESOLVED THAT:

Section 1. The Cities of Woodburn and Gervais request an addition to the boundary of the Woodburn Enterprise Zone as shown in the attached Gervais map (Exhibit A).

Section2. The Cities of Woodburn and Gervais request that the name of the Woodburn Enterprise Zone be changed to the "Woodburn -Gervais Enterprise Zone".

Section 3. The City of Gervais requests to be added to the Woodburn Enterprise Zone as a cosponsor of the zone.

Section 4. Jim Hendryx is hereby authorized to prepare and submit technical memoranda to Business Oregon, along with this resolution and other necessary documents, verifying that the requested boundary change to the Woodburn - Gervais Enterprise Zone complies with the requirements of ORS 285C.115, so that the request herein may be approved by order of the department's Director.

Section 5. The city of Gervais, in joining the sponsorship of the Woodburn – Gervais Enterprise Zone, shall be excluded from the zone’s election, by which a hotel, motel or destination resort is an eligible business firm.

PASSED AND APPROVED BY THE CITY COUNCIL this 5th day of December, 2013, by the following vote:

AYES: 5 NAYS: 0

Approved by the Mayor this 5th day of December, 2013.



Shanti Platt, Mayor

ATTESTED BY:



Susie Zwemke, City Recorder

City of Gervais



Zoning

This map is illustrative and is only to be used for planning purposes.

<ul style="list-style-type: none">  City Limits  Urban Growth Boundary  Taxlots 	<p>Zoning</p> <ul style="list-style-type: none">  Residential District R1  Residential District R2  Commercial General  Commercial Retail  Commercial Retail/Industrial  Light Industrial  Public Facility 	<p>Marion County Zoning</p> <ul style="list-style-type: none">  Urban Transitional Farming
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Mid-Willamette Valley Council of Governments, 105 High Street SE, Salem, OR 97301 (503) 388-6177 mwcog.org www.mwcog.org r:\city\gervais\ugbexp.apr 01/24/07

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ORDINANCE NO. 09-2001

AN ORDINANCE ANNEXING PROPERTY INTO THE CITY OF GERVAIS
AND AMENDING THE CITY OF GERVAIS ZONING MAP.

WHEREAS, the city of Gervais considered a request to annex and rezone approximately 2.93 acres of a 3.87 acre parcel identified as the southwest portion of Tax Lot 100, Township 5S, Range 2W, Section 26BA; and

WHEREAS, the subject property is located within the Gervais Urban Growth Boundary, and is designated as Residential in the Gervais General Plan, and designated as Urban Transition Farming on the Marion County Zoning Map; and

WHEREAS, the above described area and property is contiguous to the city of Gervais; and

WHEREAS, the proposed zoning for the property is Residential District (R-2);
and

WHEREAS, on June 8, 2000 the city council held a public hearing on the annexation and zone change request at which time the public was given full opportunity to be present and heard on the matter; and

WHEREAS, notice of the said public hearing was duly given to the public pursuant to the State of Oregon's notice requirements; now, therefore,

THE CITY OF GERVAIS ORDAINS AS FOLLOWS:

Section 1. The city council adopts the finds as presented in the staff report dated May 18, 2000.

Section 2. That the real premises described in Exhibit A is hereby annexed to the city of Gervais.

Section 3. That the city recorder of the city of Gervais is hereby authorized and directed to make and submit to the Secretary of State of Oregon, the Assessor of Marion County, the County Clerk of Marion County, and the Department of Revenue, State of Oregon, a certified copy of this ordinance.

Section 4. The zoning designation for the subject property is hereby changed from Urban Transition Farming to Residential District (R-2).

Section 5. The city council of the city of Gervais deems and desires it necessary for the preservation of the health, peace, and safety of the city of Gervais that this ordinance take effect at once, and therefore an emergency is hereby declared to exist and this ordinance shall be in full force and effect from and after its passage and approval.

Approved and adopted this 12th day of April, 2001, by the following votes and signature:

Councilor Ladd	<input type="checkbox"/> Aye	<input type="checkbox"/> Nay	<input type="checkbox"/> Abstention
Councilor Arnold	<input type="checkbox"/> Aye	<input type="checkbox"/> Nay	<input type="checkbox"/> Abstention
Councilor Hawkins	<input type="checkbox"/> Aye	<input type="checkbox"/> Nay	<input type="checkbox"/> Abstention
Councilor Gregory	<input type="checkbox"/> Aye	<input type="checkbox"/> Nay	<input type="checkbox"/> Abstention
Councilor Miller	<input type="checkbox"/>	<input type="checkbox"/> Nay	<input type="checkbox"/> Abstention

Ronald Foote, Mayor
Dated this 13th day of April 2001.

ATTESTED:

M. J. Davis, City Recorder
Filed: April 13, 2001



CITY OF GERVAIS

592 Fourth Street/PO Box 329, Gervais, Oregon 97026-0329

503-792-4900 Administration Office; 503-792-3791 Fax

Text Tel. (TTY) 1-800-735-2900 Spanish (TTY/V) 1-800-735-3896

December 31, 2013

The legal description of the City of Gervais includes the existing city limits at the time Ordinance No. 09-2001 was adopted on April 12, 2001 in addition to the annexation of property in the City of Gervais, as was adopted with Ordinance No. 09-2001.

Susie Zwemke
City Manager

Gervais is a charming, dynamic rural community with a rich cultural heritage, valuing the past and anticipating the future...a wonderful and tranquil place to work, play and live.

