

CITY OF WOODBURN

CITY COUNCIL AGENDA

MARCH 9, 2020– 7:00 P.M.

ERIC SWENSON, MAYOR
DEBBIE CABRALES, COUNCILOR WARD 1
LISA ELLSWORTH, COUNCILOR WARD II
ROBERT CARNEY, COUNCILOR WARD III
SHARON SCHAUB, COUNCILOR WARD IV
MARY BETH CORNWELL, COUNCILOR WARD V
ERIC MORRIS, COUNCILOR WARD VI

CITY HALL COUNCIL CHAMBERS – 270 MONTGOMERY STREET

1. CALL TO ORDER AND FLAG SALUTE
2. ROLL CALL
3. ANNOUNCEMENTS AND APPOINTMENTS

Announcements:

None.

Appointments:

- A. Woodburn Public Arts and Mural Committee
– Frank Loneragan

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4. COMMUNITY/GOVERNMENT ORGANIZATIONS

None.

5. PROCLAMATIONS/PRESENTATIONS

Proclamations:

None.

Presentations:

- A. Community Development Block Grant Application Update

6. COMMUNICATIONS

None.

7. BUSINESS FROM THE PUBLIC – *This allows the public to introduce items for Council consideration not already scheduled on the agenda. Comment time will be limited to 3 minutes.*

This facility is ADA accessible. If you need special accommodation, please contact the City Recorder at 503-980-6318 at least 24 hours prior to this meeting.

****Habr  interpretes disponibles para aqu llas personas que no hablan Ingl s, previo acuerdo. Comun quese al (503) 980-2485.****

8. **CONSENT AGENDA** – *Items listed on the consent agenda are considered routine and may be adopted by one motion. Any item may be removed for discussion at the request of a Council member.*
 - A. **Woodburn City Council minutes of February 24, 2020** 2
Recommended Action: Approve the minutes.
 - B. **Woodburn Recreation and Park Board minutes** 4
Recommended Action: Accept the minutes.
 - C. **Building Activity for February 2020** 8
Recommended Action: Receive the report.
9. **TABLED BUSINESS**

None.
10. **PUBLIC HEARINGS**
 - A. **Woodburn Development Ordinance (WDO) Amendment Related to Accessory Dwelling Units (“ADU”)** 15
11. **GENERAL BUSINESS** – *Members of the public wishing to comment on items of general business must complete and submit a speaker’s card to the City Recorder prior to commencing this portion of the Council’s agenda. Comment time will be limited to 3 minutes.*
 - A. **Council Bill No. 3123 – An Ordinance Amending Section 2.07.20 of the Woodburn Development Ordinance (WDO) to Remove Provisions Inconsistent with ORS 197.312 Related to Reasonable Design Regulations of Accessory Dwelling Units (“ADU”) and Declaring an Emergency** 32
Recommended Action: Enact the Ordinance implementing LA 2019-03, amending the WDO regarding ADUs, as required by state statute.
 - B. **FY 2020/21 Financial Plan** 41
Recommended Action: Adopt the attached FY 2020/21 Financial Plan (Budget Policies & Fiscal Strategy).
 - C. **Request for Planning Assistance from DLCD to address HB 2001 (Middle Housing for Housing Choice) and HB 2003 (Housing Supply)** 56
Recommended Action: Authorize mayor to sign application.

12. PLANNING COMMISSION OR ADMINISTRATIVE LAND USE ACTIONS –
These are Planning Commission or Administrative Land Use actions that may be called up by the City Council.

- A. Call-Up Briefing: Public Arts and Mural Committee Approval of the PIX Theatre (461 N First Street) and Dahlia Park (333 N. First Street) Murals** **63**
Recommended Action: Staff recommends no action and briefs the Council on this item pursuant to Public Arts and Mural Ordinance 2555 Section [9.C.](#) The Council may call up this item for review if desired and, by majority vote, initiate a review of this decision.
- B. Call-Up Briefing: Planning Commission Approval of Design Review and Variance Applications for 5th Street Apartments at 1220 5th St (DR 2019-04 & VAR 2019-03)** **66**
Recommended Action: Staff recommends no action and briefs the Council on this item pursuant to Woodburn Development Ordinance (WDO) Section [4.02.02](#). The Council may call up this item for review if desired and, by majority vote, initiate a review of this decision.
- C. Call-Up Briefing: Planning Commission Approval of Conditional Use, Design Review, Street Exception, and Phasing Plan Applications for Woodburn High School at 1785 N. Front St (CU 2019-07, DR 2019-13, EXCP 2019-07, & PP 2019-03)** **69**
Recommended Action: Staff recommends no action and briefs the Council on this item pursuant to [Woodburn Development Ordinance \(WDO\)](#) Section 4.02.02. The Council may call up this item for review if desired and, by majority vote, initiate a review of this decision.

13. CITY ADMINISTRATOR'S REPORT

14. MAYOR AND COUNCIL REPORTS

15. EXECUTIVE SESSION

None.

16. ADJOURNMENT

COUNCIL GOALS 2019-2021

Thematic Goals

1. *Create an inclusive environment where residents participate and are engaged in the community (that is vibrant, safe and active).*

2. Promote an environment that encourages sustainable economic health *maximizing our geographic, workforce, cultural and community assets.*

Strategic Goals

3. *Create an inclusive environment where Woodburn residents want to participate and are engaged in the community.*
4. *Develop innovative funding sources to help support the completion of capital improvement projects.*
5. *Grow and support strategic partnerships for economic health.*
6. *Explore the development of a non-profit consolidation facility.*
7. *Improve Communication and Coordination with School District on matters of mutual interest.*
8. *Completion of the First Street remodel.*
9. *Completion of Phase 1 & 2 of the Community Center Project including the formation of an ad hoc steering committee to review and recommend design.*
10. *Creation of the Dick Jennings Community Leadership Academy.*
11. *Develop a strategy to limit PERS liability.*
12. *Establishment of a Woodburn 20 year community-visioning plan.*



Agenda Item

March 4, 2020

TO: City Council

FROM: Eric Swenson, Mayor

SUBJECT: **Committee Appointments**

The following appointments are made, subject to the approval of the Council. Please forward any adverse comments to me prior to the Council meeting on Monday, March 9, 2020. No reply is required if you approve of my decision.

Woodburn Public Arts and Mural Committee

Frank Lonergan

COUNCIL MEETING MINUTES

FEBRUARY 24, 2020

DATE COUNCIL CHAMBERS, CITY HALL, CITY OF WOODBURN, COUNTY OF MARION, STATE OF OREGON, FEBRUARY 24, 2020

CONVENED The meeting convened at 7:01 p.m. with Mayor Swenson presiding.

ROLL CALL

Mayor Swenson	Present
Councilor Carney	Present
Councilor Cornwell	Present
Councilor Schaub	Present
Councilor Morris	Present
Councilor Ellsworth	Absent
Councilor Cabrales	Present

Staff Present: City Administrator Derickson, City Attorney Shields, Assistant City Administrator Row, Operations Director Stultz, Community Development Director Kerr, Police Chief Ferraris, Library Manager Hunter, City Recorder Pierson

ANNOUNCEMENTS

Mayor Swenson announced that True Pierson is visiting tonight to observe local government in action.

APPOINTMENTS

Carney/Morris... Appoint John Zobrist to Position II on the Woodburn Budget Committee and Maria Elena Guerra to Position 1 on the Woodburn Planning Commission. The motion passed unanimously.

COMMUNITY/GOVERNMENT ORGANIZATIONS

Margaret McNamara and Susan McLauchlin provided a presentation on Marion County's Health and Promotion and Prevention Teams 2019 assessment.

PROCLAMATIONS/PRESENTATIONS

Community Development Director Kerr provided the City Council with an update on Oregon House Bills 2001 and 2003.

CONSENT AGENDA

- A.** Woodburn City Council minutes of February 10, 2020,
- B.** 2020 OLCC Renewal,
- C.** Intergovernmental Agreement with Marion County for Building Division Services,
- D.** Crime Statistics through January.

Carney/Schaub... adopt the Consent Agenda. The motion passed unanimously.

ELIMINATION OF OVERDUE FINES FOR MOST LIBRARY MATERIALS

Library Manager Hunter provided a staff report. **Carney/Cabrales...** discontinue the imposition of Library fines for overdue books, magazines and DVDs in the Child, Teen and Adult collections and waive the existing fines for these materials. The motion passed

COUNCIL MEETING MINUTES

FEBRUARY 24, 2020

3-2 with Councilor Carney and Councilor Morris voting no.

CITY ADMINISTRATOR'S REPORT

The City Administrator reported that the City received notice from Union Pacific that they will be increasing the speed of the trains through town from 45 mph to 60-70 mph. The change was going to take place on March 1, but after the City contacted them with concerns they agreed to extend out the implementation of this for two weeks. He also noted that the City is looking into what mechanisms there might be to address this.

MAYOR AND COUNCIL REPORTS

Councilor Cornwell stated that Hardcastle and Front St. are not done and that she has concerns about it not being complete.

Councilor Cabrales provided an invitation to City Council to attend the International Women's Day Celebration at PCUN on March 13 from 4:00 p.m. to 8:00 p.m.

Mayor Swenson stated that he, the City Administrator and Assistant City Administrator met with the YMCA about their possible involvement in the community center. He added that they also met with the Mayor of Independence and received his input on funding the community center and that our state representative is working on getting state lottery funds for the community center. He attended the Fire Fighters Banquet, the CERT awards and attended the first class of CERT training. He stated that he also attended the warming shelter training. He mentioned that the Distinguished Service Awards will take place March 13. He added that he spoke to second and fourth grades students at North Marion. He also thanked True Pierson for attending the meeting.

ADJOURNMENT

Morris/Schaub... meeting be adjourned. The motion passed unanimously.

The meeting adjourned at 8:57 p.m.

APPROVED _____

ERIC SWENSON, MAYOR

ATTEST _____

Heather Pierson, City Recorder
City of Woodburn, Oregon

City of Woodburn

Recreation and Park Board

February 12th, 2020 • 5:30 p.m.



1. **CALL TO ORDER**

2. **ROLL CALL**

Position I	Ricardo Rodrigues, Board Secretary (12/22) - Present
Position II	Alexandra Sanarov Ramirez. Student Member (8/20) - Absent
Position III	Kasi Pankey, Member (12/21) - Present
Position IV	Beronica Rios (12/23) - Absent
Position V	Donna Stone, Member (12/21) - Present
Position VI	Ayanna Zamora, Member (12/20) - Absent
Position VII	David Piper, Board Chair (12/20) - Present

3. **APPROVAL OF MINUTES**

Recommended Action: Approve Recreation & Park Board Minutes from November 13th, 2019- No minutes to approve

4. **BUSINESS FROM THE AUDIENCE**

This portion of the agenda allows the public to introduce items for Board consideration not already scheduled on the agenda.

-No audience

5. **NEW BUSINESS**

- a. Non- Resident Rate Scholarship - all agreed. no issues with non-resident scholarship proposal.

6. **OLD BUSINESS**

- a. Community Center Committee Update

Josh- nothing new just clarification and discussion on budget of add ons.

Pankey- area of focus and discussion, no real decision made.

Stone- council seemed to want to keep 32.5 Million but not firmly decided.

Piper- lower model would be easier to add on parks later.

Jesse- next steps another tech advisor meeting on 12th of April, community center open house on the 22nd of April @ aquatic center and presentation from Ovsis to council on 27th to see what's next step and direction.

- b. Plaza Improvements (Power Point)

Jesse- plaza improvement complete.

- c. 333 First St.

Jesse- working with property owner to see if we can tap into their power and pay them monthly for the sting lights. Chairs, tables and other amenities will

be installed when weather is better and once mural is complete. Murals being paid through urban renewal.

d. RecDesk Software

Jesse- going over new website. New software that Josh is working with his staff to train and we have gotten a lot more online registration than before. Facilities requests can be made with this new program as well.

Pankey- if you need any help with training materials let me know. I can consult and see what you need.

e. Adopt A Park (Video)

Jesse- showing video Tommy put together for adopt a park. Woodburn Football club wants to adopt Legend they do a lot at that park already.

Piper- might have to go out and recruit

Jesse- might have to recruit Salem health or different businesses.

Pankey- talk to Woodburn youth baseball and softball about adopting park. Memorial Bench Program-

Jesse- advertising during events and solicit in next holiday season.

Pankey- I think it is a really good idea.

f. Settlemier Park Shed

Jesse- shed was full of old storage some new some old was taken out and tore down on Friday. We will fill and seed it. Also putting work into bathroom.

Pankey- Centennial concession stand was broken into recently

Jesse- 4-5 month ago yes nothing major was taken just water bottles which seemed like they took to recycle and get money from but nothing else was taken.

g. Museum

Jesse- showing pictures of the updates so far and showed example of font that the writing will be.

Stone- was the tree taken out?

Jesse- No just different view. Started on the interior of the building as well.

7. **DIVISION REPORTS FROM DEPARTMENT**

a. Aquatics

Josh- Financials expenses lower than last year. 2019-\$38,700, last year 42,000 for the year and total 11,000 lower than where we were at last year. Thinking of doing some updates.

Revenue- lower \$22,000 this year, last year \$27,000 due to Recdesk revenue not being inputted into system yet. Hoping it goes up once all the numbers are inputted.

Attendance- up from last year. Will have the exact numbers next meeting minutes.

Lifeguard class- Big class and we have 7 new life guards. Next lifeguard class scheduled for March 20-22. Weekend prior to Spring Break.

Next swim lesson class scheduled with new swim instructor pending background check.