The City of Gervais is an Equal Opportunity Provider and Employer. Complaints of discrimination should be sent to: USDA, Director, Office of Civil Rights, Washington, DC 20250-9410



Marion County
OREGON

January 6, 2013

(503) 588-5212
(503) 588-5237 - FAX

**BOARD OF
COMMISSIONERS**

Samuel Brentano
Patricia Milne
Janet Carlson

**CHIEF
ADMINISTRATIVE
OFFICER**

John Lattimer

Mr. James Hendryx
Economic and Development Services Director
City of Woodburn
270 Montgomery Street
Woodburn, OR 97071

Dear Mr. Hendryx,

The Marion County Board of Commissioners supports expanding the Woodburn Enterprise Zone to include the City of Gervais. We appreciate that the two cities are working together to extend the economic development boundary of Woodburn's enterprise zone to benefit potential employers in your neighboring city.

Thank you for your letter of December 20, 2013 providing detailed information about the process and benefits. It is helpful to know that property tax revenue to the cities and school districts will not be reduced, yet business owners who expand will defer an increase in their property tax until their exemption expires in three years.

Please share our letter of support with members of the Woodburn City Council in advance of the council's January 13 meeting. We expect that the expansion of the enterprise zone will be beneficial in growing jobs for residents of both cities.

Sincerely,


Sam Brentano
Chair

c: Susie Zwemke, Gervais City Manager



STRATEGIC ECONOMIC
DEVELOPMENT CORPORATION

SEDCOR

Linking industry with our communities.

626 High Street NE, Suite 200
Salem, OR 97301

PHONE 503-588-6225
FAX 503-588-6240

info@sedcor.com
www.sedcor.com

November 18, 2013

Mr. Jim Hendrix
City of Woodburn
270 Montgomery St.
Woodburn, OR 97071

RE: Letter of Support- Enterprise Zone Expansion

Dear Mr. Hendrix,

As we discussed last week, the proposal to expand the Enterprise Zone to cover not only the industries in Woodburn, but also those in Gervais is a great one. It is my pleasure to support this work in our region. As you know the Enterprise Zone has been a powerful tool to help not only new traded sector companies in the region, but more importantly assist local companies in expanding and adding needed jobs and investment.

The opportunity to work with the community in Gervais and extend these benefits, shows a great appreciation of the fact that this is very much a regional economy and one that is interconnected. By combining forces your council is showing a great recognition of the benefits of working together. In the last year, we have been able to work with the cities in North Marion County, and are already seeing companies make significant investment, and adding new jobs by working together in efforts such as the one you are proposing.

If you have any questions, or need any additional information please do not hesitate to contact me directly. I look forward to working with you on this.

Best Regards,

Chad Freeman
President, SEDCOR

President

Chad Freeman

2013- 2014

Executive Board

Chair

George Jennings
Partner
Garrett Hemann Robertson PC

Secretary/Treasurer

Ken Hector
Councilor
City of Silverton

Chair Elect

Theresa Haskins
Business Market Manager
Portland General Electric

Past Chair

Byron Hendricks
President
Prudential Real Estate
Professionals - Commercial

Members at Large

Patricia Callihan-Bowman
Owner
Express Employment Professionals

Brent DeHart
Financial Representative
Northwestern Mutual Insurance

Patti Milne
Commissioner
Marion County

Linda Norris
City Manager
City of Salem

COUNCIL BILL NO. 2942

RESOLUTION NO. 2038

A RESOLUTION REQUESTING THAT BUSINESS OREGON, AN AGENCY OF THE STATE OF OREGON, CHANGE THE BOUNDARY OF THE WOODBURN ENTERPRISE ZONE TO INCLUDE THE CITY OF GERVAIS AND THAT THE ZONE BE RENAMED THE WOODBURN-GERVAIS ENTERPRISE ZONE

WHEREAS, On July 1, 2010 the City of Woodburn was designated as the Woodburn Enterprise Zone by Business Oregon, an agency of the State of Oregon; and

WHEREAS, the City of Gervais wants to be added to the boundary of the existing enterprise zone and become a co-sponsor of the zone; and

WHEREAS, the Woodburn City Council at its November 25, 2013 meeting agreed to hold the required public hearing and consider the requested boundary change; and

WHEREAS, a public hearing was conducted on January 13, 2014 before the Woodburn City Council; **NOW, THEREFORE,**

THE CITY OF WOODBURN RESOLVES AS FOLLOWS:

Section 1. That the Cities of Woodburn and Gervais request that Business Oregon, an agency of the State of Oregon, change the boundary of the Woodburn Enterprise Zone to include all of the incorporated area of both cities as shown in Exhibits A and B.

Section 2. That the Cities of Woodburn and Gervais further request that the name of the Woodburn Enterprise Zone be changed to the Woodburn – Gervais Enterprise Zone.

Section 3. That James N.P. Hendryx, Woodburn Director of Economic and Development Services, on behalf of the cities of Woodburn and Gervais, is hereby authorized to prepare and submit technical memoranda to Business Oregon, along with this resolution and other necessary documents, verifying that the requested boundary change to the Woodburn – Gervais Enterprise Zone complies with the requirements of ORS 285C.115, so that the request herein may be approved by order of Business Oregon’s department’s director.

Section 4. That the City of Gervais, in joining the sponsorship of the Woodburn – Gervais Enterprise Zone, shall be excluded from the Zone’s election, by which a hotel, motel or destination resort is an eligible business firm. This means that a hotel, motel or destination resort is not an eligible business firm if it is located within the City of Gervais.

Approved as to form: _____
City Attorney Date

Approved: _____
Kathryn Figley, Mayor

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

ATTEST: _____
Heather Pierson, City Recorder



Exhibit A

Legend
 [Dashed Line] Woodburn City Limits

WOODBURN
 CITY OF
 Public Works Department
 Engineering Division/GIS Department
 File Date: March 13, 2018
 Disclaimer: This map is a graphic representation, using the most current information available. However, it should not be construed as a warranty or offering.

City of Gervais



Zoning

<ul style="list-style-type: none"> City Limits Urban Growth Boundary Taxlots 	<p>Zoning</p> <ul style="list-style-type: none"> Residential District R1 Residential District R2 Commercial General Commercial Retail Commercial Retail/Industrial Light Industrial Public Facility 	<p>Marion County Zoning</p> <ul style="list-style-type: none"> Urban Transitional Farming
--	--	--

Mid-Willamette Valley Council of Governments, 105 11th Street SE, Salem OR 97301 (503) 581-6377 www.wvcog.org www.wvcog.org 01/04/07
r:\city\gervais\hgbcap.spr

This map is illustrative and is only to be used for planning purposes.



Agenda Item

January 13, 2014

TO: Honorable Mayor and City Council through City Administrator
FROM: Robyn Stowers, Urban Renewal Manager
SUBJECT: **An Ordinance Enabling the Formation of Economic Improvement Districts Pursuant to Oregon State Law**

RECOMMENDATION:

Approve the Ordinance Enabling the Formation of Economic Improvement Districts Pursuant to Oregon State Law.

BACKGROUND:

On October 28, 2013, Council received a presentation introducing Economic Improvement Districts as an alternative funding source to revitalize commercial and industrial areas around the City. Staff received direction to move forward with the EID and presented Council a draft enabling ordinance on December 9, 2013.

DISCUSSION:

An Economic Improvement District (EID) is a statutory funding mechanism designed to enable a community to fulfill its economic revitalization goals. It is a type of assessment district where property owners and/or businesses are assessed a fee, which is collected by the City for use in promoting and improving a specified business area.

Adopting an enabling ordinance is the first step to establish Economic Improvement Districts throughout the City. The ordinance regulates the formation of districts, economic improvement plans, and public notice requirements.

FINANCIAL IMPACT:

There is no financial impact at this time.

Agenda Item Review: City Administrator City Attorney Finance

COUNCIL BILL NO. 2943

ORDINANCE NO. 2512

AN ORDINANCE ENABLING THE FORMATION OF ECONOMIC IMPROVEMENT DISTRICTS PURSUANT TO OREGON STATE LAW

WHEREAS, the City Council at its October 28, 2013 meeting heard a report from the Urban Renewal Manager regarding Economic Improvement Districts; and

WHEREAS, it was the consensus of the City Council that staff prepare a draft enabling ordinance so that this document could be further discussed by the City Council and circulated to interested parties; and

WHEREAS, Oregon statutes permit cities to create Economic Improvement Districts consistent with the state law requirements; **NOW, THEREFORE**,

THE CITY OF WOODBURN ORDAINS AS FOLLOWS:

Section 1. Purpose.

A. The purpose of this Ordinance is to establish procedures for the creation of Economic Improvement Districts.

B. Pursuant to ORS 223.117, the City Council may create an Economic Improvement District where the assessment is mandatory and applied to all properties except Exempt Properties.

C. Pursuant to ORS 223.118, the City Council may create an Economic Improvement District where the assessment is voluntary. Owners of property who initially object to the assessment are excluded from the assessment. The amount of the assessment for the remaining lots is determined after excluding the objecting properties.

D. Pursuant to ORS 223.144, the City Council may create an Economic Improvement District by employing a business license fee to raise revenue for the cost of economic improvement and imposing this fee on the persons/entities Conducting Business within the District.

E. All costs of administering and operating any type of Economic Improvement District will be paid for entirely from assessments and fees actually received from the District; the City will not pledge its credit on behalf of the District; and the City will not loan funds to the District.

F. This Ordinance shall not give to any person the right to have an Economic Improvement District established. The City Council may decline for any reason within its sole discretion to establish a proposed Economic Improvement District.

Section 2. Definitions.

The following words and phrases when used in this Ordinance shall have the following meanings, except where the context requires a different meaning:

A. "Advisory Committee" means, as allowed by ORS 223.119, a committee of persons representative of the owners and/or tenants of property within an Economic Improvement District and may consist of an existing association of property owners or tenants or both.

B. "City Administrator" means the Woodburn City Administrator or designee.

C. "Conducting Business," means to engage in any business, trade, occupation or profession in pursuit of gain including activities carried on by a person through officers, agents and employees as well as activities carried on by a person on that persons own behalf.

D. "District," means Economic Improvement District.

E. "Economic Improvement," as provided in ORS 223.141, means:

1. The planning or management of development or improvement activities.

2. Landscaping, maintenance and provision of security for public areas.

3. The promotion of commercial activity or public events.

4. The conduct of activities in support of business recruitment and development.

5. The provision of improvements in parking systems or parking enforcement.

6. Any other economic improvement activity that specially benefits property.

F. "Preliminary Economic Improvement Plan" means a plan setting out:

1. A description of economic improvements proposed to be carried out;

2. The number of years, to a maximum of five, in which assessments are proposed to be levied;

3. A preliminary estimate of annual cost of the proposed economic improvements;

4. The proposed boundaries designated by map or perimeter description of an Economic Improvement District within which subject properties would be assessed to finance the cost of the economic improvements;

5. The proposed formula for assessing the cost of the economic improvements against subject properties;

6. A preliminary estimate of the cost of City administration of the proposed Economic Improvement District; and

7. A statement of why the proposed economic improvements are not likely to be satisfactorily and equitably accomplished except through establishment of an Economic Improvement District.