Rescue- intense situation with person that had seizure when he was in water. Had to call EMS and staff was very responsive and responded quickly. Will continue to train staff in how to handle this situation if it ever happens again.

DX Recovery Unit- not operational for a while, got back report with recommendations that we can do to keep that system running. Energy trust of Oregon incentive to repair of up to 65% of repair cost. Will have update on that next meeting. Lighting has been replaced with LED tube lights. Cost to us \$1000 which 90% of that was paid by Energy Trust of Oregon. Lanes should be opening up in evenings soon due to High School Swim Season is finished.

Piper- Drinking fountains on pool deck are something that can use replaced.

Josh- Already on list, one with the Water bottle style would be used more.

Jesse- Thanks to Josh for Energy Trust for the lighting replacement on LED's, we have done 7 different city facilities have been done. Anywhere for 85-95% reimbursement and some were covered 100% with recouping costs is between 6-9 months. Centennial Park is also getting new lighting at minimal cost with Energy Trust of Oregon.

Piper- swimming pool facility looks better than it has ever looked.

Rodrigues- He (Josh) has created a wonderful environment and very comfortable, which also has been making money.

Jesse- We've never had a cost recovery like we've had. Last year was about 54%, first turn around lowest was 23% which 75% of that was put on tax payers.

b. Recreation

-Youth basketball 12.6% increase, 250 participant's vs 219. Could of had 275 but we don't have the coaches and running into a long day going and tough to find space, could run another gym but then we would need more staff and refs. Possibly take 270-275 with teams of 10 for older groups but we need to draw the line somewhere.

-Daddy Daughter Dance- thinking about modifying that from \$50 to \$30-\$40. Want to keep it going. If mother wants to bring daughter or grandparent want to take granddaughter that could be a possibility. About 100 participants this year.

Pankey- Do you have hashtag? Only say that I know a lot of people that go and see memories and Instagram is so huge that you can have a hashtag for it.

Jesse- Not hashtag but the picture that they get have the Daddy Daughter 2020 on the bottom.

-Fiesta Mexicana Date Change- From July 31-2 to August 14-16 due to the carnival company that we use going out of business.

-Spring Break camps and summer programs are in the Out and About.

c. Parks & Facilities

Jesse- Facility building updates, Settlemuir Park mounted picnic table mounted to the floor and restrooms closed.

Proposal- Settlemuir park baseball field not being used anymore wanted to turn that into more grass?

Pankey- focus some energy on the centennial filed and turn Settlemuir into more grass

Jesse- Jeff finished spraying to kill weeds and we are working on that and going in the right direction. Wanted to get some seed down and get some growth.

Pankey- I don't know of any team that practices there.

Front Street Park- High school students volunteered to help fill with bark chips.

8. **FUTURE BOARD BUSINESS**

Next meeting March 11, 2020

9. **BOARD COMMENTS**

Nothing

10. **ADJOURNMENT**

6:00 pm

CITY OF WOODBURN

Economic and Development Services Department

MEMORANDUM

270 Montgomery Street

Woodburn, Oregon 97071

(503) 982-5246

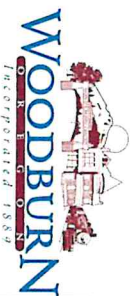
Date: March 2, 2020

To: Chris Kerr, Community Development Director

From: Ted Cuno, Building Division 

Subject: Building Activity for February 2020

	2018		2019		2020	
	No.	Dollar Amount	No.	Dollar Amount	No.	Dollar Amount
Single-Family Residential	19	\$4,652,178	3	\$380,012	0	\$0
Multi-Family Residential	11	\$9,700,689	0	\$0	0	\$0
Assisted Living Facilities	0	\$0	0	\$0	0	\$0
Residential Adds & Alts	4	\$47,865	3	\$69,410	1	\$3,000
Industrial	1	\$6,500	0	\$0	0	\$0
Commercial	12	\$4,130,201	5	\$496,620	3	\$460,574
Signs and Fences	0	\$0	0	\$0	0	\$0
Manufactured Homes	0	\$0	0	\$0	0	\$0
TOTALS	47	\$18,537,424	11	\$946,042	4	\$463,574
Fiscal Year to Date (July 1 – June 30)		\$35,212,393		\$27,062,727		\$15,018,651



Permits Issued

WOODBURN BUILDING DEPARTMENT
270 Montgomery Street
Woodburn, OR 97071
503-982-5246
FAX: 503-980-2496

www.ci.woodburn.or.us

2/1/2020 through 2/29/2020

Includes all valuations

building.dept@ci.woodburn.or.us

Record Types Selected: -All-

Commercial Alarm or Suppression Systems

971-20-000044-FIRE		Issued: 2/24/20	Fees:	\$608.29	Valuation:	\$12,667.00
Address: 1001 ARNEY RD NE, WOODBURN, OR 97071						
Owner: WOODBURN PREMIUM OUTLETS LLC C/O SIMON PROPERTY GROUP PROPERTY TAX			Parcel:	052W12B 00200		
Licensed Prof:						
Category of Construction:	Commercial	Type of Work:	Tenant Improvement			
Work Description:	Tenant improvement of space 904 per plans and specifications.					
971-20-000060-FIRE		Issued: 2/28/20	Fees:	\$1,737.63	Valuation:	\$56,830.00
Address: 2919 TOM TENNANT DR, WOODBURN, OR 97071						
Owner: WOODBURN-DENN PROPERTIES LLC C/O DUSKIN DUSKIN CPAS ATTN: PAUL FOX			Parcel:	052W12AC04400		
Licensed Prof:						
Category of Construction:	Commercial	Type of Work:	Alteration			
Work Description:	Provide retrofit fire sprinkler system for existing Denny's restaurant.					
971-20-000066-FIRE		Issued: 2/26/20	Fees:	\$270.08	Valuation:	\$1,200.00
Address: 1520 N PACIFIC HWY, WOODBURN, OR 97071						
Owner: PACIFIC REALTY ASSOCIATES LP			Parcel:	051W08DA00500		
Licensed Prof:						
Category of Construction:	Commercial	Type of Work:	Tenant Improvement			
Work Description:	Alteration to existing fire sprinkler system for TI					

Commercial Alarm or Suppression Systems

3 permits issued

\$2,616.00

\$70,697.00

Permits Issued:

Commercial Mechanical

971-20-000052-MECH

Issued: 2/25/20

Address: 950 N BOONES FERRY RD, WOODBURN, OR 97071

Owner: FIRST PRESBYTERIAN CHURCH OF WOODBURN

Licensed Prof:

Category of Construction: Commercial

Type of Work:

Alteration

Work Description: INSTALL GAS FURNACE, LIKE FOR LIKE REPLACEMENT

971-20-000064-MECH

Issued: 2/27/20

Address: 1001 ARNEY RD NE, STE# 904, WOODBURN, OR 97071

Owner: WOODBURN PREMIUM OUTLETS LLC C/O SIMON PROPERTY GROUP PROPERTY TAX

Licensed Prof:

Category of Construction: Commercial

Type of Work:

Alteration

Work Description: Tenant improvement. Modify duct work according to building plans.

Commercial Mechanical

2 permits issued

\$1,163.25

\$36,432.00

Fees:

\$277.30

Valuation:

\$4,432.00

Parcel: 051W07CA00500

Fees:

\$885.95

Valuation:

\$32,000.00

Parcel: 052W12B 00200

Commercial Structural				
971-19-000365-STR				
Address:	1001 ARNEY RD NE 904, WOODBURN, OR 97071	Issued:	2/3/20	
Owner:	WOODBURN PREMIUM OUTLETS LLC	Parcel:	052W12B 00200	
Licensed Prof:	Stapleton, James D.			
Category of Construction:	Commercial	Type of Work:	Tenant Improvement	
Work Description:	Tenant Improvement at Woodburn Premium Outlets			
971-20-000041-STR				
Address:	868 N FRONT ST, WOODBURN, OR 97071	Issued:	2/10/20	
Owner:	DON BURLINGHAM FAMILY CORP C/O WILBUR-ELLIS COMPANY PP TAX DEPT-WOODBURN	Parcel:	051W07DC10800	
Licensed Prof:		Fees:	\$270.08	Valuation: \$1,200.00
Category of Construction:	Commercial	Type of Work:	Tenant Improvement	
Work Description:	Install a new wood partition wall.			
971-20-000043-STR				
Address:	350 S PACIFIC HWY, WOODBURN, OR 97071	Issued:	2/27/20	
Owner:	FOOD SERVICES OF AMERICA INC	Parcel:	051W17C 00701	
Licensed Prof:		Fees:	\$3,503.50	Valuation: \$168,074.00
Category of Construction:	Commercial	Type of Work:	Tenant Improvement	
Work Description:	Installation of pallet racking			
Commercial Structural				
3 permits issued			\$9,150.99	\$460,574.00

Permits Issued:

Residential Mechanical

971-20-000040-MECH	Issued: 2/4/20	Fees:	Valuation:	
Address: 1430 GEORGE ST, WOODBURN, OR 97071		\$100.80		\$350.00
Owner: SOLANO, RAFAELA SALVADOR				
Licensed Prof:				
Category of Construction: Single Family Dwelling	Type of Work: Addition			
Work Description: Adding a new gas line from meter to range				
971-20-000042-MECH	Issued: 2/7/20	Fees:	Valuation:	
Address: 1692 ECOLA WAY, WOODBURN, OR 97071		\$100.80		\$8,564.00
Owner: DETHLEFS, WILLIAM				
Licensed Prof:				
Category of Construction: Single Family Dwelling	Type of Work: Replacement			
Work Description: Convert electric to gas. New gas furnace, Air conditioner, gas water heater,				
971-20-000045-MECH	Issued: 2/10/20	Fees:	Valuation:	
Address: 568 IRONWOOD TER, WOODBURN, OR 97071		\$100.80		\$825.00
Owner: THOMPSON, DAVID B & THOMPSON, JULIE LYNN				
Licensed Prof:				
Category of Construction: Single Family Dwelling	Type of Work: Alteration			
Work Description: Installing Gas Piping to Range				
971-20-000046-MECH	Issued: 2/10/20	Fees:	Valuation:	
Address: 1944 W SANTIAM DR, WOODBURN, OR 97071		\$100.80		\$4,837.00
Owner: ALBERS, DELLA M				
Licensed Prof:				
Category of Construction: Single Family Dwelling	Type of Work: Alteration			
Work Description: Install Gas Furnace				
971-20-000047-MECH	Issued: 2/13/20	Fees:	Valuation:	
Address: 850 BROWN ST, WOODBURN, OR 97071		\$100.80		\$4,694.00
Owner: TIPTON, BOBBIE J & TIPTON, MARIBEL M				
Licensed Prof:				
Category of Construction: Single Family Dwelling	Type of Work: Alteration			
Work Description: Install Gas Furnace				
971-20-000048-MECH	Issued: 2/17/20	Fees:	Valuation:	
Address: 1379 PRINCETON RD, WOODBURN, OR 97071		\$100.80		\$7,400.00
Owner: RICHIE, MARK W & RICHIE, SUSAN				
Licensed Prof:				
Category of Construction: Single Family Dwelling	Type of Work: Alteration			
Work Description: Install Gas Line and Gas Furnace				
"UP-DATE" PSA 2-19-2020; new gas piping from gas meter to new gas kitchen range, replace gas furnace and replace flexible supply ducts.				

Residential Mechanical

971-20-000049-MECH		Issued: 2/18/20							
Address:	2450 MILLER FARM RD, WOODBURN, OR 97071								
Owner:	JAMESON, FRANK O JR & JAMESON, MURIEL I								
Licensed Prof:									
Category of Construction:	Single Family Dwelling								
Work Description:	Installing Heat Pump								
971-20-000050-MECH		Issued: 2/18/20							
Address:	568 IRONWOOD TER, WOODBURN, OR 97071								
Owner:	THOMPSON, DAVID B & THOMPSON, JULIE LYNN								
Licensed Prof:									
Category of Construction:	Single Family Dwelling								
Work Description:	Installing Gas Furnace & Air Conditioner								
971-20-000051-MECH		Issued: 2/18/20							
Address:	2690 HAZELNUT DR, WOODBURN, OR 97071								
Owner:	GENE & PATRICIA WELLMAN FAM TR & WELLMAN, GENE M TRE WELLMAN, PATRICIA C TRE								
Licensed Prof:									
Category of Construction:	Single Family Dwelling								
Work Description:	Installing Gas Furnace & Air Conditioner								
971-20-000056-MECH		Issued: 2/19/20							
Address:	1636 PRINCETON RD, WOODBURN, OR 97071								
Owner:	TAYLOR, JAMES G & TAYLOR, HEATHER R								
Licensed Prof:									
Category of Construction:	Single Family Dwelling								
Work Description:	INSTALL GAS FURNACE & AC								
971-20-000058-MECH		Issued: 2/19/20							
Address:	990 ASTOR WAY, WOODBURN, OR 97071								
Owner:	SAUER, PAULA M								
Licensed Prof:									
Category of Construction:	Single Family Dwelling								
Work Description:	install fireplace and gas line								
971-20-000059-MECH		Issued: 2/21/20							
Address:	572 5TH ST, WOODBURN, OR 97071								
Owner:	PENNOCK, TERRY L JR								
Licensed Prof:									
Category of Construction:	Single Family Dwelling								
Work Description:	Installing Gas Furnace & Air Conditioner								

Fees: \$100.80 Valuation: \$6,813.00

Parcel: 051W07AB01800

Fees: \$100.80 Valuation: \$10,122.00

Parcel: 051W07AA06600

Fees: \$100.80 Valuation: \$6,217.00

Parcel: 051W06DC02100

Fees: \$100.80 Valuation: \$8,481.00

Parcel: 052W12AA07300

Fees: \$100.80 Valuation: \$0.00

Parcel: 051W07BC17200

Fees: \$100.80 Valuation: \$9,595.00

Parcel: 051W07CD07900

Permits Issued:

Residential Mechanical

971-20-000062-MECH

Issued: 2/25/20

Address: 568 TUKWILA DR, WOODBURN, OR 97071

Owner: DELLES, ROGER E & HOWARD-DELLES, JUDITH A

Licensed Prof:

Category of Construction: Single Family Dwelling

Work Description: Gas Fireplace to Existing Gas

Type of Work: Alteration

Fees: \$100.80 Valuation: \$4,928.00

Parcel: 051W07AA09300

971-20-000065-MECH

Issued: 2/25/20

Address: 527 LEASURE ST, WOODBURN, OR 97071

Owner: FRANCO-MACIEL, PEDRO & FRANCO-TORRES, DORA

Licensed Prof:

Category of Construction: Single Family Dwelling

Work Description: Install Gas Furnace

Type of Work: Alteration

Fees: \$100.80 Valuation: \$7,276.00

Parcel: 051W07CC02400

Residential Mechanical

14 permits issued

\$1,411.20

\$80,102.00

Residential Structural

971-20-000061-STR

Issued: 2/25/20

Address: 635 CHURCH ST, WOODBURN, OR 97071

Owner: RODRIGUEZ, ERIN

Licensed Prof:

Category of Construction: Single Family Dwelling

Work Description: Prescriptive Solar Installation of 8.68kW DC of Roof-Mounted solar.