G. "Final Economic Improvement Plan" means a plan setting out:

1. A description of economic improvements to be carried out;

2. The number of years, to a maximum of five, in which assessments will be levied;

3. The annual cost of the proposed economic improvements;

4. The boundaries designated by map or perimeter description of the Economic Improvement District within which subject properties will be assessed to finance the costs of the Economic Improvement District;

5. The formula for assessing the cost of the economic improvements against subject properties; and

6. The cost of City administration of the Economic Improvement District.

H. "Lot" means a lot, block, or parcel or land.

I. "Owner" means the owner of the title to real property or the contract purchaser of record as shown on the last available complete assessment roll in the Office of the Marion County Assessor.

J. "Subject Properties" means the real property within an Economic Improvement District except for Exempt Property.

K. "Exempt Property" means any real property that is not zoned for commercial or industrial use.

Section 3. Preliminary Institution of Economic Improvement District.

A. The City Council may consider creation of an Economic Improvement District whenever owners of Subject Properties or persons/entities Conducting Business file with the City Recorder a petition for the establishment of a District or the City Administrator files a report recommending the establishment of a District. A petition or report shall contain a Preliminary Economic Improvement Plan.

B. The City Council may adopt a resolution directing the City Administrator to begin the Economic Improvement District formation process if the City Council finds that the economic improvements would afford a special and peculiar benefit to subject properties within the Economic Improvement District different in kind or degree from that afforded to the general public.

Section 4. Final Plan and Ordinance Preparation.

A. Immediately following the City Council adoption of a resolution under Section 3B, the City Administrator shall prepare for the City Council a report including but not limited to:

1. Ownership of Subject Properties in the District, if the District is to be based upon property ownership;

2. Identification of the persons/entities Conducting Business within the District, if the District is to be based upon persons/entities Conducting Business within the District;

3. Status of payments of taxes and city liens and other fees and charges;

4. True cash value of properties in the District, based on county tax records;

5. A proposed Final Economic Improvement Plan; and

6. Recommendations of the Advisory Committee, if one has been formed.

B. The report also shall be accompanied by a proposed ordinance that:

1. States the City Council's intention to proceed with formal notification regarding the proposed Economic Improvement District;

2. States whether the District will be based on persons/entities Conducting Business within the District or property ownership.

3. States whether the assessments will be mandatory or voluntary;

4. Contains the information in the Final Economic Improvement Plan, which may be included by attachment of the Plan as an exhibit; and

5. Directs notice to be given in the manner provided by Section 6.

Section 5. Consideration of Final Economic Improvement Plan and Ordinance.

On consideration of the report and ordinance, the City Council may approve, modify, or reject the report including any aspect of the Final Economic Improvement Plan, and the ordinance. If the City Council determines that the proceedings for the proposed Economic Improvement District should go

forward, the City Council shall adopt the ordinance including any modifications.

Section 6. Notice.

A. Following adoption of the ordinance under Section 5, the City Recorder shall mail notice to the property owners or persons/entities Conducting Business within the proposed Economic Improvement District which contains the following information:

1. The City Council's intent to form an Economic Improvement District;
2. Assessment on benefitted properties;
3. The formula for determining the assessment;
4. The scope of the improvements and the description of the District boundaries;
5. The estimated cost of the proposal and that it may be reduced to the amount of money actually received;
6. The classification or types of properties which are Exempt Property;
7. That the proposed Final Economic Improvement Plan is on file with the City Recorder;
8. The date, time and place of the hearing;
9. That the proposal can be modified as a result of public testimony;
10. That if the District is based on property ownership, if the owners of property upon which greater than thirty-three percent (33%) of the total amount of the assessment is levied oppose creation of the District, then the District shall not be formed and the assessment shall not be made; and
11. That if the District is based upon persons/entities Conducting Business within the District, if written objections are received at the public hearing from more than thirty-three percent (33%) of persons

Conducting Business within the District, then the District shall not be formed and the proposed business license fee will not be imposed; and

12. Any owner or person/entity Conducting Business within the District who fails to submit written objection to the formation of the District or the classification of its property before or at the public hearing on assessment shall have waived challenges to the classification.

Section 7. Hearing, Exemption Process and Ordinance Establishing District.

A. The City Council shall hold a public hearing on the proposed Economic Improvement District at the time and place stated in the notice provided pursuant to Section 6. The public hearing shall be held no sooner than 30 days after mailing the notice.

B. At the public hearing on consideration of the District ordinance, the City Council shall hear objections to the formation of the District, and objections to classification of property for assessment.

C. If the District is based on property ownership, if the owners of property upon which greater than thirty-three percent (33%) of the total amount of the assessment is levied oppose creation of the District, then the District shall not be formed and the assessment shall not be made. If the District is based upon persons/entities Conducting Business within the District, if written objections are received at the public hearing from more than thirty-three percent (33%) of persons Conducting Business within the District, then the District shall not be formed and the proposed business license fee will not be imposed;

D. The City Council may continue the hearing to such other time and place as it may deem appropriate. At the hearing, persons supporting or objecting to the proposed improvement and assessment shall be entitled to be heard.

E. If the City Council, at the conclusion of the hearing, finds that the economic improvements will afford a special and peculiar benefit to subject properties within the Economic Improvement District different in kind or degree from that afforded to the general public and that the Economic Improvement District should be established, then the City Council may adopt an ordinance establishing the District.

Section 8. Preparation and Notice of Assessments.

A. Following the City Council's adoption of an ordinance establishing an Economic Improvement District based on the Final Economic Improvement Plan, the City Recorder shall prepare the proposed assessment for each lot in the District that is a Subject Property and shall file a proposed assessment ordinance, with a list of proposed assessments attached, with the City Council. The amount of assessment shall be based on the cost of the economic improvements and the cost of City administration of the Economic Improvement District.

B. Following preparation of the proposed assessments, the City Recorder shall mail to the owner of each lot to be assessed a notice containing the following information:

1. The description of the property being assessed.
2. The name of the District.
3. The duration of the assessment (life of the District) and the total cost of the project, the assessment formula, and the amount of the assessment on the property.
4. The time, date and place of the assessment hearing;
5. That written objections may be filed with the City Recorder prior to or at the time of the hearing. An objection to the assessment must explain the reasons the assessment is incorrect or exceeds the amount of benefit.
6. That if an owner fails to submit a written objection before or at the public hearing, the owner shall be deemed to have waived challenge to assessment;
7. That the assessment will be due and payable immediately.
8. That property included in the District and assessed cannot be withdrawn from the District and the assessment will continue through the life of the District.

Section 9. Hearing on Assessment Ordinance.

A. The City Council shall hold a public hearing on the proposed assessment ordinance. The public hearing shall be held no sooner than 30 days after mailing the notice. At the hearing, property owners supporting or objecting, to the amount of the assessment, shall be entitled to be heard.

B. Written objections shall be considered to have been received by the City Council at the hearing if actually received at the hearing or if received by the City Recorder prior to commencement of the hearing.

C. At the hearing, the City Council shall consider any objections and may adopt, correct, modify, or revise the proposed assessment ordinance.

Section 10. Assessments.

A. The City Council shall not levy assessments in a District in any year that exceed one percent of the true cash value of all the real property located within the District.

B. Any new owner of benefitted property or any owner of benefitted property that was exempted from assessment may subsequently agree to the assessment of the property. The City Council shall apply the assessment formula to the property and apportion the costs to the property for the remaining time in which the assessment is levied.

C. An assessed property may not be relieved from liability for an assessment for any reason including change of ownership.

Section 11. Limitation on Boundaries.

The City Council shall include within the Economic Improvement District only property that is zoned for commercial or industrial use.

Section 12. Expenditure of Moneys.

Money derived from assessments levied under this Ordinance and from interest earned on that money shall be spent only for the economic improvements and for the cost of City administration of the Economic Improvement District described in the Final Economic Improvement Plan.

Section 13. Limitation on Expenditures.

Money spent for carrying out a Final Economic Improvement Plan shall be limited to money actually received from assessments or from other public or private contributions to assist in carrying out the Plan.

Section 14. Administration.

The City Administrator shall be responsible for administration of the economic improvements to be carried out and, pursuant to applicable law, may charge an administrative fee for the cost of the administrative services provided by the City.

Approved as to form: _____
City Attorney Date

Approved: _____
Kathryn Figley, Mayor

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

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



Agenda Item

January 13, 2014

TO: Honorable Mayor and City Council

FROM: Scott Derickson, City Administrator
N. Robert Shields, City Attorney

SUBJECT: **Ordinance Review/Revision Project**
Ordinance 1015 (Street Decorations)

RECOMMENDATION:

Repeal Ordinance 1015 (Street Decorations).

BACKGROUND:

This matter is brought before you by the City Attorney and City Administrator as part of the Ordinance Review/Revision Project, which was initiated by the City Council. As part of this ongoing effort, each general ordinance of the City is being legally and administratively evaluated, as time permits.

As you may recall, the initial phase of this project involved an administrative/legal review. Based on this review, recommendations were then made to the City Council for immediate repeal or basic revisions to certain ordinances. The next phase of the project, which we are now beginning, involves recommendations to the City Council made after the departments involved in the enforcement and administration of a particular ordinance have had the opportunity to weigh in and offer their operational input.

DISCUSSION:

Nature of the Ordinance

Ordinance 1015 provides a process for the installation of street decorations and advertising banners "upon, along or across streets." The initial establishment of this process was probably helpful to the City and its residents at the time it was adopted by the City Council. The question is whether, based on input from the departments that use the ordinance, the process is necessary in 2014.

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

Involved Departments

The Public Works, Economic and Development Services and Police Departments were asked to provide their input on Ordinance 1015. In receiving departmental input there was no indication that the ordinance process has been used in sometime. This is probably because a private party wanting to place decorations or advertising banners would be subject to the requirements of the Woodburn Development Ordinance (the WDO). Likewise, the placement of any decorations or banners by the City on utility poles would be subject to the specific provisions of the Portland General Electric (PGE) franchise.

Public Works, the department that was historically involved in the administration of the ordinance, takes the position that Ordinance 1015 is not needed because other ordinances exist that would restrict and permit this type of activity. Banners would be covered under the PGE franchise (Ordinance 2507). In addition, Ordinance 2225 would restrict such activity by a private party within the public rights of way without obtaining permission and/or permit from the City. While the City continues to place banners for various community service events across Highway 214 near the Fire Station, this activity requires the City to obtain a permit to occupy the state right-of-way from the Oregon Department of Transportation (ODOT)

For the reasons noted above, Ordinance 1015 is no longer legally necessary.

FINANCIAL IMPACT:

None.

Attachment:
Ordinance 1015

ORDINANCE NO. 1015**AN ORDINANCE RELATING TO STREET DECORATIONS, ADVERTISING BANNERS, AND SIMILAR DISPLAYS; AND DECLARING AN EMERGENCY.****THE PEOPLE OF THE CITY OF WOODBURN DO ORDAIN:**

Section 1. No persons shall install seasonal decorations or advertising banners, or similar displays upon, along or across streets of the city of Woodburn except as provided in this ordinance.

Section 2. All persons or organizations desiring to temporarily install seasonal decorations, advertising banners, or similar displays on poles owned by a public utility in the city of Woodburn upon, along or across the city streets shall file a written request with the city recorder that the street commissioner of the city of Woodburn install, maintain and remove or supervise the installation, maintenance and removal of the decorations, banners or displays.