Type of Work: Addition

Fees: \$336.00 Valuation: \$3,000.00

Parcel: 051W07CA09500

Residential Structural

1 permits issued

\$336.00

\$3,000.00

23 permits issued

\$14,677.44

\$650,805.00



Agenda Item

March 9, 2020

TO: Honorable Mayor and City Council through City Administrator

FROM: Chris Kerr, Community Development Director

SUBJECT: **Legislative Amendment to the Woodburn Development Ordinance (WDO) Related to Accessory Dwelling Units ("ADU") Required Pursuant to HB 2001 (LA 2019-03)**

RECOMMENDATION:

Enact the Ordinance implementing LA 2019-03, amending the WDO regarding ADUs, as required by state statute.

SUMMARY:

The proposed amendments to the WDO are required in order to be in compliance with the recently adopted House Bill 2001 as it relates to ADUs.

Specifically, these amendments propose the removal of two WDO regulations applicable to ADUs:

- (1) The requirement that the owner occupy either the primary dwelling unit or the ADU; and
- (2) The requirement for an additional off-street parking space for an ADU.

With the passing of HB 2001, effectuated in revised ORS 197.312, these restrictions on ADUs became unlawful.

BACKGROUND:

In July 2017, the State passed Senate Bill 1051, which required local governments to, among other things, modify their codes to allow ADUs wherever single-family dwellings are allowed. The law allowed local governments to implement "reasonable" regulations on these ADUs. It did not provide a definition, guidelines, or limitations for determining which regulations were "reasonable" and which ones were not.

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

In accordance with that law, in September of 2018, the City modified the WDO to permit ADUs in single-family zoning districts and applied several regulations on ADUs that were intended to ensure compatibility with the surrounding properties. Until that time, the City had prohibited any ADUs in the City. These new City regulations included a requirement for owner occupancy in one of the units and a requirement for an additional off-site parking space for the additional unit.

However, in July 2019, the State legislature adopted HB 2001, which included the following modifications to the law (shown in **bold**), better defining “reasonable local regulations”:

SECTION 7

(5)(a) A city with a population greater than 2,500 or a county with a population greater than 15,000 shall allow in areas within the urban growth boundary that are zoned for detached single-family dwellings the development of at least one accessory dwelling unit for each detached single-family dwelling, subject to reasonable local regulations relating to siting and design.

(b) As used in this subsection[,]:

(A) “Accessory dwelling unit” means an interior, attached or detached residential structure that is used in connection with, or that is accessory to, a single-family dwelling.

(B) “Reasonable local regulations relating to siting and design” does not include owner occupancy requirements of either the primary or accessory structure or requirements to construct additional off-street parking.

(6) Subsection (5) of this section does not prohibit local governments from regulating vacation occupancies, as defined in ORS 90.100, to require owner-occupancy or off-street parking.

The proposed amendments to the WDO are necessary to address the changes to the law made under HB 2001. These WDO amendments will remove two specific City regulations on ADUs: (1) the owner occupancy requirement, and (2) the off-street parking requirement.

The City Council received a briefing on this issue in September of 2019 and authorized the initiation of this WDO amendment via Resolution 2139.

On January 9, 2020, the Planning Commission held a public hearing for consideration of LA 2019-03. No one from the public provided testimony at that hearing. During their deliberations, the Commission expressed their dislike of the proposed amendments and discussed with Staff the impacts of voting against them or potentially not taking any action on the proposal. However, because the Commission understood that the City has the legal obligation to comply with Oregon state law, it recommended approval of the amendments on a 4-1 vote.

FINANCIAL IMPACT:

None.

ATTACHMENTS:

1. January 9, 2020 Planning Commission Staff Report with attachments.



Staff Report

To: Planning Commission

From: Chris Kerr, Community Development Director *CK*

Meeting Date: January 9, 2020 (Prepared January 2, 2020)

Item: Legislative Amendments related to Accessory Dwelling Units to address House Bill 2001 ("HB 2001")

Planning file: LA 2019-03

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Executive Summary

These proposed amendments to the Woodburn Development Ordinance (WDO) are required in order to be in compliance with recently adopted HB 2001 as it relates to Accessory Dwelling Units (ADU's).

Specifically, these amendments propose the removal of two WDO regulations applicable to ADU's:

- (1) The requirement that the owner occupy either the primary dwelling unit or the ADU; and,
- (2) The requirement for an additional off-street parking space for an ADU.

With the approval of HB 2001, these restrictions on ADU's became unlawful.

Background

In July 2017, the State passed SB 1051, which required local governments to, among other things, modify their codes to allow ADU's wherever single-family dwellings are allowed. The law allowed local governments to implement "reasonable" regulations on these ADU's. It did not provide a definition, guidelines, or limitations on determining which regulations were "reasonable" and which ones were not.

In accordance with that law, in September of 2018, the City modified the WDO to permit ADU's in single-family zoning districts and applied several regulations on ADU's that were intended to ensure compatibility with the surrounding properties. Until that time, the City had prohibited any ADU's in the City. These new City regulations included a requirement for owner occupancy in one of the units and a requirement for an additional off-site parking space for the additional unit.

However, in July 2019, the State legislature adopted HB 2001, which included the following modifications to the law (shown in **bold**), better defining "reasonable local regulations":

(5)(a) A city with a population greater than 2,500 or a county with a population greater than 15,000 shall allow in areas within the urban growth boundary that are zoned for detached single-family dwellings the development of at least one accessory dwelling unit for each detached single-family dwelling, subject to reasonable local regulations relating to siting and design.

(b) As used in this subsection[,]:

(A) “Accessory dwelling unit” means an interior, attached or detached residential structure that is used in connection with, or that is accessory to, a single-family dwelling.

(B) “Reasonable local regulations relating to siting and design” does not include owner occupancy requirements of either the primary or accessory structure or requirements to construct additional off-street parking.

(6) Subsection (5) of this section does not prohibit local governments from regulating vacation occupancies, as defined in ORS 90.100, to require owner-occupancy or off-street parking.

The proposed amendments to the WDO are necessary to address the changes to the law made under HB 2001. These WDO amendments will remove two specific City regulations on ADU’s: (1) the owner occupancy requirement, and (2) the off-street parking requirement.

The City Council received a briefing on this issue in September of 2019 and authorized the initiation of this WDO amendment via Resolution 2139 (attached).

Recommendation

Approval: Staff recommends that the Planning Commission consider the staff report, any testimony received and all attachments, and approve the legislative amendment as proposed.

Actions

The Planning Commission is required to make a recommendation to the City Council on all legislative amendments. The Commission should make a recommendation to the Council to either:

1. Approve as presented; or
2. Approve with specific edits, including their rationale for those edits; or
3. Deny, based on other stated reasons.

Staff will forward the Commission’s recommendation and any pertinent discussion from the hearing to the City Council for its consideration.

Attachment List

101. Strikethrough-and-Underlined Amended Text
102. Analyses & Findings
103. Resolution 2139 (only relevant portions included)

Attachment 101

Strikethrough-and-Underlined Amending Text

2.07.01 Accessory Dwelling Units

A. Applicability:

1. Accessory dwelling units shall be subject to all applicable development standards of the WDO except as provided for in this Section.
2. One accessory dwelling unit per each single-family detached dwelling—the primary dwelling— may be approved if the applicant shows compliance with the following criteria and standards.

B. Siting: Accessory dwelling units may be detached and freestanding from the primary dwelling, located within or attached to the primary dwelling, or attached to an accessory structure garage.

C. Architecture: The exterior of the proposed accessory dwelling unit shall match the architectural design of the dwelling or garage if attached to a garage, in terms of finish materials, roof pitch, trim, and window proportion.

D. Accessory dwelling units shall be subject to the site development standards of the underlying zoning district, except:

1. Lot coverage: Accessory dwelling units are not subject to the rear yard lot coverage limitation for Accessory Structures.
2. Building height. Accessory dwelling units shall not exceed the height of the principal dwelling unit.
3. Density: Accessory dwelling units are not included part of the density calculation for the underlying zone.

E. Floor Area: The gross floor area of the accessory dwelling unit shall not exceed 50 percent of the primary dwelling, or 725 square feet, whichever is less. The garage area shall be excluded from calculation of the floor area.

F. Separation: There shall be a minimum six foot separation between detached accessory dwelling units and all other structures on the site.

G. Vehicles: Structures/vehicles licensed by the Oregon Department of Motor Vehicles shall not be permitted as accessory dwelling units.

H. Entrance: An accessory dwelling unit attached or located within a primary dwelling shall not result in any new door entrance being located on an exterior wall facing a front property line.

~~I. Parking: One off-street parking space is required in addition to that which is required for the primary dwelling unit. This additional space is not subject to the location requirements of WDO Section 3.05.02.D.3.~~

J. I. Non-conformities: Legally non-conforming accessory structures located on residentially zoned land may be converted to an accessory dwelling unit in accordance with the requirements of Section 1.04.

~~K. Owner Occupancy Requirement. The owner or an appointed immediate family member of the owner must occupy either the primary residence or accessory dwelling unit on the property as its principal legal residence, except for bona fide temporary absences.~~

~~If the "owner" is a legal entity or trust, the following persons shall be considered eligible owner occupants under this section: (a) for a trust, the trustees and beneficiaries; (b) for a corporation, the corporate shareholders; (c) for a limited liability company, the members; and (d) for a partnership, the partners.~~

Analyses & Findings

This attachment to the staff report analyzes the application materials and finds, through the statements below, how the legislative amendment relates to and meets applicable provisions.

Symbols aid locating and understanding categories of findings:

<i>Symbol</i>	<i>Category</i>	<i>Indication</i>
✓	Requirement (or guideline) met	No action needed
✗	Requirement (or guideline) not met	Correction needed
⊖	Requirement (or guideline) not applicable	No action needed
⚠	Other special circumstance benefitting from attention	Revision needed

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

Legislative Amendment Provisions

Background

1.05.03B. establishes that the Planning Commission gives recommendations to the City Council regarding proposed or revised ordinances relating to the regulation of land use. The procedures for legislative amendments are found in WDO 4.01. Oregon law requires that these amendments regulations be consistent with local Comprehensive Plans, the Statewide Goals and any State Statutes (ORS) or applicable Administrative Rules (OAR's).

Legislative Amendment Provisions

4.01 Decision-Making Procedures

4.01.02E. Type V Decisions (Legislative): Type V decisions involve legislative actions where the City Council enacts or amends the City's land use regulations, comprehensive plan, Official Zoning Map or some component of these documents. Type V decisions may only be initiated by the City Council. The Planning Commission holds an initial public hearing on the proposal before making a recommendation to the City Council. The City Council then holds a final public hearing and renders a decision. Public notice is provided for all public hearings (Section 4.01.14). The City Council's decision is the City's final decision and is appealable to LUBA within 21 days after it becomes final.

4.01.09 Initiation of a Legislative Proposal

A. The City Council may initiate the consideration of a legislative decision by resolution.

B. Actions initiated by the Council shall be referred to the Planning Commission for a public hearing and recommendation to the Council.

4.01.17 Types of Decisions

Type V Legislative Decisions (Legislative): Type V decisions involve legislative actions where the City Council enacts or amends the City's land use regulations, comprehensive plan, Official Zoning Map or some other component of any of these documents where changes are such a size, diversity of ownership or interest as to be legislative in nature under State law. Large-scale annexations are included, as well as adopting or amending the Comprehensive Plan or the Woodburn Development Ordinance. The Planning Commission holds an initial public hearing on the proposal prior to making a recommendation to the City Council. The City Council then holds a final *de novo* public hearing and makes the City's final decision. Public notice is provided for all public hearings. The City Council's decision is the City's final decision and is appealable to LUBA within 21 days after it becomes final.

A legislative amendment to the WDO is a Type V decision.

The Council initiated consideration of the proposed legislative amendment on September 9, 2020 via Resolution 2139.

Staff completed the required public notices for the Commission hearing, specifically a newspaper ad in the *Woodburn Independent* and mailed notice to select agencies. This amendment is not specific to any property or properties, so a greater degree of public notice is not required, including Ballot Measure 56, because it does not limit or prohibit land uses previously allowed in the affected zone notice.

✓ The provisions are met.

Comprehensive Plan Policies, OAR's & Statewide Planning Goals

Staff identifies below applicable Comprehensive or "Comp" Plan policies and Statewide Planning Goals to guide Commission deliberation.

Comprehensive Plan Policies

B-2. Woodburn shall coordinate with affected state agencies regarding proposed comprehensive plan and land use regulation amendments, as required by state law.

All state, county and regional entities were notified pursuant to state law. Draft code language was forwarded to Marion County and the Department of Land Conservation and Development (DLCD), as required.

D-2. The housing goal of the City is to ensure that adequate housing for all sectors of the community is provided.

Allowing Accessory Dwelling Units (ADU's) can help to ensure that housing opportunities for a specific sector of the community (family/elderly) can be accommodated. These amendments effectively reduce regulations on ADU's, which should result in them becoming more prevalent.

D-2.2 It is the policy of the City to encourage a variety of housing types to accommodate the demands of the local housing market.

These amendments are an excellent example of providing a unique housing type, addressing that demand in the local housing market. These targeted amendments effectively reduce regulations on ADU's, which should result in them becoming more prevalent.

D-2.3 To ensure that new concepts in housing are not restricted unduly by ordinances, the City shall periodically review its ordinances for applicability to the current trends in the housing market.

These amendments are an excellent example of amending our WDO in order to provide a unique housing type, addressing a demand in the local housing market. These targeted amendments effectively reduce regulations on ADU's, which should result in them becoming more prevalent.

G-1.2 Woodburn will encourage the optimum use of the residential land inventory providing opportunities for infill lots, intensifying development along transit corridors, and application of minimum densities.

These amendments will help to ensure that the optimum use of the City's residential housing supply is being utilized. It will add housing in areas (lots) that already accommodate development. These specific amendments effectively reduce regulations on ADU's, which should result in them becoming more prevalent.

Statewide Planning Goals

Out of 19 Statewide Planning goals, City staff cites relevant goals:

Goal 1 Citizen Involvement [Oregon Administrative Rules 660-015-0000(1)]

To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

Staff confirms that the proposal does not interfere with existing means of land use public notice that span the existence, structure, and purview of the Commission itself to case-specific required mailings, newspaper ads, and sign postings.

Goal 10 Housing [OAR 660-015-0000(10)]

To provide for the housing needs of citizens of the state.

The proposal allows the City to further the intent of this goal by effectively reducing regulations on ADU's, which should result in them becoming more prevalent.

Goal 14 Urbanization [OAR 660-015-0000(14)]

To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.

Staff confirms that the proposal does not interfere with the City meeting this goal. The City has undergone Comp Plan periodic review, leading to the 2015 adoption of the Urban Growth Boundary (UGB) expansion, which was acknowledged by the Department of Land Conservation and Development (DLCD). These amendments will help to ensure that the optimum use of the City's residential housing supply is being utilized. It will add housing in areas (lots) that already accommodate development.

Oregon Administrative Rules:

660-008-0015 Clear and Objective Approval Standards Required

(1) Except as provided in section (2) of this rule, a local government may adopt and apply only clear and objective standards, conditions and procedures regulating the development of needed housing on buildable land. The standards, conditions and procedures may not have the effect, either in themselves or cumulatively, of discouraging needed housing through unreasonable cost or delay.

The proposal is necessary in order to provide clear and objective standards for ADUs.

HOUSE BILL 2001

ORS 197.312

The impetus for these Code amendments was the adoption of HB 2001. The Bill, codified in ORS 197.312, specifically prohibits owner-occupancy and off-street parking requirements for ADU's. These amendments have been drafted for the express purpose of meeting the requirements of the recent change in the law.

✓ The legislative provisions are met. Staff recommends approval of the proposal.

COUNCIL BILL NO. 3106

RESOLUTION NO. 2139

A RESOLUTION INITIATING LEGISLATIVE AMENDMENTS TO THE WOODBURN DEVELOPMENT ORDINANCE

WHEREAS, the Woodburn Development Ordinance (WDO) establishes the standards that development is required to meet, and clarity of those standards is critical as the community continues to grow and prosper, and

WHEREAS, periodic revisions and updates to the WDO are necessary and expected to address current issues, revisions to statutes, and to remain consistent with revised plans; and

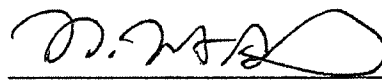
WHEREAS, the Community Development Director has identified a list of potential modifications to the WDO necessary for conformance with state statutes related to Accessory Dwelling Units ("ADU") and necessary to implement the recently adopted Transportation System Plan ("TSP"), and

WHEREAS, Section 4.10.09 of the WDO requires the City Council to initiate the consideration of any potential legislative amendments to the WDO by resolution; **NOW, THEREFORE**,

THE CITY OF WOODBURN RESOLVES AS FOLLOWS:

Section 1. Pursuant to Section 4.10.09 of the WDO, the City Council initiates a review of the proposed legislative amendments to the WDO outlined in Exhibit "A", which is attached to this resolution.

Approved as to form:



City Attorney

9/9/2019

Date

Approved:



Eric Swenson, Mayor

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

September 9, 2019
September 10, 2019
September 10, 2019
September 10, 2019

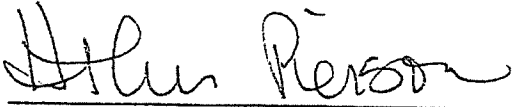
ATTEST: 
Heather Pierson, City Recorder
City of Woodburn, Oregon

EXHIBIT A

(PROPOSED LEGISLATIVE AMENDMENTS TO ADU'S)

2.07.01 Accessory Dwelling Units

A. Applicability:

1. Accessory dwelling units shall be subject to all applicable development standards of the WDO except as provided for in this Section.
2. One accessory dwelling unit per each single-family detached dwelling—the primary dwelling— may be approved if the applicant shows compliance with the following criteria and standards.

B. Siting: Accessory dwelling units may be detached and freestanding from the primary dwelling, located within or attached to the primary dwelling, or attached to an accessory structure garage.

C. Architecture: The exterior of the proposed accessory dwelling unit shall match the architectural design of the dwelling or garage if attached to a garage, in terms of finish materials, roof pitch, trim, and window proportion.

D. Accessory dwelling units shall be subject to the site development standards of the underlying zoning district, except:

1. Lot coverage: Accessory dwelling units are not subject to the rear yard lot coverage limitation for Accessory Structures.
2. Building height. Accessory dwelling units shall not exceed the height of the principal dwelling unit.
3. Density: Accessory dwelling units are not included part of the density calculation for the underlying zone.

E. Floor Area: The gross floor area of the accessory dwelling unit shall not exceed 50 percent of the primary dwelling, or 725 square feet, whichever is less. The garage area shall be excluded from calculation of the floor area.

F. Separation: There shall be a minimum six foot separation between detached accessory dwelling units and all other structures on the site.

G. Vehicles: Structures/vehicles licensed by the Oregon Department of Motor Vehicles shall not be permitted as accessory dwelling units.

H. Entrance: An accessory dwelling unit attached or located within a primary dwelling shall not result in any new door entrance being located on an exterior wall facing a front property line.

~~I. Parking: One off-street parking space is required in addition to that which is required for the primary dwelling unit. This additional space is not subject to the location requirements of WDO Section 3.05.02.D.3.~~

J. I. Non-conformities: Legally non-conforming accessory structures located on residentially zoned land may be converted to an accessory dwelling unit in accordance with the requirements of Section 1.04.

~~K. Owner Occupancy Requirement. The owner or an appointed immediate family member of the owner must occupy either the primary residence or accessory dwelling unit on the property as its principal legal residence, except for bona fide temporary absences.~~

~~If the "owner" is a legal entity or trust, the following persons shall be considered eligible owner-occupants under this section: (a) for a trust, the trustees and beneficiaries; (b) for a corporation, the corporate shareholders; (c) for a limited liability company, the members; and (d) for a partnership, the partners.~~

COUNCIL BILL NO. 3123

ORDINANCE NO. 2579

AN ORDINANCE AMENDING SECTION 2.07.20 OF THE WOODBURN DEVELOPMENT ORDINANCE (WDO) TO REMOVE PROVISIONS INCONSISTENT WITH ORS 197.312 RELATED TO REASONABLE DESIGN REGULATIONS OF ACCESSORY DWELLING UNITS ("ADU") AND DECLARING AN EMERGENCY

WHEREAS, the Woodburn Development Ordinance (WDO) establishes the standards that development is required to meet and that clarity of those standards is critical as the community continues to grow and prosper; and

WHEREAS, in 2019, the Oregon Legislature amended ORS 197.312 to stipulate that "reasonable local regulations" of ADUs may not include owner occupancy requirements or provisions to provide of additional off-street parking; and

WHEREAS, the WDO was found to be inconsistent with the state statute as it relates to accessory dwelling units; and

WHEREAS, Section 4.10.09 of the WDO requires the City Council to initiate the consideration of any potential legislative amendments to the WDO by resolution; and

WHEREAS, on September 9, 2019, the Council in conformance with the WDO 4.01.09A., initiated the amendment via Resolution No. 2139; and

WHEREAS, on January 9, 2020, the Planning Commission, in conformance with WDO 4.01.09B. and 4.01.10B. held a public hearing and recommended approval of the amendment; and

WHEREAS, on March 9, 2020, the City Council held a public hearing and now must enact this Ordinance in order to make the necessary amendment (LA 2019-03) required by Oregon state law; **NOW, THEREFORE**,

THE CITY OF WOODBURN ORDAINS AS FOLLOWS:

Section 1. For purposes of this ordinance amendment, all new text is shown as underlined (i.e. new text) and all deleted text is shown as stricken (i.e. ~~deleted text~~). After this ordinance amendment is adopted, the Community Development Director shall correct the WDO to incorporate all revisions contained herein.

Section 2. The WDO is amended as specified in Exhibit A which is attached hereto.

Section 3. The legislative action taken by the Ordinance is explained and justified by the findings and analysis attached hereto and incorporated herein as Exhibit B.

Section 4. Emergency Clause. This ordinance being necessary for the immediate preservation of the public peace, health and safety so that the City can make its best efforts to comply with the January 1, 2020 effective date of HB2001 (2019), an emergency is declared to exist and this ordinance shall take effect immediately upon passage and approval of the Mayor.

Approved as to form: _____
City Attorney Date

Approved: _____
Eric Swenson, 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

Exhibit A

Strikethrough-and-Underlined Amending Text

2.07.20 Accessory Dwelling Units

A. Applicability:

1. Accessory dwelling units shall be subject to all applicable development standards of the WDO except as provided for in this Section.
2. One accessory dwelling unit per each single-family detached dwelling—the primary dwelling— may be approved if the applicant shows compliance with the following criteria and standards.

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D. Accessory dwelling units shall be subject to the site development standards of the underlying zoning district, except:

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Analyses & Findings

This attachment to the staff report analyzes the application materials and finds, through the statements below, how the legislative amendment relates to and meets applicable provisions.

Symbols aid locating and understanding categories of findings:

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

Legislative Amendment Provisions

Background

The procedures for legislative amendments are found in WDO 4.01. Oregon law requires that these amendments regulations be consistent with local Comprehensive Plans, the Statewide Goals and any State Statutes (ORS) or applicable Administrative Rules (OAR's).

Legislative Amendment Provisions

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4.01.02E. Type V Decisions (Legislative): Type V decisions involve legislative actions where the City Council enacts or amends the City's land use regulations, comprehensive plan, Official Zoning Map or some component of these documents. Type V decisions may only be initiated by the City Council. The Planning Commission holds an initial public hearing on the proposal before making a recommendation to the City Council. The City Council then holds a final public hearing and renders a decision. Public notice is provided for all public hearings (Section 4.01.14). The City Council's decision is the City's final decision and is appealable to LUBA within 21 days after it becomes final.

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A. The City Council may initiate the consideration of a legislative decision by resolution.

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4.01.17 Types of Decisions

Type V Legislative Decisions (Legislative): Type V decisions involve legislative actions where the City Council enacts or amends the City's land use regulations, comprehensive plan, Official Zoning Map or some other component of any of these documents where changes are such a size, diversity of ownership or interest as to be legislative in nature under State law. Large-scale annexations are included, as well as adopting or amending the Comprehensive Plan or the Woodburn Development Ordinance. The Planning Commission holds an initial public hearing on the proposal prior to making a recommendation to the City Council. The City Council then holds a final *de novo* public hearing and makes the City's final decision. Public notice is provided for all public hearings. The City Council's decision is the City's final decision and is appealable to LUBA within 21 days after it becomes final.

A legislative amendment to the WDO is a Type V decision.

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Staff identifies below applicable Comprehensive or "Comp" Plan policies and Statewide Planning Goals to guide Commission deliberation.

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D-2. The housing goal of the City is to ensure that adequate housing for all sectors of the community is provided.

Allowing Accessory Dwelling Units (ADUs) can help to ensure that housing opportunities for a specific sector of the community (family/elderly) can be accommodated. These amendments effectively reduce regulations on ADUs, which should result in them becoming more prevalent.

D-2.2 It is the policy of the City to encourage a variety of housing types to accommodate the demands of the local housing market.