Section 3. Upon approval of such request by the common council or by a city officer authorized by the council to approve such requests, the street commissioner shall install, maintain and remove, or supervise the installation, maintenance and removal of such decorations, banners and displays in conformity with the requirements of the owner of any public utility poles and all other buildings, poles or other objects to which the decorations, banners or displays are attached.

Section 4. The public utility company which owns the poles, and the owners of all buildings and objects to which such decorations or advertising banners are attached, shall not be liable for any damages to persons or property resulting from the installation, maintenance, and removal thereof by or under the supervision of the street commissioner of the city of Woodburn.

Section 4A. Civil Infraction Assessment. A violation of any provision of this ordinance constitutes a class 4 civil infraction and shall be dealt with according to the procedures established by Ordinance 1998. [Section 4A as amended by Ordinance 2008, passed October 24, 1988.]

Section 5. [Emergency clause.]

Passed by the council and approved by the mayor November 18, 1958.

COUNCIL BILL NO. 2944

ORDINANCE NO. 2513

AN ORDINANCE REPEALING ORDINANCE 1015 (RELATING TO STREET DECORATIONS) AS PART OF THE ORDINANCE REVIEW/REVISION PROJECT INITIATED BY THE CITY COUNCIL

WHEREAS, Ordinance 1015 provides a process for the installation of street decorations and advertising banners “upon, along or across streets;” and

WHEREAS, when Ordinance 1015 was first adopted it established a process regarding the placement of street decorations and banners that was helpful to the City and its residents; and

WHEREAS, when the City departments responsible for enforcing and administering Ordinance 1015 were asked for their input, they have indicated that the ordinance is no longer needed because other ordinances and processes exist that would restrict and permit the type of activity addressed by the ordinance; **NOW, THEREFORE**,

THE CITY OF WOODBURN ORDAINS AS FOLLOWS:

Section 1. The City Council finds after an operational review by the involved departments based upon legal advice of the City Attorney that there is no longer a need for Ordinance 1015.

Section 2. Ordinance 1015 is repealed.

Approved as to form: _____
City Attorney Date

Approved: _____
Kathryn Figley, Mayor

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

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



Agenda Item

January 13, 2014

TO: Honorable Mayor and City Council through City Administrator
FROM: Jim Hendryx, Economic and Development Services Director
Steve Krieg, Building Official
SUBJECT: **Intergovernmental Agreement with Marion County**

RECOMMENDATION:

The City Council authorize the City Administrator to sign a renewed Intergovernmental Agreement (IGA) with Marion County for plumbing and electrical program support.

BACKGROUND:

The City of Woodburn has historically had an IGA with Marion County for mutual plumbing and electrical program support. This agreement has been in effect for many years. Marion County is updating similar agreements with all jurisdictions where services are provided. The existing contractual arrangement between the City and County has served Woodburn residents well by providing to them access to a full range of permit support services.

DISCUSSION:

The IGA with Marion County provides additional resources to Woodburn residents in the form of plumbing and electrical support, which is beyond the City's ability to provide. The terms and conditions contained in the existing IGA remain unchanged and are consistent with the current IGA.

FINANCIAL IMPACT:

The plumbing and electrical programs supported by the IGA involve some revenue for the City when the County services are provided by Woodburn's resources.

Agenda Item Review: City Administrator City Attorney Finance

COUNCIL BILL NO. 2945

RESOLUTION NO. 2039

A RESOLUTION RENEWING AN INTERGOVERNMENTAL AGREEMENT WITH MARION COUNTY FOR THE COORDINATION OF PERMIT ISSUANCE AND INSPECTIONS AND AUTHORIZING THE CITY ADMINISTRATOR TO SIGN SAID AGREEMENT

WHEREAS, the City has established a local building inspection program consistent with the requirements of state law; and

WHEREAS, in conjunction with the City’s program, Marion County provides plumbing and electrical inspection services to the City; and

WHEREAS, in order to continue the City’s relationship with Marion County for the processing of plumbing and electrical permits, it is necessary to enter into a new intergovernmental agreement; **NOW, THEREFORE**,

THE CITY OF WOODBURN RESOLVES AS FOLLOWS:

Section 1. That the City of Woodburn enter into a new intergovernmental agreement, a copy of which is affixed hereto as Attachment “A” and by this reference incorporated herein, with Marion County for the coordination of permit issuance and inspections.

Section 2. That the City Administrator is authorized to sign said agreement on behalf of the City.

Approved as to form: _____
City Attorney Date

Approved: _____
Kathryn Figley, Mayor

Passed by the Council _____
Submitted to the Mayor _____
Approved by the Mayor _____

Filed in the Office of the Recorder _____

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

INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF WOODBURN AND MARION COUNTY FOR THE COORDINATION OF PERMIT ISSUANCE AND INSPECTIONS REGULATED BY THE STATE OF OREGON BUILDING CODES

This Permit Coordination Intergovernmental Agreement for coordination of the issuance of permits and inspections regulated by the State of Oregon Plumbing and Electrical Codes (“Permit Coordination IGA”) is effective upon the date of the last signature below, and is by and between the City of Woodburn (“City”) and Marion County (“County”).