These amendments are an excellent example of providing a unique housing type, addressing that demand in the local housing market. These targeted amendments effectively reduce regulations on ADUs, which should result in them becoming more prevalent.

D-2.3 To ensure that new concepts in housing are not restricted unduly by ordinances, the City shall periodically review its ordinances for applicability to the current trends in the housing market.

These amendments are an excellent example of amending our WDO in order to provide a unique housing type, addressing a demand in the local housing market. These targeted amendments effectively reduce regulations on ADUs, which should result in them becoming more prevalent.

G-1.2 Woodburn will encourage the optimum use of the residential land inventory providing opportunities for infill lots, intensifying development along transit corridors, and application of minimum densities.

These amendments will help to ensure that the optimum use of the City's residential housing supply is being utilized. It will add housing in areas (lots) that already accommodate development. These specific amendments effectively reduce regulations on ADUs, which should result in them becoming more prevalent.

Statewide Planning Goals

Out of 19 Statewide Planning goals, City staff cites relevant goals:

Goal 1 Citizen Involvement [Oregon Administrative Rules 660-015-0000(1)]

To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

Staff confirms that the proposal does not interfere with existing means of land use public notice that span the existence, structure, and purview of the Commission itself to case-specific required mailings, newspaper ads, and sign postings.

Goal 10 Housing [OAR 660-015-0000(10)]

To provide for the housing needs of citizens of the state.

The proposal allows the City to further the intent of this goal by effectively reducing regulations on ADUs, which should result in them becoming more prevalent.

Goal 14 Urbanization [OAR 660-015-0000(14)]

To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.

Staff confirms that the proposal does not interfere with the City meeting this goal. The City has undergone Comp Plan periodic review, leading to the 2015 adoption of the Urban Growth Boundary (UGB) expansion, which was acknowledged by the Department of Land Conservation and Development (DLCD). These amendments will help to ensure that the optimum use of the City's residential housing supply is being utilized. It will add housing in areas (lots) that already accommodate development.

Oregon Administrative Rules:

660-008-0015 Clear and Objective Approval Standards Required

(1) Except as provided in section (2) of this rule, a local government may adopt and apply only clear and objective standards, conditions and procedures regulating the development of needed housing on buildable land. The standards, conditions and procedures may not have the effect, either in themselves or cumulatively, of discouraging needed housing through unreasonable cost or delay.

The proposal is necessary in order to provide clear and objective standards for ADUs.

HOUSE BILL 2001

ORS 197.312

The impetus for these Code amendments was the adoption of HB 2001. The Bill, codified in ORS 197.312, specifically prohibits owner-occupancy and off-street parking requirements for ADU's. These amendments have been drafted for the express purpose of meeting the requirements of the recent change in the law.

✓ The legislative provisions are met. Staff recommends approval of the proposal.

March 9, 2020

TO: Honorable Mayor and City Council

FROM: Scott C. Derickson, City Administrator

SUBJECT: **FY 2020/21 Financial Plan**

RECOMMENDATION:

Adopt the attached FY 2020/21 Financial Plan (Budget Policies & Fiscal Strategy).

BACKGROUND:

In past years, the City has experienced a series of difficult financial challenges. During the recession which spanned nearly a decade from 2008 – 2015, the General Fund revenues struggled to keep up with rapidly increasing annual operating costs, and made it difficult to maintain service levels. Since 2015, the General Fund revenues, expenses and contingency have experienced less volatility. Although the City still projects revenue over expense shortfalls within the five year planning period, we have successfully utilized the Budget Policies and Financial Plan, as a best practice strategy, to effectively manage, plan accordingly for large capital projects and lessen any shortfall impact.

Consequently, the City Council should approach General Fund spending with what I am calling “conservative but optimistic caution.” Regional economic conditions and the strength of the housing markets, along with potential industrial development, will have a significant impact on the City’s financial condition in the upcoming years.

In the interest of sound financial management, the City Council directed that a comprehensive set of financial planning documents be developed and implemented for the purpose of improving the City’s financial sustainability. Since the 2011 policy implementation, the City has prepared the Financial Plan as a means of managing the City’s current year budget and inform the FY 2020/21 budget development process.

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

In past years the City Council has been commended by the City Auditor, and recognized by the Government Finance Officers Association for the use of comprehensive budget policies and the quality presentation, clarity and transparency of Woodburn's budget documents.

The intent of the Financial Plan is to help predict cost and revenue trends from year to year and make better decisions via the memorializing of sound financial practices and budget administration. If necessary, the Financial Plan informs the need to reduce the City's budget to remain consistent with the City Council goals and meeting community needs within available resources.

FY 2020/21 POLICY:

Attached is the proposed FY 2020/21 Financial Plan: Budget Policies & Fiscal Strategy, which is largely unchanged from the previous year. Now that the City has completed the Council's goal of establishing a PERS Reserve Fund and Side Account, the proposed FY 2020/21 Financial Plan continues to direct resources to the City's PERS Reserve Fund, but also provides for PERS saving to be directed towards sustaining service levels. In the interest of flexibility, we are also proposing that the annual adoption of the Financial Plan occur on an "as needed basis" as opposed to an annual basis.

FINANCIAL IMPACT:

Although there is no immediate monetary impact on the City, the draft Financial Plan will help make stronger financial decisions that are in the best interests of the community and the City organization.

City of Woodburn

FY 2020/21 Financial Plan **Budget Policies and Fiscal Strategy**

- **SECTION 1. ANNUAL REVIEW & POLICY**

- A. **Fiscal Responsibility.** The policy of the City of Woodburn is to return the highest level (or sustain the current levels) of service with the least amount of taxpayer investment, and to plan accordingly.
- B. **Balanced Budget.** The City's budget shall be balanced. For each fund, ongoing costs are not to exceed ongoing revenues plus available fund balances used in accordance with reserve policies. The budget resolution will be adopted by fund at a summary level.
- C. **Budget Process.** The annual budget process is intended to weigh all competing requests for City resources within expected fiscal constraints. Levels of service will increase or decrease based on the availability of resources. Requests for new programs made outside the annual budget process will be discouraged. New initiatives will be funded by reallocating existing City resources to services with the highest priorities.
- D. **Fiscal Recommendations.** Consistent with the administrative responsibilities outlined in the Charter, the City Administrator will make fiscal recommendations to the City Council on all measures necessary to sustain current levels of service and avoid reductions in City programs, including the consideration by the City Council of new revenue sources if this is determined to be in the best interest of the community.
- E. **Budget Policy Updates.** The City Council will review and adopt the Fiscal Year Budget Policies on an as needed basis as determined by the City Administrator or as circumstances require.
- F. **Annual Five-Year Forecast.** The City Council will review and approve the Five-Year Forecast as needed. The forecast is an estimate of future revenues and expenses intended to serve as an estimate and a guideline for making sound financial decisions in the current fiscal year and budget preparation. The Five-Year Forecast and the Budget Policies together will constitute the City's annual Financial Plan.
- G. **Policy Direction.** Consistent with the role outlined in the Woodburn City Charter, the City Council is responsible for providing policy direction to determine the City's overall financial health. In response to the fiscal recommendations made by the City

Administrator, the City Council shall consider all measures necessary to sustain current levels of service. In addition, the City may avoid reductions in City programs by considering new revenue sources if this is determined to be in the best interest of the community.

- H. **Budget**. Under the Woodburn City Charter, the City Administrator serves as Woodburn's Budget Officer. The Finance Director assists the City Administrator with preparation and presentation of the annual budget, budget administration and the day-to-day finance operations. The Budget Officer is responsible for the administration of the annual budget and may approve or disapprove the expenditures contained in the adopted budget if deemed in the best financial interest of the City.
- I. **Budget Administration**. As authorized by the City Charter, the City Administrator is responsible for taking actions necessary to keep expenditures within anticipated revenues, including initiating layoffs, reorganizations, downsizing, program reductions and adjustments to service levels. The City Administrator will keep the City Council informed as to any steps taken to reduce expenditures, and whenever possible, the Council will review the decisions and consider options during a mid-year budget review.

- **SECTION 2. DISCRETIONARY & DEDICATED RESOURCES**

- A. **Recognizing Financial Limits**. Woodburn will make a distinction between two different types of services; 1) those funded primarily from City discretionary resources, and 2) those funded primarily from dedicated resources.
- B. **Discretionary Resources**. The General Fund collects resources to provide discretionary programs and services as recommended by the Budget Officer and approved as part of the City's cycle. The City will continue to fund these programs primarily from General Fund discretionary resources. These include police, park and recreation, economic development, land use, financial services and other programs.
- C. **Dedicated Resources**. Dedicated resources are normally subject to restrictions via state and federal law, grant agreements and contracts, City policy and ordinances. City services funded primarily through dedicated funds include such items as speed and safety belt enforcement, grant funded transportation, utility services, etc.

- **SECTION 3. GENERAL FUND BUDGET (DISCRETIONARY)**

- A. **Annual Budget Goal**. The goal shall be to prepare a budget that maintains existing high priority programs supported by the General Fund while at the same time seek savings and alternative revenue sources wherever possible. Funding for lower priority programs will be reduced or eliminated to ensure that expenditures remain in balance with resources.
- B. **General Fund Emphasis**. The highest priority shall be to conserve General Fund discretionary resources to fund high priority programs as defined by the City Council and City Administrator.

- C. **Maximize City Council's Discretion.** Wherever legally possible, revenues are to be treated as discretionary resources, rather than as dedicated to a particular program or service. The goal is to give the City Council flexibility in allocating resources to local priorities.
- D. **New Revenues.** In order to sustain current levels of service, avoid reductions in public safety programs or increase services needed to meet community demands, the City Council may consider new discretionary revenues if it is determined to be in the best interest of the community.
- E. **Use of Dedicated Funding Sources.** Whenever legally possible, funding responsibility for existing programs or activities should be transferred to appropriate dedicated funding sources, freeing up scarce discretionary resources to fund City Council priorities.
- F. **Cost Efficiency.** Staff will prepare fiscally conservative budgets and will seek savings wherever a balance between cost efficiency and the quality of public service can be achieved.
- G. **Materials & Services.** Departments are to prepare "base budgets" with a goal of holding General Fund or other discretionary resources for materials and services expenditures to no more than prior year budget levels.
- H. **No General Fund Street Maintenance Support.** No discretionary General Fund revenues will be used to support street maintenance activities. General Fund street lighting transfers are exempted from this policy.
- I. **Revenue Estimates.** Departments should budget for revenues based on the best information available during the annual process. If additional information becomes available during the budget process, it should be provided to the Finance Director's Office. Accuracy in revenue/expenditure estimates is critical. Subsequent annual estimates should also take into consideration the actual receipts from the previous year.
- J. **Pursuit of New Departmental Revenues.** Departments shall pursue revenue sources to the fullest extent possible for all services as well as total cost identification (including indirect costs) for fee setting purposes, grants or other funding opportunities. Any new revenue sources should be used to offset the cost of existing staff and programs, rather than funding new staff or programs. Fee schedules will be reviewed annually to ensure costs are recovered. Fee schedules will be updated as part of the annual budget process.
- K. **Expenditure Reductions.** Reductions in revenues may require expenditure reductions from the "base budget" level. If reductions are required, the City Administrator will be guided by the City Council's adopted Resource Reduction Strategy (See Section 19).
- L. **New Discretionary Programs.** New discretionary programs, deemed a high priority activity, may be included in the Proposed Budget with the prior approval by the City

Administrator. If programs are added/expanded, an evaluation will be made on the impact to supporting services (e.g. information, finance, facilities, human resource, budget, etc.). Any increases in overhead services attributed to additional programs shall be included in the analysis of the total cost of new programs.

Should outside funding for a program expire, the program may be terminated by the City Administrator or the City Council.

- M. **Full Cost Recovery.** City staff shall make every effort to assign costs where they occur through the use of interdepartmental/interfund charges and indirect cost percentage assignments. The intent is to clearly define the actual cost of each direct service the City provides internally or externally. The first priority is the recovery of overhead costs from all funds and grant programs.
- N. **Annual Budget Savings.** To the extent General Fund supported departments experience savings during the year (due to position vacancies, etc.) that money shall be designated first to meeting the established contingency and reserve levels. Should the contingency and reserve levels be met, any remaining savings may be allocated towards the PERS Reserve and/or one time projects as determined by the City Administrator.

- **SECTION 4. NON-GENERAL FUND / UTILITY BUDGETS (DEDICATED)**

- A. **Bottom-Line Emphasis.** For activities or programs funded primarily from non-General Fund sources, departments are to prepare “base budgets” with a goal of holding any General Fund contribution to no more than the amount provided in the current fiscal year, subject to the availability of funds. Whenever possible, reductions in General Fund contributions should be achieved.
- B. **No Backfilling.** General Fund discretionary dollars will not be used to backfill any loss in water and/or sewer City utility revenue, state-shared or federal revenues, grants or dedicated funding programs (for further information, see the Resource Reduction Strategy).
- C. **Revenue Estimates.** Departments should budget for revenues based on the best information available at the time the budgets are prepared. If additional information becomes available during the budget process, it shall be provided to the Finance Department. New revenues should be estimated based on available information the first year. Subsequent annual estimates should also take into consideration actual receipts from the previous year.
- D. **Overhead Cost Allocation Charges.** All non-General Fund departments should budget the amount allocated to that department.
- E. **Cost Efficiency.** As with the General Fund, staff responsible for non-General Fund budgets will prepare fiscally conservative budgets and will seek savings wherever a balance between cost efficiency and the quality of public service can be achieved.

- F. **Utility Revenue Allocations.** It is the policy of the City of Woodburn that revenue generated by City owned utilities will first be used to meet operational expenses, and subsequently fund capital projects in a manner consistent with Woodburn's Capital improvement plans and operating requirements.
- G. **Utility Rates.** The City will maintain utility rates at a level that ensures that all debt service, operating and capital costs, are adequately recovered and debt covenant requirements are met. Capital costs identified in the approved capital improvement plan will be used as the basis for forming the capital costs recovery portion of utility rates.
- H. **System Development Charges.** As permissible under state law, the City will pursue the recovery of infrastructure-related development cost relating to water, sewer, street, storm and parks. These costs will be delineated via a defensible methodology, which will be revised from time to time to ensure accuracy.

• **SECTION 5. FUND RESERVES & CONTINGENCIES**

- A. **PERS Side Account Savings.** In 2019, the City Council goal of establishing a PERS side account was achieved with a City contribution of \$2,823,043, which received a PERS match. The City will continue to add resources to the City's PERS Fund as resources allow, but will direct any PERS savings to help maintain current service levels. It is the overall goal of the City to continue to increase the balance in the City's PERS Reserve Fund in order to make future Side Account contributions.
- B. **General Fund Contingency.** Consistent with Government Finance Officers Association (GFOA) best practices, at least 20 percent of the General Fund's operating appropriation shall be placed into the operating contingency to meet cash flow needs, with a long-term goal of increasing the reserve to 25 percent as year-end savings occur. In addition, it is the goal of the City to preserve the contingency balance to the greatest extent possible. No new General Fund program or service will be created that diminishes the General Fund Contingency below established minimum levels.
- C. **Contingency Replenishment.** If contingency funds are expended, an effort will be made to reduce expenses to retain a minimum of 20 percent General Fund contingency.
- D. **Shortfall Management Reserve (SMR).** The SMR is intended to subsidize future shortfalls estimated in the Five-Year Forecast. If SMR funds are expended, an effort will be made to replenish funds as savings are identified in the annual budget process.
- E. **Water & Sewer Fund Contingencies.** The Water and Sewer Funds will maintain annual contingencies of not less than 5%.
- F. **Equipment Replacement.** This fund is for the replacement of vehicles and equipment. The goal is for City departments to transfer one-tenth the value of its fixed asset inventory every year as budget allows to ensure future replacement funding is available.

Replacement fund transfers may be limited or delayed in order to preserve operational budgets.

- **SECTION 6. GRANT APPLICATIONS (ALL FUNDS)**

- A. **Approval to Pursue.** The City Administrator's approval is necessary before any employee pursues lobbying efforts on matters having budget implications, and before grant applications are submitted to the granting agency. Department Heads should advise the City Administrator before official positions are taken on matters that might have budget implications.
- B. **General Fund Matching Funds.** Upon approval by the City Administrator, matching fund requirements will be presented to the City Council for final approval.

- **SECTION 7. NEW POSITIONS, PROGRAMS AND OVERTIME (ALL FUNDS)**

- A. **Base Budget & New Positions.** Departments are to prepare "base budgets" with no new regular positions unless specifically authorized by the City Administrator in advance of budget preparations. Reorganizations of departments or programs resulting in changes in staffing or positions may be considered if the change is cost neutral or a cost savings from the current costs. No position compensation or increase will be provided beyond amounts budgeted for the position without prior approval from the City Administrator.
- B. **Considerations of New Positions/Programs.** Unless otherwise authorized by the City Administrator, consideration of new programs and positions will occur only if the cost of the position or program is offset by non-General Fund sources legally tied to the new position or if the cost of the position is offset by new external revenues, reductions within existing funds and/or the position is required to generate those revenues. Cost estimates for new positions will include office facility space, equipment, rent, utilities, supplies, related increases in overhead services, etc.

Additional personnel or programs shall be requested only after service needs have been thoroughly documented or after it is substantiated that the new employees will result in increased revenue or enhanced operating efficiencies.

- C. **Annual Overtime Budgets.** Departments will anticipate their annual overtime costs to be included in the proposed budget. Once the budget is adopted, overtime costs are to be managed within adopted levels. No overtime costs can exceed budgeted levels without first obtaining the authorization of the City Administrator.

- **SECTION 8. MID-YEAR BUDGET REDUCTIONS**

- A. **Revised Revenue or Expense Estimates.** If additional information concerning revenue reductions or significant expense increases becomes available after the start of the fiscal year, it may be necessary to make budget adjustments. These adjustments will be made in accordance with the City Council's adopted Resource Reduction Strategy.

- **SECTION 9. MID-YEAR REQUESTS, CONTINGENCY (ALL FUNDS)**

- A. **Non-Emergency Requests.** In those cases where a department is required to absorb an unanticipated cost beyond its control of a non-emergency nature, departmental resources must first be exhausted prior to a transfer from General Fund contingencies. Upon conducting a final financial review of departmental budgets towards the end of the year, a transfer from contingency will be presented to the City Council through a budget resolution or supplemental budget.
- B. **Emergency Requests.** Emergency requests during the fiscal year will be submitted to the City Administrator for recommendation and forwarded to the City Council for consideration.

- **SECTION 10. COMPENSATION & BENEFITS (ALL FUNDS)**

- A. **Wage Policy.** Historically, the biggest factors forcing budget growth are increases in employee compensation and increased benefit costs. The City will have a compensation and benefit program that: 1) reflects the value of work performed by our employees, 2) compares favorably with the compensation and benefits paid for similar work in both the private and public sectors, and 3); considers the community's ability to pay. Both our employees and the public must understand the mutual respect that such a policy warrants.
- B. **Health Care & PERS Costs.** Continue the City's policy on wage increases which evaluate the cost of health insurance and PERS contributions as part of the total compensation package. It is the goal of the City to reduce annual escalations of health insurance, and other benefit costs by getting the employees to bear an equitable portion of the annual premium increases and/or selecting lower cost benefit programs.
- C. **Cost of Living Adjustments (COLA).** The City Administrator will make a recommendation either to include, or not include, a COLA for non-represented employees in the Proposed Budget. COLAs included in the Proposed Budget are considered and approved by the Budget Committee and City Council as part of the budget process. COLAs or other compensation provided for in collective bargaining agreements will be provided for in the annual Proposed Budget.
- D. **Step Adjustments.** Budgeted personnel services expenditures will include an amount to account for annual step adjustments for all employees who are not currently at the top of their range. Annual employee step adjustments will not exceed 5% without the expressed permission of the City Administrator.

- **SECTION 11. BUDGET CONTROLS**

- A. **Legal Compliance.** The City Administrator and Finance Director will continue to review and control departmental budgets at the appropriation level.

- B. **Personnel Services & Benefits.** With the exception of overtime pay and temporary help accounts, which shall be developed by Department Heads with the advice of the Finance Director and the approval of the City Administrator, personnel services and benefits cost calculations will be provided by the City Administrator and the Finance Director and will be used as provided. The City Administrator and the Finance Director will also provide estimates for insurance and internal service expenses. These amounts will not be altered by Department Heads.
- C. **Wages & Benefit Control.** Positions not entitled to receive benefits will be managed in a manner that keeps them below mandatory benefit thresholds (such as PERS, health insurance, etc.). Positions will only be eligible for benefits if approved by the City Administrator and/or designated in Job Descriptions. All benefit costs must be anticipated and included in the annual Budget.
- D. **One-Time Revenues.** One-time revenues will be used only for one-time expenses.
- **SECTION 12. UNAPPROPRIATED ENDING FUND BALANCES (ALL FUNDS)**
 - A. **Limit Unappropriated Ending Fund Balances.** To provide the most budget flexibility during the year, the City will limit the use of unappropriated ending fund balances to circumstances where they are required by law. Rather than use unappropriated fund balances, the goal should be to place any monies not needed for current expenditures in the relevant funds' operating contingencies or a City Council approved reserve.
- **SECTION 13. CAPITAL IMPROVEMENT GUIDELINES**
 - A. **Capital Improvement Program.** A 6-year Capital improvement Program will be adopted as part of the annual budget process. It will include all projects anticipated to be initiated and/or delivered in the 6-year planning period. The Capital Improvement Program will be consistent with the City's adopted Capital Improvement Master Plans. Funding availability will determine the rate at which Capital Improvement Program projects are initiated or completed.
 - B. **Exceptions.** The City will fund dedicated programs and services with dedicated funding sources. Exceptions may be made, on a case-by-case basis, by the Budget Committee, City Council or by the City Administrator if appropriate. One criterion will be whether the City would incur more costs elsewhere as a result of the reduction.
 - C. **Capital Planning Consideration.** Recognizing that it does not necessarily make sense to fund current operations at the expense of long-term capital or planning programs, every effort will be made to continue capital and planning programs geared to the City's long-term needs.
- **SECTION 14. DEBT ISSUANCE (ALL FUNDS)**

- A. **Debt Issuance.** The City will issue debt in accordance with adopted Master Debt Resolutions for Sewer and Water. General Obligation debt will only be issued in compliance with state statutes. Debt will only be issued (for all fund types) when a dedicated resource is available to meet the required debt service and reserve.

No debt will be issued without the approval of the City Administrator and authorization of the City Council.

- B. **Interfund Transfers.** Interfund transfers are allowed if the City Council determines the transfer to be in the best interest of the City. All interfund transfers will be managed consistent with state budget law.
- C. **Debt Compliance.** On an annual basis the Finance Director and shall ensure that annual reporting requirements have been met and will review the condition of the corresponding debt funds to ensure compliance with existing financing agreements.

- **SECTION 15. DEBT REFINANCING/REFUNDING**

- A. **Debt Refinancing/Refunding.** From time to time, the City Council and/or the City Administrator may direct the Finance Director to determine the feasibility of refinancing/refunding existing debt. Refinancing may include restructuring to meet unanticipated revenue expectations, achieve cost savings, mitigate irregular debt service payments, release reserve funds, or remove unduly restrictive bond covenants.
- B. **Responsibility.** The Finance Director, with the assistance of consultants as needed, shall have the sole responsibility for conducting the analysis of outstanding bond debt for refinancing/refunding opportunities that may be presented by underwriting and/or financial advisory firms and making a recommendation to the City Administrator.
- C. **Term of Refinancing/Refunding Issues.** The City may refund bonds within the term of the originally issued debt. However, the City may consider maturity extension, when necessary to achieve a desired outcome, provided that such extension is legally permissible. The City may also consider shortening the term of the originally issued debt to realize greater savings. The remaining useful life of the financed facility and the concept of inter-generational equity should guide this decision.
- D. **Analysis and Report.** The City will evaluate each refinancing/refunding candidate on a case-by-case basis. When analyzing possible refinancing/refunding opportunities: the City establishes a guideline net present value savings threshold goal of three percent (3%) of the refinanced/refunded bond principal amount. The net present value savings will be net of all related issuance costs. In addition, the Finance Director will make a full report on the potential saving generated and any financial risk associated with refinancing/refunding the debt.

- **SECTION 16. INVESTMENTS**

- A. **Administration.** The Finance Department will be responsible for the administration of the City's investments.
- B. **Compliance.** Investment of City funds will be in compliance with applicable sections of ORS 294, will be limited to cash balances not immediately necessary to fund operations, and will be limited to eighteen month maturity or less.
- C. **Objectives.** Investment objectives, in priority order, are:
 - 1. Safety: Preserving the principal balance by investing in legally authorized securities that limit the risk of loss, and reduce custodial risk through the use of a third-party custodian who will hold securities in the City's name evidenced by contract and monthly statements;
 - 2. Liquidity: Investments will remain sufficiently liquid to meet all operating requirements that may be reasonable anticipated; and
 - 3. Yield: The investments shall be made with the objective of attaining a market rate of return, which takes into account investment risks and liquidity needs.
- D. **Authorized Investments.** As allowed by ORS 294.035 and 294.810, include:
 - 1. Deposits in insured institutions or credit unions in compliance with ORS;
 - 2. Oregon Short-Term Funds (OSTF)/Local Government Investment Pool (LGIP); and
 - 3. U.S. Treasury and Government Agency Obligations, which are lawfully issued general obligations of the United States and whose payment is guaranteed by the United States Government.
- E. **Investment Management and Reporting.**
 - 1. Methods: Except where legally required to hold separate funds, the City will consolidate cash balances from all funds to maximize investment earnings. Net investment income will be allocated to the various funds based on generally accepted accounting principles.
 - 2. Reporting: On a monthly the City Council will receive a report outlining the investment balances, securities held, maturity dates, and a status of compliance with the investment policy.

- **SECTION 17. ANNUAL FINANCIAL AUDITS**

- A. **Annual Audit Required.** The Oregon Municipal Audit Law (ORS 297.405 – 297.555) requires a financial audit and examination be made of the accounts and financial affairs of the City at least once a year. Consistent with State law, the City of Woodburn will conduct an annual independent audit of the preceding fiscal year.