RECITALS:

- A. ORS chapter 190 authorizes governmental entities such as County’s and City’s to enter into written agreements for the performance of any or all functions and activities that either entity has the authority to perform on its own.
- B. The State of Oregon has promulgated uniform state building codes, including the Oregon Electrical Specialty Code and the Oregon Plumbing Specialty Code.
- C. Building codes administration of the plumbing and electrical programs within the City has been delegated to the County by the Oregon Department of Consumer and Business Services as authorized by ORS 455.148

AGREEMENT:

Now therefore it is mutually agreed to as follows:

(1) Applications and Permits

- a) The City agrees that the County will provide plumbing and electrical codes reviews and inspections within the incorporated boundaries of the City. It shall be the responsibility of the County to perform all required plumbing and electrical codes inspections and plumbing and electrical codes plan reviews and other duties as outlined in this Agreement. The City agrees that it will issue no plumbing or electrical permits nor cause any plumbing or electrical inspections to be made that are required by the building codes except through this Agreement.
- b) The City agrees to provide the County with approved street names and address assignments.
- c) The City shall determine the completeness of an application before accepting. To be considered complete, an application must include that information listed in the Marion County Policy / Procedure manual for the type of application being submitted.

(2) Fee Collection and Disbursement. The City and County agree that fees shall be paid and distributed according to the following:

- a) Fees charged in the City and due to the County shall be the same as those charged by the County for work in the unincorporated areas of the County.

- b) The County agrees that the City will receive ten percent (10%) of the adopted permit fees collected by the City for electrical and plumbing permits, for the purpose of off-setting the cost of providing administrative services, and to be reserved as a sinking fund, to establish, maintain, and appropriately upgrade necessary equipment for computerized tracking, processing, and record keeping of all permits. This ten percent (10%) shall be payable to the City for those permits processed by the City.
 - c) The City agrees that the County shall be paid for said services by remitting to the County, ninety percent (90%) of the adopted permit fees collected by the City on behalf of the County for state building codes administration.
 - d) The remaining permit inspection fees, plan review fees, and the state surcharge fees shall be forwarded to the County.
 - e) The County shall be responsible for providing the City, on a monthly basis an invoice with detailed and summary reports accounting for all fees collected for permits and/or permit applications for work within the City. The City shall submit payment to the County within thirty (30) days.
- (3) Termination
- The term of this Agreement is indefinite and shall continue until terminated by either of the parties.
- (4) Repeal
- All prior agreements between the City and the County relating to issuance of plumbing and electrical permits are null and void.
- (5) Compliance with Statutes and Rules
- The County and the City agree to comply with the provisions of this Agreement and all applicable federal, state, and local statutes and rules.
- (6) Modification of Agreement
- Any alterations, variations, modifications or waivers of provisions of this Agreement shall be valid only when they have been submitted in writing and approved by the County and the City.
- (7) Civil Rights, Rehabilitation Act, Americans with Disabilities Act, and Title VI of the Civil Rights Act.
- Both the City and County agree to comply with the Civil Rights Act of 1964, and 1991, Americans with Disabilities Act of 1990, and Section 504 of the Rehabilitation Act of 1973, and Title VI as implemented by 45 CFR 80 and 84 which states in part, no qualified person shall on the basis of disability, race, color, or national origin be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity which received or benefits from federal financial assistance.
- (8) Indemnification and Insurance

- a) The City shall agree to defend, indemnify and hold harmless the County, its officers, agents, and employees from damages arising out of the tortuous acts of the City, its officers, agents, and employees acting within the scope of their employment and duties in performance of this Agreement subject to the limitations and conditions of the Oregon Tort Claims Act, ORS 30.260 through 30.300, and the Oregon Constitution, Article XI, Section 7. Likewise, the County shall agree to defend, indemnify and hold harmless the City, its officers, agents, and employees from damages arising out of the tortuous acts of the County, its officers, agents, and employees acting within the scope of their employment and duties in performance of this Agreement subject to the limitations and conditions of the Oregon Tort Claims Act, ORS 30.260 through 30.300, and the Oregon Constitution, Article XI, Section 7.
- b) The County, pursuant to applicable provisions of ORS 30.260 to 30.300, maintains a self-insurance program which provides property damage and personal injury coverage.
- c) The City shall obtain and maintain at all times during the term of this contract, workers' compensation insurance with statutory limits and employers' liability insurance. The City shall provide the County with evidence that it is a carrier-insured or self-insured employer in full compliance with the requirements of ORS Chapter 656, or that it employs no person subject to the requirements of ORS 656, Workers' Compensation Coverage.
- d) The City and the County agree that there is no relationship under this Agreement except as specified herein. The County exercises no control over, is not responsible for the act of, and assumes no specific responsibilities to or for officers, employees or agents of the City, or the public in general, except as specified in this Agreement. The City exercises no control over, is not responsible for the act of, and assumes no specific responsibilities to or for officers, employees or agents of the County, or the public in general, except as specified in this Agreement.

(9) Wages

Neither the City nor the County shall employ any person performing work under this Agreement for more than ten hours in any one day, or forty (40) hours in any one week, except in cases of necessity, emergency, or where the public policy absolutely requires it. The City and the County shall pay all individuals performing work for the City and the County under this contract, at least time-and-a half pay:

- a) For all overtime in excess of eight (8) hours a day or forty (40) hours in any one week when the work week is five (5) consecutive days, Monday through Friday; and
- b) For all overtime in excess of ten (10) hours a day or forty (40) hours in any one week when the work week is four (4) consecutive days, Monday through Friday; and
- c) For all work performed on Saturday or Sunday and on any legal holiday specified in ORS 279.334.



Agenda Item

January 13, 2014

TO: Honorable Mayor and City Council through City Administrator
FROM: Jim Hendryx, Director of Economic & Development Services
SUBJECT: **Planning Commission Approval of Variance VAR 2013-01, Located at 498 Broadway Street**

RECOMMENDATION:

No action is recommended. This item is placed before the Council for information purposes, in compliance with the Woodburn Development Ordinance. The Council may call up this item for review if it desires.