- B. **Audit Standards.** Woodburn's annual financial audits will be conducted in accordance with auditing standards generally accepted in the United States. Those standards require that an independent auditor plan and perform the audit to obtain reasonable assurance about whether the basic financial statements are free of material misstatement. The audit will examine, on a test basis, evidence supporting the amounts and disclosures in the basic financial statements. The audit will also assess accounting principles used and significant estimates made by management, as well as evaluating the overall basic financial statement presentation. The audit will contain an assessment of the City's internal financial controls and procedures make any necessary recommendation for improvement.
- C. **Finance Director and City Administrator Oversight.** It will be the responsibility of the Finance Director and the City Administrator to oversee the annual audit process.
- D. **Preparation of Financial Statements.** When feasible, City staff will prepare and provide annual financial statements to the auditor's satisfaction. If staffing levels or other barriers exist to internal preparations of financial statements, the City Administrator may authorize the auditor's preparation of financial statements for the purposes of completing the annual audit on time.
- E. **Audit Deadlines & Extensions.** Per Section 17 (F), the annual audit will be provided to the City Council no later than December 31. Consistent with State law, the annual audit will also be filed with the Oregon Secretary of State's Audit Division no later than December 31. Any and all requests for audit filing or presentation extensions must be approved by both the City Administrator and the auditor. In the event that an audit filing extension is requested and/or granted, the City Administrator will inform the City Council of the reason for the extension request and estimated time line for completing, presenting and filing the audit.
- F. **Audit Presentation to Council.** The annual audit findings will be presented to the Woodburn City Council during a regularly scheduled City Council meeting by a representative of the audit firm. All audits presented to the City Council must be complete and signed by a representative of the audit firm.
- G. **Budget Committee Review.** A copy of the annual financial report will be provided to the Woodburn Budget Committee for their review.

- **SECTION 18. PROGRAMS**

- A. **Discretionary Programs.** To the extent discretionary resources are available, high priority services areas will be slated for growth. Lower priority service areas will receive constant or decreasing discretionary support. Based on the direction of the City Council, discretionary programs are identified, and prioritized, as follows:
 - ✓ Police Patrol & Public Safety
 - ✓ Police Support Services

- ✓ Financial Services
- ✓ Legal Services
- ✓ Land Use Planning
- ✓ Economic Development
- ✓ Code Enforcement
- ✓ General Administration
- ✓ Library
- ✓ Aquatic Center
- ✓ Recreation Programming
- ✓ Parks and Park/Tree Maintenance
- ✓ Other General Fund Supported Non-Essential Program & Services
- ✓ Computer/Network transfers (new and replacements of equipment and servers)
- ✓ Discretionary Transfers (i.e. Transit, Streets, RSVP, etc.)
- ✓ Community Services (i.e. flower baskets, TOT Grants – where permissible, etc.)
- ✓ Intergovernmental Agreements that provide no direct offsetting revenues

• **SECTION 19. RESOURCE REDUCTION STRATEGY (ALL FUNDS)**

- A. **Goal & Reduction Approach.** When faced with a potential reduction in resources, the City's goal is to continue to provide services in a professional, effective and efficient manner. Consequently, to the extent possible, across-the-board reductions in expenditures will be avoided.
- B. **Case-by-Case Consideration.** Reductions will be made on a case-by-case basis, focusing on each individual program or service. If possible, reduction will be made proportional to the programs and services identified by the City Council.
- C. **Moderation When Possible.** If, as a result of loss of a significant amount of discretionary resources, expenditure reductions become necessary they will be made in a moderate case-by-case basis to discretionary supported programs and services.
- D. **Discretionary Contributions.** If further reductions are required, any discretionary funding that supplements or supports services mostly supported with dedicated resources will be reduced or eliminated. This may apply to programs or activities expanded or started with discretionary resources within the last few years. Exceptions may be made on a case-by-case basis by the City Council.
- E. **Furlough Days.** If personnel budget/salary saving are required, the City may consider a reduced workweek or furlough days prior to laying off staff.
- F. **Consideration List.** Programs funded by discretionary resources will be reduced or eliminated as needed. Legal restrictions or the City's ability to maintain minimal service levels will be considered. The City Administrator can determine the appropriate level of consideration at his/her sole discretion when making mid-year reductions or comprising the annual budget proposal. Based on the direction of the City Council, the order of City service areas to be considered for reductions are:

- ✓ Intergovernmental Agreements that provide no direct offsetting revenues
- ✓ Community Services (i.e. flower baskets, TOT Grants – where permissible, etc.)
- ✓ Discretionary Transfers (i.e. Transit, Streets, RSVP, etc.)
- ✓ Computer/Network transfers (addition or replacement of computers and servers)
- ✓ Other General Fund Supported Non-Essential Program & Services
- ✓ Parks and Park/Tree Maintenance
- ✓ Recreation Programming
- ✓ Aquatic Center
- ✓ Library
- ✓ General Administration
- ✓ Code Enforcement
- ✓ Economic Development
- ✓ Land Use Planning
- ✓ Legal Services
- ✓ Financial Services
- ✓ Police Support Services
- ✓ Police Patrol & Public Safety

- G. **Indirect Costs**. The City's overhead programs will not be prioritized, but will be sized to the need and size of the overall organization. Generally, wherever possible, the City's goal is to make fee-supported programs self-sufficient. This includes recovering those programs' appropriate share of the City's overhead costs. If reductions occur, then indirect costs will be sized to the needs and size of the rest of the organization.

The Transit Fund indirect costs will be per the federally allowed de minimus overhead rate of 10 percent.

- H. **Dedicated Funding for Programs**. Where legally possible, the City will consider using dedicated resources to fund high priority programs related to the purpose for which the dedicated funds are received.



Agenda Item

March 9, 2020

TO: Honorable Mayor and City Council through City Administrator

FROM: Chris Kerr, Community Development Director

SUBJECT: Request for Assistance from the Department of Land Conservation and Development to HB 2001 and HB 2003 Requirements

RECOMMENDATION:

Authorize the Mayor to sign the attached Request for Assistance ("RFA") form requesting financial assistance to the City in order to meet the implementation requirements HB 2001 and HB 2003.

SUMMARY:

As you are aware, the Oregon legislature recently adopted two House Bills which seek to provide more affordable housing in the state. The goal is to spur the construction of missing middle housing. Middle housing in this context includes duplexes, triplexes, quadplexes, cottage clusters, and townhouses. These are expected to require significant modifications to the City's Comprehensive Plan and Development Ordinance.

The Community Development Department is actively seeking grant money to assist us with the implementation of this consequential legislation. The Department of Land Conservation and Development is making \$4.5 million available (over the next several years) in assistance to local communities. They have yet to establish specific criteria for distribution of money.

As an initial step in the application process, cities are required to complete the attached RFA. This form requires the signature of the Mayor as part of the submittal. An RFA is not a formal grant request and does not include any obligations on the City. It serves to inform the State that the City is interested in receiving financial assistance. Not completing the RFA would likely preclude us from receiving any of the \$4.5 million.

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

FINANCIAL IMPACT:

The City will ultimately be required to implement the requirements of these two House Bills. This will require significant staff time and we may incur financial costs to engage professional consultants. This RFA seeks grant money to off-set those costs to the greatest extent possible.

ATTACHMENTS:

1. *Request for Assistance: Oregon Middle Housing and Housing Needs*



REQUEST FOR ASSISTANCE

OREGON MIDDLE HOUSING & HOUSING NEEDS

House Bill 2001 and House Bill 2003 Implementation



February 4, 2020

The Oregon Department of Land Conservation and Development (DLCD) is accepting requests for planning assistance from cities and counties to begin to implement HB 2001 (Middle Housing for Housing Choice) and HB 2003 (Housing Supply).

Background

During the 2019 legislative session, the Legislature appropriated funds to DLCD for the purpose of providing planning assistance to local governments for the purpose of: 1) assisting local governments with the development of regulations to allow duplexes and middle housing, as specified in [HB 2001](#); 2) assisting local governments with the development of plans to improve water, sewer, storm drainage and transportation services in areas where duplexes and other middle housing types may not be feasible due to service constraints, also specified in HB 2001; and 3) provide planning assistance to local governments to implement the provisions specified in [HB 2003](#), including housing needs analyses and housing production strategies. Pending action during the 2020 session of the Legislature, the department will also offer planning assistance for housing needs analyses in cities with population of less than 10,000, a “prototype” housing production strategy adopted by a city in advance of state rulemaking on this subject, and housing implementation plans for cities with population greater than 10,000.

To provide this assistance, DLCD will offer local governments the option for most of these products to either 1) use a consultant selected by the state who is experienced in completing Housing Needs Analyses (HNAs), housing implementation plans, and development code writing where the consultant would work for a city to prepare the necessary materials; or 2) select their own consultant to conduct the necessary work and execute a grant administration contract with DLCD specifying deliverables, timelines, and payment. All funds must be spent, and local governments must complete the projects by the end of the biennium - June 30, 2021. Due to the tight statutory timeline for public facilities planning assistance under HB 2001, local governments are advised to select their own consultants to conduct the necessary work and execute a contract with the state as to deliverables, timelines, and payment as funds allow.

Available Services

Cities and counties may request assistance developing one of the following products.

Middle Housing Code Updates. Non-Metro Cities with more than 10,000 residents and cities and counties over 1,000 residents in the Portland Metropolitan area will, with consultant assistance, update their development codes to comply with the provisions of HB 2001 regarding middle housing. Cities with population between 10,000 and 25,000 will have first priority for these grants, because they must comply with the law by June 30, 2021. However, the department encourages larger cities and cities and counties within the Portland Metro Area (compliance by June 30, 2022) to indicate their request for financial assistance now as well, if they are ready to work on developing codes that comply with the requirements of HB 2001 in the near term.

Infrastructure-Based Time Extension Requests. Administrative Rules for an Infrastructure-Based Time Extension Request (IBTER) are expected to be complete by the end of July, 2020. As established in House Bill 2001, the IBTER application deadline for cities with a population between 10,000 and 25,000 is December 31, 2020. Because those rules are expected to be complete with only five months before cities outside of the Portland Metro area with population between 10,000 and 25,000 must identify any infrastructure constraints and develop a plan to address the infrastructure constraints, the department encourages those cities begin discussions with public works or preferred consulting staff now so that a city will be prepared to apply for funding as soon as the commission adopts rules. Cities with more than 25,000 have until June 30, 2021 to submit the request for extension. With a balance of code and infrastructure assessment assistance, the department expects to distribute grants to local governments as soon as possible following adoption of the IBTER rules in July as legislatively-provided funds allow.

Housing Needs Analysis (HNA). Cities with population greater than 10,000 may, with consultant assistance, may request funds for assistance to prepare and adopt a HNA. A HNA includes a housing needs projection addressing housing types and price levels, residential land needs analysis, buildable lands inventory, and identification of measures for accommodating needed housing as described in OAR chapter 660, divisions 7 and 8. The purpose of an HNA is to ensure that cities have an available land supply to accommodate their housing needs over the next 20 years. Pending authorization by the Legislature, the department will also offer planning assistance grants for HNAs to cities with population under 10,000.

Housing Strategy Implementation Plan. Cities (population greater than 10,000) with HNAs less than five years old may, with consultant assistance, develop an action plan to implement one or more of the housing strategies identified in the HNA. A housing strategy may include changes to zoning, programs to manage short-term or vacation rentals, incentives for affordable housing, SDC waivers, or other regulatory or non-regulatory tools.

Prototype Housing Production Strategy. Cities with population greater than 10,000 will be required, within a year of adoption of a housing needs analysis, to adopt a housing production strategy. A housing production strategy will outline how a city intends to ensure or incentivize the actual production of needed housing identified in the adopted HNA. Although rulemaking has begun, the Land Conservation and Development Commission has not yet adopted rules regarding such strategies. However, the department invites cities to apply for funding to work with DLCD staff, consultant assistance and a local advisory committee, to create a prototype housing production strategy that can help staff and the Commission in its future formulation of rules for this work.

Eligibility

All cities throughout the state and the three counties within the Portland Metro urban growth boundary are eligible to submit a Request for Assistance. However, an individual jurisdiction is not eligible for every type of assistance. The department has determined that jurisdictions are eligible for each type of planning assistance as follows:

Cities above 10,000 population:	All types of assistance
Cities below 10,000 population	Housing Needs Analysis only
Counties in the Portland Metro Area	Middle Housing Code Updates and IBTERs

Application and Next Steps

Complete and sign one-page application (on following page). Applications will be accepted through March 13, 2020.

Selected jurisdictions will be asked to sign a memorandum of understanding that spells out the roles and responsibilities of the consultant, DLCD, and the local government.

Additional Information

Please contact your DLCD regional representative with questions or for more information.

<u>Mid-Willamette Valley</u> Angela Carnahan angela.carnahan@state.or.us 503-934-0056	<u>East Metro</u> Jennifer Donnelly jennifer.donnelly@state.or.us 503-725-2183	<u>West Metro</u> Anne Debbaut anne.debbaut@state.or.us 503-725-2182
<u>Central Oregon:</u> Scott Edelman scott.edelman@state.or.us 541-306-8530	<u>Southern Oregon</u> Josh LeBombard josh.lebombard@state.or.us 541-414-7932	<u>South Coast</u> Hui Rodomsky hui.rodomsky@state.or.us 541-574-1584
<u>North Coast</u> Lisa Phipps lisa.phipps@state.or.us 503-812-5448	<u>Eastern Oregon :</u> Tamra Mabbott tamra.mabbott@state.or.us 541-325-6924	<u>Southern Willamette Valley</u> Patrick Wingard patrick.wingard@state.or.us 541-393-7675

REQUEST FOR ASSISTANCE

City: woodburn

OR

County:

Contact Person (name and title): Chris Kerr, Community Development Director

Contact phone number: (503) 980-2445

Contact e-mail address: chris.kerr@ci.woodburn.or.us

Service of Interest.

Select any of interest that your local government qualifies for.

Would you prefer a DLCD-provided consultant or a direct grant to hire your own planning consultants/staff?

		DLCD-provided consultant	Direct grant
HB 2001 Code Assistance	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
HB 2001 IBTERs	<input checked="" type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Housing Needs Analysis	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Housing Implementation Plan	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Prototype Housing Production Strategy	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Project Description

In a one page attached document, please describe your proposed project and associated desired outcomes.

By signing below, the local government demonstrates community support as required by ORS 284.753(5) – signature by an elected official authorized to act on behalf of the governing body.

Signature of local governing body representative

Date

Title

Submittal

Please submit this Request for Assistance by March 13, 2020 to DLCD by email to the following address: DLCD.GFGrant@state.or.us.



City of Woodburn Requests For Assistance

The City of Woodburn is requesting financial assistance from the Department of Land Conservation and Development (DLCD) to meet the requirements under HB 2001 and HB 2003. Two direct grants (rather than using a DLCD provided consultant) are requested to allow the City to hire our own consultants to complete tasks as required.

The City is eligible for and interested in assistance in completing two specific “products” being offered by DLCD at this time.

1. Middle Housing Code Update: As with most other cities in Oregon, Woodburn’s Comprehensive Plan and Development Ordinance (zoning code) do not allow for the middle housing types which are required under HB 2001 in single-family zoning districts. The majority of the City’s population live in single-family districts and the majority of land is zoned for single-family residential. Therefore, implementing the new requirements will be particularly challenging as they represent a fundamental shift in how the community lives and how the City is developed in the future. It will require a significant amount of outreach and input from the community prior to adoption. While DLCD’s model code will certainly provide a solid base for the City to utilize, having community-specific amendments to the plan and code will ensure that they can be accepted and implemented. For these reasons, the consultant that is chosen will need to have a proven record of success in engaging the community on controversial planning projects.

The consultant selected by the City will be expected to provide an audit of our existing codes to identify all regulatory barriers to the implementation of the required middle housing types. They will then be tasked with involving key stakeholders and the public at large with a variety of alternatives – using specific sites and real world examples – for input. They will then be responsible for drafting the edits necessary to the City’s plan and code, conducting public hearings and preparing adopting Ordinances that meet the requirements of HB 2001 consistent with the community’s values.

2. Infrastructure-Based Time Extension Requests (IBTER): The City will require the technical services of a professional consultant in order to complete the IBTER that we expect to file with DLCD. Based on recent updates that the City made to its Transportation Systems Plan, Water Master Plan, as well as updates to our System Development Charges, it is apparent that there are areas of the City with significant infrastructure deficiencies necessitating the request.

The City is qualified to apply for these grants as a City with a population over 25,000 with an acknowledged Housing Needs Analysis less than five years old. If selected, it is understood that the City will enter into a memorandum of understanding outlining the roles and responsibilities of the consultant, DLCD and the City.

March 9, 2020

To: Honorable Mayor and City Council through City Administrator

From: Chris Kerr, AICP, Community Development Director
Jamie Johnk, Economic Development Director

Subject: **Call-Up Briefing: Public Arts and Mural Committee Approval of the PIX Theatre (461 N First Street) and Dahlia Park (333 N. First Street) Murals**

RECOMMENDATION:

Staff recommends no action and briefs the Council on this item pursuant to Public Arts and Mural Ordinance 2555 Section [9.C.](#) The Council may call up this item for review if desired and, by majority vote, initiate a review of this decision.

BACKGROUND:

The Public Arts and Mural Committee held two public hearings on February 19, 2020 and unanimously approved Application PAMC 2019.02 for the mural at the former PIX Theatre site located at 461 N. First Street and PAMC 2019.03 for the mural at Dahlia Park located at 333 N. First Street as presented by staff.

The Public Arts and Mural Committee has identified opportunities to install public art in locations that would support the committee's mission of facilitating *the creation, placement and funding of public art projects that inspire and delight the visitors and community members of Woodburn.*

There was no testimony made at the hearing and both murals were approved by the committee unanimously. Attached are the minutes from the Public Hearing and images of the approved murals.

FINANCIAL IMPACT:

The Urban Renewal Agency allocated \$100,000 of Urban Renewal funds to the public arts program in the 2019-20 FY. The total cost of the murals is \$35,000 (\$25,000 and \$10,000 respectively).

PAMC 2019.02

MURAL AT THE FORMER PIX THEATER SITE – 461 N. FIRST STREET



View looking south from Front Street

PAMC 2019.03

DAHLIA PARK MURAL – 333 N. FIRST STREET



Illustrative rendering on south facing wall



WOODBURN PUBLIC ARTS AND MURALS COMMITTEE MINUTES FROM THE FEBRUARY 19, 2020 PUBLIC HEARING

Roll Call: Sharon Schaub-Chair, Colleen Vancil-Vice Chair, Mary Beth Cornwell, Merri Berlin, Christine Lopez, Sharon Corning, Judy Massaia

Absent: Brenda Valentino-Bravo

Staff: McKenzie Granum, Jamie Johnk, Curtis Stultz

- **Public Hearing was called to order at 5:30 p.m.**
- **Business from the Public (not on the Agenda):** None
- **Communications:** None
- **Public Hearing:**
 - **PAMC 2019.02: To discuss the mural application for the former PIX Theatre site located at 461 N. First Street.**
Merri made a motion to approve the mural application as presented; Colleen seconded. Motion passed 7-0.
 - **PAMC 2019.03: To discuss the mural application for Dahlia Park located at 333 N. First Street.**
Merri made a motion to approve the mural application with the recommendation to also install a “no alcohol” sign in the space; Judy seconded. Motion passed 7-0.
- **Other Discussion Items:** None
- **Public Hearing Adjourned:** Sharon C. made a motion to adjourn the Public Hearing at 5:36 p.m.; Mary Beth seconded. Motion passed.

March 9, 2020

To: Honorable Mayor and City Council through City Administrator

From: Chris Kerr, Community Development Director *CK,*
Colin Cortes, AICP, CNU-A, Senior Planner

Subject: **Call-Up Briefing: Planning Commission Approval of Design Review and Variance Applications for 5th Street Apartments at 1220 5th St (DR 2019-04 & VAR 2019-03)**

RECOMMENDATION:

Staff recommends no action and briefs the Council on this item pursuant to Woodburn Development Ordinance (WDO) Section [4.02.02](#). The Council may call up this item for review if desired and, by majority vote, initiate a review of this decision.

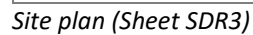
BACKGROUND:

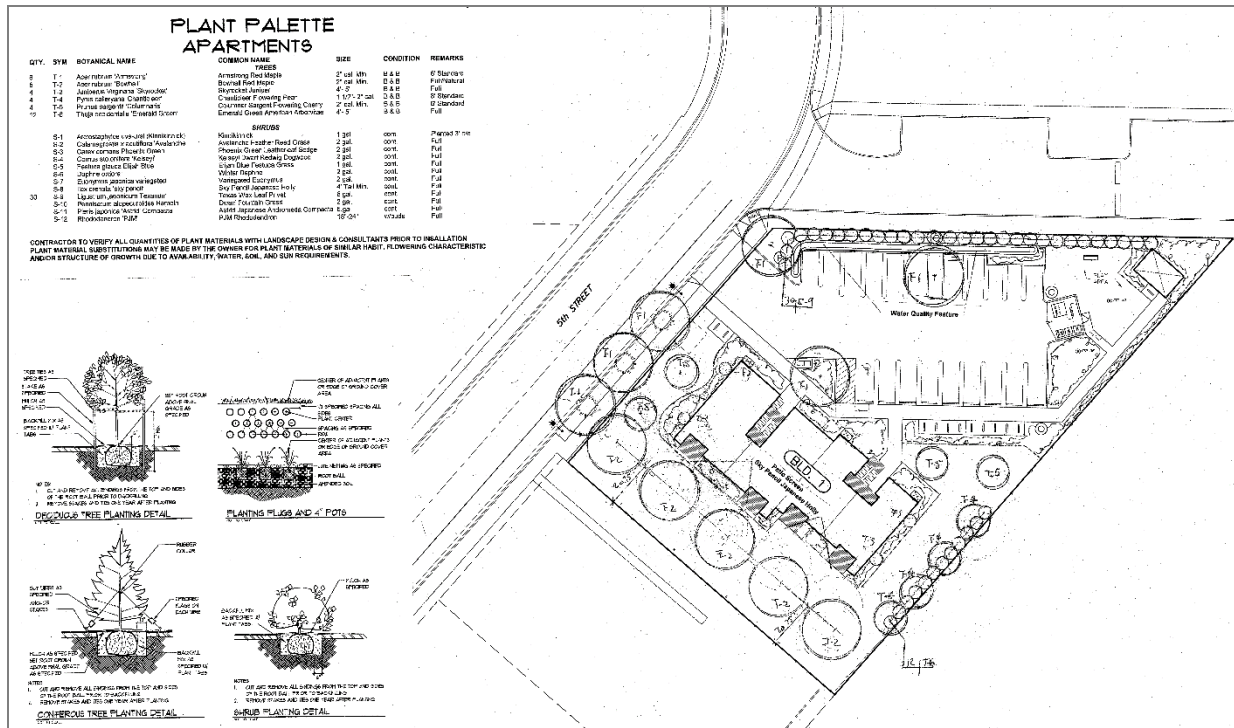
The Planning Commission held a public hearing on February 27, 2020 and unanimously approved the Design Review and Variance (Type III) with the conditions recommended by staff through the staff report published February 20 – except that the Commission struck recommended Condition V-RS1g(iii) about parking demand management, specifically the unbundling of parking rent from total rent.

One party testified in opposition to the proposal: Margarita Vazquez of 1129 N. 3rd Street, which abuts the rear of the subject property, whose concerns included backyard privacy and fear that on-site recycling and trash cans would bring rodents to her property.

The proposal is about site redevelopment of 0.67 acres through demolition of a vacant church into a building of 10 apartments. The building is a three-story walk-up, conventional for new construction. Related improvements including required half-street improvements, a parking area of 20 stalls (2 per apartment), a communal open-air shelter with nearby bench, preservation of the two evergreen Significant Trees as part of the main outdoor common area, and

The subject property is in the Medium Density Residential (RM) zoning district.





Landscape plan (Sheet L1.1)

March 9, 2020

To: Honorable Mayor and City Council through City Administrator

From: Chris Kerr, Community Development Director *CK*,
Colin Cortes, AICP, CNU-A, Senior Planner

Subject: **Call-Up Briefing: Planning Commission Approval of Conditional Use, Design Review, Street Exception, and Phasing Plan Applications for Woodburn High School at 1785 N. Front St (CU 2019-07, DR 2019-13, EXCP 2019-07, & PP 2019-03)**

RECOMMENDATION:

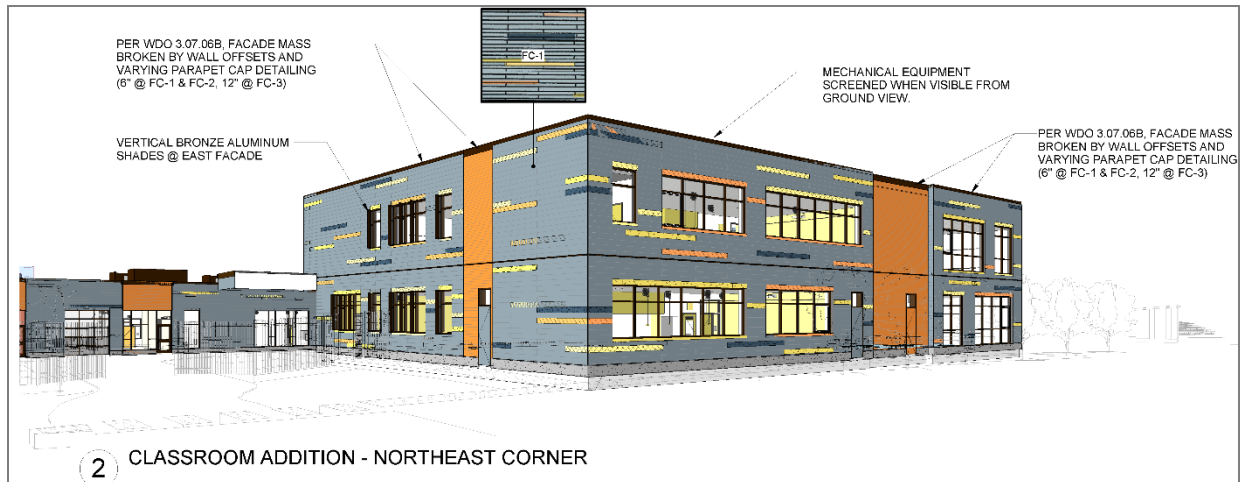
Staff recommends no action and briefs the Council on this item pursuant to [Woodburn Development Ordinance \(WDO\)](#) Section 4.02.02. The Council may call up this item for review if desired and, by majority vote, initiate a review of this decision.

BACKGROUND:

The Planning Commission held a public hearing on February 27, 2020 and unanimously approved the Conditional Use, Design Review, Street Exception, and Phasing Plan (Type III) with the conditions recommended by staff through the staff report published February 20.

No parties testified in opposition to the proposal. The proposal, which the Woodburn School District 103 refers to as "Career & Technical Education (CTE)", is about partial site redevelopment including a main building addition/expansion at the north, removal of a few existing modular buildings, addition of a north outbuilding, adding a driveway on Hazelnut Drive aligned with Graystone Drive, and partial upgrades of the east front visitor and rear staff parking area drive aisles with striped walkway crossings and shade trees. The addition/expansion is in place of the demolished remains of a portion of the main building destroyed by fire accidentally set by students on May 11, 2012.

Street Exception & Phasing



Above: Site plan colored by staff; Below: Outbuilding perspective view: Northeast corner facing Hazelnut Drive