BACKGROUND:

The lot was previously developed with a single-family dwelling, built in approximately 1901. This dwelling was demolished in 2007. The applicant in this case requested a variance to reduce the Special Setback abutting "D" Street from 25 feet to 20 feet, and a variance to reduce the setback abutting "D" Street from 20 feet to 8 feet, in order to redevelop the property. The Planning Commission unanimously approved the variances.

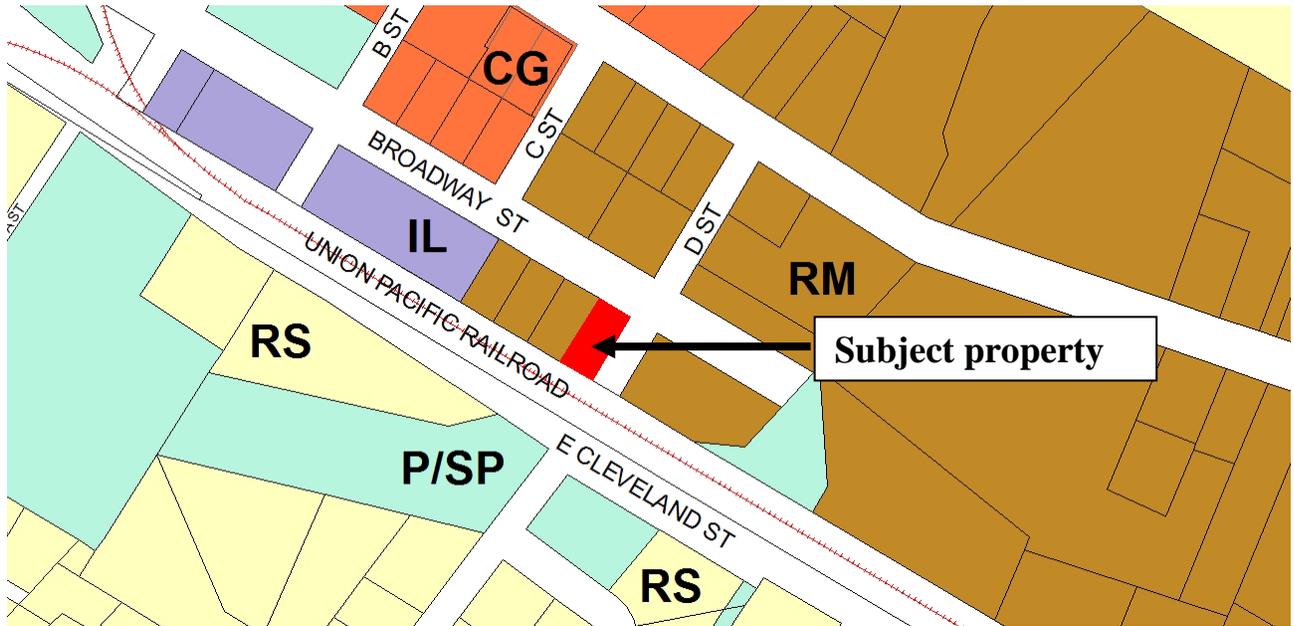
DISCUSSION:

None

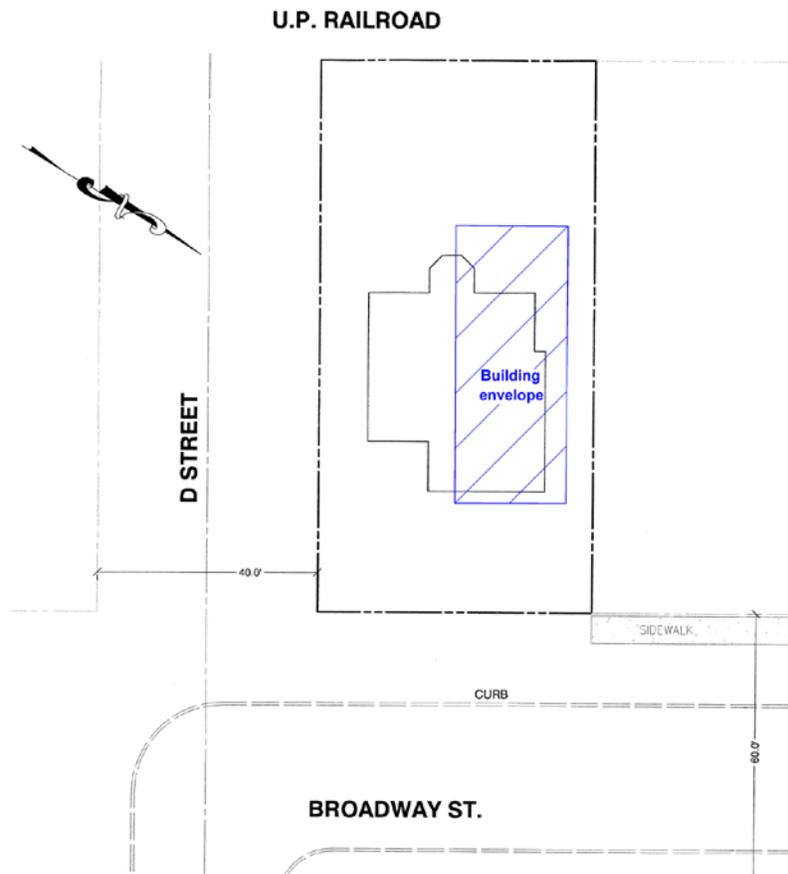
FINANCIAL IMPACT:

This decision is anticipated to have no public sector financial impact.

Agenda Item Review: City Administrator City Attorney Finance



Zoning map



Building envelope allowed by the WDO and the proposed building footprint